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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 ENERGY

10 CFR Part 710

RIN 1992–AA22

Criteria And Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material

AGENCY: Office of Security and Emergency Operations, DOE.

ACTION: Final rule.

SUMMARY: The Department of Energy (DOE) is amending procedures for making final determinations of eligibility for access to classified matter and/or special nuclear material. The purpose of the amendments is to ensure that DOE procedures in this regard conform to the access eligibility determination provisions in Part 5 of Executive Order 12968, ''Access to Classified Information,'' signed by the President in August 1995.

EFFECTIVE DATE: This rule is effective September 11, 2001.

FOR FURTHER INFORMATION CONTACT: A. Barry Dalinsky, Policy, Standards and Analysis Division, Office of Safeguards and Security, SO–211, Office of Security Affairs, U.S. Department of Energy, 19901 Germantown Road, Germantown, MD 20874–1290; (301) 903–5010.

SUPPLEMENTARY INFORMATION:

I. Background
II. Public Comments; Changes to Proposed Rule
III. Procedural Requirements
A. Executive Order 12866
B. Review Under the Regulatory Flexibility Act
C. Review Under Executive Order 13132
D. Review Under the National Environmental Policy Act
E. Review Under the Paperwork Reduction Act
F. Review Under Executive Order 12988
G. Review Under the Unfunded Mandates Reform Act of 1995
H. Review Under the Treasury and General Government Appropriations Act of 1999
I. Review Under Small Business Regulatory Enforcement Fairness Act of 1996
IV. Conclusion

I. Background

DOE published a notice of proposed rulemaking in the **Federal Register** on August 16, 1999 (64 FR 44433) to amend its procedures for resolving questions concerning an individual's DOE access authorization eligibility. These procedures are codified in subpart A of Title 10, Code of Federal Regulations, part 710 (hereafter referred to as 10 CFR part 710).

II. Public Comments; Changes to Proposed Rule

DOE did not receive any public comments on its proposed rule .

In two instances DOE has modified the proposed rule. First, we have added paragraph (j) to § 710.29 (''Final Appeal Process'') to state the Secretary of Energy's authority to exercise the authority of the Appeal Panel. This addition implements section 5.2(b) of Executive Order No. 12968, which provides:

> Nothing in this (Executive Order) shall prohibit an agency head from personally exercising the appeal authority * * * (of the appeal panel) based upon recommendations from an appeals panel. In such case, the decision of the agency head shall be final.

Second, DOE has determined that today's rule should be effective immediately. In the Notice of Proposed Rulemaking, DOE stated that the procedures established by today's rule would not apply to cases when a ''notification letter'' (as described in 10 CFR 710.21) already had been issued on or after the effective date of the regulation. As proposed, cases in process would be conducted under the procedural rules in existence on the date of the notification letter.

An agency may apply new procedural rules in pending proceedings as long as the application of the new procedures does not impair the rights of, or otherwise cause injury or prejudice to, a party. Since the new procedures principally revise existing appeal procedures after a Hearing Officer has issued findings and opinion, DOE has determined that, at the option of the individual, the procedures adopted today should be available to any individual in pending cases that have not already been appealed to the Director, Office of Hearings and Appeals, as of the effective date of today's regulatory amendments. The final decision in cases that have been appealed to the Director, Office of Hearings and Appeals, will be rendered by the Director, Office of Security Affairs.

III. Procedural Requirements

A. Executive Order 12866

Today's regulatory action has been determined not to be a ''significant regulatory action'' under Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735, October 4, 1993). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs.

B. Review Under the Regulatory Flexibility Act

The Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.*, requires that a federal agency prepare a regulatory flexibility analysis for any rule for which the agency is required to publish a general notice of proposed rulemaking. Such an analysis is not required, however, if the agency certifies that the rule would not, if promulgated, have a significant economic impact on a substantial number of small entities (5 U.S.C. 605(b)).

DOE certifies that today's amendments to 10 CFR part 710 will not have a significant economic impact on a substantial number of small entities. This final rule will only change the Department's procedures for access authorization eligibility determinations. The amendments are intended to conform 10 CFR part 710 to the requirements of Executive Order 12968 and affect only individual employees or applicants for employment. The rule does not directly regulate small entities.

C. Review Under Executive Order 13132

Executive Order 13132 (64 FR 43255, August 4, 1999) imposes certain requirements on agencies formulating and implementing policies or regulations that preempt State law or that have federalism implications. Agencies are required to examine the constitutional and statutory authority supporting any action that would limit policymaking discretion of the States

and carefully assess the necessity for such actions. DOE has examined today's rule and has determined that it does not preempt State law and does not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. No further action is required by Executive Order 13132

D. Review Under the National Environmental Policy Act

DOE has concluded that the final rule falls into a class of actions that would not individually or cumulatively have a significant impact on the human environment as determined by DOE's regulations (10 CFR part 1021, subpart D) implementing the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*). Specifically, the final rule is categorically excluded from environmental review as it is strictly procedural (Category Exclusion A6). Accordingly, neither an environmental assessment nor an environmental impact statement is required.

E. Review Under the Paperwork Reduction Act

No new collection of information will be imposed by this rulemaking. Accordingly, no clearance by the Office of Management and Budget is required under the Paperwork Reduction Act (44 U.S.C. 3501, *et seq.*).

F. Review Under Executive Order 12988

Section 3 of Executive Order 12988 (61 FR 4729) instructs each agency to adhere to cerain requirements in promulgating new regulations and reviewing existing regulations. These requirements, set forth in sections 3(a) and (b), include eliminating drafting errors and ambiguity, drafting the regulations to minimize litigation, providing clear and certain legal standards for affected conduct, and promoting simplification and burden reduction. Agencies are also instructed to make every reasonable effort to ensure that the regulation specifies clearly any preemptive effect, effect on existing Federal law or regulation, and retroactive effect; describes any administrative proceedings to be available prior to judicial review and any provisions for the exhaustion of such administrative proceedings; and defines key terms. The DOE certifies that today's final rule meets the requirements of section 3(a) and (b) of Executive Order 12988.

G. Review Under the Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995, 2 U.S.C. 1531, *et seq.*, requires each federal agency, to the extent permitted by law, to prepare a written assessment of the effects of any federal mandate in an agency rule that may result in the expenditure by state, local, and tribal governments in the aggregate, or by the private sector, of $100 million or more in any one year. The Act also requires a federal agency to develop an effective process to permit timely input by elected officers of state, local, and tribal governments on a proposed ''significant intergovernmental mandate,'' and it requires an agency to develop a plan for giving notice and opportunity for timely input to potentially affected small governments before establishing any requirements that might significantly or uniquely affect small governments. The rule amendments finalized today do not impose a federal mandate on state, local, or tribal governments or on the private sector. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

H. Review Under the Treasury and General Government Appropriations Act, 1999

Section 654 of the Treasury and General Government Appropriations Act, 1999 (Pub. L. 105–277) requires federal agencies to issue a Family Policymaking Assessment for any proposed rule or policy that may affect family well-being. Today's final rule does not impact on the autonomy or integrity of the family institution. Accordingly, DOE has concluded that it is not necessary to prepare a Family Policymaking Statement.

I. Review Under Small Business Regulatory Enforcement Fairness Act of 1996

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of the rule prior to its effective date. The report will state that it has been determined that the rule is not a ''major rule'' as defined by 5 U.S.C. 804(3).

IV. Conclusion

The Notice of Proposed Rulemaking to amend 10 CFR part 710 was issued by the Assistant Secretary for Nonproliferation and National Security. This final rule, however, is being issued by the Secretary. The rule applies to all Department of Energy Federal and contractor employees, including Federal and contractor employees of the National Nuclear Security Administration.

List of Subjects in 10 CFR Part 710

Administrative practice and procedure, Classified information, Government contracts, Nuclear materials.

Issued in Washington, DC, on July 24, 2001.

Spencer Abraham,

Secretary of Energy.

For the reasons set forth in the preamble, part 710 of Title 10 of the Code of Federal Regulations is amended to read as follows.

PART 710—CRITERIA AND PROCEDURES FOR DETERMINING ELIGIBILITY FOR ACCESS TO CLASSIFIED MATTER OR SPECIAL NUCLEAR MATERIAL

1. The authority citation for Part 710 is revised to read as follows:

Authority: 42 U.S.C. 7101, *et seq.;* 50 U.S.C. 2401, *et seq.;* Atomic Energy Act of 1954, sec. 141, 68 Stat 940, as amended (42 U.S.C. 2161); Atomic Energy Act of 1954, sec. 145, 68 Stat 942, as amended (42 U.S.C. 2165); Atomic Energy Act of 1954, sec. 161, 68 Stat 948, as amended (42 U.S.C. 2201); E.O. 10450, 3 CFR 1949–1953 comp., p. 936, as amended; E.O. 10865, 3 CFR 1959–1963 comp., p. 398, as amended, 3 CFR Chap. IV; E.O. 12958, 3 CFR 1995, comp., p. 333; E.O. 12968, 3 CFR 1995, comp., p. 391.

Subpart A—General Criteria and Procedures for Determining Eligibility for Access to Classified Matter or Special Nuclear Material

2. Section 710.1 is amended by revising paragraph (b) to read as follows:

§ 710.1 Purpose.

* * * * *

(b) This subpart is published to implement: Executive Order 12968, 60 FR 40245 (August 7, 1995); Executive Order 12958, 60 FR 19825 (April 20, 1995); Executive Order 10865, 25 FR 1583 (February 24, 1960), as amended; and Executive Order 10450, 18 FR 2489 (April 27, 1954), as amended. This subpart also provides for public information: selected provisions of the Atomic Energy Act of 1954, as amended, set forth in appendix A to this subpart; and the 1997 Adjudicative Guidelines approved by the President and set forth in appendix B to this subpart.

3. Section 710.4 is amended by revising paragraph (c) and adding paragraph (g) to read as follows:

§ 710.4 Policy.

* * * * *

(c) If the individual is currently awaiting a hearing or trial, or has been convicted of a crime punishable by

imprisonment of six (6) months or longer, or is awaiting or serving a form of preprosecution probation, suspended or deferred sentencing, court ordered probation, or parole in conjunction with an arrest or criminal charges initiated against the individual for a crime that is punishable by imprisonment of six (6) months or longer, DOE may suspend processing an application for access authorization until such time as the hearing, trial, criminal prosecution, suspended sentencing, deferred sentencing, probation, or parole has been completed.

* * * * *

(g) If an individual believes that the provisions of paragraph (c), (d), or (e) of this section have been inappropriately applied, a written appeal may be filed with the Director, Office of Safeguards and Security, DOE Headquarters, within 30 calendar days of the date the individual was notified of the action. The Director, Office of Safeguards and Security, shall act on the written appeal as described in section 710.6(c).

4. Section 710.5 is amended by adding in alphabetical order a definition for the term ''Classified Matter'' and by revising the definitions for ''Local Director of Security,'' ''National Security Information,'' and ''Operations Office Manager or Manager'' to read as follows:

§ 710.5 Definitions.

* * * * *

Classified Matter means the material of thought or expression that is classified pursuant to statute or Executive Order.

* * * * *

Local Director of Security means the Operations Office or Naval Reactors Office Security and Safeguards Division Director, or other similar title; for Washington, DC area cases, the Director, Headquarters Operations Division; for the Idaho Operations Office, the Program Manager, Security and Resource Management Division; for the Pittsburgh Naval Reactors Office, the Director, Contracts and Securities Division; for the Savannah River Operations Office, the Director, Internal Security Division; and any person designated in writing to serve in one of the aforementioned positions in an ''acting'' capacity.

National Security Information means any information that has been determined, pursuant to Executive Order 12958 or any predecessor Order, to require protection against unauthorized disclosure and that is so designated.

Operations Office Manager or *Manager* means the Manager of a DOE Operations Office (Albuquerque, Chicago, Idaho, Nevada, Oak Ridge, Oakland, Richland, or Savannah River), the Manager of the Pittsburgh Naval Reactors Office, the Manager of the Schenectady Naval Reactors Office, and, for Washington, DC area cases, the Director, Office of Safeguards and Security.

* * * * *

5. Section 710.7 is amended by revising paragraph (a) to read as follows:

§ 710.7 Application of the criteria.

(a) The decision as to access authorization is a comprehensive, common-sense judgment, made after consideration of all relevant information, favorable and unfavorable, as to whether the granting or continuation of access authorization will not endanger the common defense and security and is clearly consistent with the national interest. Any doubt as to an individual's access authorization eligibility shall be resolved in favor of the national security. Absent any derogatory information, a favorable determination usually will be made as to access authorization eligibility.

* * * * *

6. Section 710.8 is amended by adding the words ''(or National Security)'' between the words ''Sensitive'' and ''Positions'' in the first sentence of paragraph (f) and revising paragraphs (g), (h), (j), (k), and (l) to read as follows:

§ 710.8 Criteria.

* * * * *

(g) Failed to protect classified matter, or safeguard special nuclear material; or violated or disregarded security or safeguards regulations to a degree which would be inconsistent with the national security; or disclosed classified information to a person unauthorized to receive such information; or violated or disregarded regulations, procedures, or guidelines pertaining to classified or sensitive information technology systems.

(h) An illness or mental condition of a nature which, in the opinion of a psychiatrist or licensed clinical psychologist, causes or may cause, a significant defect in judgment or reliability.

* * * * *

(j) Been, or is, a user of alcohol habitually to excess, or has been diagnosed by a psychiatrist or a licensed clinical psychologist as alcohol dependent or as suffering from alcohol abuse.

(k) Trafficked in, sold, transferred, possessed, used, or experimented with a drug or other substance listed in the Schedule of Controlled Substances established pursuant to section 202 of the Controlled Substances Act of 1970 (such as marijuana, cocaine, amphetamines, barbiturates, narcotics, etc.) except as prescribed or administered by a physician licensed to dispense drugs in the practice of medicine, or as otherwise authorized by Federal law.

(l) Engaged in any unusual conduct or is subject to any circumstances which tend to show that the individual is not honest, reliable, or trustworthy; or which furnishes reason to believe that the individual may be subject to pressure, coercion, exploitation, or duress which may cause the individual to act contrary to the best interests of the national security. Such conduct or circumstances include, but are not limited to, criminal behavior, a pattern of financial irresponsibility, conflicting allegiances, or violation of any commitment or promise upon which DOE previously relied to favorably resolve an issue of access authorization eligibility.

7. Section 710.9 is revised to read as follows:

§ 710.9 Action on derogatory information.

(a) If the reports of investigation of an individual or other reliable information tend to establish the validity and significance of one or more items in the criteria, or of other reliable information or facts which are of security concern, although outside the scope of the stated categories, such information shall be regarded as derogatory and create a question as to the individual's access authorization eligibility.

(b) If a question arises as to the individual's access authorization eligibility, the Local Director of Security shall authorize the conduct of an interview with the individual, or other appropriate actions, which may include a DOE-sponsored mental evaluation, and, on the basis of the results of such interview or actions, may authorize the granting of the individual's access authorization. If, in the opinion of the Local Director of Security, the question as to the individual's access authorization eligibility has not been favorably resolved, he shall submit the matter to the Manager with a recommendation that authority be obtained to process the individual's case under administrative review procedures.

(c) If the Manager agrees that unresolved derogatory information is present and that appropriate attempts to

resolve such derogatory information have been unsuccessful, he shall notify the Director, Office of Safeguards and Security, of his proposal to conduct an administrative review proceeding, accompanied by an explanation of the security concerns and a duplicate Personnel Security File. If the Manager believes that the derogatory information has been favorably resolved, he shall direct that access authorization be granted for the individual. The Manager may also direct the Local Director of Security to obtain additional information in the matter prior to deciding whether to grant the individual access authorization or to submit a request for authority to conduct an administrative review proceeding. A decision in the matter shall be rendered by the Manager within 10 calendar days of its receipt.

(d) Upon receipt of the Manager's notification, the Director, Office of Safeguards and Security, shall review the matter and confer with the Manager on:

(1) The institution of administrative review proceedings set forth in §§ 710.20 through 710.32;

(2) The granting of access authorization; or

(3) Other actions as the Director deems appropriate.

(e) The Director, Office of Safeguards and Security, shall act pursuant to one of these options within 30 calendar days of the receipt of the Manager's notification unless an extension is granted by the Director, Office of Security Affairs.

8. Section 710.10 is amended by revising paragraphs (a) and (d) and adding paragraphs (e) and (f) to read as follows:

§ 710.10 Suspension of access authorization.

(a) If information is received that raises a question concerning an individual's continued access authorization eligibility, the Local Director of Security shall authorize action(s), to be taken on an expedited basis, to resolve the question pursuant to § 710.9(b). If the question as to the individual's continued access authorization eligibility is not resolved in favor of the individual, the Local Director of Security shall submit the matter to the Manager with a recommendation that the individual's access authorization be suspended pending the final determination resulting from the procedures in this subpart.

* * * * *

(d) Following the decision to suspend an individual's DOE access authorization, the Manager shall immediately notify the Director, Office of Safeguards and Security, of the action and the reason(s) therefore. In addition, the Manager, within 10 calendar days of the date of suspension, shall notify the Director, Office of Safeguards and Security, of his proposal to conduct an administrative review proceeding, accompanied by an explanation of its basis and a duplicate Personnel Security File.

(e) Upon receipt of the Manager's notification, the Director, Office of Safeguards and Security, shall review the matter and confer with the Manager on:

(1) The institution of administrative review procedures set forth in §§ 710.20 through 710.32;

(2) The reinstatement of access authorization; or

(3) Other actions as the Director deems appropriate.

(f) The Director, Office of Safeguards and Security, shall act pursuant to one of these options within 30 calendar days of the receipt of the Manager's notification unless an extension is granted by the Director, Office of Security Affairs.

9. Section 710.21 is amended by revising the section heading, paragraphs (a) and (b)(2) and adding paragraph (c) to read as follows:

§ 710.21 Notice to the individual.

(a) Unless an extension is authorized by the Director, Office of Safeguards and Security, within 30 calendar days of receipt of authority to institute administrative review procedures, the Manager shall prepare and deliver to the individual a notification letter approved by the local Office of Chief Counsel, or the Office of General Counsel for Headquarters cases. Where practicable, the letter shall be delivered to the individual in person.

(b) * * *

(1) * * *

(2) The information which creates a substantial doubt regarding the individual's access authorization eligibility (which shall be as comprehensive and detailed as the national security permits) and why that information creates such doubt.

* * * * *

(c) The notification letter referenced in paragraph (b) of this section shall also:

(1) Describe the individual's access authorization status until further notice;

(2) Advise the individual of the right to representation at the individual's own expense at each and every stage of the proceedings;

(3) Provide the name and telephone number of the designated DOE official to contact for any further information desired concerning the proceedings, including an explanation of the individual's rights under the Freedom of Information and Privacy Acts; and

(4) Include a copy of this subpart.

10. Section 710.22 is revised to read as follows:

§ 710.22 Initial decision process.

(a) The Manager shall make an initial decision as to the individual's access authorization eligibility based on the existing information in the case if:

(1) The individual fails to respond to the notification letter by filing a timely written request for a hearing before a Hearing Officer or fails to respond to the notification letter after requesting an extension of time to do so;

(2) The individual's response to the notification letter does not request a hearing before a Hearing Officer; or

(3) The Hearing Officer refers the individual's case to the Manager in accordance with § 710.25(e) or § 710.26(b).

(b) Unless an extension of time is granted by the Director, Office of Safeguards and Security, the Manager's initial decision as to the individual's access authorization eligibility shall be made within 15 calendar days of the date of receipt of the information in paragraph (a) of this section. The Manager shall either grant or deny, or reinstate or revoke, the individual's access authorization.

(c) A letter reflecting the Manager's initial decision in the individual's case shall be signed by the Manager and delivered to the individual within 15 calendar days of the date of the Manager's decision unless an extension of time is granted by the Director, Office of Safeguards and Security. If the Manager's initial decision is unfavorable to the individual, the individual shall be advised:

(1) Of the Manager's unfavorable decision and the reason(s) therefor;

(2) That within 30 calendar days from the date of receipt of the letter, he may file a written request for a review of the Manager's initial decision through the Director, Office of Safeguards and Security, DOE Headquarters, to the DOE Headquarters Appeal Panel (hereafter referred to as the ''Appeal Panel'');

(3) That the Director, Office of Safeguards and Security, may, for good cause shown, at the written request of the individual, extend the time for filing a written request for a review of the case by the Appeal Panel; and

(4) That if the written request for a review of the Manager's initial decision

by the Appeal Panel is not filed within 30 calendar days of the individual's receipt of the Manager's letter, the Manager's initial decision in the case shall be final.

§ 710.23 [Amended]

11. Section 710.23 is amended by removing the words ''Operations Office'' from the section heading.

12. Section 710.27 is amended by revising the section heading, removing the words ''an initial opinion'' in the first sentence of paragraph (a) and adding in their place the words ''a decision,'' by removing paragraphs (e), (f), and (g) and by revising paragraph (d) to read as follows:

§ 710.27 Hearing Officer's decision.

* * * * *

(d) The Hearing Officer's decision shall be based on the Hearing Officer's findings of fact. If, after considering all of the factors in light of the criteria set forth in this subpart, the Hearing Officer is of the opinion that it will not endanger the common defense and security and will be clearly consistent with the national interest to grant or reinstate access authorization for the individual, the Hearing Officer shall render a favorable decision; otherwise, the Hearing Officer shall render an unfavorable decision. Within 15 calendar days of the Hearing Officer's written decision, the Hearing Officer shall provide copies of the decision and the administrative record to the Manager and the Director, Office of Safeguards and Security.

13. Section 710.28 is revised to read as follows:

§ 710.28 Action on the Hearing Officer's decision.

(a) Within 10 calendar days of receipt of the decision and the administrative record, unless an extension of time is granted by the Director, Office of Safeguards and Security, the Manager shall:

(1) Notify the individual in writing of the Hearing Officer's decision;

(2) Advise the individual in writing of the appeal procedures available to the individual in paragraph (b) of this section if the decision is unfavorable to the individual;

(3) Advise the individual in writing of the appeal procedures available to the Manager and the Director, Office of Safeguards and Security, in paragraph (c) of this section if the decision is favorable to the individual; and,

(4) Provide the individual and/or counsel or representative, a copy of the Hearing Officer's decision and the administrative record.

(b) If the Hearing Officer's decision is unfavorable to the individual:

(1) The individual may file with the Director, Office of Safeguards and Security, a written request for further review of the decision by the Appeal Panel along with a statement required by paragraph (e) of this section within 30 calendar days of the individual's receipt of the Manager's notice;

(2) The Director, Office of Safeguards and Security may, for good cause shown, extend the time for filing a request for further review of the decision by the Appeal Panel at the written request of the individual provided the request for an extension of time is filed by the individual within 30 calendar days of receipt of the Manager's notice;

(3) The Hearing Officer's decision shall be considered final if the individual does not: file a written request for a review of the decision by the Appeal Panel or for an extension of time to file a written request for further review of the decision by the Appeal Panel in accordance with paragraphs (b)(1) or (b)(2) of this section; or, file a written request for a further review of the decision by the Appeal Panel after having been granted an extension of time to do so.

(c) If the Hearing Officer's decision is favorable to the individual, within 30 calendar days of the individual's receipt of the Manager's notice:

(1) The Manager or the Director, Office of Safeguards and Security, may file a written request for further review of the decision by the Appeal Panel along with the statement required by paragraph (e) of this section;

(2) The Director, Office of Security Affairs, may, at the written request of the Manager or Director, Office of Safeguards and Security, extend the time for filing a request for further review of the decision by the Appeal Panel; or

(3) The Manager, with the concurrence of the Director, Office of Safeguards and Security, shall grant or reinstate the individual's access authorization.

(d) A copy of any request for further review of the individual's case by the Appeal Panel filed by the Manager or the Director, Office of Safeguards and Security, shall be provided to the individual by the Manager.

(e) The party filing a request for review of the individual's case by the Appeal Panel shall include with the request a statement identifying the issues on which it wishes the Appeal Panel to focus. A copy of such statement shall be served on the other party, who may file a response with the Appeal Panel within 20 calendar days of receipt of the statement.

14. Sections 710.29 through 710.34 are redesignated as §§ 710.30 through 710.35 and a new § 710.29 is added to read as follows:

§ 710.29 Final appeal process.

(a) The Appeal Panel shall be convened by the Director, Office of Security Affairs, to review and render a final decision in an access authorization eligibility case referred by the individual, the Manager, or the Director, Office of Safeguards and Security, in accordance with §§ 710.22, 710.28, and 710.32.

(b) The Appeal Panel shall consist of three members, each of whom shall be a DOE Headquarters employee, a United States citizen, and hold a DOE Q access authorization. The Director, Office of Security Affairs, shall serve as a permanent member of the Appeal Panel and as the Appeal Panel Chairman. The second member of the Appeal Panel shall be a DOE attorney designated by the General Counsel. The head of the DOE Headquarters element who has cognizance over the individual whose access authorization eligibility is being considered may designate an employee to act as the third member on the Appeal Panel; otherwise, the third member will be designated by the Chairman. Only one member of the Appeal Panel shall be from the security field.

(c) In filing a written request for a review by the Appeal Panel in accordance with §§ 710.22 and 710.28, the individual, or the counsel or representative, shall identify the relevant issues and may also submit any relevant material in support of the individual. The individual's written request and supportive material shall be made a part of the administrative record. The Director, Office of Safeguards and Security, shall provide staff support to the Appeal Panel as requested by the Director, Office of Security Affairs.

(d) Within 15 calendar days from the date of receipt of a request for a review of a case by the Appeal Panel, the Director, Office of Security Affairs, shall:

(1) Request the General Counsel to designate an attorney who shall serve as an Appeal Panel member;

(2) Either request the head of the cognizant DOE element to designate, or himself designate, an employee from outside the security field who shall serve as the third member of the Appeal Panel; and

(3) Arrange for the Appeal Panel members to convene to review the

administrative record or provide a copy of the administrative record to the other Appeal Panel members for their independent review.

(e) The Appeal Panel may initiate an investigation of any statement or material contained in the request for an Appeal Panel review and use any relevant facts obtained by such investigation in the conduct of the final decision process. The Appeal Panel may solicit and accept submissions from either the individual or DOE officials that are relevant to the final decision process and may establish appropriate time frames to allow for such submissions. The Appeal Panel may also consider any other source of information that will advance the final decision process, provided that both parties are afforded an opportunity to respond to all third party submissions. All information obtained by the Appeal Panel under this section shall be made a part of the administrative record.

(f) Within 45 work days of the closing of the administrative record, the Appeal Panel shall render a final written decision in the case predicated upon an evaluation of the administrative record, findings as to each of the allegations contained in the notification letter, and any new evidence that may have been submitted pursuant to § 710.30. If a majority of the Appeal Panel members determine that it will not endanger the common defense and security and will be clearly consistent with the national interest, the Director, Office of Security Affairs, shall grant or reinstate access authorization for the individual; otherwise, the Director, Office of Security Affairs, shall deny or revoke access authorization for the individual. The Appeal Panel written decision shall be made a part of the administrative record.

(g) The Director, Office of Security Affairs, through the Director, Office of Safeguards and Security, shall inform in writing the individual involved and counsel or representative of the Appeal Panel's final decision. A copy of the correspondence shall also be provided to the other panel members and the Manager.

(h) If, upon receipt of a written request for a review of the individual's case by the Appeal Panel, the Director, Office of Security Affairs, is aware or subsequently becomes aware of information that the individual is the subject of an unresolved inquiry or investigation of a matter that could reasonably be expected to affect the individual's DOE access authorization eligibility, the Director may defer action by the Appeal Panel on the request until the inquiry or investigation is completed and its results available for review by the Appeal Panel. In such instances, the Director, Office of Security Affairs, shall:

(1) Obtain written approval from the Secretary to defer review of the individual's case by the Appeal Panel for an initial interval not to exceed 90 calendar days;

(2) Advise the individual and appropriate DOE officials in writing of the initial deferral and the reason(s) therefor;

(3) Request that the individual's employment status not be affected during the initial and any subsequent deferral interval, except at the written request of the individual;

(4) Obtain written approval from the Secretary to extend the deferral for each subsequent 90 calendar day interval and advise in writing all concerned parties of the Secretary's approval;

(5) Inform in writing all concerned parties when the inquiry or investigation has been completed and the results made available to the Appeal Panel.

(i) If, upon receipt of a written request for review of an individual's case by the Appeal Panel, the Director, Office of Security Affairs, is aware or subsequently becomes aware of information that adversely affects the individual's DOE access authorization eligibility and that cannot for national security reasons be disclosed in the proceedings before a DOE Hearing Officer, the Director may refer the information and the administrative record to the Secretary for the final decision as to the individual's DOE access authorization eligibility. In such instances, the Director, Office of Security Affairs, shall notify in writing all concerned parties that the individual's case has been provided to the Secretary for a final decision in accordance with § 710.31.

(j) Upon the recommendation of the Appeal Panel, the Secretary may exercise the appeal authority of the Appeal Panel. If the Secretary exercises the appeal authority, then the decision of the Secretary is final.

15. Newly redesignated § 710.30 is amended by removing the word ''determination'' and adding the word ''decision'' in paragraph (a) and removing the words ''an opinion'' and adding the words ''a decision'' in paragraph (b)(1), by removing the word ''getting'' and adding the word ''receiving'' in paragraph (b)(1), and by revising paragraph (b)(2) to read as follows:

§ 710.30 New evidence.

* * * * *

(b) * * *

(2) In those cases where the Hearing Officer's decision has been issued, the application for presentation of new evidence shall be referred to the Director, Office of Security Affairs. In the event that the Director, Office of Security Affairs, determines that the new evidence shall be received, he shall determine the form in which it, and the other party's response, shall be received.

* * * * *

16. Newly redesignated § 710.31 is revised to read as follows:

§ 710.31 Action by the Secretary.

(a) Whenever an individual has not been afforded an opportunity to cross-examine witnesses who have furnished information adverse to the individual under the provisions of §§ 710.26(l) or (o), or the opportunity to review and respond to the information provided by the Director, Office of Security Affairs, to the Secretary under § 710.29(i), only the Secretary may issue a final decision to deny or revoke DOE access authorization for the individual after personally reviewing the administrative record and any additional material provided by the Director, Office of Security Affairs. The Secretary's authority may not be delegated and may be exercised only when the Secretary determines that the circumstances described in § 710.26(l) or (o), or § 710.29(i) are present, and such determination shall be final.

(b) Whenever the Secretary issues a final decision as to the individual's DOE access authorization eligibility, the individual and other concerned parties will be notified in writing, by the Director, Office of Security Affairs, of that decision and of the Secretary's findings with respect to each of the allegations contained in the notification letter and each substantial issue identified in the statement in support of the request for review to the extent allowed by the national security.

(c) Nothing contained in these procedures shall be deemed to limit or affect the responsibility and powers of the Secretary to issue subpoenas or to deny or revoke access to Restricted Data, national security information, or special nuclear material.

(d) Only the Secretary may approve initial and subsequent requests under § 710.29(h) by the Director, Office of Security Affairs, to defer the review of an individual's case by the Appeal Panel.

17. Newly redesignated § 710.32 is revised to read as follows:

§ 710.32 Reconsideration of access eligibility.

(a) If, pursuant to the procedures set forth in §§ 710.20 through 710.31 the Manager, Hearing Officer, Appeal Panel, or the Secretary has made a decision granting or reinstating access authorization for an individual, the individual's access authorization eligibility shall be reconsidered as a new administrative review under the procedures set forth in this subpart when previously unconsidered derogatory information is identified, or the individual violates a commitment or promise upon which the DOE previously relied to favorably resolve an issue of access authorization eligibility.

(b) If, pursuant to the procedures set forth in §§ 710.20 through 710.31 the Manager, Hearing Officer, Appeal Panel, or the Secretary has made a decision denying or revoking access authorization for the individual, the individual's access authorization eligibility may be reconsidered only when the individual so requests, when there is a bona fide offer of employment requiring access to Restricted Data, national security information, or special nuclear material, and when there is either:

(1) Material and relevant new evidence which the individual and the individual's representatives are without fault in failing to present earlier, or

(2) Convincing evidence of rehabilitation or reformation.

(c) A request for reconsideration shall be submitted in writing to the Director, Office of Security Affairs, accompanied by an affidavit setting forth in detail the new evidence or evidence of rehabilitation or reformation. If the Director, Office of Security Affairs, determines that the regulatory requirements for reconsideration have been met, the Director shall notify the individual that the individual's access authorization shall be reconsidered in accordance with established procedures for determining eligibility for access authorizations.

(d) If the individual's access authorization is not reinstated following reconsideration, the individual shall be advised by the Director, Office of Safeguards and Security, in writing:

(1) Of the unfavorable action and the reason(s) therefor; and

(2) That within 30 calendar days from the date of receipt of the notification, he may file, through the Director, Office of Safeguards and Security, DOE Headquarters, a written request for a review of the decision by the Appeal Panel, in accordance with § 710.29.

18. Newly redesignated § 710.33 is revised to read as follows:

§ 710.33 Terminations.

If the individual is no longer an applicant for access authorization or no longer requires access authorization, the procedures of this subpart shall be terminated without a final decision as to the individual's access authorization eligibility, unless a final decision has been rendered prior to the DOE being notified of the change in the individual's pending access authorization status.

19. Newly redesignated § 710.35 is revised to read as follows:

§ 710.35 Time frames.

Statements of time established for processing aspects of a case under this subpart are the agency's desired time frames in implementing the procedures set forth in this subpart. However, failure to meet the time frames shall have no impact upon the final disposition of an access authorization by a Manager, Hearing Officer, the Appeal Panel, or the Secretary, and shall confer no procedural or substantive rights upon an individual whose access authorization eligibility is being considered.

20. Section 710.36 is added to read as follows:

§ 710.36 Acting officials.

Except for the Secretary, the responsibilities and authorities conferred in this subpart may be exercised by persons who have been designated in writing as acting for, or in the temporary capacity of, the following DOE positions: The Local Director of Security, the Manager, the Director, Office of Safeguards and Security, or the General Counsel. The responsibilities and authorities of the Director, Office of Security Affairs, may be exercised in his absence only by the Deputy Director, Office of Security Affairs.

21. Appendix B to Subpart A of Part 710 is added to read as follows:

Appendix B to Subpart A of Part 710—Adjudicative Guidelines Approved by the President in Accordance With the Provisions of Executive Order 12968

(The following guidelines, included in this subpart for reference purposes only, are reproduced as provided to the DOE by the Security Policy Board. The President may change the guidelines without notice.)

Adjudicative Guidelines for Determining Eligibility for Access to Classified Information

1. *Introduction.* The following adjudicative guidelines are established for all U.S. government civilian and military personnel, consultants, contractors, employees of contractors, licensees, certificate holders or grantees and their employees and other individuals who require access to classified information. They apply to persons being considered for initial or continued eligibility for access to classified information, to include sensitive compartmented information and special access programs and are to be used by government departments and agencies in all final clearance determinations.

2. *The Adjudicative Process.*

(a) The adjudicative process is an examination of a sufficient period of a person's life to make an affirmative determination that the person is eligible for a security clearance. Eligibility for access to classified information is predicated upon the individual meeting these personnel security guidelines. The adjudicative process is the careful weighing of a number of variables known as the whole person concept. Available, reliable information about the person, past and present, favorable and unfavorable, should be considered in reaching a determination. In evaluating the relevance of an individual's conduct, the adjudicator should consider the following factors:

(1) The nature, extent, and seriousness of the conduct;

(2) The circumstances surrounding the conduct, to include knowledgeable participation;

(3) The frequency and recency of the conduct;

(4) The individual's age and maturity at the time of the conduct;

(5) The voluntariness of participation;

(6) The presence or absence of rehabilitation and other pertinent behavioral changes;

(7) The motivation for the conduct;

(8) The potential for pressure, coercion, exploitation, or duress; and

(9) The likelihood of continuation or recurrence.

(b) Each case must be judged on its own merits, and final determination remains the responsibility of the specific department or agency. Any doubt as to whether access to classified information is clearly consistent with national security will be resolved in favor of the national security.

(c) The ultimate determination of whether the granting or continuing of eligibility for a security clearance is clearly consistent with the interests of national security must be an overall common sense determination based upon careful consideration of the following, each of which is to be evaluated in the context of the whole person concept, as explained further below:

(1) Guideline A: Allegiance to the United States;

(2) Guideline B: Foreign influence;

(3) Guideline C: Foreign preference;

(4) Guideline D: Sexual behavior;

(5) Guideline E: Personal conduct;

(6) Guideline F: Financial considerations;

(7) Guideline G: Alcohol consumption;

(8) Guideline H: Drug involvement;

(9) Guideline I: Emotional, mental, and personality disorders;

(10) Guideline J: Criminal Conduct;

(11) Guideline K: Security violations;

(12) Guideline L: Outside activities;

(13) Guideline M: Misuse of Information Technology Systems.

(d) Although adverse information concerning a single criterion may not be sufficient for an unfavorable determination, the individual may be disqualified if available information reflects a recent or recurring pattern of questionable judgment, irresponsibility, or emotionally unstable behavior. Notwithstanding, the whole person concept, pursuit of further investigation may be terminated by an appropriate adjudicative agency in the face of reliable, significant, disqualifying, adverse information.

(e) When information of security concern becomes known about an individual who is currently eligible for access to classified information, the adjudicator should consider whether the person:

(1) Voluntarily reported the information;

(2) Was truthful and complete in responding to questions;

(3) Sought assistance and followed professional guidance, where appropriate;

(4) Resolved or appears likely to favorably resolve the security concern;

(5) Has demonstrated positive changes in behavior and employment;

(6) Should have his or her access temporarily suspended pending final adjudication of the information.

(f) If after evaluating information of security concern, the adjudicator decides that the information is not serious enough to warrant a recommendation of disapproval or revocation of the security clearance, it may be appropriate to recommend approval with a warning that future incidents of a similar nature may result in revocation of access.

Guideline A: Allegiance to the United States

3. *The Concern.* An individual must be of unquestioned allegiance to the United States. The willingness to safeguard classified information is in doubt if there is any reason to suspect an individual's allegiance to the United States.

4. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Involvement in any act of sabotage, espionage, treason, terrorism, sedition, or other act whose aim is to overthrow the Government of the United States or alter the form of government by unconstitutional means;

(b) Association or sympathy with persons who are attempting to commit, or who are committing, any of the above acts;

(c) Association or sympathy with persons or organizations that advocate the overthrow of the United States Government, or any state or subdivision, by force or violence or by other unconstitutional means;

(d) Involvement in activities which unlawfully advocate or practice the commission of acts of force or violence to prevent others from exercising their rights under the Constitution or laws of the United States or of any state.

5. *Conditions that could mitigate security concerns include:*

(a) The individual was unaware of the unlawful aims of the individual or organization and severed ties upon learning of these;

(b) The individual's involvement was only with the lawful or humanitarian aspects of such an organization;

(c) Involvement in the above activities occurred for only a short period of time and was attributable to curiosity or academic interest;

(d) The person has had no recent involvement or association with such activities.

Guideline B: Foreign Influence

6. *The Concern.* A security risk may exist when an individual's immediate family, including cohabitants and other persons to whom he or she may be bound by affection, influence, or obligation are not citizens of the United States or may be subject to duress. These situations could create the potential for foreign influence that could result in the compromise of classified information. Contacts with citizens of other countries or financial interests in other countries are also relevant to security determinations if they make an individual potentially vulnerable to coercion, exploitation, or pressure.

7. *Conditions that could raise a security concern and may be disqualifying include:*

(a) An immediate family member, or a person to whom the individual has close ties of affection or obligation, is a citizen of, or resident or present in, a foreign country.

(b) Sharing living quarters with a person or persons, regardless of their citizenship status, if the potential for adverse foreign influence or duress exists;

(c) Relatives, cohabitants, or associates who are connected with any foreign country;

(d) Failing to report, where required, associations with foreign nationals;

(e) Unauthorized association with a suspected or known collaborator or employee of a foreign intelligence service;

(f) Conduct which may make the individual vulnerable to coercion, exploitation, or pressure by a foreign government;

(g) Indications that representatives or nationals from a foreign country are acting to increase the vulnerability of the individual to possible future exploitation, coercion or pressure;

(h) A substantial financial interest in a country, or in any foreign owned or operated business that could make the individual vulnerable to foreign influence.

8. *Conditions that could mitigate security concerns include:*

(a) A determination that the immediate family member(s) (spouse, father, mother, sons, daughters, brothers, sisters), cohabitant, or associate(s) in question are not agents of a foreign power or in a position to be exploited by a foreign power in a way that could force the individual to choose between loyalty to the person(s) involved and the United States;

(b) Contacts with foreign citizens are the result of official United States Government business;

(c) Contact and correspondence with foreign citizens are casual and infrequent;

(d) The individual has promptly complied with existing agency requirements regarding the reporting of contacts, requests, or threats from persons or organizations from a foreign country;

(e) Foreign financial interests are minimal and not sufficient to affect the individual's security responsibilities.

Guideline C: Foreign Preference

9. *The Concern.* When an individual acts in such a way as to indicate a preference for a foreign country over the United States, then he or she may be prone to provide information or make decisions that are harmful to the interests of the United States.

10. *Conditions that could raise a security concern and may be disqualifying include:*

(a) The exercise of dual citizenship;

(b) Possession and/or use of a foreign passport;

(c) Military service or a willingness to bear arms for a foreign country;

(d) Accepting educational, medical, or other benefits, such as retirement and social welfare, from a foreign country;

(e) Residence in a foreign country to meet citizenship requirements;

(f) Using foreign citizenship to protect financial or business interests in another country;

(g) Seeking or holding political office in the foreign country;

(h) Voting in foreign elections; and

(i) Performing or attempting to perform duties, or otherwise acting, so as to serve the interests of another government in preference to the interests of the United States.

11. *Conditions that could mitigate security concerns include:*

(a) Dual citizenship is based solely on parents' citizenship or birth in a foreign country;

(b) Indicators of possible foreign preference (e.g., foreign military service) occurred before obtaining United States citizenship;

(c) Activity is sanctioned by the United States;

(d) Individual has expressed a willingness to renounce dual citizenship.

Guideline D: Sexual Behavior

12. *The Concern.* Sexual behavior is a security concern if it involves a criminal offense, indicates a personality or emotional disorder, may subject the individual to coercion, exploitation, or duress, or reflects lack of judgment or discretion. (The adjudicator should also consider guidelines pertaining to criminal conduct (Guideline J) and emotional, mental, and personality disorders (Guideline I) in determining how to resolve the security concerns raised by sexual behavior.) Sexual orientation or preference may not be used as a basis for a disqualifying factor in determining a person's eligibility for a security clearance.

13. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Sexual behavior of a criminal nature, whether or not the individual has been prosecuted;

(b) Compulsive or addictive sexual behavior when the person is unable to stop a pattern of self-destructive high-risk behavior or that which is symptomatic of a personality disorder;

(c) Sexual behavior that causes an individual to be vulnerable to coercion, exploitation, or duress;

(d) Sexual behavior of a public nature and/or that which reflects lack of discretion or judgment.

14. *Conditions that could mitigate security concerns include:*

(a) The behavior occurred during or prior to adolescence and there is no evidence of subsequent conduct of a similar nature;

(b) The behavior was not recent and there is no evidence of subsequent conduct of a similar nature;

(c) There is no other evidence of questionable judgment, irresponsibility, or emotional instability;

(d) The behavior no longer serves as a basis for coercion, exploitation, or duress.

Guideline E: Personal Conduct

15. *The Concern.* Conduct involving questionable judgment, untrustworthiness, unreliability, lack of candor, dishonesty, or unwillingness to comply with rules and regulations could indicate that the person may not properly safeguard classified information. The following will normally result in an unfavorable clearance action or administrative termination of further processing for clearance eligibility:

(a) Refusal to undergo or cooperate with required security processing, including medical and psychological testing; or

(b) Refusal to complete required security forms, releases, or provide full, frank and truthful answers to lawful questions of investigators, security officials or other official representatives in connection with a personnel security or trustworthiness determination.

16. *Conditions that could raise a security concern and may be disqualifying also include:*

(a) Reliable, unfavorable information provided by associates, employers, coworkers, neighbors, and other acquaintances;

(b) The deliberate omission, concealment, or falsification of relevant and material facts from any personnel security questionnaire, personal history statement, or similar form used to conduct investigations, determine employment qualifications, award benefits or status, determine security clearance eligibility or trustworthiness, or award fiduciary responsibilities;

(c) Deliberately providing false or misleading information concerning relevant and material matters to an investigator, security official, competent medical authority, or other official representative in connection with a personnel security or trustworthiness determination.

(d) Personal conduct or concealment of information that may increase an individual's vulnerability to coercion, exploitation, or duress, such as engaging in activities which, if known, may affect the person's personal, professional, or community standing or render the person susceptible to blackmail;

(e) A pattern of dishonesty or rule violations, including violation of any written or recorded agreement made between the individual and the agency;

(f) Association with persons involved in criminal activity.

17. *Conditions that could mitigate security concerns include:*

(a) The information was unsubstantiated or not pertinent to a determination of judgment, trustworthiness, or reliability;

(b) The falsification was an isolated incident, was not recent, and the individual has subsequently provided correct information voluntarily;

(c) The individual made prompt, good-faith efforts to correct the falsification before being confronted with the facts;

(d) Omission of material facts was caused or significantly contributed to by improper or inadequate advice of authorized personnel, and the previously omitted information was promptly and fully provided;

(e) The individual has taken positive steps to significantly reduce or eliminate vulnerability to coercion, exploitation, or duress;

(f) A refusal to cooperate was based on advice from legal counsel or other officials that the individual was not required to comply with security processing requirements and, upon being made aware of the requirement, fully and truthfully provided the requested information;

(g) Association with persons involved in criminal activities has ceased.

Guideline F: Financial Considerations

18. *The Concern.* An individual who is financially overextended is at risk of having to engage in illegal acts to generate funds. Unexplained affluence is often linked to proceeds from financially profitable criminal acts.

19. *Conditions that could raise a security concern and may be disqualifying include:*

(a) A history of not meeting financial obligations;

(b) Deceptive or illegal financial practices such as embezzlement, employee theft, check fraud, income tax evasion, expense account fraud, filing deceptive loan statements, and other intentional financial breaches of trust;

(c) Inability or unwillingness to satisfy debts;

(d) Unexplained affluence;

(e) Financial problems that are linked to gambling, drug abuse, alcoholism, or other issues of security concern.

20. *Conditions that could mitigate security concerns include:*

(a) The behavior was not recent;

(b) It was an isolated incident;

(c) The conditions that resulted in the behavior were largely beyond the person's control (e.g., loss of employment, a business downturn, unexpected medical emergency, or a death, divorce or separation);

(d) The person has received or is receiving counseling for the problem and there are clear indications that the problem is being resolved or is under control;

(e) The affluence resulted from a legal source; and

(f) The individual initiated a good-faith effort to repay overdue creditors or otherwise resolve debts.

Guideline G: Alcohol Consumption

21. *The Concern.* Excessive alcohol consumption often leads to the exercise of questionable judgment, unreliability, failure to control impulses, and increases the risk of unauthorized disclosure of classified information due to carelessness.

22. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Alcohol-related incidents away from work, such as driving while under the influence, fighting, child or spouse abuse, or other criminal incidents related to alcohol use;

(b) Alcohol-related incidents at work, such as reporting for work or duty in an intoxicated or impaired condition, or drinking on the job;

(c) Diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of alcohol abuse or alcohol dependence;

(d) Evaluation of alcohol abuse or alcohol dependence by a licensed clinical social worker who is a staff member of a recognized alcohol treatment program;

(e) Habitual or binge consumption of alcohol to the point of impaired judgment;

(f) Consumption of alcohol, subsequent to a diagnosis of alcoholism by a credentialed medical professional and following completion of an alcohol rehabilitation program.

23. *Conditions that could mitigate security concerns include:*

(a) The alcohol related incidents do not indicate a pattern;

(b) The problem occurred a number of years ago and there is no indication of a recent problem;

(c) Positive changes in behavior supportive of sobriety;

(d) Following diagnosis of alcohol abuse or alcohol dependence, the individual has successfully completed inpatient or outpatient rehabilitation along with aftercare requirements, participated frequently in meetings of Alcoholics Anonymous or a similar organization, has abstained from alcohol for a period of at least 12 months, and received a favorable prognosis by a credentialed medical professional or a licensed clinical social worker who is a staff member of a recognized alcohol treatment program.

Guideline H: Drug Involvement

24. *The Concern.*

(a) Improper or illegal involvement with drugs raises questions regarding an individual's willingness or ability to protect classified information. Drug abuse or dependence may impair social or occupational functioning, increasing the risk of an unauthorized disclosure of classified information.

(b) Drugs are defined as mood and behavior altering substances and include: (1) Drugs, materials, and other chemical compounds identified and listed in the Controlled Substances Act of 1970, as amended (e.g., marijuana or cannabis, depressants, narcotics, stimulants, and hallucinogens), and (2) inhalants and other similar substances.

(c) Drug abuse is the illegal use of a drug or use of a legal drug in a manner that deviates from approved medical direction.

25. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Any drug abuse (see above definition);

(b) Illegal drug possession, including cultivation, processing, manufacture, purchase, sale, or distribution;

(c) Diagnosis by a credentialed medical professional (e.g., physician, clinical psychologist, or psychiatrist) of drug abuse or drug dependence;

(d) Evaluation of drug abuse or drug dependence by a licensed clinical social worker who is a staff member of a recognized drug treatment program;

(e) Failure to successfully complete a drug treatment program prescribed by a credentialed medical professional. Recent drug involvement, especially following the granting of a security clearance, or an expressed intent not to discontinue use, will almost invariably result in an unfavorable determination.

26. *Conditions that could mitigate security concerns include:*

(a) The drug involvement was not recent;

(b) The drug involvement was an isolated or aberrational event;

(c) A demonstrated intent not to abuse any drugs in the future;

(d) Satisfactory completion of a prescribed drug treatment program, including rehabilitation and aftercare requirements, without recurrence of abuse, and a favorable prognosis by a credentialed medical professional.

Guideline I: Emotional, Mental, and Personality Disorders

27. *The Concern.* Emotional, mental, and personality disorders can cause a significant defect in an individual's psychological, social and occupational functioning. These disorders are of security concern because they may indicate a defect in judgment, reliability, or stability. A credentialed mental health professional (e.g., clinical psychologist or psychiatrist), employed by, acceptable to or approved by the government, should be utilized in evaluating potentially disqualifying and mitigating information fully and properly, and particularly for consultation with the individual's mental health care provider.

28. *Conditions that could raise a security concern and may be disqualifying include:*

(a) An opinion by a credentialed mental health professional that the individual has a condition or treatment that may indicate a defect in judgment, reliability, or stability;

(b) Information that suggests that an individual has failed to follow appropriate medical advice relating to treatment of a condition, e.g., failure to take prescribed medication;

(c) A pattern of high-risk, irresponsible, aggressive, anti-social or emotionally unstable behavior;

(d) Information that suggests that the individual's current behavior indicates a defect in his or her judgment or reliability.

29. *Conditions that could mitigate security clearance concerns include:*

(a) There is no indication of a current problem;

(b) Recent opinion by a credentialed mental health professional that an individual's previous emotional, mental, or personality disorder is cured, under control or in remission and has a low probability of recurrence or exacerbation;

(c) The past emotional instability was a temporary condition (e.g., one caused by a death, illness, or marital breakup), the situation has been resolved, and the individual is no longer emotionally unstable.

Guideline J: Criminal Conduct

30. *The Concern.* A history or pattern of criminal activity creates a doubt about a person's judgment, reliability and trustworthiness.

31. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Allegations or admissions of criminal conduct, regardless of whether the person was formally charged;

(b) A single serious crime or multiple lesser offenses.

32. *Conditions that could mitigate security concerns include:*

(a) The criminal behavior was not recent;

(b) The crime was an isolated incident;

(c) The person was pressured or coerced into committing the act and those pressures are no longer present in that person's life;

(d) The person did not voluntarily commit the act and/or the factors leading to the violation are not likely to recur;

(e) Acquittal;

(f) There is clear evidence of successful rehabilitation.

Guideline K: Security Violations

33. *The Concern.* Noncompliance with security regulations raises doubt about an individual's trustworthiness, willingness, and ability to safeguard classified information.

34. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Unauthorized disclosure of classified information;

(b) Violations that are deliberate or multiple or due to negligence.

35. *Conditions that could mitigate security concerns include actions that:*

(a) Were inadvertent;

(b) Were isolated or infrequent;

(c) Were due to improper or inadequate training;

(d) Demonstrate a positive attitude towards the discharge of security responsibilities.

Guideline L: Outside Activities

36. *The Concern.* Involvement in certain types of outside employment or activities is of security concern if it poses a conflict with an individual's security responsibilities and could create an increased risk of unauthorized disclosure of classified information.

37. Conditions that could raise a security concern and may be disqualifying include any service, whether compensated, volunteer, or employment with:

(a) A foreign country;

(b) Any foreign national;

(c) A representative of any foreign interest;

(d) Any foreign, domestic, or international organization or person engaged in analysis, discussion, or publication of material on intelligence, defense, foreign affairs, or protected technology.

38. *Conditions that could mitigate security concerns include:*

(a) Evaluation of the outside employment or activity indicates that it does not pose a conflict with an individual's security responsibilities;

(b) The individual terminates employment or discontinues the activity upon being notified that it is in conflict with his or her security responsibilities.

Guideline M: Misuse of Information Technology Systems

39. *The Concern.* Noncompliance with rules, procedures, guidelines, or regulations pertaining to information technology systems may raise security concerns about an individual's trustworthiness, willingness, and ability to properly protect classified systems, networks, and information. Information Technology Systems include all related equipment used for the communication, transmission, processing, manipulation, and storage of classified or sensitive information.

40. *Conditions that could raise a security concern and may be disqualifying include:*

(a) Illegal or unauthorized entry into any information technology system;

(b) Illegal or unauthorized modification destruction, manipulation or denial of access to information residing on an information technology system;

(c) Removal (or use) of hardware, software, or media from any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations;

(d) Introduction of hardware, software, or media into any information technology system without authorization, when specifically prohibited by rules, procedures, guidelines or regulations.

41. *Conditions that could mitigate security concerns include:*

(a) The misuse was not recent or significant;

(b) The conduct was unintentional or inadvertent;

(c) The introduction or removal of media was authorized;

(d) The misuse was an isolated event;

(e) The misuse was followed by a prompt, good faith effort to correct the situation.

[FR Doc. 01–22486 Filed 9–10–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF THE TREASURY

12 CFR Part 1510

RIN 1550–AA79

Resolution Funding Corporation Operations

AGENCY: Department of the Treasury.

ACTION: Affirmation of interim rule as final, with amendments.

SUMMARY: The Secretary of the Treasury (Secretary) is adopting as a final rule, with amendments, an interim rule that amended the Treasury Department's regulation governing the operations of the Resolution Funding Corporation (Funding Corporation). The interim rule implemented statutory changes affecting the Funding Corporation's operations, eliminated obsolete regulatory provisions, and streamlined remaining regulatory provisions. The final rule makes two technical changes to the

interim rule to reduce the compliance burden.

EFFECTIVE DATE: The interim rule became effective on March 8, 2000. The amendments made by the final rule are effective on September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Brandon B. Straus, Attorney-Advisor, Office of the Assistant General Counsel (Banking & Finance), (202) 622–1964, or Matthew P. Green, Financial Analyst, Office of Financial Institutions and Government Sponsored Enterprise Policy, Department of the Treasury, (202) 622–2157.

SUPPLEMENTARY INFORMATION:

I. Background

In an interim rule published in the **Federal Register** on March 8, 2000 (*see* 65 FR 12064) and which became effective on that date, the Secretary amended the Treasury Department's regulation governing the operations of the Funding Corporation (operations regulation) in order to implement statutory changes affecting the Funding Corporation's operations, eliminate obsolete regulatory provisions, and streamline the regulation's remaining provisions. The Funding Corporation is a mixed-ownership government corporation created by Congress in 1989 as a mechanism for issuing debt to finance the resolution of a large number of insolvent savings associations. The **SUPPLEMENTARY INFORMATION** section of the interim rule provides additional background on the Funding Corporation and a detailed explanation of the regulatory amendments made by the interim rule (*see* 65 FR 12064–12068). The Secretary now is adopting the interim rule as final, with two changes that are discussed below.

II. Analysis of Public Comment and the Final Rule

The Secretary received one comment on the interim rule, which was submitted by the Funding Corporation. The Funding Corporation supported the Secretary's effort to streamline and simplify the operations regulation. The Funding Corporation also suggested a change to the procedure in § 1510.5(d)(1) of the interim rule governing how the Funding Corporation collects funds from the Federal Home Loan Banks (Banks) in order to make interest payments on its debt obligations (bonds). The Funding Corporation commented that in order to comply with the timing requirement in § 1510.5(d)(1) for reporting actual quarterly net earnings to the Funding Corporation, the Banks must close their books and determine actual net earnings figures no later than four business days after the end of a quarter. The Funding Corporation stated that in the future, however, it may not be possible for the Banks to close their books within this timeframe due to the operation of Financial Accounting Standards Board Statement 133. Statement 133, which went into effect for the Banks in 2000, establishes new accounting and reporting standards for derivative instruments. Consequently, the Funding Corporation believes it may not be able to obtain actual net earnings figures from the Banks by the sixth business day prior to the interest payment due date, as required by § 1510.5(d)(1) of the interim rule. To address this timing issue, the Funding Corporation recommended that the Secretary remove all the reporting deadlines from § 1510.5(d) of the interim rule and establish them in a separate procedure so that the deadlines could be changed without the need for a regulatory amendment.

In order to address the Funding Corporation's concern, the Secretary is revising the timing requirements in the interim final rule to allow the Banks an additional two business days to provide actual quarterly net earnings figures to the Funding Corporation after the end of each quarter. Specifically, the final rule permits the Banks to have up until the fourth business day prior to the interest payment due date to submit their actual quarterly net earnings figures to the Funding Corporation and for the Funding Corporation to then notify each Bank of the payment due from the Bank. As a result of this change, the final rule moves back by two business days the deadlines in § 1510.5(d)(2) and (3) related to the Federal Savings and Loan Insurance Corporations (FSLIC) Resolution Fund and the Secretary of the Treasury, so that any payment from the FSLIC Resolution Fund to the Funding Corporation is due no later than noon on the third business day prior to the interest payment due date. Similarly, the Funding Corporation must request payment from the Secretary no later than the third business day prior to the interest payment due date.

In the interest of reducing regulatory burden, the final rule also removes the requirement in § 1510.5(c) that the Funding Corporation obtain the Secretary's approval of the quarterly reports of funding projections it submits to the Secretary. Approval of these reports is not necessary because they are provided to the Secretary solely for informational purposes.

III. Administrative Procedure Act

This rule makes technical amendments to the regulation governing the operation of the Funding Corporation that do not affect the general public. For this reason, it has been determined that publishing this rule with notice and an opportunity for public comment is unnecessary pursuant to 5 U.S.C. 553(b). For the same reason, pursuant to 5 U.S.C. 553(d), it is determined that there is good cause for the final rule to become effective immediately upon publication.

IV. Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this final rule, the provisions of the Regulatory Flexibility Act, 5 U.S.C. 601 *et seq.*, do not apply.

V. Executive Order 12866

This final rule is not a ''significant regulatory action'' for purposes of Executive Order 12866. Accordingly, a regulatory assessment is not required.

List of Subjects in 12 CFR Part 1510

Federal home loan banks, Federal Reserve System, Resolution Funding Corporation, Securities.

Authority and Issuance

For the reasons set forth in the preamble, the Secretary is adopting as a final rule the interim rule that amended 12 CFR part 1510 and that was published at 65 FR 12064 on March 8, 2000, with the following amendments:

PART 1510—RESOLUTION FUNDING CORPORATION OPERATIONS

1. The authority citation for part 1510 continues to read as follows:

Authority: 12 U.S.C. 1441b; Sec 14(d), Pub. L. 105–216, 112 Stat. 910.

2. Amend § 1510.5 as follows:

a. Remove ''for approval'' from the introductory text of paragraph (c); and

b. Revise paragraph (d) to read as follows:

§ 1510.5 How does the Funding Corporation make interest payments on its obligations?

* * * * *

(d) *The Funding Corporation must request funds from the Banks, the FSLIC Resolution Fund, and the Secretary*—(1) *Requests to the Banks.* Not less than four business days prior to the interest payment due date, the Funding Corporation must obtain from each Bank a report of its actual net earnings for the prior quarter and notify each Bank in writing of the interest payment due date and the amount of the payment due

from the Bank. To the extent funds identified in paragraph (a)(1) of this section are insufficient to pay the interest due, the amount of each Bank's payment must be 20 percent of the Bank's actual quarterly net earnings, taking into account any adjustment to the Bank's earnings for any previous quarters. The Funding Corporation must request the Bank to provide payment through wiring immediately available and finally collected funds to the Funding Corporation no later than the interest payment due date.

(2) *Request to the FSLIC Resolution Fund.* On the day the Funding Corporation notifies the Banks of the payments due from them under paragraph (d)(1) of this section, the Funding Corporation must:

(i) Notify the FSLIC Resolution Fund in writing of:

(A) The interest payment due date;

(B) The aggregate amount of the quarterly interest payment due on that date; and

(C) The amount of the quarterly interest payment that will be funded by earnings on assets of the Funding Corporation not invested in the Funding Corporation Principal Fund and payments due from the Banks; and

(ii) Request that the FSLIC Resolution Fund transfer to the Funding Corporation by noon on the third business day prior to the interest payment due date any funds available from the net proceeds from the sale of assets received from the RTC, to the extent funds identified in paragraphs (a)(1) and (2) of this section are insufficient to pay the interest due.

(3) *Request to the Secretary.* No less than three business days prior to the interest payment due date, the Funding Corporation must request payment from the Secretary by providing a certification, in a form satisfactory to the Secretary, stating the total amounts of the quarterly interest payment to be paid by the Funding Corporation from sources other than the Secretary and the amounts necessary to make up the deficiency. Any amount paid by the Secretary becomes a liability of the Funding Corporation to be repaid to the Secretary upon the dissolution of the Funding Corporation, to the extent of its remaining assets.

Dated: September 4, 2001.

Peter R. Fisher,

Under Secretary of the Treasury.

[FR Doc. 01–22796 Filed 9–10–01; 8:45 am]

BILLING CODE 4810–25–P

SMALL BUSINESS ADMINISTRATION

13 CFR Parts 120 and 134

RIN 3245–AE51

Business Loan Program and Office of Hearings and Appeals

AGENCY: Small Business Administration (SBA).

ACTION: Final rule.

SUMMARY: SBA is implementing changes to the microloan program as required by law. This final rule terminates the designation of the microloan program as a ''demonstration,'' allows a nonprofit child care business to qualify for the microloan program, and authorizes a microloan intermediary to use up to 25 percent of grant funds for technical assistance to prospective microloan borrowers. This final rule also establishes procedures for SBA to revoke or suspend a microloan intermediary or non-lending technical assistance provider.

DATES: This rule is effective October 11, 2001.

FOR FURTHER INFORMATION CONTACT: Jody Raskind, Chief, Microenterprise Development Branch, Office of Financial Assistance, Office of Capital Access, 202–205–6497.

SUPPLEMENTARY INFORMATION: Pub. L. 105–135, enacted on December 2, 1997, (1997 legislation) amends SBA's microloan program in section 7(m) of the Small Business Act (15 U.S.C. 636(m)) (Act). On August 11, 1999, SBA published a proposed rule in the **Federal Register** (64 FR 43636), to implement: (1) Changes to the microloan program as required by the 1997 legislation, and (2) standards and procedures SBA could use to suspend or revoke the status of a non-lending technical assistance provider (hearing and appeal regulatory proposal). SBA received three comments in response to this proposed rule, all of which addressed the hearing and appeal regulatory proposal.

The following is a summary of the portion of the proposed rule relating to the implementation of the 1997 legislation which SBA is publishing as final.

The 1997 legislation terminated the designation of the microloan program as a ''demonstration.'' This final rule deletes that designation wherever it was in SBA's rules, including the heading for subpart G of this part.

SBA is amending § 120.706 of its regulations (13 CFR 120.706) to increase the aggregate amount that a microloan intermediary may borrow from SBA from the previous statutory limit of $2,500,000 to the new statutory limit of $3,500,000.

Generally, microloan borrowers must engage in for profit activities. However, SBA is amending § 120.707(a) of its regulations to implement the 1997 legislation which authorizes microloan assistance to a borrower to establish a nonprofit child care business.

The 1997 legislation increases, from 15 percent to 25 percent, the amount of grant funds a microloan intermediary may use for technical assistance to prospective microloan borrowers. This final rule amends § 120.712 to reflect the increased percentage. SBA is also implementing another provision from the 1997 legislation by amending § 120.712 to allow an intermediary to use up to 25 percent of the grant funds it receives from SBA to contract with third parties to provide technical assistance to microloan borrowers.

Under section 7(m) of the Act, SBA may give grants to a maximum of 25 non-lending technical assistance providers. Under prior rules, SBA could provide the 25 grants for a maximum of 5 annual terms. The final rule amends § 120.714 of SBA's regulations to reflect the changes in the 1997 legislation that authorize SBA to provide the annual grants without any maximum term limits.

Section 7(m)(12) of the Act authorizes SBA, on a pilot basis, to guarantee loans made to microloan intermediaries. Currently, § 120.715 of SBA's regulations incorrectly places a limit on the number of loans to intermediaries that SBA may guarantee. SBA is amending § 120.715 of its regulations to clarify that there is no statutorily prescribed limit on the number of loans which SBA is authorized to guarantee to microloan intermediaries.

SBA had proposed adding § 120.716 to its regulations to implement the 1997 legislation's welfare-to-work initiative. The 1997 legislation envisioned that funding would be appropriated through fiscal year 2000. Since this initiative was not funded, and by its own terms was scheduled to terminate at the end of the current fiscal year, SBA is not including it in this final rule.

In the proposed rule, SBA proposed adding a new section to the regulations describing the procedures that SBA would use to suspend or revoke a microloan intermediary or non-lending technical assistance provider (NTAP). The new provision also would have given such an entity the right to appeal any such suspension or revocation to the agency's Office of Hearings and Appeals (OHA). A commenter advised that OHA, under its present rules, did

not have specific jurisdictional authority to hear an appeal from a microloan intermediary or NTAP. While it is true that such specific authority does not exist, § 134.102 (Jurisdiction of OHA) does allow OHA to hear any determination, appeal or other proceeding referred to OHA by the Administrator of SBA. This language allows for SBA to hear appeals from microloan intermediaries or NTAPs. However, despite this language and in an effort to ensure clarity, SBA is amending part 134 in this rule to give the OHA the specific authority to consider appeals from an agency decision to suspend or revoke a microloan intermediary or NTAP.

Compliance With Executive Orders 13132, 12988, and 12866, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Paperwork Reduction Act (44 U.S.C. Ch. 35)

For purposes of Executive Order 13132, SBA has determined that this final rule has no federalism implications.

For purposes of Executive Order 12988, SBA certifies that this rule is drafted, to the extent practicable, in accordance with the standards set forth in section 3 of that Order.

The Office of Management and Budget reviewed this rule as a ''significant'' regulatory action under Executive Order 12866.

SBA has determined that this final rule will not have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601–612. Based on our program experience, SBA estimates that there are only 130 small business intermediaries that may be affected by this rule. Furthermore, SBA anticipates that of these 130 intermediaries only a small number will utilize the new initiatives created by the 1997 legislation. In addition, based on program history, SBA expects that it will only rely on its authority to suspend or revoke the status of an intermediary lender or non-lending technical assistance provider in an insignificant number of cases and only under extreme circumstances.

For purposes of the Paperwork Reduction Act, 44 U.S.C. Ch 35, SBA certifies that this final rule does not impose any additional reporting or recordkeeping requirements.

List of Subjects

13 CFR Part 120

Loan programs—business, Small businesses

13 CFR Part 134

Administrative practice and procedure, Organization and function (Government agencies)

For the reasons stated in the preamble and pursuant to the authority contained in section 5(b)(6) of the Small Business Act (15 U.S.C. 634(b)(6)), SBA amends parts 120 and 134, chapter I, title 13, Code of Federal Regulations as follows:

PART 120—BUSINESS LOANS

1. The authority citation for part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6) and 636(a) and (h).

2. Revise the heading for subpart G of part 120, title 13, Code of Federal Regulations to read as follows:

Subpart G—Microloan Program

3. In § 120.700, revise the first sentence to read as follows:

§ 120.700 What is the Microloan Program?

The Microloan Program assists women, low income individuals, minority entrepreneurs, and other small businesses which need small amounts of financial assistance. * * *

4. In § 120.701, redesignate paragraph (h) as paragraph (i), and add new paragraph (h) to read as follows:

§ 120.701 Definitions.

* * * * *

(h) *Non-lending technical assistance provider* (NTAP) is an entity which receives grant funds from SBA to provide technical assistance to Microloan borrowers.

* * * * *

5. In § 120.706(a), revise the heading and second sentence to read as follows:

§ 120.706 What are the terms and conditions of an SBA loan to an Intermediary?

(a) * * * In later years, the Intermediary's obligation to SBA may not exceed an aggregate of $3.5 million, subject to statutory limitations on the total amount of funds available per state.

* * * * *

6. Revise § 120.707(a) to read as follows:

§ 120.707 What conditions apply to loans by Intermediaries to Microloan borrowers?

(a) *General.* An intermediary may make Microloans to any small business eligible to receive financial assistance under this part. A borrower may also use Microloan proceeds to establish a nonprofit child care business. Proceeds from Microloans may be used only for working capital and acquisition of materials, supplies, furniture, fixtures, and equipment. SBA does not review Microloans for creditworthiness.

* * * * *

7. In § 120.712, revise the heading and paragraphs (b)(1) and (e) to read as follows:

§ 120.712 How does an Intermediary get a grant to assist Microloan borrowers?

* * * * *

(b) * * *

(1) Up to 25 percent of the grant funds may be used to provide information and technical assistance to prospective Microloan borrowers; and

* * * * *

(e) *Third party contracts for technical assistance.* An Intermediary may use no more than 25 percent of the grant funds it receives from SBA for contracts with third parties for the latter to provide technical assistance to Microloan borrowers.

8. In § 120.714, revise the heading, add an introductory text, and revise paragraph (b) to read as follows:

§ 120.714 How are grants made to non-lending technical assistance providers (NTAP)?

SBA selects non-lending technical assistance providers (NTAP) to receive grant funds for technical assistance to Microloan borrowers.

* * * * *

(b) *Number and amount of grants.* In each year of the Microloan Program, SBA may make no more than 25 grants to NTAPs. A grant may not exceed $125,000.

* * * * *

9. Revise § 120.715(a) to read as follows:

§ 120.715 Does SBA guarantee any loans an Intermediary obtains from another source?

(a) SBA may guarantee not less than 90 percent of loans made by for-profit or nonprofit entities (or an alliance of such entities) to no more than 10 Intermediaries in urban areas and 10 Intermediaries in Rural Areas (as defined in § 120.10).

* * * * *

10. Add § 120.7l6 to read as follows:

§ 120.716 Suspension or revocation of an Intermediary or NTAP.

(a) The AA/FA may suspend or revoke the participation status of an Intermediary or NTAP from the Microloan Program, or may impose other sanctions in the best interests of the program, if it fails to comply with

the laws, regulations, and policies governing the program or if it fails to meet any one of the following minimum performance standards.

(1) For Intermediaries only: An Intermediary must

(i) Close and fund a minimum of four microloans per year, and

(ii) Satisfactorily provide in-house technical assistance to microloan clients and prospective microloan clients.

(2) For NTAPs only: An NTAP must show that, for every thirty clients for which it provided technical assistance, one client received a loan from the private sector.

(3) For Intermediaries and NTAPs: An Intermediary and an NTAP must

(i) Cover the service territory assigned by SBA, including honoring the SBA determined boundaries of neighboring Intermediaries and NTAPs,

(ii) Fulfill reporting requirements,

(iii) Manage program funds and matching funds in a satisfactory and financially sound manner,

(iv) Communicate and file reports via the internet within six months after beginning participation in the program,

(v) Maintain a currency rate of 85% or more (that is loans that are no more than 30 days late in scheduled payments),

(vi) Maintain a default rate of 15% or less of the cumulative dollars loaned under the program, and

(vii) Attend Microloan Program training conferences offered by SBA, or such substitute training as may be approved by SBA on a case by case basis.

(b) The AA/FA, on a case by case basis, may impose pre-suspension or revocation sanctions which may include, but are not limited to, the following:

(1) Accelerated reporting requirements;

(2) Accelerated loan repayment requirements for outstanding program debt to SBA; and

(3) Imposition of a temporary lending and/or training moratorium.

(c) Revocation from the Microloan Program will include:

(1) Removal from the program;

(2) Liquidation of MRF and LLRF accounts, by SBA, and application of liquidated funds to any outstanding balance owed to SBA;

(3) Payment of outstanding debt to SBA by the Intermediary;

(4) Forfeiture or repayment of any unused grant funds by the Intermediary or NTAP;

(5) Debarment of the organization from receipt of federal funds until loan and grant repayment requirements are met.

(d) An Intermediary or NTAP may appeal a suspension or revocation under procedures found in part 134 of this chapter. The action of the AA/FA remains in effect pending resolution of the appeal.

PART 134—[AMENDED]

11. The authority citation for Part 134 continues to read as follows:

Authority: 5 U.S.C. 504; 15 U.S.C. 632(a), 634(b)(6), and 637(a).

12. In § 134.102 remove ''and'' at the end of paragraph (l), redesignate paragraph (m) as paragraph (n), and add a new paragraph (m) to read as follows:

§ 134.102 Jurisdiction of OHA.

* * * * *

(m) Appeals from the determination of the SBA under part 120 of this chapter to revoke or suspend a microloan intermediary or microloan non-lending technical assistance provider; and

* * * * *

Dated: August 28, 2001.

Hector V. Barreto,

Administrator.

[FR Doc. 01–22193 Filed 9–10–01; 8:45 am]

BILLING CODE 8025–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 97

[Docket No. 30267; Amdt. No. 2068]

Standard Instrument Approach Procedures; Miscellaneous Amendments

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This amendment establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs) for operations at certain airports. These regulatory actions are needed because of changes occurring in the National Airspace System, such as the commissioning of new navigational facilities, addition of new obstacles, or changes in air traffic requirements. These changes are designed to provide safe and efficient use of the navigable airspace and to promote safe flight operations under instrument flight rules at the affected airports.

DATES: An effective date for each SIAP is specified in the amendatory provisions.

Incorporation by reference-approved by the Director of the Federal Register on December 31, 1980, and reapproved as of January 1, 1982.

ADDRESSES: Availability of matter incorporated by reference in the amendment is as follows:

For Examination—

1. FAA Rules Docket, FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591;

2. The FAA Regional Office of the region in which affected airport is located; or

3. The Flight Inspection Area Office which originated the SIAP.

For Purchase—Individual SIAP copies may be obtained from:

1. FAA Public Inquiry Center (APA–200), FAA Headquarters Building, 800 Independence Avenue, SW., Washington, DC 20591; or

2. The FAA Regional Office of the region in which the affected airport is located.

By Subscription—Copies of all SIAPs, mailed once every 2 weeks, are for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402.

FOR FURTHER INFORMATION CONTACT: Donald P. Pate, Flight Procedure Standards Branch (AMCAFS–420), Flight Technologies and Programs Division, Flight Standards Service, Federal Aviation Administration, Mike Monroney Aeronautical Center, 6500 South MacArthur Blvd., Oklahoma City, OK. 73169 (Mail Address: P.O. Box 25082 Oklahoma City, OK. 73125) telephone: (405) 954–4164.

SUPPLEMENTARY INFORMATION: This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes Standard Instrument Approach Procedures (SIAPs). The complete regulatory description on each SIAP is contained in the appropriate FAA Form 8260 and the National Flight Data Center (FDC)/Permanent (P) Notices to Airmen (NOTAM) which are incorporated by reference in the amendment under 5 U.S.C. 552(a), 1 CFR part 51, and § 97.20 of the Federal Aviation's Regulations (FAR). Materials incorporated by reference are available for examination or purchase as stated above.

The large number of SIAPs, their complex nature, and the need for a special format make their verbatim publication in the **Federal Register** expensive and impractical. Further, airmen do not use the regulatory text of the SIAPs, but refer to their graphic depiction of charts printed by publishers of aeronautical materials. Thus, the advantages of incorporation

by reference are realized and publication of the complete description of each SIAP contained in FAA form documents is unnecessary. The provisions of this amendment state the affected CFR (and FAR) sections, with the types and effective dates of the SIAPs. This amendment also identifies the airport, its location, the procedure identification and the amendment number.

The Rule

This amendment to part 97 of the Federal Aviation Regulations (14 CFR part 97) establishes, amends, suspends, or revokes SIAPs. For safety and timeliness of change considerations, this amendment incorporates only specific changes contained in the content of the following FDC/P NOTAMs for each SIAP. The SIAP information in some previously designated FDC/Temporary (FDC/T) NOTAMs is of such duration as to be permanent. With conversion to FDC/P NOTAMs, the respective FDC/T NOTAMs have been canceled.

The FDC/P NOTAMs for the SIAPs contained in this amendment are based on the criteria contained in the U.S. Standard for Terminal Instrument Procedures (TERPS). In developing these chart changes to SIAPs by FDC/P NOTAMs, the TERPS criteria were applied to only these specific conditions existing at the affected airports. All SIAP amendments in this rule have been previously issued by the FAA in a National Flight Data Center (FDC) Notice to Airmen (NOTAM) as an emergency action of immediate flight safety relating directly to published aeronautical charts. The circumstances which created the need for all these SIAP amendments requires making them effective in less than 30 days.

Further, the SIAPs contained in this amendment are based on the criteria contained in the TERPS. Because of the close and immediate relationship between these SIAPs and safety in air commerce, I find that notice and public procedure before adopting these SIAPs are impracticable and contrary to the public interest and, where applicable, that good cause exists for making these SIAPs effective in less than 30 days.

Conclusion

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore—(1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. For the same reason, the FAA certifies that this amendment will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 97

Air Traffic Control, Airports, Navigation (Air).

Issued in Washington, DC on August 31, 2001.

Nicholas A. Sabatini,

Director, Flight Standards Service.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, part 97 of the Federal Aviation Regulations (14 CFR part 97) is amended by establishing, amending, suspending, or revoking Standard Instrument Approach Procedures, effective at 0901 UTC on the date specified, as follows:

PART 97—STANDARD INSTRUMENT APPROACH PROCEDURES

1. The authority citation for part 97 is revised to read as follows:

Authority: 49 U.S.C. 40103, 40113, 40120, 44701; 49 U.S.C. 106(g); and 14 CFR 11.49(b)(2).

2. Part 97 is amended to read as follows:

By amending: § 97.23 VOR, VOR/DME, VOR or TACAN, and VOR/DME or TACAN; § 97.25 LOC, LOC/DME, LDA, LDA/DME, SDF, SDF/DME; § 97.27 NDB, NDB/DME; § 97.29 ILS, ILS/DME, ISMLS, MLS/DME, MLS/RNAV; § 97.31 RADAR SIAPs; § 97.33 RNAV SIAPs; and § 97.35 COPTER SIAPs, identified as follows:

EFFECTIVE UPON PUBLICATION

FDC Date	State	City	Airport	FDC Number	Subject
08/15/01	IA	Boone	Boone Muni	1/8374	NDB Rwy 33, AMDT 6A
08/16/01	NE	Fremont	Fremont Muni	1/8429	GPS Rwy 13, ORIG–A
08/16/01	NE	Fremont	Fremont Muni	1/8430	NDB Rwy 13, AMDT 2A
08/17/01	AK	Aniak	Aniak	1/8487	LOC/DME Rwy 10, ADMT 3B
08/17/01	AK	Aniak	Aniak	1/8488	ILS/DME Rwy 10, AMDT 7B
08/17/01	IA	Iowa City	Iowa City Muni	1/8490	GPS Rwy 24, ORIG–A
08/17/01	IA	Iowa City	Iowa City Muni	1/8491	VOR OR GPS Rwy 35, AMDT 10B
08/17/01	IA	Perry	Perry Muni	1/8494	GPS Rwy 31, ORIG
08/17/01	IA	Perry	Perry Muni	1/8495	GPS Rwy 13, ORIG
08/17/01	IA	Perry	Perry Muni	1/8497	NDB Rwy 31, AMDT 5
08/17/01	IA	Perry	Perry Muni	1/8498	NDB Rwy 13, AMDT 2
08/20/01	NV	Las Vegas	North Las Vegas	1/8589	GPS Rwy 12, ORIG–B
08/20/01	NV	Las Vegas	North Las Vegas	1/8595	GPS Rwy 30, ORIG
08/20/01	IL	Decatur	Decatur	1/8612	ILS Rwy 6, AMDT 13
08/20/01	RI	Newport	Newport State	1/8621	VOR/DME OR GPS Rwy 16, ORIG–A
08/20/01	RI	Newport	Newport State	1/8622	LOC Rwy 22, AMDT 7A
08/21/01	CA	Victorville	Southern California Logistics	1/8675	ILS Rwy 17, AMDT 1A
08/21/01	CA	Victorville	Southern California Logistics	1/8676	VOR/DME Rwy 17, ORIG
08/21/01	CA	Victorville	Southern California Logistics	1/8677	GPS Rwy 17, ORIG
08/22/01	CT	Meriden	Meriden Markham Muni	1/8760	GPS Rwy 36, ORIG
08/22/01	CT	Meriden	Meriden Markham Muni	1/8761	VOR Rwy 36, AMDT 4
08/22/01	CT	Meriden	Meriden Markham Muni	1/8762	NDB Rwy 36, AMDT 8A
08/22/01	VA	Chase City	Chase City Muni	1/8776	NDB OR GPS Rwy 36, AMDT 3

FDC Date	State	City	Airport	FDC Number	Subject
08/23/01 ...	PA	Toughkenamon	New Garden	1/8837	VOR Rwy 24, AMDT 7A
08/24/01 ...	OK	Ardmore	Ardmore Muni	1/8881	ILS Rwy 31, AMDT 4
08/24/01 ...	AK	Kodiak	Kodiak	1/8890	NDB–1 Rwy 25, AMDT 3A
08/24/01 ...	AK	Kodiak	Kodiak	1/8891	VOR OR TACAN–1 Rwy 25, AMDT 5
08/24/01 ...	AK	Kodiak	Kodiak	1/8892	ILS/DME–1 Rwy 25, AMDT 3
08/24/01 ...	AK	Cold Bay	Cold Bay	1/8899	ILS Rwy 14, AMDT 16A
08/27/01 ...	NH	Rochester	Skyhaven	1/8970	GPS Rwy 33, ORIG
08/27/01 ...	NH	Rochester	Skyhaven	1/9014	NDB OR GPS–B, AMDT 1
08/28/01 ...	ME	Sanford	Sanford Regional	1/9012	NDB Rwy 7, AMDT 1A
08/28/01 ...	ME	Sanford	Sanford Regional	1/9013	ILS Rwy 7, AMDT 3

[FR Doc. 01–22773 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 558

New Animal Drugs for Use in Animal Feeds; Lasalocid

AGENCY: Food and Drug Administration, HHS.

ACTION: Final rule.

SUMMARY: The Food and Drug Administration (FDA) is amending the animal drug regulations to reflect approval of a supplemental new animal drug application (NADA) filed by Alpharma, Inc. The supplemental NADA provides for an increased daily dosage of lasalocid in pasture cattle.

DATES: This rule is effective September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Daniel A. Benz, Center for Veterinary Medicine (HFV–126), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0223.

SUPPLEMENTARY INFORMATION: Alpharma, Inc., One Executive Dr., P.O. Box 1399, Fort Lee, NJ 07024, filed a supplement to NADA 96–298 that provides for the use of BOVATEC® (lasalocid sodium) Premix in cattle. The supplemental NADA provides for an increased daily dosage of lasalocid in pasture cattle. The supplemental NADA is approved as of July 25, 2001, and the regulations are amended in 21 CFR 558.311 to reflect the approval. The basis of approval is discussed in the freedom of information summary.

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

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

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

List of Subjects in 21 CFR Part 558

Animal drugs, Animal feeds.

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

PART 558—NEW ANIMAL DRUGS FOR USE IN ANIMAL FEEDS

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

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

2. Section 558.311 is amended by adding paragraph (d)(7); in the table in paragraph (e)(1) by revising paragraphs (e)(1)(ix) and (e)(1)(xii); by revising paragraphs (e)(2)(iii) and (e)(3)(iii); and in paragraphs (e)(2)(iv) and (e)(3)(iv) by removing ''200'' and adding in its place ''300'' to read as follows:

§ 558.311 Lasalocid.

* * * * *

(d) * * *

(7) Each use in a free-choice Type C cattle feed as in paragraph (e)(1)(xii) of this section must be the subject of an approved NADA or supplemental NADA as provided in § 510.455 of this chapter.

(e)(1) * * *

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(ix)		Pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers): for increased rate of weight gain. Intakes of lasalocid in excess of 200 mg/head/day have not been shown to be more effective than 200 mg/head/day.	Feed continuously at a rate of not less than 60 mg or more than 300 mg of lasalocid per head per day when on pasture; the drug must be contained in at least 1 pound of feed.	046573

Lasalocid sodium activity in grams per ton	Combination in grams per ton	Indications for use	Limitations	Sponsor
*	*	*	*	*
(xii)		Pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers): for increased rate of weight gain. Intakes of lasalocid in excess of 200 mg/head/day have not been shown to be more effective than 200 mg/head/day.	Feed continuously on a free-choice basis at a rate of not less than 60 mg or more than 300 mg of lasalocid per head per day.	046573
.....		Pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers): for increased rate of weight gain.	Feed continuously on a free-choice basis at a rate of not less than 60 mg or more than 200 mg of lasalocid per head per day.	021930
*	*	*	*	*

(2) * * *

* * * * *

(iii) *Indications for use.* Pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers): for increased rate of weight gain. Intakes of lasalocid in excess of 200 mg/head/day have not been shown to be more effective than 200 mg/head/day.

* * * * *

(3) * * *

(iii) *Indications for use.* Pasture cattle (slaughter, stocker, feeder cattle, and dairy and beef replacement heifers): for increased rate of weight gain. Intakes of lasalocid in excess of 200 mg/head/day have not been shown to be more effective than 200 mg/head/day.

* * * * *

Dated: August 24, 2001.

Claire M. Lathers,

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

[FR Doc. 01–22668 Filed 9–10–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11–01–015]

RIN 2115–AE47

Drawbridge Operation Regulations; Old River, California

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District has approved a temporary deviation to the regulations governing the opening of the Burlington Northern & Santa Fe Railroad (BNSF), drawbridge at mile 10.4 across the Old River, Contra Costa County, California. The drawbridge need not open for vessel traffic between the hours of 9 a.m. and 6 p.m., 28 through 30 August, 2001 and 18 through 20 September, 2001. This deviation is to allow the bridge owner to perform essential mechanical repairs on the bridge.

DATES: The temporary deviation is effective from 9 a.m., August 28, 2001, through 6 p.m., September 20, 2001.

FOR FURTHER INFORMATION CONTACT: David H. Sulouff, Chief, Bridge Section; Eleventh Coast Guard District, Bldg. 50–6, Coast Guard Island, Alameda, CA 94501–5100, telephone (510) 437–3516.

SUPPLEMENTARY INFORMATION: The BNSF drawbridge, mile 10.4, over the Old River, Contra Costa County, California provides 11.2 feet vertical clearance above Mean High Water when closed. The Coast Guard received a request from the bridge owner for the temporary deviation from the existing operating regulation in 33 CFR 117.5, which requires drawbridges to open promptly and fully when a request to open is given. This deviation has been coordinated with commercial operators and various marinas on the waterway. No objections were received. Vessels that can pass under the bridge without an opening may do so at all times. The BNSF drawbridge across Middle River provides alternative access for vessel transits as provided in 33 CFR 117.171(b). In accordance with 33 CFR 117.35(c), this work shall be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the normal operating regulations in 33 CFR 117.5 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: August 27, 2001.

E.R. Riutta,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 01–22779 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD11–01–014]

RIN 2115—AE47

Drawbridge Operation Regulations; Napa River, California

AGENCY: Coast Guard, DOT.

ACTION: Notice of temporary deviation from regulations.

SUMMARY: The Commander, Eleventh Coast Guard District has approved a temporary deviation to the regulations governing the opening of the Mare Island Causeway drawbridge at mile 2.8 over the Napa River, Solano County, California. The drawbridge need not open for vessel traffic between the hours of 6 a.m. and 6 p.m., September 10 through September 14, 2001. This deviation is to allow the U.S. Navy to perform essential mechanical repairs on the bridge.

DATES: The temporary deviation is effective from 6 a.m., September 10, 2001, through 6 p.m., September 14, 2001.

FOR FURTHER INFORMATION CONTACT: David H. Sulouff, Chief, Bridge Section; Eleventh Coast Guard District, Bldg. 50–6, Coast Guard Island, Alameda, CA 94501–5100, telephone (510) 437–3516.

SUPPLEMENTARY INFORMATION: The Mare Island Causeway drawbridge, mile 2.8, over the Napa River, Solano County, California provides 6 feet vertical clearance above Mean High Water when closed. On August 6, 2001, the Coast Guard received a request from the U.S. Navy for the temporary deviation from the existing operating regulation in 33 CFR 117.5, which requires drawbridges to open promptly and fully when a request to open is given. This deviation has been coordinated with commercial operators and various marinas on the waterway. No objections were received.

Vessels that can pass under the bridge without an opening may do so at all times. In accordance with 33 CFR 117.35(c), this work shall be performed with all due speed in order to return the bridge to normal operation as soon as possible. This deviation from the normal operating regulations in 33 CFR 117.5 is authorized in accordance with the provisions of 33 CFR 117.35.

Dated: August 29, 2001.

E.R. Riutta,

Vice Admiral, U.S. Coast Guard, Commander, Eleventh Coast Guard District.

[FR Doc. 01–22780 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4145a; FRL–7050–4]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Seven Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action to approve revisions to the Commonwealth of Pennsylvania's State Implementation Plan (SIP). The revisions were submitted by the Pennsylvania Department of Environmental Protection (PADEP) to establish and require reasonably available control technology (RACT) for seven major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area (the Philadelphia area). EPA is approving these revisions to the SIP in accordance with the Clean Air Act (CAA).

DATES: This rule is effective on October 26, 2001, without further notice, unless EPA receives adverse written comment by October 11, 2001. If EPA receives such comments, it will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public that the rule will not take effect.

ADDRESSES: Written comments should be mailed to David L. Arnold, Chief, Air Quality Planning & Information Services Branch, Air Protection Division, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; the Air and Radiation Docket and Information Center, U.S. Environmental Protection Agency, 401 M Street, SW., Washington, DC 20460; and the Pennsylvania Department of Environmental Protection, Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ray Chalmers at (215) 814–2061, the EPA Region III address above or by e-mail at chalmers.ray@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION:

I. Background

Pursuant to sections 182(b)(2) and 182(f) of the Clean Air Act (CAA), the Commonwealth of Pennsylvania (the Commonwealth or Pennsylvania) is required to establish and implement RACT for all major VOC and NO_X sources. The major source size is determined by its location, the classification of that area and whether it is located in the ozone transport region (OTR). Under section 184 of the CAA, RACT as specified in sections 182(b)(2) and 182(f) applies throughout the OTR. The entire Commonwealth is located within the OTR. Therefore, RACT is applicable statewide in Pennsylvania.

State implementation plan revisions imposing reasonably available control technology (RACT) for three classes of VOC sources are required under section 182(b)(2). The categories are: (1) All sources covered by a Control Technique Guideline (CTG) document issued between November 15, 1990 and the date of attainment; (2) All sources covered by a CTG issued prior to November 15, 1990; (3) All other major non-CTG rules were due by November 15, 1992. The Pennsylvania SIP has approved RACT regulations and requirements for all sources and source categories covered by the CTG's.

On February 4, 1994, PADEP submitted a revision to its SIP to require major sources of NO_X and additional major sources of VOC emissions (not covered by a CTG) to implement RACT. The February 4, 1994 submittal was amended on May 3, 1994 to correct and clarify certain presumptive NO_X RACT requirements. In the Philadelphia area, a major source of VOC is defined as one having the potential to emit 25 tons per year (tpy) or more, and a major source of NO_X is also defined as one having the potential to emit 25 tpy or more. Pennsylvania's RACT regulations require sources, in the Philadelphia area, that have the potential to emit 25 tpy or more of VOC and sources which have the potential to emit 25 tpy or more of NO_X to comply with RACT by May 31, 1995. The regulations contain technology-based or operational ''presumptive RACT emission limitations'' for certain major NO_X sources. For other major NO_X sources, and all major non-CTG VOC sources (not otherwise already subject to RACT under the Pennsylvania SIP), the regulations contain a ''generic'' RACT provision. A generic RACT regulation is one that does not, itself, specifically define RACT for a source or source categories but instead allows for case-by-case RACT determinations. The generic provisions of Pennsylvania's regulations allow for PADEP to make case-by case RACT determinations that are then to be submitted to EPA as revisions to the Pennsylvania SIP.

On March 23, 1998 EPA granted conditional limited approval to the Commonwealth's generic VOC and NO_X RACT regulations (63 FR 13789). In that action, EPA stated that the conditions of its approval would be satisfied once the Commonwealth either (1) certifies that it has submitted case-by-case RACT proposals for all sources subject to the RACT requirements currently known to PADEP; or (2) demonstrates that the emissions from any remaining subject sources represent a de minimis level of emissions as defined in the March 23, 1998 rulemaking. On April 22, 1999, PADEP made the required submittal to EPA certifying that it had met the terms and conditions imposed by EPA in its March 23, 1998 conditional limited approval of its VOC and NO_X RACT regulations by submitting 485 case-by-case VOC/NO_X RACT determinations as SIP revisions and making the demonstration described as condition 2, above. EPA determined that Pennsylvania's April 22, 1999 submittal satisfied the conditions imposed in its conditional limited approval published on March 23, 1998. On May 3, 2001 (66 FR 22123), EPA published a rulemaking action removing the conditional status of its approval of the Commonwealth's generic VOC and NO_X RACT regulations on a statewide basis. The regulation currently retains its limited approval status. Once EPA has approved the case-by-case RACT determinations submitted by PADEP to satisfy the conditional

approval for subject sources located in Bucks, Chester, Delaware, Montgomery and Philadelphia Counties; the limited approval of Pennsylvania's generic VOC and NO_X RACT regulations shall convert to a full approval for the Philadelphia area.

It must be noted that the Commonwealth has adopted and is implementing additional ''post RACT requirements'' to reduce seasonal NO_X emissions in the form of a NO_X cap and trade regulation, 25 Pa Code Chapters 121 and 123, based upon a model rule developed by the States in the OTR. That rule's compliance date is May 1999. That regulation was approved as SIP revision on June 6, 2000 (65 FR 35842). Pennsylvania has also adopted regulations to satisfy Phase I of the NO_X SIP call and submitted those regulations to EPA for SIP approval. Pennsylvania's SIP revision to address the requirements of the NO_X SIP Call Phase I consists of the adoption of Chapter 145—Interstate Pollution Transport Reduction and amendments to Chapter 123—Standards for Contaminants. On May 29, 2001 (66 FR 29064), EPA proposed approval of the Commonwealth's NO_X SIP call rule SIP submittal. EPA published its final approval on August 21, 2001 (66 FR 43795). Federal approval of a case by case RACT determination for a major source of NO_X in no way relieves that source from any applicable requirements found in 25 PA Code Chapters 121, 123 and 145.

II. Summary of the SIP Revisions

On August 1, 1995, February 2, 1999, July 27, 2001, and August 8, 2001, PADEP submitted revisions to the Pennsylvania SIP which establish and impose RACT for several sources of VOC and/or NO_X. This rulemaking pertains to seven of those sources. The remaining sources are or have been the subject of separate rulemakings. The Commonwealth's submittals consist of operating permits (OPs) or compliance permits (CPs) which impose VOC and/or NO_X RACT requirements for each source. The table below identifies the sources and the individual permits which are the subject of this rulemaking. A summary of the VOC and/or NO_X RACT determinations for each source follows the table.

PENNSYLVANIA—VOC AND NO_X RACT DETERMINATIONS FOR INDIVIDUAL SOURCES

Source	County	Operating permit (OP #), compliance permit (CP)	Source type	''Major source'' pollutant
G-Seven, Ltd.	Montgomery	OP–46–0078	Wood Furniture Plant	VOC
Kimberly-Clark Corporation	Delaware	OP–23–0014A	Paper Mill	NO_X & VOC
Leonard Kunkin Associates	Bucks	OP–09–0073	Coating Facility	VOC
PECO Energy Company—Cromby Generating Station.	Chester	OP–15–0019	Power Generating Station	NO_X & VOC
Sunoco, Inc. (R&M)—Marcus Hook Plant	Delaware	CP–23–0001 &	Refinery	NO_X & VOC
Waste Management Disposal Services of Pennsylvania, Inc. (GROWS Landfill).	Bucks	OP–09–0007	Landfill	VOC
Waste Resource Energy, Inc. (Operator) and Shawmut Bank, Conn. National Assoc. (Owner)—Delaware County Resource Recovery Facility.	Delaware	OP–23–0004	Municipal Waste Combustors & Power Generators.	NO_X & VOC

A. G-Seven, Ltd.

G-Seven, Ltd. (G-Seven) operates a wood office furniture production plant located in Hatfield, Montgomery County, Pennsylvania. G-Seven is a major source of VOC. The majority of the VOC emitting installations and processes at this source are subject to categoric specific SIP-approved requirements adopted by the Commonwealth in accordance with the applicable CTG. For the other small sources including 19 space heaters and a Rupp CFA–25 Make-up Air unit, the PADEP issued OP–46–0078 to impose RACT. OP–46–0078 limits the VOC emissions from these small units to less than 3 pounds per hour, 15 pounds per day, or 2.7 tons per year on a 12 month rolling basis. Also requires that the combustion units be operated and maintained in accordance with manufacturer's specifications and good air pollution control practices. OP–46–0078 also requires G-Seven to meet the recordkeeping requirements specified at 25 Pa. Code § 129.95.

B. Kimberly-Clark Corporation

Kimberly-Clark Corporation (Kimberly-Clark) operates a paper mill in Chester, Delaware County, Pennsylvania. Kimberly-Clark's paper mill is a major source of NO_X and VOC. Most of the installations and processes at this source are subject to categoric specific SIP-approved VOC RACT requirements adopted by the Commonwealth in accordance with applicable CTGs, and/or to SIP-approved presumptive RACT requirements adopted by the Commonwealth to control NO_X. Other installations and processes, including a circulating fluidized bed (CFB) boiler (the #10 boiler), two other boilers (#8 and #9), and several paper machines which are equipped with product drying hoods and associated heaters, are subject to the generic provisions of Pennsylvania's RACT regulation. The PADEP issued OP–23–0014A to impose RACT. As RACT requirements for the CFB boiler, OP–23–0014A limits NO_X emissions to 0.11 lb./MMBtu on a 30 day rolling average, and limits VOC emissions to 23.94 tons per year as a 12 month rolling sum. OP–23–0014A requires Kimberly-Clark to operate Continued In Stack NO_X monitors for this boiler. As RACT requirements for the #8 boiler, OP–23–0014A limits NO_X emissions to 91.08 lb. per hour, and limits VOC emissions to 9.90 lb. per hour. As RACT requirements for the #9 boiler, OP–23–0014A limits NO_X emissions to 114.54 lb. per hour, and limits VOC emissions to 12.45 lb. per hour. OP–23–0014A also requires the #8 and #9 boilers to be operated and maintained in a manner consistent with good operating and maintenance practices. OP–23–0014A limits the combined VOC emissions from paper machines Nos. 8, 10, 12, 16, 17, 18, and 19 to 223 tons per year as a 12 month rolling sum to be calculated monthly. OP–23–0014A also requires that the VOC emissions of any individual machine not exceed 125 tons per year, except for machine No. 10, for which the permit sets a limit of 123.6 tons per year. In addition, OP–23–0014A limits the VOC emissions from the pulp

brightening process to 28.96 tons per year. In addition, OP–23–0014A establishes limits on NO_X and VOC emissions from the burners at paper machines #16, #18, and #19. As RACT requirements for two burners at paper machine #16, OP–23–0014A specifies that the NO_X emissions shall be limited to 0.1 lb/MM Btu and 19.71 tpy as 12 month rolling sum, and specifies that VOC emissions shall be limited to 0.54 tpy as a 12 month rolling sum. OP–23–0014A also requires the unit to be operated and maintained in a manner consistent with good operating and maintenance practices. In addition, OP–23–0014A requires that the burners at paper machine #16 be fired only with natural gas. As RACT requirements for the burners associated with paper machine #18, OP–23–0014A specifies that the NO_X emissions from the drying hood burners shall be limited to 4.80 lbs./hr. and that non-methane total organic compound emissions shall be limited to 0.16 lbs./hr. As RACT requirements for the burners at paper machine #19, OP–23–0014A specifies that the NO_X emissions shall be limited to 0.2 lb/MMBtu and 99 tpy as 12 month rolling sum, and that VOC emissions shall be limited to 1.34 tpy as 12-month rolling sum. OP–23–0014A also requires an annual adjustment or tune-up of the burners at paper machine #19. In addition, OP–23–0014A requires that the burners at paper machine #19 be fired only with natural gas or No. 2 fuel oil. As RACT requirements for the burners at the 20 inch experimental paper machine, OP–23–0014A requires that operation of the machine be limited to 2,000 hours per year, that only natural gas be used as a fuel, and that operation and maintenance be in accordance with manufacturer's specifications. OP–23–0014A also contains requirements applicable to some other miscellaneous emissions units. OP–23–0014A requires that the total emissions of VOC from tanks 036A, 050A, 064A, 065A, a generator tank, the building/grounds, and coal yards shall not exceed 4.42 tpy as a 12 month rolling sum. The permit also requires that each tank shall be operated with VOC emission rates of no greater than 3 lbs./hr., 15 lbs./day, and 2.7 tons/year. OP–23–0014A also requires that two emergency generators and an emergency fire pump be operated less than 500 hours in any consecutive 12-month period, which results in presumptive RACT requirements being applicable to these units. In addition to the in stack monitors that must be operated for the CFB boiler, the permit also requires that records be kept of the monitored emissions levels of the CFB boiler, of the firing rate of boiler, and of the fuels fired by the boiler. OP–23–0014A requires the fuel used by the No. 8 and 9 boilers to be measured by fuel meters, and the hours of operation of the boilers to be recorded. For the paper process, OP–23–0014A requires records to be kept of the various chemical compounds used in the process and their VOC contents, the emissions of VOC per paper machine, and the production in tons per day for each paper machine. OP–23–0014A also requires the Company to keep all records and other data required to demonstrate compliance with the NO_X/VOC RACT requirements of 25 Pa. Code Sections 129.91–129.95.

C. Leonard Kunkin Associates

Leonard Kunkin Associates (Leonard Kunkin) operates a coating facility located in Bucks County, Pennsylvania. Most of the VOC emitting installations and processes at this source are subject to categoric specific SIP-approved requirements adopted by the Commonwealth in accordance with applicable CTGs. The PADEP issued OP–09–0073 to impose RACT for the facility's clean-up operations. Pennsylvania determined that RACT for the clean-up operations is the use of work practices to minimize VOC emissions. OP–09–0073 requires the Company to keep records associated with the cleaning solvent accounting system.

D. PECO Energy Company's (now Exelon Generation Company's) Cromby Generating Station

PECO Energy Company (now Exelon Generation Company) operates the Cromby Power Generating Station located in Chester County, Pennsylvania. The Cromby Generating Station is a major NO_X and VOC emitting facility. The units at this facility which emit NO_X and/or VOC consist of the #1 coal fired boiler, which is rated at 1537 MMBtu/hr, the #2 oil and/or natural gas fired boiler, which is rated at 2300 MMBtu/hr, an auxiliary boiler rated at 42 MMBtu/hr, and an emergency diesel generator rated at 28.7 MMBtu/hr. The PADEP issued OP–15–0019 to impose RACT for these operations. OP–15–0019 specifies that the #1 coal fired boiler is subject to presumptive NO_X RACT requirements. OP–15–0019 notes that under Pennsylvania's presumptive NO_X RACT requirements the #1 boiler must be equipped with low NO_X burners and separate overfire air. OP–15–0019 also establishes a NO_X emission limit for the #1 boiler of 0.50 lbs/MMBtu on a 30-day rolling average, and a VOC emissions limit of 0.003 lbs/MMBtu and 25 tpy, whichever is more stringent. OP–15–0019 specifies that Cromby Unit No. 1 must use a Continuous Emissions Monitoring System (CEMS). OP–15–0019 specifies that NO_X RACT for the #2 oil-fired boiler consists of the use of an air biasing technique which involves air staging to the upper compartments in the windbox to create a function of close coupled overfire air. OP–15–0019 establishes NO_X emissions limits for the #2 boiler as follows: (1) An hourly rate of 0.30 lbs/MMBtu as a 24-hour average while burning fuel oil, or 0.21 lbs/MMBTU as a 24-hour average while burning natural gas, or a 0.28 lbs/MMBtu as a 24-hour average when co-firing both fuels; (2) 0.30 lbs/MMBtu on a 30-day rolling average while burning fuel oil or, 0.21 lbs/MMBtu on a 30-day rolling average while burning natural gas, or a 0.28 lbs/MMBtu on a 30-day rolling average while co-firing both fuels, and 1,287 tpy per year whichever is more stringent. OP–15–0019 also establishes a VOC emissions limit for the #2 boiler of 0.002 LB/MMBTU and 6.2 tpy, whichever is more stringent. OP–15–0019 specifies that a CEMS shall be installed on Cromby Unit No. 2. OP–15–0019 also notes that the auxiliary boiler and the emergency diesel generator are subject to presumptive NO_X RACT requirements. OP–15–0019 specifies that compliance with the VOC emissions requirements of both boilers are to be determined by stack test. The permit also requires records to be kept of fuel throughput and fuel characteristics. The permit also contains requirements that sufficient data and calculations be kept to clearly demonstrate compliance with the requirements of 25 Pa. Code 129.91–129.94. PECO Energy Company's (now Exelon Generation Company's) Cromby Power Generating Station is also subject to additional post-RACT requirements to reduce NO_X found at 25 PA Code Chapters 121, 123 and 145.

E. Sunoco, Inc. (R&M)'s Marcus Hook Refinery

Sunoco, Inc. (R&M) operates the Marcus Hook Refinery located in Delaware County, Pennsylvania. The Marcus Hook Refinery is a major NO_X and VOC emitting facility. The majority of the installations and processes at this source are subject to categoric specific SIP-approved VOC RACT requirements adopted by the Commonwealth in accordance with applicable CTGs, and/or to SIP-approved presumptive RACT requirements adopted by the Commonwealth to control NO_X. The PADEP issuedCP–23–0001 to Sunoco to

impose RACT. CP–23–0001 also establishes NO_X emission limits for the following emission units, which in the case of boilers #2—#5 vary depending on the fuel being burned. The units for which NO_X limits are established, and the applicable limits, are shown below:

Unit	Limit when burning gas (lbs. NO_XMMBtu)	Limit when burning oil (lbs. NO_XMMBtu)
Boiler #1 located in the #15 Boilerhouse	*0.25	N/A
Boilers #2 through #5 located in the #15 Boilerhouse	*0.25	*0.4
Boilers #6 and #7 located in the #15 Boilerhouse	*0.25	N/A
Vacuum Heater # H–301 at the 12–3 Crude and Vacuum Distillation Unit	0.064	N/A
Heater H3006 at the 12–3 Crude and Vacuum Distillation Unit	0.131	N/A
Crude Heater #3 located at the 15–1 Crude Distillation Unit	0.161	N/A
10–4 FCCU/CO Boiler	*0.25	N/A
17–2A BTX Reforming Heater	*0.25	N/A
Heater # H–101 at the 17–1A Octane Reforming Unit	*0.25	N/A
10–4 Catalytic Cracker Feed Heater	*0.25	N/A

* Pennsylvania specified that these limits apply on a 24 hour basis.

Stack testing or CEMS are required for all combustion units except for those that are designated as permanently shutdown . CP–23–0001 specifies that the 17–1A Octane Reforming Unit HTR–101, and the Nos. 2, 3, and 4 boilers were permanently removed from service on February 1, 1997 and in May 1999, respectively. CP–23–0001 identifies the following units or processes as subject to RACT requirements for VOCs: marine vessel loading, truck loading of xylene and toluene, cooling towers, the Middle Creek Wastewater Conveyance, and combustion sources. For marine vessel loading, CP–23–0001 requires that the VOC emissions be captured by the respective vapor recovery systems and be distributed via a piping network to the refinery vapor control system. All VOC vapors collected by the refinery vapor recovery system shall be fed a primary fuel to the process heaters and boilers in the refinery. CP–23–0001 requires that the VOC vapors be destroyed at a minimum of 90% by weight. With regard to benzene, CP–23–0001 also imposes the applicable requirements of 40 CFR 61.302 and 40 CFR 61.242. For tank truck loading of xylene and toluene, CP–23–0001 specifies the use of a submerged loading method to reduce vapor loss. CP–23–0001 limits emissions from the toluene and xylene truck loading operations to a maximum of 7.8 tons per year as a 12-month rolling sum. The potential emissions from all 13 cooling towers calculates to 38.30 tpy of VOC. CP–23–0001 requires that they be operated and maintained in a manner consistent with good operating and maintenance practices, and that an equipment maintenance and repair program be used to minimize and repair program to minimize and repair exchanger leaks. CP–23–0001 indicates that the Middle Creek wastewater system was an open wastewater conveyance system . CP–23–0001 explains that the Company has replaced the open system with a closed system. The pre-RACT 1990 baseline emissions were 1,105.2 tpy. CP–23–0001 establishes RACT for the wastewater conveyance system as: (1) use of a bio-treatment unit to control the No. 16 separator effluent discharge, (2) enclosing the No. 14 separator flume for discharge to the No. 16 separator, and (3) a VOC emissions limit of 509.4 tons per year. The Middle Creek Abatement Project (MCAP) was undertaken to replace the pre-existing wastewater conveyance system with enclosed piping to further reduce emissions from this system. The project was a result of the Toxicity Characteristics Rule under the Resource Conservation and Recovery Act (RCRA) and 40 CFR 61 Subpart FF. CP–23–0001 specifies the control devices and the resulting VOC emission rates.The VOC emissions are 1, 825.0 lbs/yr (0.9 tpy). With respect to the combustion sources, CP–23–0001 limits their total VOC emissions to a maximum of 93.1 tons per year as a rolling sum calculated monthly. CP–23–0001 contains numerous emissions testing and monitoring provisions associated with individual emissions units. In addition, the refinery is subject to the recordkeeping requirements specified at 25 Pa. Code § 129.95.

F. Waste Management Disposal Services of Pennsylvania, Inc.'s GROWS Landfill

Waste Management Disposal Services of Pennsylvania, Inc. owns and operates the GROWS Landfill (Waste Management) located in Bucks County, Pennsylvania. Waste Management's GROWS landfill is a major source of VOC. The landfill's VOC emissions result from materials in the landfill decomposing and generating landfill gas which contains VOCs. The landfill is subject to the generic provisions of Pennsylvania's RACT regulation because of the landfill gas emissions. The PADEP issued OP–09–0007 to impose RACT. OP–09–0007 specifies that RACT for the landfill consists of a system for collecting the landfill gas emissions, the use of a pre-treatment system to process the collected gas, and the routing of the gas through a pipeline to an off-site source or to a flare. The permit specifies that gas is to be sent to off-site sources at all times except during periods of start-up, shakedown, scheduled maintenance, testing, or malfunction in the gas transfer or pre-treatment system, or when unavoidable due to circumstances beyond the control of permitee. The off-site sources burn the gas as a fuel. During situations when the gas cannot be sent to an off-site source, the gas is required to be burned in a back-up flare. OP–09–0007 requires the flare to have a minimum destruction and removal efficiency for VOC of 98% (by weight), or the VOC concentration in the exhaust gas to be less than 20 ppmv (dry basis as hexane at 3% oxygen), whichever is less stringent. In addition, OP–09–0007 requires the flare to be operated within a temperature range of 1550 to 1700 degrees F. OP–09–0007 also requires the flare to be operated no more than 4,380 hours per year and to be used to burn a maximum of 5,000 scfm of landfill gas. OP–09–0007 requires that the landfill gas collection system be capable of handling the maximum expected gas flow rate from the entire area of the landfill. In addition, OP–09–0007 requires that the gas collection system be designed to minimize off-site migration of the subsurface gas. Further, OP–09–0007 requires that the collection efficiency of

the gas management system for the final design of the landfill at closure shall be not less than a minimum of 90%. It should be noted that OP–09–0007 also imposes the applicable landfill requirements specified in EPA's ''Emission Guidelines and Compliance Times for Municipal Solid Waste Landfills,'' which is found at 40 CFR 60, Subpart Cc. OP–09–0007 requires the Company to comply with the reporting requirements referenced in 40 CFR 60, Subpart Cc, unless alternative requirements are approved pursuant to the provisions of that Subpart. In addition, the landfill is subject to the recordkeeping requirements specified at 25 Pa. Code § 129.95.

G. Waste Resource Energy, Inc. (Operator) and Shawmut Bank, Conn. National Assoc. (Owner)—Delaware County Resource Recovery Facility

Waste Resource Energy, Inc. operates, and Shawmut Bank, Conn. National Associates owns, the Delaware County Resource Recovery Facility (the facility) located in Chester, Delaware County, Pennsylvania. The facility burns municipal waste in six combustors (incinerators), and uses the resulting heat to produce steam which drives turbine-generators which produce electricity. The facility is a major NO_X and VOC emitting facility. The facility is equipped with six Westinghouse-O'Connor municipal waste combustors (incinerators), which are subject to the generic provisions of Pennsylvania's RACT regulation. Each of the combustors is capable of burning 448 tons of municipal waste per day and each has a heat input rating of 194 x 10^6 Btu per hour. The PADEP issued OP–23–0004 to impose RACT. OP–23–0004 requires the facility to meet NO_X emissions limits for each combustor (expressed as NO_2) of 180 ppmv on a 24-hour daily average, 88.56 pounds per hour corrected to 7% O_2 on a dry basis, and 0.42 lbs/MMBtu. OP–23–0004 specifies that these requirements apply at all times when municipal waste is being combusted, except during periods of start-up and shutdown, provided that the duration of start-up or shutdown shall not exceed three hours per occurrence. OP–23–0004 requires the entire facility to meet a VOC RACT emissions limit of 50 tons per year, and requires the facility's combustors to meet a VOC emissions limit, expressed as total hydrocarbons, of 37.6 lbs/hr as a total emissions rate for the six combustors. OP–23–0004 requires NO_X emissions to be monitored by the use of CEMS. In addition, OP–23–0004 requires stack tests for NO_X and VOC to be done every 12 months. The permit also requires records to be kept of all air pollution control system evaluations, of calibration checks, and of adjustments and maintenance performed on all equipment subject to the permit's requirements.

III. EPA's Evaluation of Pennsylvania's SIP Revisions

EPA is approving Pennsylvania's RACT SIP submittals because PADEP established and imposed these RACT requirements in accordance with the criteria set forth in its SIP-approved RACT regulations applicable to these sources. The Commonwealth has also imposed recordkeeping, monitoring, and testing requirements on these sufficient to determine compliance with the applicable RACT determinations.

IV. Final Action

EPA is approving the SIP revisions to the Pennsylvania SIP submitted by PADEP to establish and require VOC and/or NO_X RACT for seven major of sources located in the Philadelphia area. EPA is publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register**, EPA is publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are filed. This rule will be effective on October 26, 2001, without further notice unless EPA receives adverse comment by October 11, 2001. If EPA receives adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. EPA will address all public comments in a subsequent final rule based on the proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section , or paragraph for that source or subset of sources will be withdrawn.

V. Administrative Requirements

A. General Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' See 66 FR 28355, May 22, 2001. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant. In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the Clean Air Act. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the Clean Air Act. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and

ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804 exempts from section 801 the following types of rules: (1) Rules of particular applicability; (2) rules relating to agency management or personnel; and (3) rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). EPA is not required to submit a rule report regarding today's action under section 801 because this is a rule of particular applicability establishing source-specific requirements for seven named sources.

C. Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action approving the Commonwealth's source-specific RACT requirements to control VOC and/or NO_X from seven individual sources in the Philadelphia area of Pennsylvania may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: August 29, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

40 CFR part 52 is amended as follows:

PART 52—[AMENDED]

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

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

Subpart NN—Pennsylvania

2. Section 52.2020 is amended by adding paragraph (c)(179) to read as follows:

§ 52.2020 Identification of plan.

* * * * *

(c) * * *

(179) Revisions to the Pennsylvania Regulations, Chapter 129 pertaining to VOC and/or NO_X RACT for seven sources located in the Philadelphia-Wilmington-Trenton ozone nonattainment area submitted by the Pennsylvania Department of Environmental Protection on August 1, 1995, February 2, 1999, July 27, 2001, and August 8, 2001.

(i) Incorporation by reference.

(A) Letters submitted by the Pennsylvania Department of Environmental Protection transmitting source-specific VOC and/or NO_X RACT determinations, in the form of plan approvals, operating permits, or compliance permits on the following dates:

August 1, 1995, February 2, 1999, July 27, 2001, and August 8, 2001.

(B) Operating permits (OP), or Compliance Permits (CP) issued to the following sources:

(*1*) PECO Energy Company, Cromby Generating Station, OP–15–0019, effective April 28, 1995.

(*2*) Waste Resource Energy, Inc. (Operator); Shawmut Bank, Conn. National Assoc. (Owner); Delaware County Resource Recovery Facility, OP–23–0004, effective November 16, 1995.

(*3*) G-Seven, Ltd., OP–46–0078, effective April 20, 1999.

(*4*) Leonard Kunkin Associates, OP–09–0073, effective June 25, 2001.

(*5*) Kimberly-Clark Corporation, OP–23–0014A, effective June 24, 1998 as revised August 1, 2001.

(*6*) Sunoco, Inc. (R&M); Marcus Hook Plant; CP–23–0001, effective June 8, 1995 as revised August 2, 2001, except for the expiration date.

(*7*) Waste Management Disposal Services of Pennsylvania, Inc. (GROWS Landfill), Operating Permit OP–09–0007, effective December 19, 1997 as revised July 17, 2001.

(ii) Additional Materials—Other materials submitted by the Commonwealth of Pennsylvania in support of and pertaining to the RACT determinations for the sources listed in paragraph (c)(179)(i)(B) of this section.

[FR Doc. 01–22615 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO–001–0048a, CO–001–0049a, CO–001–0050a; FRL–7044–6]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Trip Reduction, and Reduction of Diesel Vehicle Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is taking direct final action approving State Implementation Plan (SIP) revisions submitted by the Governor of Colorado on May 10, 2000. This submittal revises Colorado's Regulation 12, Reduction of Diesel Vehicle Emissions, and repeals Colorado's Regulation 9, Trip Reduction. EPA is taking this action under section 110 of the Clean Air Act (CAA).

DATES: This direct final rule is effective on November 13, 2001 without further notice, unless the EPA receives adverse comments by October 11, 2001. If adverse comment is received, the EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** and inform the public the rule will not take effect.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mail code 8P–AR, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202 and copies of the Incorporation by Reference material are available at the Air and Radiation Docket and Information Center, Environmental Protection Agency, 401 M Street, SW, Washington, DC 20460. Copies of the State documents relevant to this action are available for public inspection at the Colorado Air Pollution

Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246–1530.

FOR FURTHER INFORMATION CONTACT: Kerri Fiedler, EPA, Region VIII, (303) 312–6493.

SUPPLEMENTARY INFORMATION: Throughout this document, wherever ''we,'' ''our,'' or ''us'' is used, we mean EPA.

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I. Summary of EPA's Actions

We are taking direct final rulemaking action to approve revisions to Colorado's SIP submitted by the Governor on May 10, 2000. This submittal updates Colorado's Regulation 12, Reduction of Diesel Vehicle Emissions. Specifically, this revision removes the program from Colorado Springs, Ft. Collins, and Greeley, or areas outside the Denver particulate matter of 10 microns in size or smaller (PM_{10}) non-attainment boundary. In addition, the May 10, 2000 submittal repeals Regulation 9, Trip Reduction. These regulations are obsolete and have been effectively replaced by other transportation programs.

II. What Is the State's Process To Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the revision being submitted by a State to us.

A. Regulation 9, Trip Reduction

The Colorado Air Quality Control Commission (AQCC) held a public hearing on February 17, 2000, to repeal Regulation 9, Trip Reduction, and remove it from the SIP because it has been effectively replaced by other transportation programs. The Denver Regional Council of Governments RideArrangers program, the Regional Transportation District's ECOPass program, and the Transportation Management Associations are all transportation control measures in the SIP and are federally enforceable. The AQCC repealed Regulation 9 on February 17, 2000. This SIP revision became State effective on April 30, 2000, and was submitted by the Governor to us on May 10, 2000.

B. Regulation 12, Reduction of Diesel Vehicle Emissions

The Colorado AQCC held a public hearing on March 16, 2000, for Regulation 12, Reduction of Diesel Vehicle Emissions, to remove the program from the SIP for Colorado Springs, Ft. Collins, and Greeley (areas outside the Denver PM_{10} non-attainment area). The AQCC adopted the revisions to the SIP on March 16, 2000. This SIP revision became State effective on May 30, 2000, and was submitted by the Governor to us on May 10, 2000.

We have evaluated the Governor's submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's May 10, 2000, submittal became complete on November 10, 2000.

III. Evaluation of the State's Submittal

A. Regulation 9, Trip Reduction

Colorado's Regulation 9 is entitled ''Trip Reduction.'' In this action, we are approving Colorado's May 10, 2000, repeal and removal of Regulation 9 from the SIP, as adopted by the AQCC on February 17, 2000, and State effective on April 30, 2000. The purpose of Regulation 9 was to promote alternatives to single occupancy driving, but did not itself establish alternative transportation measures. Rather, Regulation 9 required government and large businesses to provide employees with information regarding public transit, ride sharing, and other emission-reducing means of travel, as well as providing bicycle and car pool parking at the employment site. Regulation 9 was identified as one of many possible transportation control measures in the 1979 Ozone SIP; however, no emissions reduction credit was specifically assigned to Regulation 9.

Regulation 9 was partially implemented by the State between 1979 and 1983, at which point the State ceased further activity with respect to this regulation. Subsequent SIP revisions failed to identify Regulation 9 as a transportation control measure. The Governor submitted a SIP revision in 1990 to remove this regulation from the SIP, but EPA returned this SIP revision to the Governor in 1991 as incomplete. The ozone maintenance plan for Denver submitted in August 1996 demonstrated maintenance of the ozone standard without Regulation 9, and revisions to this maintenance plan recently adopted by the AQCC for hearing also demonstrate that Regulation 9 is not necessary for maintenance of the ozone standard. The regulation has been effectively superseded by several other SIP and non-SIP transportation programs such as Denver Regional Council of Government's RideArrangers program, the Regional Air Quality Council's Ozone Action Day program, the Regional Transportation District's ECOPass program, and Transportation Management Associations which develop and implement travel reduction programs, promote alternative transportation measures, and provide assistance to employers with travel reduction. The Denver Regional Council of Governments RideArrangers program, the Regional Transportation District's ECOPass program, and the Transportation Management Associations are all transportation control measures in the SIP and are federally enforceable.

On November 30, 2000, the Governor of Colorado submitted a revised redesignation request and maintenance plan for the 1-hour ozone standard for Denver. Colorado was able to demonstrate maintenance of the ozone National Ambient Air Quality Standards (NAAQS) with out emission reduction credit assigned to Regulation 9. In addition, Regulation 9 was not referred to as a transportation control measure in the ozone SIP. We are currently processing Denver's redesignation request and maintenance plan for the 1-hour ozone standard and expect approval of Denver's plan in Summer 2001.

Section 110(l) and 193 of the CAA states that no control requirement may be modified in a nonattainment area unless the modification insures equivalent or greater emission reductions of the specified air pollutant. Because we are currently redesignating Denver to attainment for the 1-hour ozone standard and expect approval of the redesignation request and maintenance plan in Summer 2001, we have determined Regulation 9 can be repealed. Furthermore, Regulation 9 does not directly affect a specific pollutant, but rather Regulation 9 was aimed at reducing vehicle miles traveled, which has been made up for by other transportation programs. Regulation 9 has been effectively

replaced by other programs, and thus, it may be removed from the SIP.

B. Regulation 12, Reduction of Diesel Vehicle Emissions

Colorado's Regulation 12 is entitled ''Reduction of Diesel Vehicle Emissions.'' In this action, we are approving Colorado's May 10, 2000, revisions to Regulation 12, as adopted by the AQCC on March 16, 2000, and State effective on May 30, 2000, and note these revisions supersede and replace the version of Regulation 12 that we approved on November 19, 1992 (57 FR 54509). We note that the Governor submitted another revision to Regulation 12 prior to May 10, 2000, that we never approved and that the Governor's May 10, 2000, submittal also supersedes and replaces this other revision to Regulation 12.

Regulation 12 was revised to remove the ''Reduction of Diesel Vehicle Emissions'' program from the SIP for the areas of Colorado Springs, Ft. Collins, and Greeley (El Paso County, Larimer County, and Weld County.) Regulation 12 is a control measure relied upon to demonstrate attainment in the Denver PM_{10} SIP. The entire diesel program was included in the SIP which includes El Paso County, Larimer County, and Weld County. The program will be retained as a State only enforceable program in those areas, and will be retained in the SIP for the Denver metro area. The program is not necessary to meet the federal requirements outside the non-attainment area, and thus, the SIP revisions are approvable. The diesel inspection programs established in Regulation 12, are federally required because the State took emissions reduction credit for such program in the attainment demonstration for the 1995 Denver PM_{10} SIP.

In addition, the revision corrects the statutory reference defining the areas of applicability, as well as statutory references that specify eligible vehicles. These non-substantive, editorial corrections are approvable.

IV. Final Action

In this action, we are approving the State of Colorado's revisions to Regulation 12, Reduction of Diesel Vehicle Emissions. We are also approving the repeal of Colorado's Regulation 9, Trip Reduction. These SIP revisions were submitted by the Governor of Colorado on May 10, 2000. We are publishing this rule without prior proposal because the Agency views this as a noncontroversial amendment and anticipates no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revisions if adverse comments are filed. This rule will be effective November 13, 2001 without further notice unless the Agency receives adverse comments by October 11, 2001. If we receive adverse comments, then we will publish a timely withdrawal of the direct final rule, in the **Federal Register**, informing the public that the rule will not take effect. All public comments received will then be addressed in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. If no such comments are received, the public is advised that this rule will be effective on November 13, 2001, and no further action will be taken on the proposed rule. Please note that if we receive adverse comment on an amendment, paragraph, or section of this rule and if that provision may be severed from the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of an adverse comment.

V. Administrative Requirements

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

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective November 13, 2001

unless EPA receives adverse written comments by October 11, 2001.

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

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

Dated: July 10, 2001.

Kerrigan G. Clough,

Acting Regional Administrator, Region VIII.

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

PART 52—[AMENDED]

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

Authority: 42 U.S.C. 7401–7671q.

Subpart G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(11)(i) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(11) * * *

(i) Regulation 9, ''Trip Reduction,'' previously approved on October 5, 1979, and now deleted without replacement.

* * * * *

(91) On May 10, 2000, the Governor of Colorado submitted revisions to the Colorado State Implementation Plan consisting of: Revisions to Regulation 12 to remove the ''Reduction of Diesel Vehicle Emissions'' program from areas outside the Denver PM_{10} non-attainment area, and Regulation 9 ''Trip Reduction,'' effective on January 30, 1979, is rescinded.

(i) Incorporation by reference.

(A) Revisions to Colorado Air Quality Control Commission Regulation No. 12, 5 CCR 1001–15, adopted by the Colorado Air Quality Control Commission on March 16, 2000, State effective May 30, 2000.

[FR Doc. 01–22612 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[CO–001–0054; FRL–7044–8]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Denver 1-Hour Ozone Redesignation to Attainment, Designation of Areas for Air Quality Planning Purposes, and Approval of Related Revisions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: On May 11, 2001, EPA published a notice of proposed rulemaking (NPR) that used EPA's parallel processing procedure to propose approval of the State of Colorado's request to redesignate the Denver-Boulder metropolitan (Denver) ''transitional'' ozone nonattainment area to attainment for the 1-hour ozone National Ambient Air Quality Standard (NAAQS). In that NPR, EPA proposed to approve the maintenance plan for the Denver area and the additional State Implementation Plan (SIP) elements involving revisions to Colorado's Regulation No. 3 ''Air Contaminant Emissions Notices'' and Colorado's Regulation No. 7 ''Emissions of Volatile Organic Compounds'' that were previously submitted by Governor Roy Romer, for our approval, on August 8, 1996.

In this action, EPA is approving the Denver 1-hour ozone redesignation request, the maintenance plan, the revisions to Regulation No. 3 and Regulation No. 7, and the Volatile Organic Compounds (VOC) and Nitrogen Oxides (NO_X) transportation conformity budgets.

EFFECTIVE DATE: October 11, 2001.

ADDRESSES: Richard R. Long, Director, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following offices: United States Environmental Protection Agency, Region VIII, Air and Radiation Program, 999 18th Street, Suite 300, Denver, Colorado 80202–2466.

Copies of the State documents relevant to this action are available for public inspection at: Colorado Department of Health and Environment, Air Pollution Control Division, 4300 Cherry Creek Drive South, Denver, Colorado 80246–1530.

FOR FURTHER INFORMATION CONTACT: Tim Russ, Air and Radiation Program, Mailcode 8P–AR, United States Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado 80202–2466, Telephone number: (303) 312–6479.

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

I. What Is the Purpose of This Action?

In this final rulemaking action, we are approving the Denver 1-hour ozone redesignation request, maintenance plan, and the associated additional SIP elements.

With the publication of our NPR on May 11, 2001, (66 FR 24075), we utilized our parallel processing procedure for public comment to consider a proposed maintenance plan that the Colorado Air Quality Control Commission (AQCC) proposed for public comment at the State level on October 19, 2000. The AQCC adopted the maintenance plan, with minor technical changes that we did not consider significant, on January 11, 2001. Parallel processing allows EPA to propose rulemaking on a SIP revision, and solicit public comment, at the same time the State is processing the SIP revision. For further information regarding parallel processing, please see 40 CFR part 51, appendix V, section 2.3.1.

On May 7, 2001, the Governor submitted to us for approval the final Denver redesignation request and maintenance plan. The revisions to Regulation No. 3 and Regulation No. 7 were submitted on August 8, 1996, by former Governor Roy Romer.

In this final action, we are approving the change in the legal designation of the Denver area from nonattainment to attainment for the 1-hour ozone NAAQS (hereafter referred to as ''ozone NAAQS'' or ''ozone standard''), we're approving the AQCC-adopted maintenance plan that is designed to keep the area in attainment for ozone for the next 13 years, and we're approving the changes to AQCC Regulation No. 3 and AQCC Regulation No. 7. We also note that in his November 30, 2000, letter, the Governor asked that we parallel process a potential alternative provision for the maintenance plan that

had been proposed by the Colorado Department of Transportation (CDOT). CDOT's alternative provision involved the conversion of the Santa Fe Boulevard High Occupancy Vehicle (HOV) lanes to general service lanes and the provision of funds to provide additional light rail transit cars to compensate for the loss of the HOV emission reductions. However, in a December 6, 2000, letter (that we received on December 19, 2000) from CDOT to the AQCC, CDOT withdrew its request for this alternative provision indicating that it could not guarantee light rail transit cars to replace the HOV lanes. Based on our understanding that this CDOT proposed alternative provision is moot, we are not taking action on this alternative.

We originally designated the Denver area as nonattainment for ozone under the provisions of the 1977 CAA Amendments (see 43 FR 8962, March 3, 1978). On November 15, 1990, the Clean Air Act Amendments of 1990 were enacted (Pub. L. 101–549, 104 Stat. 2399, codified at 42 U.S.C. 7401–7671q). Under section 107(d)(1)(C) of the Clean Air Act (CAA), EPA designated the Denver area as nonattainment for ozone because the area had been previously designated as nonattainment before November 15, 1990. The Denver area was classified under section 185A of the CAA as a ''transitional'' ozone nonattainment area as the area had not violated the ozone NAAQS in the years 1987, 1988, and 1989.[1]

Under the CAA, designations can be changed if sufficient data are available to warrant such changes and if certain other requirements are met. See CAA section 107(d)(3)(D). Section 107(d)(3)(E) of the CAA provides that the Administrator may not promulgate a redesignation of a nonattainment area to attainment unless:

(i) The Administrator determines that the area has attained the national ambient air quality standard;

(ii) the Administrator has fully approved the applicable implementation plan for the area under CAA section 110(k);

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

(iv) the Administrator has fully approved a maintenance plan for the area as meeting the requirements of CAA section 175A; and

(v) the State containing such area has met all requirements applicable to the area under section 110 and part D of the CAA.

Before we can approve the redesignation request, EPA must find, among other things, that all applicable SIP elements have been fully approved. Approval of the applicable SIP elements may occur prior to final approval of the redesignation request or simultaneously with final approval of the redesignation request. We note there are no outstanding SIP elements necessary for the redesignation. However, the Governor previously requested approval of revisions to Regulation No. 3 and Regulation No. 7 such that rules applicable to the Denver ozone nonattainment area will remain in effect after Denver is redesignated to attainment for the 1-hour ozone standard. Therefore, we are also approving the revisions to Regulation No. 3 and Regulation No. 7.

II. What Is the State's Process To Submit These Materials to EPA?

Section 110(k) of the CAA addresses our actions on submissions of revisions to a SIP. The CAA requires States to observe certain procedural requirements in developing SIP revisions for submittal to us. Section 110(a)(2) of the CAA requires that each SIP revision be adopted after reasonable notice and public hearing. This must occur prior to the final revisions being submitted by a State to us.

At the October 19, 2000, AQCC meeting, the Commission proposed for public comment the ozone redesignation request and maintenance plan. The AQCC held a public hearing on January 11, 2001, for considering public comment on the above SIP revisions. After accepting several minor technical corrections to the maintenance plan, the AQCC adopted the Denver 1-hour ozone redesignation request and maintenance plan, directly after the public hearing, on January 11, 2001. These SIP revisions became State effective March 4, 2001, and were submitted by the Governor to us on May 7, 2001. We have evaluated the Governor's May 7, 2001, submittal and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. As required by section 110(k)(1)(B) of the CAA, we reviewed these SIP materials for conformance with the completeness criteria in 40 CFR part 51, appendix V and determined that the Governor's submittal was administratively and technically complete. Our completeness determination was sent on June 15, 2001, through a letter from Jack W. McGraw, Acting Regional Administrator, to Governor Bill Owens.

The AQCC had previously held a public hearing on March 21, 1996, for the revisions to AQCC Regulation No. 3 ''Air Contaminant Emissions Notices'' (hereafter, Regulation No.3) and AQCC Regulation No. 7 ''Emissions of Volatile Organic Compounds'' (hereafter, Regulation No. 7). The AQCC adopted the revisions to Regulation No. 3 and Regulation No. 7 directly after the hearing. These SIP revisions became State effective May 30, 1996, and were submitted by the Governor to us on August 8, 1996.

We have evaluated the Governor's prior submittal involving the revisions to Regulation No. 3 and Regulation No. 7 and have determined that the State met the requirements for reasonable notice and public hearing under section 110(a)(2) of the CAA. By operation of law under section 110(k)(1)(B) of the CAA, the Governor's August 8, 1996, submittal of the revisions to Regulation No. 3 and Regulation No. 7 became complete on February 6, 1997.

III. EPA's Evaluation of the May 7, 2001, Final Redesignation Request and Maintenance Plan

We have reviewed the Governor's May 7, 2001, final submittal of the redesignation request and maintenance plan and we believe that approval of the request and maintenance plan are warranted. Please see our May 11, 2001, NPR (66 FR 24075) for our discussion regarding the Governor's November 30, 2000, parallel processing submittal and the January 11, 2001, AQCC hearing and actions regarding these materials.

We have also considered all public comments that were submitted in response to our May 11, 2001 (see 66 FR 24075) NPR for this action (we only received one comment letter from the Denver Regional Air Quality Council which was in support of our NPR.) We have determined that all required SIP elements, including the maintenance plan, have either been approved previously or will be fully approved with this final rule, that the area has attained the NAAQS for the 1-hour ozone standard, and that the improvement in air quality is due to permanent and enforceable reductions in emissions resulting from the

[1] The CAA describes areas as ''transitional'' if they were designated nonattainment both prior to enactment and (pursuant to CAA section 107(d)(1)(C)) at enactment, and if the area did not violate the primary ozone NAAQS in the 3-year period of 1987 through 1989. Refer to section 185A of the CAA and the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990,'' 57 FR 13498, April 16, 1992. See specifically 57 FR 13523, April 16, 1992.

implementation of the applicable implementation plan, applicable Federal air pollutant control regulations, and other permanent and enforceable reductions. Thus, with the Governor's May 7, 2001, submittal, the five criteria in section 107(d)(3)(E) of the Clean Air Act (CAA) have been met and approval of the redesignation request is warranted. Detailed descriptions of how the CAA section 107(d)(3)(E) requirements have been met are provided in our May 11, 2001, NPR for this action (see 66 FR 24075) and, for the most part, will not be repeated here. Our discussion below takes into account our prior evaluation presented in our May 11, 2001, NPR and now presents our evaluation of the Governor's final submittal of May 7, 2001.

As stated above, section 107(d)(3)(E)(iv) of the CAA provides that for an area to be redesignated to attainment, the Administrator must have fully approved a maintenance plan for the area meeting the requirements of section 175A of the CAA.

Section 175A of the CAA sets forth the elements of a maintenance plan for areas seeking redesignation from nonattainment to attainment. The maintenance plan must demonstrate continued attainment of the applicable NAAQS for at least ten years after the Administrator approves a redesignation to attainment. Eight years after the promulgation of the redesignation, the State must submit a revised maintenance plan that demonstrates continued attainment for the subsequent ten-year period following the initial ten-year maintenance period. To address the possibility of future NAAQS violations, the maintenance plan must contain contingency measures, with a schedule for adoption and implementation, that are adequate to assure prompt correction of a violation.

In this **Federal Register** action, we are approving the State of Colorado's maintenance plan for the Denver ozone nonattainment area because we have determined, as detailed below, that the State's maintenance plan submittal of May 7, 2001, meets the requirements of section 175A of the CAA and is consistent with EPA interpretations of the CAA section 175A maintenance plan requirements provided in the General Preamble to Title I of the CAA and our September 4, 1992, policy memorandum [2]. Our analysis of the pertinent maintenance plan requirements was fully described in our May 11, 2001, proposed rule (see 66 FR 24075) and is restated, in part, below, with particular reference to the Governor's May 7, 2001, submittal:

(a) Emissions Inventories—Attainment Year and Projections

Under our interpretations, areas seeking to redesignate to attainment for the 1-hour ozone NAAQS may demonstrate future maintenance of the ozone NAAQS either by showing that future VOC and NO_X emissions will be equal to or less than the attainment year emissions or by providing a modeling demonstration. For the Denver area, the State selected the emissions inventory approach for demonstrating maintenance of the ozone NAAQS.

The maintenance plan that the Governor submitted on May 7, 2001, included comprehensive inventories of VOC and NO_X emissions for the Denver area. These inventories include emissions from stationary point sources, area sources, non-road mobile sources, on-road mobile sources, and biogenics (i.e., VOCs emitted from pine trees and other types of vegetation.) The State selected 1993 as the year from which to develop the attainment year inventory and included projections for 2006 and 2013. The State's submittal contains detailed emission inventory information that was prepared in accordance with EPA guidance.

Summary emission figures from the 1993 attainment year and the projected years are provided in Table III.–1 and Table III.–2 below.

TABLE III–1.—SUMMARY OF VOC EMISSIONS IN TONS PER DAY FOR DENVER

	Rev. 1993 [1]	Rev. 2006 [1]	Rev. 2013 [1]
Point Sources ...	46	52	56
Area Sources	74	73	80
Non-Road Mobile Sources ..	58	39	38
On-Road Mobile Sources	119	84	74
Biogenics	211	211	211
Total	507	460	459

[1] These are the revised inventory figures that represent the technical corrections that were adopted by AQCC with the maintenance plan and TSD at the January 11, 2001, public hearing. They became part of the Governor's final submittal of May 7, 2001.

TABLE III–2.—SUMMARY OF NO_X EMISSIONS IN TONS PER DAY FOR DENVER

	Rev. 1993 [1]	Rev. 2006 [1]	Rev. 2013 [1]
Point Sources ...	122	123	126
Area Sources	7	10	11
Non-Road Mobile Sources ..	65	57	50
On-Road Mobil Sources	134	115	117
Biogenics	4	4	4
Total	332	309	308

[1] These are the revised inventory figures that represent the technical corrections that were adopted by AQCC with the maintenance plan and TSD at the January 11, 2001, public hearing. They became part of the Governor's final submittal of May 7, 2001.

(b) Demonstration of Maintenance—Projected Inventories

As noted above, total VOC and NO_X emissions were projected by the State for 2006 and 2013. The years 2006 and 2013 were selected by the State, with EPA's concurrence, due to the immediate availability of transportation data sets from the Denver Regional Council Of Governments (DRCOG) from the work performed on the Denver carbon mooxide (CO) redesignation request and maintenance plan.

The Denver CO redesignation request and maintenance plan were submitted to us on May 10, 2000. This maintenance plan used the latest revised transportation data sets that were developed by DRCOG for the State to model the mobile source emissions. In addition, the CO maintenance plan incorporated changes to AQCC Regulation No. 11 that would initiate a Remote Sensing Device (RSD) program in 2002 and affect the cutpoints for the enhanced I/M program. Both of these I/M program revisions would also directly affect emission reductions for the ozone maintenance plan.

The RSD program is designed to evaluate 20% of the fleet in 2003, 40% of the fleet in 2004, 60% of the fleet in 2005, and 80% of the fleet in 2006. The RSD program will continue through 2013. In conjunction with the new RSD program, Regulation No. 11's enhanced I/M program will continue to apply to evaluate the remainder of the fleet and those vehicles that did not pass evaluation by the RSD program. We have reviewed these State-adopted changes to Regulation No. 11 and are proposing approval of them in a separate rulemaking action for the Denver CO redesignation request and maintenance plan. We note that the State has properly accounted for these

[2] EPA issued maintenance plan interpretations in the "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990" (57 FR 13498, April 16, 1992), "General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990; Supplemental" (57 FR 18070, April 28, 1992), and the EPA guidance memorandum entitled "Procedures for Processing Requests to Redesignate Areas to Attainment" from John Calcagni, Director, Air Quality Management Division, Office of Air Quality and Planning Standards, to Regional Air Division Directors, dated September 4, 1992.

Regulation No. 11 revisions in the projected emission inventories for 2006 and 2013 and is able to demonstrate maintenance of the 1-hour ozone standard. In the event that we are unable to approve the Regulation No. 11 revisions that were submitted by the Governor on May 10, 2000, this would not have an adverse impact on the Denver ozone maintenance plan as the current I/M program would continue and would provide greater emission reductions than the State has projected for the amended version of Regulation No. 11. In either scenario, the maintenance demonstration would still be valid.

For the ozone maintenance plan, the 1993 attainment year inventory and the projected 2006 and 2013 inventories were all prepared in accordance with EPA guidance. As stated in the maintenance plan, the projected emission inventories show a steady downward trend in both VOC and NO_X emissions. This is due mainly to more stringent motor vehicle tailpipe emission standards and additional Federal rule requirements for non-road sources of emissions. Because of this steady downward trend in emissions and because future year emissions are projected to be considerably below the 1993 attainment year levels, the State expects there will be no increases in emissions in the years between the present and 2013 that will jeopardize the demonstration of maintenance. Based on the information in the maintenance plan and the State's TSD, we agree with this conclusion.

Therefore, as the projected 2006 and 2013 inventories show that VOC and NO_X emissions are not estimated to exceed the 1993 attainment levels during the time period from the present through 2013, the Denver area has satisfactorily demonstrated maintenance of the 1-hour ozone NAAQS.

(c) Monitoring Network and Verification of Continued Attainment

Continued attainment of the 1-hour ozone NAAQS in the Denver area depends, in part, on the State's efforts to track indicators throughout the maintenance period. This requirement is met in two sections of the Denver maintenance plan. In Chapter 2, section B and Chapter 3, section E the State commits to continue the operation of the ozone monitors in the Denver area and to annually review this monitoring network and make changes as appropriate. Please see our May 11, 2001, NPR (66 FR 24075) for a more detailed discussion.

Based on the above, we are approving these commitments as satisfying the relevant requirements. We note that this final approval renders the State's commitments federally enforceable.

(d) Contingency Plan

Section 175A(d) of the CAA requires that a maintenance plan include contingency provisions. To meet this requirement, the State has identified appropriate contingency measures along with a schedule for the development and implementation of such measures. Please see our May 11, 2001, NPR (66 FR 24075) for a detailed discussion.

We find that the contingency measures provided in the State's Denver ozone maintenance plan are sufficient and meet the requirements of section 175A(d) of the CAA.

(e) Subsequent Maintenance Plan Revisions

In accordance with section 175A(b) of the CAA, Colorado has committed to submit a revised maintenance plan SIP revision eight years after the approval of the redesignation.

IV. EPA's Evaluation of the Transportation Conformity Requirements

One key provision of our conformity regulation requires a demonstration that emissions from the transportation plan and Transportation Improvement Program are consistent with the emissions budgets in the SIP (40 CFR 93.118 and 93.124). The emissions budget is defined as the level of mobile source emissions relied upon in the attainment or maintenance demonstration to maintain compliance with the NAAQS in the nonattainment or maintenance area. The rule's requirements and EPA's policy on emissions budgets are found in the preamble to the November 24, 1993, transportation conformity rule (58 FR 62193–62196) and in the sections of the rule referenced above.

The final maintenance plan, as submitted by the Governor on May 7, 2001, defines the motor vehicle emissions budgets in the Denver ozone attainment/maintenance area as 119 tons per day for VOCs and 134 tons per day for NO^X for all years 2002 and beyond. These figures reflect technical corrections to those of 124 tons per day for VOCs and 139 tons per day for NO^X that were previously submitted by the Governor on November 30, 2000. These budgets are equal to the attainment year (1993) mobile source emissions inventory for these pollutants and use some of the available safety margin in the years 2002 to 2013. The use of the safety margin is permitted by the conformity rule. See 40 CFR 93.124(a).

The State used specific inventory values for the years 2006 and 2013 to calculate and use some of the available safety margin in those years. As revised during the January 11, 2001, public hearing, in 2006 the total emissions of VOCs and NO_X are lower than the 1993 attainment year emissions inventory by 47 (was 56) tons per day and 23 (was 27) tons per day respectively. For 2006, the State added the mobile sources portion of the safety margin (35 tons per day for VOCs and 19 tons per day for NO_X) to the 2006 mobile sources emission inventories to arrive at the final budgets of 119 tons per day for VOCs and 134 tons per day for NO_X . For 2013, the State similarly allocated the safety margin to arrive at the same budgets. Although the maintenance plan does not specifically address the inventories for the other years between 2002 and 2013, the maintenance plan defines the same budgets for 2002 and all years beyond, thus evidencing the intent to apply some portion of the available safety margin in 2002 to arrive at these same budgets. We believe this is acceptable under the circumstances because we would not expect total emissions from sources other than on-road mobile sources to exceed their 1993 levels in the year 2002 or any other year before 2013. Therefore, in view of our analysis, we are approving these 1-hour ozone NAAQS VOC and NO_X budgets for the Denver area.

V. EPA's Adequacy Determination for the Maintenance Plan's Transportation Conformity Budgets

On March 2, 1999, the United States Court of Appeals for the District of Columbia issued a decision in *Environmental Defense Fund* v. *the Environmental Protection Agency,* No. 97–1637, holding that we must make an affirmative determination that the submitted motor vehicle emission budgets contained in SIPs are adequate before they are used to determine the conformity of Transportation Improvement Programs or Long Range Transportation Plans. In response to the Court's decision, we are making most submitted SIP revisions containing motor vehicle emission budgets available for public comment and responding to these comments before announcing our adequacy determination. (We do not perform adequacy determinations for SIP revisions that only create new emission budgets for years in which an EPA-approved SIP already establishes a budget, because these new budgets cannot be used for conformity until they are approved by EPA.) We make adequacy determinations available for

comment by posting notification of their availability on our web site (currently, these notifications are posted at www.epa.gov/otaq/transp/conform/adequacy.htm.) The adequacy process is discussed in greater detail in a May 14, 1999 memorandum from Gay MacGregor, EPA, entitled ''Conformity Guidance on Implementation of March 2, 1999 Conformity Court Decision,'' which is also available on our web site (www.epa.gov/oms/transp/traqconf.htm).

As noted above, the Denver final ozone maintenance plan was submitted to EPA on May 7, 2001. Notice of the availability of this SIP revision was posted on our adequacy web site on May 30, 2001, and a 30-day comment period for adequacy was provided, following the procedures described in the May 14, 1999 memo. We did not receive any comments on the plan during the comment period which closed on June 29, 2001. In addition, as part of our review, we must also review any comments submitted to the AQCC on the maintenance plan during the public hearing process. Environmental Defense had presented comments both in their AQCC prehearing statement and at the January 11, 2001, public hearing regarding these budgets. Their concerns essentially dealt with the issue of the State allocating all of the ''safety margin'' to the transportation conformity budgets. The Air Pollution Control Division (APCD) explained to the AQCC that this approach is allowed under EPA's conformity rule provisions. The AQCC agreed and adopted the budgets with the maintenance plan directly after the January 11, 2001, public hearing. We note that our May 11, 2001, NPR (see 66 FR 24075) also discussed these AQCC-adopted transportation conformity budgets and the use of the available ''safety margin.'' We did not receive any adverse comments regarding our NPR (the only comment received was from the Denver RAQC in support of our proposed action.)

The conformity rule (in 40 CFR 93.118(e)(4)) provides technical and administrative criteria that we must use in determining adequacy of submitted emissions budgets, and we have determined that these criteria have been satisfied for the NO_X and VOC emissions budgets in the maintenance plan. Our approval of these budgets in this action (see prior section) should also be considered our determination that these budgets are adequate for transportation conformity purposes. EPA will not be publishing a separate notice in the **Federal Register** documenting our adequacy determination. The Denver Regional Council of Governments and the U.S. Department of Transportation are required to use these budgets in future conformity analyses as of the effective date of this final rule.

VI. EPA's Evaluation of the Regulation No. 3 Revisions

As we described in our May 11, 2001, NPR (see 66 FR 24075), the Governor of Colorado had previously submitted minor revisions to Regulation No. 3 in conjunction with the Governor's original August 8, 1996, submittal of the Denver ozone maintenance plan.

We concur with these revisions to Regulation No. 3 and are approving them.

VII. EPA's Evaluation of the Regulation No. 7 Revisions

As we described in our May 11, 2001, NPR (see 66 FR 24075), the Governor of Colorado had previously submitted minor revisions to Regulation No. 7 in conjunction with the Governor's original August 8, 1996, submittal of the Denver ozone maintenance plan.

We concur with these revisions to Regulation No. 7 and are approving them. We again note that additional revisions to Regulation No. 7 were also submitted with the Governor's August 8, 1996, submittal and included the addition of paragraphs A.2., A.3., and A.4. to create ''de minimus'' exemptions. We are not taking any action on these revisions and did not consider them with our proposed approval of the Governor's November 30, 2000, submittal, nor with this final rulemaking action.

VIII. EPA's Evaluation of the Request for Revision to 40 CFR 80.27(a)(2) for RVP

The maintenance plan that was submitted by the Governor (for parallel processing) on November 30, 2000, and his final submittal of May 7, 2001, incorporate a gasoline RVP limit of 9.0 psi in the maintenance demonstration. Since maintenance of the 1-hour ozone NAAQS is shown for the entire maintenance time period of 1993 through 2013 with this 9.0 psi limit, the State of Colorado has requested that the 9.0 psi summertime RVP limit (10.0 psi for ethanol-blends) be made permanent for the Denver attainment/maintenance area once EPA approves the redesignation request and maintenance plan. We believe this change would be appropriate. However, separate rulemaking through our Headquarters office is necessary to revise the RVP requirements for Colorado as specified in 40 CFR 80.27(a)(2). We anticipate that our Headquarters office will pursue this particular rulemaking action after the effective date of this final rule.

IX. Final Rulemaking Action

In this action, we are approving the Governor's May 7, 2001, request to redesignate the Denver 1-hour ozone NAAQS nonattainment area to attainment, the Denver 1-hour ozone NAAQS maintenance plan submitted May 7, 2001 (excluding Chapter 1 ''Introduction'' and Appendix B ''Changes to AQCC Ambient Air Quality Standards Regulation''), the revisions to Regulation No. 3 and Regulation No. 7 (excluding paragraphs A.2., A.3., and A.4.) submitted August 8, 1996, and the VOC and NO_X transportation conformity budgets contained in the maintenance plan. This final action will become effective on October 11, 2001.

Administrative Requirements

(a) Executive Order 12866

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

(b) Executive Order 13045

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

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

(c) Executive Order 13084

Under Executive Order 13084, EPA may not issue a regulation that is not required by statute, that significantly affects or uniquely affects the communities of Indian tribal governments, and that imposes substantial direct compliance costs on those communities, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or EPA consults with those governments. If EPA complies by

consulting, Executive Order 13084 requires EPA to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of EPA's prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires EPA to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not significantly or uniquely affect the communities of Indian tribal governments. This action does not involve or impose any requirements that affect Indian Tribes. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule.

(d) Executive Order 13132

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

This rule will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132, because it merely approves state rules implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. In addition, redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements. Thus, the requirements of section 6 of the Executive Order do not apply to this rule.

(e) Executive Order 13211 (Energy Effects)

This rule is not subject to Executive Order 13211 ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)) because it is not a significant regulatory action under Executive Order 12866.

(f) Regulatory Flexibility

The Regulatory Flexibility Act (RFA) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. Small entities include small businesses, small not-for-profit enterprises, and small governmental jurisdictions.

This final approval will not have a significant impact on a substantial number of small entities because SIP approvals under section 110 and subchapter I, part D of the Clean Air Act do not create any new requirements, but simply approve requirements that the State is already imposing. Therefore, because the SIP final approval does not create any new requirements, I certify that this action will not have a significant economic impact on a substantial number of small entities. Moreover, due to the nature of the Federal-State relationship under the Clean Air Act, preparation of flexibility analysis would constitute Federal inquiry into the economic reasonableness of state action. The Clean Air Act forbids EPA to base its actions concerning SIPs on such grounds. *Union Electric Co.,* v. *U.S. EPA,* 427 U.S. 246, 255–66 (1976); 42 U.S.C. 7410(a)(2). Redesignation of an area to attainment under sections 107(d)(3)(D) and (E) of the Clean Air Act does not impose any new requirements. Redesignation to attainment is an action that affects the legal designation of a geographical area and does not impose any regulatory requirements. Therefore, because the final approval of the redesignation does not create any new requirements, I certify that the final approval of the redesignation request will not have a significant economic impact on a substantial number of small entities.

(g) Unfunded Mandates

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

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

(h) Submission to Congress and the Comptroller General

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

(i) National Technology Transfer and Advancement Act

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

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

(j) Petitions for Judicial Review

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by November 13, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2) of the Clean Air Act.)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Reporting and recordkeeping requirements.

40 CFR Part 81

Environmental protection, Air pollution control, National parks, Wilderness areas.

Dated: August 15, 2001.

Jack W. McGraw,

Acting Regional Administrator, Region VIII.

Title 40, chapter I, parts 52 and 81 of the Code of Federal Regulations are amended as follows:

PART 52—[AMENDED]

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

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

Subpart G—Colorado

2. Section 52.320 is amended by adding paragraph (c)(94) to read as follows:

§ 52.320 Identification of plan.

* * * * *

(c) * * *

(94) On August 8, 1996, the Governor of Colorado submitted revisions to Regulation No. 3, ''Air Contaminant Emissions Notices,'' that exempt gasoline stations located in ozone attainment areas from construction permit requirements, with the exception of those gasoline stations located in the Denver Metro ozone attainment maintenance area. The Governor also submitted revisions to Regulation No. 7, ''Emissions of Volatile Organic Compounds,'' that state the provisions of Regulation No. 7 shall apply only to ozone nonattainment areas and the Denver Metro Attainment Maintenance Area with the exception of Section V, Paragraphs VI.B.1 and 2., and Subsection VII.C., which shall apply statewide.

(i) Incorporation by reference.

(A) Part B, section III. D.1.f of Regulation No. 3 ''Air Contaminant Emissions Notices'', 5 CCR 1001–5, as adopted on March 21, 1996, effective May 30, 1996.

(B) Section I.A.1 of Regulation No. 7 ''Emissions of Volatile Organic Compounds'', 5 CCR 1001–9, as adopted on March 21, 1996, effective May 30, 1996.

3. New section 52.350 is added to read as follows:

§ 52.350 Control strategy: Ozone.

Revisions to the Colorado State Implementation Plan, 1-hour ozone NAAQS Redesignation Request and Maintenance Plan for Denver entitled ''Ozone Redesignation Request and Maintenance Plan for the Denver Metropolitan Area,'excluding Chapter 1 and Appendix B, as adopted by the Colorado Air Quality Control Commission on January 11, 2001, State effective March 4, 2001, and submitted by the Governor on May 7, 2001.

PART 81—[AMENDED]

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

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

2. In § 81.306, the table entitled ''Colorado-Ozone (1–Hour Standard)'' is amended by revising the entry for ''Denver-Boulder Area'' to read as follows:

§ 81.306 Colorado.

* * * * *

COLORADO—OZONE (1-HOUR STANDARD)

Designated area	Designation		Classification	
	Date [1]	Type	Date [1]	Type
Denver-Boulder Area:				
Adams County (part)				
West of Kiowa Creek	10/11/2001	Attainment.		
Arapahoe County (part)				
West of Kiowa Creek	.....	Attainment.		
Boulder County (part) excluding Rocky Mountain National Park.	.....	Attainment.		
Denver County	.....	Attainment.		
Douglas County	.....	Attainment.		
Jefferson County	.....	Attainment.		
* * *	*	*	*	*

[1] This date is October 18, 2000, unless otherwise noted.

* * * * *

[FR Doc. 01–22610 Filed 9–10–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7052–5]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final notice of deletion of the Farmers' Mutual Cooperative site from the National Priorities List (NPL).

SUMMARY: The EPA, Region VII, is publishing a direct final notice of deletion of the Farmers' Mutual Cooperative site (site) located in Hospers, Iowa, from the NPL.

The NPL, promulgated pursuant to section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is appendix B of 40 CFR part 300, which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). This direct final deletion is being published by EPA with the concurrence of the state of Iowa, through the Iowa Department of Natural Resources because EPA has determined that all appropriate response actions under CERCLA have been completed; and therefore, further remedial action pursuant to CERCLA is not appropriate.

DATES: This direct final deletion will be effective November 13, 2001 unless EPA receives adverse comments by October 11, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final deletion in the **Federal Register** informing the public that the deletion will not take effect.

ADDRESSES: Comments may be mailed to Catherine Barrett, Remedial Project Manager, U.S. Environmental Protection Agency, Superfund Division, 901 North 5th Street, Kansas City, KS 66101.

Information Repositories: Comprehensive information on the site is available for viewing in the Deletion Docket at the information repositories located at: U.S. EPA, Region VII, Superfund Division Records Center, 901 North 5th Street, Kansas City, KS 66101; and the Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, IA 50319.

FOR FURTHER INFORMATION CONTACT: Catherine Barrett, Remedial Project Manager, U.S. Environmental Protection Agency, Superfund Division, 901 North 5th Street, Kansas City, KS 66101, fax (913) 551–7063 or 1–800–223–0425.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis for Site Deletion
V. Deletion Action

I. Introduction

The EPA Region VII is publishing this direct final notice of deletion of the Farmers' Mutual Cooperative Superfund site NPL.

The EPA identifies sites that appear to present a significant risk to public health or the environment and maintains the NPL as the list of those sites. As described in the section 300.425(e)(3) of the NCP, sites deleted from the NPL remain eligible for remedial actions if conditions at a deleted site warrant such action.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication of a notice of intent to delete. This action will be effective November 13, 2001 unless EPA receives adverse comments by October 11, 2001 on this document. If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely withdrawal of this direct final deletion before the effective date of the deletion and the deletion will not take effect. The EPA will, as appropriate, prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

Section II of this document explains the criteria for deleting sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses the Farmers' Mutual Cooperative Superfund site and demonstrates how it meets the deletion criteria. Section V states EPA's action to delete the site from the NPL unless adverse comments are received during the comment period.

II. NPL Deletion Criteria

Section 300.425 (e) of the NCP provides that releases may be deleted from the NPL where no further response is appropriate. In making a determination to delete a site from the NPL, EPA shall consider, in consultation with the state, whether any of the following criteria have been met:

i. Responsible parties or other persons have implemented all appropriate response actions required;

ii. All appropriate Fund-financed (Hazardous Substance Superfund Response TrustFund) response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or,

iii. The remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, the taking of remedial measures is not appropriate.

Even if a site is deleted from the NPL, where hazardous substances, pollutants, or contaminants remain at the deleted site above levels that allow for unlimited use and unrestricted exposure, CERCLA section 121(c), 42 U.S.C. 9621(c) requires that a subsequent review of the site be conducted at least every five years after the initiation of the remedial action at the deleted site to ensure that the remedy remains protective of public health and the environment. If new information becomes available which indicates a need for further action, EPA may initiate remedial actions. Whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without the application of the hazard ranking system.

III. Deletion Procedures

The following procedures apply to deletion of the site:

(1) The EPA consulted with the state of Iowa on the deletion of the site from the NPL prior to developing this direct final notice of deletion.

(2) The state of Iowa concurred with deletion of the site from the NPL.

(3) Concurrently with the publication of this direct final notice of deletion, a notice of the availability of the parallel notice of intent to delete published today in the ''Proposed Rules'' section of the **Federal Register** is being published in a major local newspaper of general circulation at or near the site and is being distributed to appropriate federal, state, and local government officials and other interested parties; the newspaper notice announces the 30-day public comment period concerning the notice of intent to delete the site from the NPL.

(4) The EPA placed copies of documents supporting the deletion in the Deletion Docket at the site information repositories identified above.

(5) If adverse comments are received within the 30-day public comment period on this document, EPA will publish a timely notice of withdrawal of

this direct final notice of deletion before its effective date and will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received.

Deletion of a site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. Deletion of the site from the NPL does not in any way alterEPA's right to take enforcement actions, as appropriate. The NPL is designed primarily for informational purposes and to assist EPA management. Section 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions, should future conditions warrant such actions.

IV. Basis for Intended Site Deletion

The following information provides EPA's rationale for deleting the site from the NPL.

Site Location

The Farmers' Mutual Cooperative site is located in Sioux County, Iowa, and is a six-acre site which lies several hundred feet east of the West Branch Floyd River in the northwestern corner of the city of Hospers.

Site History

The Farmers' Mutual Cooperative is an agricultural supply and service business now operating under a different name. Bulk fertilizer and pesticides were handled at the site until 1992. The site continues to be used for grain storage. In 1984, the state found herbicides and carbon tetrachloride in water from three shallow municipal wells located adjacent to the site.The state first restricted, then prohibited, the use of these three wells. Investigations conducted by the Farmers' Mutual Cooperative found groundwater contamination in the relatively small area between the site and the West Branch Floyd River. The herbicide contamination was the result of incidental releases during normal operations throughout the site. The carbon tetrachloride contamination of groundwater was the result of previous on-site and off-site use of carbon tetrachloride for grain fumigation. A variety of herbicides have been detected in the site groundwater including alachlor, atrazine, cyanazine, metolachlor, metribuzin, and trifluralin. Atrazine had consistently been found in concentrations above the Maximum Contaminant Level(MCL). Carbon tetrachloride was also initially found in groundwater in concentrations above MCLs; however, by 1992, carbon tetrachloride contamination had declined substantially.

Remedial Investigation and Feasibility Study (RI/FS)

In August 1986, the state of Iowa issued an Administrative Order requiring the Farmers' Mutual Cooperative to conduct a remedial investigation/feasibility study (RI/FS) to determine the nature and extent of contamination at the site and to identify alternatives for remedial action. In 1987, a Consent Order between the Farmers' Mutual Cooperative and the state of Iowa provided for groundwater investigations and completion of the RI/FS.

A remedial investigation was begun by the Farmers' Mutual Cooperative in 1986 to include the installation and sampling of four monitoring wells, surface water sampling, and soil sampling at suspected contaminant source areas. In 1989, the investigation was expanded (Phase 2) to include installation of three additional monitoring wells, sampling of all monitoring wells and the shallow city wells, and an aquifer pumping test. Phase 3 of the investigation in 1990 included installation of ten additional monitoring wells and the sampling of monitoring wells and the three shallow city wells. During 1992, Phase 4 of the investigation included thirteen soil borings in an area identified as having high levels of herbicides in groundwater and the installation and sampling of four additional groundwater monitoring wells.

The remedial investigation found that contaminants in the groundwater included volatile organic carbon compounds (VOCC) associated with grain fumigation (carbon tetrachloride and chloroform) and herbicides (alachlor, atrazine, cyanazine, metolacholor, metribuzin, and trifluralin). Carbon tetrachloride and atrazine were found in the groundwater at concentrations in excess of MCLs. Soil borings indicated that levels of contaminants in soil were not at a level which would require remediation.

Record of Decision Findings

A Record of Decision (ROD) to select a remedial action for this site was written and signed on September 29, 1992. The remedial action recommended in the ROD was natural attenuation and groundwater and surface water monitoring, with a drinking water contingency. The groundwater monitoring and surface water monitoring were required to determine the effectiveness of natural attenuation. The groundwater and surface water monitoring included the monitoring of seven groundwater wells and the sampling of the adjacent surface water, the West Branch Floyd River, at upstream and downstream locations. The drinking water contingency provided that the drinking water standards (the MCLs) for contaminants associated with the site would be achieved in the city water supply, including the shallow wells, in order that the blending of shallow and deep well water might continue. Test pumping of the shallow aquifer as prescribed in the ROD for the drinking water contingency was conducted in 1993 and 1994 and demonstrated that the Superfund contaminants of concern (carbon tetrachloride and herbicides) generally existed at levels that would allow 50 percent blending of the shallow well water with the deep well water. However, nitrate (which is not a site-related contaminant of concern), present in groundwater because of the legal application of fertilizers, was found at concentrations that would limit blending. Because the nitrate concentration would limit the blending ratio, the city did not seek to implement a blending program, and the drinking water contingency was not considered further.

Characterization of Risk

A baseline risk assessment was prepared by the IDNR and modified by EPA. Risks were identified for exposure to groundwater from city wells based on groundwater data collected, and the risk was largely due to carbon tetrachloride. There is currently no exposure to groundwater and concentrations of contaminants have been shown in sampling data to be below state action levels and MCLs.

Response Actions

On September 28, 1995, the Farmers' Cooperative Elevator Association of Sheldon, Iowa, and IDNR entered into a Consent Order for the purpose of implementing the September 1992 ROD. The Consent Order required the Farmers' Cooperative Elevator Association to submit a monitoring plan for the groundwater monitoring and surface water monitoring required under the ROD. The purpose of the monitoring program was to track the magnitude and extent of agricultural chemicals and petroleum at the site and to determine the effectiveness of natural attenuation in reducing contaminant levels in groundwater.

The Groundwater and Surface Water Monitoring Plan was prepared by the responsible party in 1995, approved by IDNR, and required monitoring semi-

annually for the first year and annually thereafter to include: (1) The groundwater monitoring of seven groundwater monitoring wells; (2) the surface water monitoring of the West Branch Floyd River at upstream and downstream locations; and (3) depth-to-water measurements in groundwater monitoring wells.

The award of the remedial action contract in 1995 provided for the initiation of the remedial action work by the responsible party. The responsible party conducted groundwater monitoring and surface water monitoring in January 1996, July 1996, November 1997, September 1998, September 1999, and October 2000 in accordance with the IDNR Consent Order.

Clean-Up Standards

The site was considered to be cleaned up and all requirements of the IDNR Consent Order satisfied when the groundwater monitoring revealed no exceedance of MCLs, or state action levels, for CERCLA contaminants of concern for three consecutive groundwater sampling events at least six months apart. This condition of the Consent Order has been met and the clean-up standards have been shown to be achieved.

Operations and Maintenance

The operation and maintenance and the groundwater and surface water monitoring at the site have been conducted by the responsible party in accordance with the IDNR Consent Order. The responsible party continues to own the property which is considered the site. In April 2000, IDNR agreed with the recommendation by the responsible party to discontinue groundwater monitoring for herbicides and abandon 12 groundwater monitoring wells. During October 2000, the abandonment of monitoring wells was conducted in accordance with Iowa Administrative Code 567, Chapter 39.

Five-Year Review

A statutory Five-Year Review Report was completed on September 7, 2000, pursuant to CERCLA 121 (c) and to Section 300.430(f)(4)(ii) of the National Oil and Hazardous Substances Contingency Plan (NCP). Contaminants of concern have been shown to be below drinking water standards. The remedy of natural attenuation has been shown to be effective. Due to the fact that CERCLA hazardous substances, pollutants, or contaminants no longer remain at the site above levels that allow for unrestricted use and unlimited exposure, another five-year review report is not required. The remedy continues to be protective of human health and the environment.

Community Involvement

Public participation activities have been satisfied as required in CERCLA section 113(k), 42 U.S.C. 9613(k), and CERCLA section 117, 42 U.S.C. 9617. Documents in the Deletion Docket which EPA relied on for recommendation of the deletion from the NPL are available to the public in the information repositories.

V. Deletion Action

The EPA, with concurrence of the state of Iowa, has determined that all appropriate responses under CERCLA have been completed, and that no further response actions, under CERCLA, are necessary. Therefore, EPA is deleting the site from the NPL.

Because EPA considers this action to be noncontroversial and routine, EPA is taking it without prior publication. This action will be effective November 13, 2001 unless EPA receives adverse comments by October 11, 2001. If adverse comments are received within the 30-day public comment period, EPA will publish a timely withdrawal of this direct final notice of deletion before the effective date of the deletion and it will not take effect and, EPA will prepare a response to comments and continue with the deletion process on the basis of the notice of intent to delete and the comments already received. There will be no additional opportunity to comment.

List of Subjects in 40 CFR Part 300

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

Dated: August 30, 2001.

William W. Rice,

Regional Administrator, U.S. EPA Region VII.

For the reasons set out in this document, 40 CFR part 300 is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended under Iowa by removing the site name ''Farmers' Mutual Cooperative'' and the city

''Hospers.''

[FR Doc. 01–22609 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

45 CFR Chapter XI, Subchapter E

Institute of Museum and Library Services; Change of Agency Name; Technical Amendments

AGENCY: Institute of Museum and Library Services (IMLS), NFAH.

ACTION: Final rule.

SUMMARY: This final rule updates the Institute of Museum and Library Services' regulations by amending the text to reflect Congress' replacement of the Institute of Museum Services with the Institute of Museum and Library Services under The Museum and Library Services Act of 1996.

DATES: This final rule is effective September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Nancy E. Weiss, General Counsel, Institute of Museum and Library Services, 1100 Pennsylvania Avenue, NW., Washington, DC 20405. Telephone: (202) 606–8536.

SUPPLEMENTARY INFORMATION: The Museum and Library Services Act of 1996 (the ''Act''), set forth at 20 U.S.C. 9101 et seq., expanded the functions of the existing Institute of Museum Services to create the Institute of Museum and Library Services. IMLS published a final rule changing the name of the agency's chapter in the Code of Federal Regulation (Dec. 19, 1997, 62 FR 66529). This rule further updates our regulations by eliminating all references to the Institute of Museum Services and replacing those references with the Institute of Museum and Library Services.

The Institute of Museum and Library Services considers this rule to be a technical amendment that is exempt from notice-and-comment under 5 U.S.C. 553(b)(3)(A). This rule is not a significant rule for purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, the Institute certifies that these regulatory amendments will not have a significant impact on small business entities.

List of Subjects

45 CFR Part 1180

Government contracts, Grant programs-education; Museums, Non-profit organizations, Reporting and recordkeeping requirements, Sunshine Act.

45 CFR Part 1181

Administrative practice and procedure, Civil Rights, Equal employment opportunity, Federal buildings and facilities, Individuals with disabilities.

45 CFR Part 1183

Accounting, Grant programs, Indians, Intergovernmental relations, Reporting and recordkeeping requirements.

45 CFR Part 1185

Administrative practice and procedure, Drug abuse, Grant programs, Loan programs, Reporting and recordkeeping requirements.

For the reasons stated in the preamble and under the authority of 20 U.S.C. 9101 et seq., the Institute of Museum and Library Services amends 45 CFR, Chapter XI, Subchapter E as follows:

1. In 45 CFR chapter XI, subchapter E, revise all references to ''Institute of Museum Services'' to read ''Institute of Museum and Library Services''; and revise all reference to ''IMS'' to read ''IMLS''.

2. In addition, in the table of sections below, remove the text indicated in the middle column and replace it with the text shown in the right column:

Section	Remove	Add
1180.2	Museum Services Act	Museum and Library Services Act
1180.4	Museum Services Act, Title II of the Arts, Humanities, and Cultural Affairs Act of 1976, Public Law 94–462 (20 U.S.C. 961–968).	Museum and Library Services Act, Public Law 104–208 (20 U.S.C. 9101–9176
1180.16(a)	Board	Director
180.20(d)	Museum Services Act	Museum and Library Services Act
1180.20(d)	(20 U.S.C. 965(a))	(20 U.S.C. 9173(a))
1180.20(g)(2)	Board	Director
1180.78(e)(1)	Director	Director

Dated: September 4, 2001.

Nancy E. Weiss,

Federal Register Officer.

[FR Doc. 01–22679 Filed 9–10–01; 8:45 am]

BILLING CODE 7036–01–M

DEPARTMENT OF DEFENSE

48 CFR Parts 204, 252, and 253

[DFARS Case 2001–D004]

Defense Federal Acquisition Regulation Supplement; Reporting Requirements Update

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to provide contract action reporting requirements for Fiscal Year 2002. The rule makes changes to the Individual Contracting Action Report and the Monthly Summary of Contracting Actions.

EFFECTIVE DATE: October 1, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2001–D004.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule contains Fiscal Year 2002 requirements for completion of DD Form 350, Individual Contracting Action Report, and DD Form 1057, Monthly Summary of Contracting Actions. DoD uses these forms to collect statistical data on its contracting actions. This rule contains reporting changes related to bundled contracts, indefinite-delivery contracts, information technology products, commercial items, and recovered materials.

DD Forms 350 and 1057, and other forms prescribed by the DFARS, are not included in the Code of Federal Regulations. The forms are available electronically via the Internet at http://web1.whs.osd.mil/icdhome/ddeforms.htm.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2001–D004.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Parts 204, 252, and 253

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 204, 252, and 253 are amended as follows:

1. The authority citation for 48 CFR Parts 204, 252, and 253 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 204—ADMINISTRATIVE MATTERS

2. Section 204.603 is revised to read as follows:

204.603 Solicitation provisions.

Use the provision at FAR 52.204–6, Data Universal Numbering System (DUNS) Number, in solicitations that'

(1) Have an estimated value exceeding $25,000; or

(2) Have an estimated value of $25,000 or less and include the clause at 252.204–7004, Required Central Contractor Registration.

3. Section 204.670–1 is amended as follows:

a. In paragraph (b) introductory text by revising the first sentence; and

b. In paragraph (c)(3) by removing ''SAF/AQCI'' and adding in its place

''SAF/AQCX''. The revised text reads as follows:

204.670–1 Definitions.

* * * * *

(b) *Contracting action* means any action related to the purchasing, renting, or leasing of supplies, services, or construction. * * *

* * * * *

4. Section 204.670–2 is amended by revising paragraph (a)(1), adding paragraphs (a)(3) and (a)(4), revising paragraph (b)(1), adding paragraph (b)(3), and revising paragraphs (c)(3) and (c)(7)(i) to read as follows:

204.670–2 Reportable contracting actions.

(a) * * *

(1) Actions that obligate or deobligate more than $25,000, except actions summarized on DD Form 1057 in accordance with paragraph (b)(2) or (3) of this subsection.

* * * * *

(3) Actions that establish an indefinite-delivery contract not reported under other paragraphs of this subsection.

(4) Actions of any dollar value that the contracting office chooses to report on a DD Form 350.

(b) * * *

(1) Actions that obligate or deobligate $25,000 or less, except actions reported on DD Form 350 in accordance with paragraph (a)(2), (3), or (4) of this subsection.

* * * * *

(3) Actions that obligate or deobligate more than $25,000, but not more than $200,000, and are placed by a contracting officer on a Navy vessel.

(c) * * *

(3) Transactions for purchase of land, or rental or lease of real property, when the General Services Administration (GSA) executes the action.

* * * * *

(7) * * *

(i) Military Traffic Management Command;

* * * * *

5. Section 204.670–3 is amended in paragraph (a)(2) by revising the first sentence to read as follows:

204.670–3 Contracting office responsibilities.

(a) * * *

(2) Complete the DD Form 350 when funds are obligated or deobligated or, in the case of actions with no funds, when the contract is established. * * *

* * * * *

204.670–5 [Amended]

6. Section 204.670–5 is amended in paragraph (a) by removing ''activities'' and adding in its place ''offices''.

204.670–6 [Amended]

7. Section 204.670–6 is amended as follows:

a. In paragraph (a) and the introductory text of paragraph (b) by removing ''contracting';

b. In paragraph (b)(1)(i) in the first sentence by removing ''Sealift'' and adding in its place ''Traffic Management''; and

c. In the first sentence of paragraphs (c)(1), (c)(2), and (c)(3) by removing ''contracting'.

8. Section 204.7207 is added to read as follows:

204.7207 Solicitation provision.

Use the provision at 252.204–7001, Commercial and Government Entity (CAGE) Code Reporting, in solicitations when—

(a) The solicitation does not include the clause at 252.204–7004, Required Central Contractor Registration; and

(b) The CAGE codes for the potential offerors are not available to the contracting office.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.204–7001 [Amended]

9. Section 252.204–7001 is amended in the introductory text by removing ''204.603(1)'' and adding in its place ''204.7207''.

PART 253—FORMS

10. Section 253.204–70 is revised to read as follows:

253.204–70 DD Form 350, Individual Contracting Action Report.

Policy on use of a DD Form 350 is in 204.670–2. This subsection contains instructions for completion of the DD Form 350.

(a) *Part A of the DD Form 350.* Part A identifies the report and the reporting activity. Complete all four lines.

(1) LINE A1, TYPE OF REPORT. Enter one of the following codes:

(i) *Code 0—Original.* Enter code 0 unless code 1 or code 2 applies.

(ii) *Code 1—Canceling.* A canceling action cancels an existing DD Form 350 in accordance with departmental data collection point instructions.

(iii) *Code 2—Correcting.* A correcting action corrects an existing DD Form 350 action in accordance with departmental data collection point instructions.

(2) LINE A2, REPORT NUMBER. Enter the six-position local control number (see 204.670–3(a)(5)). If Line A1 is coded 1 or 2, use the prior report number rather than a new one.

(3) LINE A3, CONTRACTING OFFICE.

(i) LINE A3A, REPORTING AGENCY FIPS 95 CODE. Enter one of the following codes: 2100 (Army); 1700 (Navy), 5700 (Air Force); 96CE (Army Civil Works); 97AS (DLA); 9700 (all other defense agencies).

(ii) LINE A3B, CONTRACTING OFFICE CODE. Enter the code assigned by the departmental data collection point in 204.670–1(c).

(4) LINE A4, NAME OF CONTRACTING OFFICE. Enter sufficient detail to establish the identity of the contracting office.

(b) *Part B of the DD Form 350.* Part B identifies the transaction.

(1) LINE B1, CONTRACT IDENTIFICATION INFORMATION. Do not leave any parts of Line B1 blank.

(i) LINE B1A, CONTRACT NUMBER.

(A) Enter—

(*1*) The DoD contract number; or

(*2*) For orders under contracts awarded by other Federal agencies, the contract number of that Federal agency as it appears in the contractual instrument.

(B) Do not leave spaces between characters, and do not enter dashes, slants, or any other punctuation marks.

(C) The DoD contract number is the basic (13-position alphanumeric character) procurement instrument identification number (PIIN) that was assigned in accordance with 204.7003 or constructed under an exception permitted by 204.7000. Do not enter any supplementary procurement instrument identification numbers as part of the contract number (these go on Line B2).

(ii) LINE B1B, ORIGIN OF CONTRACT. Enter the code that indicates the agency that assigned the contract number.

(A) *Code A—DoD.*

(B) *Code B—NASA.*

(C) *Code C—Other Non-DoD Agency.*

(iii) LINE B1C, BUNDLED CONTRACT. Enter one of the following codes:

(A) *Code Y—Yes.* Enter code Y when the contract meets the definition of ''bundled contract'' at FAR 2.101 and the contract value exceeds $5 million.

(B) *Code N—No.* Enter code N when code Y does not apply.

(iv) LINE B1D, BUNDLED CONTRACT EXCEPTION. If Line B1C is coded Y, enter one of the following codes. Otherwise, leave Line B1D blank.

(A) *Code A—Mission Critical.* Enter code A if the agency has determined that the consolidation of requirements is critical to the agency's mission, but the measurably substantial benefits do not

meet the thresholds set forth in FAR 7.107 to determine that the consolidation is necessary and justified.

(B) *Code B—OMB Circular A–76.* Enter code B if the agency used the OMB Circular A–76 process to determine that the consolidation of requirements is necessary and justified rather than applying the substantial benefits analysis required by FAR 7.107.

(C) *Code C—Other.* Enter code C when codes A and B do not apply.

(v) LINE BIE, PERFORMANCE-BASED SERVICE CONTRACT (see FAR Subpart 37.6). Enter one of the following codes:

(A) *Code Y—Yes.* Enter code Y when—

(*1*) The contract value exceeds $100,000; and

(*2*) At least 80 percent of the contract value is for work that is performance based.

(B) *Code N—No.* Enter code N when code Y does not apply.

(2) LINE B2, MODIFICATION, ORDER, OR OTHER ID NUMBER. Enter the supplementary procurement instrument identification number (if there is one) that was assigned in accordance with 204.7004 or as permitted by 204.7000. It can be up to 19 characters. Usually calls and orders have a four-position number (see 204.7004(d)); modifications to contracts and agreements have a six-position modification number (see 204.7004(c)); and modifications to calls and orders have a two-position modification number (see 204.7004(e)). When reporting modifications to calls and orders, enter both the call or order number and the modification number.

(3) LINE B3, ACTION DATE.

(i) Enter the year, month, and day of the effective date for fiscal obligation purposes.

(ii) Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(4) LINE B4, COMPLETION DATE.

(i) Enter the year, month, and day of the last contract delivery date or the end of the performance period. If the contract is incrementally funded, report the completion date for the entire contract. Report the completion date associated with an option quantity when the option is exercised.

(ii) Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(5) LINE B5, CONTRACTOR IDENTIFICATION INFORMATION.

(i) Use data that relates to the contractor whose name and address appear in the contract document (Block 7 of the SF 26, Award/Contract; Block 8 of the SF 30, Amendment of Solicitation/Modification of Contract; Block 15A of the SF 33, Solicitation, Offer and Award; or Block 9 of the DD Form 1155, Order for Supplies or Services), except—

(A) For contracts placed with the Small Business Administration under Section 8(a) of the Small Business Act, use data that relates to the company that will be performing the work;

(B) For Federal schedule orders, use data that applies to the contractor whose name appears on the schedule (not the data for the agent to whom orders may be sent); and

(C) For contracts with the Canadian Commercial Corporation (CCC), use data for the appropriate CCC office.

(ii) Some of the parts of Line B5 may not apply to the action being reported. Follow the instructions for each part.

(A) LINE B5A, CONTRACTOR IDENTIFICATION NUMBER (DUNS).

(1) Enter the contractor's 9-position Data Universal Numbering System (DUNS) number (see FAR 4.602(d) and 4.603 and DFARS subpart 204.73).

(2) For U.S. Army Contracting Command, Europe, consolidated reporting of vouchers for utilities from municipalities, use DUNS number 15–390–6193 (see 204.670–6(b)(1)).

(B) LINE B5B, GOVERNMENT AGENCY. Enter one of the following codes:

(1) Code Y—Yes. Enter code Y when the contractor is a Federal, State, or local government agency of the United States and outlying areas (see 204.670–1(d)). Do not use code Y when the government agency is an educational institution.

(2) Code N—No. Enter code N when code Y does not apply.

(C) LINE B5C, Reserved.

(D) LINE B5D, CONTRACTOR NAME AND DIVISION NAME. Enter the contractor's name as stated in the offer and resultant contract. Include its division name.

(E) LINE B5E, CONTRACTOR ADDRESS. Enter the contractor's address as stated in the offer and resultant contract. Include street address or P.O. Box, city or town, state or country, and ZIP code, if applicable. Do not enter foreign postal codes.

(F) LINE B5F, TAXPAYER IDENTIFICATION NUMBER. Enter the contractor's taxpayer identification number (TIN) (see FAR subpart 4.9). Leave Line B5F blank if the contractor is—

(1) A nonresident alien, foreign corporation, or foreign partnership that does not have income effectively connected with the trade or business in the United States; and does not have an office or place of business or a fiscal paying agent in the United States;

(2) An agency or instrumentality of a foreign government; or

(3) An agency or instrumentality of the Federal Government.

(G) LINE B5G, PARENT TAXPAYER IDENTIFICATION NUMBER. Enter the contractor's parent company (common parent) TIN (see FAR subpart 4.9 and 52.204–3). If the contractor does not have a parent company or the parent company meets the exemption for Line B5F, leave Line B5G blank.

(H) LINE B5H, PARENT NAME. If a parent company TIN is entered on Line B5G, enter the name of the parent company (common parent) on Line B5H. Leave Line B5H blank if there is no parent company or the parent company is exempted from the requirement to have a TIN.

(6) LINE B6, PRINCIPAL PLACE OF PERFORMANCE.

(i) The place, or places, where the contract will be performed may be specified by the Government or listed by the contractor in response to the solicitation provision at FAR 52.214–14, Place of Performance—Sealed Bidding, or FAR 52.215–6, Place of Performance. Use data for the contractor's principal place of performance, which is generally the—

(A) Final assembly point for items manufactured under supply contracts;

(B) Location from where shipments from stock are made under supply contracts;

(C) Actual construction site for construction contracts;

(D) Planned construction site for architect-engineer contracts;

(E) Place of mining for mined supplies; or

(F) Place (including military installations) where a service is performed for service contracts.

(ii) When there is more than one location for any of paragraphs (b)(6)(i)(A) through (F) of this subsection (e.g., more than one construction site), use the location involving the largest dollar amount of the acquisition. Do not show more than one location on Line B6.

(iii) If places of performance are too varied or not known, enter the contractor's home office location. However, if the contractor is a domestic concern and the entire contract will be performed outside the United States, enter the most frequent place of performance.

(iv) Follow the instructions for each part of Line B6 that applies to the action being reported.

(A) LINE B6A, CITY OR PLACE CODE.

(1) For places in the United States and outlying areas, enter the numeric place code from FIPS PUB 55, Guideline: Codes for Named Populated Places, Primary Country Divisions, and Other Locational Entities of the United States and Outlying Areas. Leave Line B6A blank for places outside the United States and outlying areas.

(2) If the city or locality is not listed, look in FIPS PUB 55 for the county code of the principal place of performance. Enter that code on Line B6A. Use 50000 for Washington, DC, with a State code of 11.

(3) Paragraph 5.2, Entry Selection With the Aid of the Class Code, of FIPS PUB 55 will help in selecting the correct code. Sometimes, a class code should be used in addition to a place code to accurately identify the place of performance. Do not use place codes when the first position of the class code is X or Z.

(B) LINE B6B, STATE OR COUNTRY CODE.

(1) For places in the United States and outlying areas, enter the numeric State code from FIPS PUB 55 or FIPS PUB 5, Codes for the Identification of the States, the District of Columbia and the Outlying Areas of the United States and Associated Areas.

(2) For places outside the United States and outlying areas, enter the alpha country code from FIPS PUB 10, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions.

(C) LINE B6C, CITY OR PLACE AND STATE OR COUNTRY NAME. Enter the name of the principal place of performance. Do not leave Line B6C blank.

(7) LINE B7, TYPE OBLIGATION. Enter one of the following codes:

(i) *Code 1—Obligation.* Enter code 1 if the action obligates funds.

(ii) *Code 2—Deobligation.* Enter code 2 if the action deobligates funds.

(iii) *Code 3—No Dollars Obligated or Deobligated.* Enter code 3 if the action neither obligates nor deobligates funds.

(8) LINE B8, OBLIGATED OR DEOBLIGATED DOLLARS. Enter the net amount of funds (whole dollars only) obligated or deobligated by the action. Enter zero if Line B7 is coded 3.

(9) LINE B9, FOREIGN MILITARY SALE. Enter one of the following codes. If only part of the action is a foreign military sale, separately report the parts (see 204.670–6(c)).

(i) *Code Y—Yes.* Enter code Y when the action is under a foreign military sales arrangement, or under any other arrangement when a foreign country or international organization is bearing the cost of the acquisition.

(ii) *Code N—No.* Enter code N when code Y does not apply.

(10) LINE B10, MULTIYEAR CONTRACT. Enter one of the following codes:

(i) *Code Y—Yes.* Enter code Y when the action is a multiyear contract as defined at FAR 17.103. Do not report contracts containing options as multiyear unless the definition at FAR 17.103 applies to the contract.

(ii) *Code N—No.* Enter code N when code Y does not apply.

(11) LINE B11, TOTAL ESTIMATED CONTRACT VALUE. Enter the total estimated contract value (in whole dollars) only at the time of initial placement of the contract, including placement of an indefinite-delivery or multiyear contract. Include the total estimated value of orders and options anticipated to be placed over the life of the contract.

(12) LINE B12, PRINCIPAL PRODUCT OR SERVICE. Line B12 has five parts. Do not leave any parts of Line B12 blank. Codes for Line B12 can be found in the DoD Procurement Coding Manual (MN02) under ''PRODUCT AND SERVICE CODE ASCII FILE DOWNLOADS'' at the bottom of the following web page: http://web1.whs.osd.mil/peidhome/guide/mn02/mn02.htm.

(i) LINE B12A, FEDERAL SUPPLY CLASS OR SERVICE CODE. Enter the 4-character Federal supply class (FSC) or service code that describes the contract effort. There are three categories of codes to choose from. If more than one category or code applies to the action, enter the one that best identifies the product or service representing the largest dollar value.

(A) *Supplies.* If the action is for the purchase (not lease or rental) of supplies, enter an FSC code on Line B12A. FSC codes are all numeric. The Department of Defense Federal Supply Classification Cataloging Handbook (H2) may also help with the correct 4-digit code.

(B) *Services.* If the action is for services (except research, development, test, and evaluation), construction, equipment lease or rental, or facilities lease or rental, enter a service code on Line B12A.

(C) *Research, Development, Test, and Evaluation (RDT&E).* If the action is for RDT&E (as defined in FAR 35.001 and 235.001), enter an RDT&E code on Line B12A. All RDT&E codes should begin with the letter ''A.'' Do not use an RDT&E code for—

(1) Purchase, lease, or rental of equipment, supplies, or services separately purchased in support of RDT&E work, even if RDT&E funds are cited. Instead, use an FSC or Service code under the instructions in paragraph (b)(12)(i)(A) or (B) of this subsection; or

(2) Orders under Federal schedule contracts. Instead, use an FSC or Service code under the instructions in paragraph (b)(12)(i)(A) or (B) of this subsection.

(ii) LINE B12B, DOD CLAIMANT PROGRAM CODE. Enter a code that identifies the commodity described on Line B12E. If more than one code applies to the action, enter the one that best identifies the product or service representing the largest dollar value. If the description on Line B12E is for—

(A) Research and development (R&D), enter the code that best represents the objective of the R&D. For example, if the objective of the R&D is a guided missile, enter code A20. If the R&D cannot be identified to any particular objective, enter code S10;

(B) Ship repair, inspect and repair as necessary (IRAN), modification of aircraft, overhaul of engines, or similar maintenance, repair, or modification services, enter the code that best identifies the program;

(C) Equipment rental (including rental of automatic data processing equipment), enter code S10;

(D) Utility services, enter code S10;

(E) Services that cannot be identified to any listed program, enter code S10; or

(F) Supplies or equipment that cannot be identified to any listed program, enter code C9E.

(iii) LINE B12C, PROGRAM, SYSTEM, OR EQUIPMENT CODE.

(A) Enter a code that describes the program, weapons system, or equipment. If there is no code that applies to the action, enter three zeros. If more than one code applies to the action, enter the one that best identifies the product or service representing the largest dollar value.

(B) If the action is funded by the Ballistic Missile Defense Organization, enter code CAA.

(C) If the action supports environmental cleanup programs, enter one of the codes listed in Section II of the DoD Procurement Coding Manual (MN02) under the heading ''Environmental Cleanup Programs'' at http://web1.whs.osd.mil/peidhome/guide/mn02/SECT2.HTM.

(D) Defense Logistics Agency and Defense Contract Management Agency activities must use the code assigned by the sponsoring military department.

(iv) LINE B12D, NAICS CODE. Enter the North American Industry

Classification System (NAICS) code for the acquisition. Use the NAICS code in effect at the time of award. These codes are in the 1997 U.S. NAICS Manual (http://www.census.gov/pub/epcd/www/naics.html). If more than one code applies to the action, enter the code that best identifies the product or service representing the largest dollar value.

(v) LINE B12E, NAME OR DESCRIPTION. Enter the name or a brief description of the commodity or service. If the description is classified, enter only the word ''Classified.'' Do not use ''Classified'' when a code name (e.g., Minuteman, Polaris, Trident, Pershing) or an identifying program number (e.g., WS–107A) can be used.

(vi) LINE B12F, EPA-DESIGNATED PRODUCT(S). Enter one of the following codes:

(1) Code A—EPA-Designated Product(s) with Minimum Recovered Material Content. Enter code A if Environmental Protection Agency (EPA)-designated product(s) were acquired and all contained the required minimum recovered material content. See the EPA Comprehensive Procurement Guidelines program list at http://www.epa.gov/cpg/.

(2) Code B—FAR 23.405(c)(1) Justification. Enter code B if EPA-designated product(s) were acquired without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) competitively within a reasonable period of time.

(3) Code C—FAR 23.405(c)(2) Justification. Enter code C if EPA-designated product(s) were acquired without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) at a reasonable price.

(4) Code D—FAR 23.405(c)(3) Justification. Enter code D if EPA-designated product(s) were acquired without the required minimum recovered material content and a justification was completed based on inability to acquire the product(s) to reasonable performance standards in the specifications.

(5) Code E—No EPA-Designated Product(s) Acquired. Enter code E if no EPA-designated products were acquired.

(vii) LINE B12G, RECOVERED MATERIAL CLAUSES. When Line B12F is coded Y, enter one of the following codes. Otherwise, leave Line B12G blank.

(1) Code A—FAR 52.223–4. Enter code A if the solicitation included the provision at FAR 52.223–4, Recovered Material Certification.

(2) Code B—FAR 52.223–4 and FAR 52.223–9. Enter code B if the solicitation included the provision at FAR 52.223–4, Recovered Material Certification, and the contract includes the clause at FAR 52.223–9, Estimate of Percentage of Recovered Material Content for EPA-Designated Products.

(13) LINE B13, KIND OF ACTION. Some of the parts of Line B13 may not apply to the action being reported. Follow instructions for each part. When the action is a modification, complete Lines B13A and B13D.

(i) LINE B13A, CONTRACT OR ORDER. Enter one of the following codes:

(A) *Code 1—Letter Contract.* Enter code 1 when the action is a letter contract or a modification to a letter contract that has not been definitized.

(B) *Code 3—Definitive Contract.*

(1) Enter code 3 when the action is the award or modification of a definitive contract or a modification that definitizes a contract. Code 3 includes the following:

(i) Definitive contract awards under the Small Business Administration 8(a) program.

(ii) Notices of award.

(iii) Lease agreements.

(iv) Indefinite-delivery-definite-quantity contracts (FAR 52.216–20).

(v) Indefinite-delivery-indefinite-quantity contracts (FAR 52.216–22) when funds are obligated by the contract itself.

(2) Code 3 excludes orders from the Procurement List (see codes 6 and 8).

(C) *Code 4—Order under an Agreement.* Enter code 4 when the action is an order or definitization of an order under an agreement other than a blanket purchase agreement. Examples include an order exceeding $25,000 under a basic ordering agreement or a master ship repair agreement and a job order when the contract is created by issuing the order. An order under a blanket purchase agreement established under a Federal schedule (see FAR 8.404(b)(4)) is coded 7. An order under other blanket purchase agreements, pursuant to FAR 13.303, is coded 9. When the action is a modification to an order described in code 4 instructions, enter code 4 on Line B13A.

(D) *Code 5—Order under Indefinite-Delivery Contract.* Enter code 5 when the action is an order, including a task or delivery order, under an indefinite-delivery contract awarded by a Federal agency. For example, enter code 5 for an order under a GSA indefinite-delivery contract, such as a GSA area-wide contract for utility services, that is not a Federal schedule. When the action is a modification to an order described in code 5 instructions, enter code 5 on Line B13A.

(E) *Code 6—Order under Federal Schedule.* Enter code 6 if the action is an order under a Federal schedule. An order under a blanket purchase agreement established under a Federal schedule is coded 7. Code 6 includes orders under Federal schedules for items on the Procurement List. When the action is a modification to an order described in code 6 instructions, enter code 6 on Line B13A.

(F) *Code 7—BPA Order under Federal Schedule.* Enter code 7 if the action is an order under a blanket purchase agreement established under a Federal schedule (see FAR 8.404(b)(4)). When the action is a modification to an order described in code 7 instructions, enter code 7 on Line B13A.

(G) *Code 8—Order from Procurement List.* Enter code 8 if the action is an order placed with Federal Prison Industries (UNICOR) or a JWOD Participating Nonprofit Agency in accordance with FAR subpart 8.6 or 8.7. Use code 6 for orders from the Procurement List under Federal schedules. When the action is a modification to an order described in code 8 instructions, enter code 8 on Line B13A.

(H) *Code 9—Award under FAR Part 13.* Enter code 9 if the action, including an action in a designated industry group under the Small Business Competitiveness Demonstration Program (see FAR subpart 19.10), is an award pursuant to FAR part 13, except when the action is a blanket purchase agreement order pursuant to FAR 8.404(b)(4) (see code 7). When the action is a modification to an award described in code 9 instructions, enter code 9 on Line B13A.

(ii) LINE B13B, TYPE OF INDEFINITE-DELIVERY CONTRACT. If Line B13A is coded 3 and the ninth position of B1A is coded D, complete Line B13B. If Line B13A is coded 5, complete Line B13B. Otherwise, leave Line B13B blank.

(A) *Code A—Requirements Contract (FAR 52.216–21).*

(B) *Code B—Indefinite-Quantity Contract (FAR 52.216–22).*

(C) *Code C—Definite-Quantity Contract (FAR 52.216–20).*

(iii) LINE B13C, MULTIPLE OR SINGLE AWARD INDEFINITE-DELIVERY CONTRACT. If Line B13B is coded A, B, or C, complete Line B13C. Otherwise, leave Line B13C blank.

(A) *Code M—Multiple Award.* Enter code M if the action is a task or delivery order under a multiple award indefinite-delivery contract.

(B) *Code S—Single Award.* Enter code S if the action is a task or delivery order under a single award indefinite-delivery contract.

(iv) LINE B13D, MODIFICATION. If the action is a modification, enter one of the following codes. Otherwise, leave Line B13D blank.

(A) *Code A—Additional Work (new agreement).* Enter code A when the action is a bilateral supplemental agreement that obligates funds for additional work requiring a justification and approval (J&A).

(B) *Code B—Additional Work (other).* Enter code B when the action is a modification of an existing contract (including a letter contract) that is not covered by code A or by codes C through H (see code H for exercise of an option). Code B includes actions that—

(1) Initiate an incremental yearly buy under a multiyear contract;

(2) Amend a letter or other contract to add work that does not require a J&A; or

(3) Order under a priced exhibit or production list.

(C) *Code C—Funding Action.* Enter code C when the action is a modification (to a letter or other contract) for the sole purpose of obligating or deobligating funds. This includes—

(1) Incremental funding (other than incremental yearly buys under multiyear contracts, which are coded B);

(2) Changes to the estimated cost on cost-reimbursement contracts;

(3) Repricing actions covering incentive price revisions;

(4) Economic price adjustments; and

(5) Initial citation and obligation of funds for a contract awarded in one fiscal year but not effective until a subsequent fiscal year.

(D) *Code D—Change Order.* Enter code D if the action is a change order issued under the ''Changes,'' ''Differing Site Conditions,'' or similar clauses in existing contracts.

(E) *Code E—Termination for Default.* Enter code E if the action is a modification that terminates all or part of the contract for default.

(F) *Code F—Termination for Convenience.* Enter code F if the action is a modification that terminates all or part of the contract for convenience.

(G) *Code G—Cancellation.* Enter code G if the action is a modification that cancels the contract. Do not use code G to cancel a prior DD Form 350 (see Line A1).

(H) *Code H—Exercise of an Option.* Enter code H if the action is an exercise of an option.

(I) *Code J—Definitization.* Enter code J if the action is a definitization modification. For the definitization of a letter contract, enter code 3 on Line B13A.

(v) LINE B13E, MULTIPLE AWARD CONTRACT FAIR OPPORTUNITY. If Line B13C is coded M, enter one of the following codes. Otherwise, leave Line B13E blank.

(A) *Code A—Fair Opportunity Process.* Enter code A if the delivery or task order was issued pursuant to a process that permitted each contract awardee a fair opportunity to be considered (see FAR 16.505(b)(1)).

(B) *Code B—Urgency.* Enter code B if the agency need is so urgent that providing a fair opportunity would result in unacceptable delays (see FAR 16.505(b)(2)(i)).

(C) *Code C—One/Unique Source.* Enter code C if only one contract awardee is capable of providing the supplies or services at the level or quality required because the supplies or services are unique or highly specialized (see FAR 16.505(b)(2)(ii)).

(D) *Code D—Follow-On Contract.* Enter code D if the order was issued on a sole-source basis in the interest of economy and efficiency as a logical follow-on to an order already issued under the contract, provided that all awardees were given a fair opportunity to be considered for the original order (see FAR 16.505(b)(2)(iii)).

(E) *Code E—Minimum Guarantee.* Enter code E if it was necessary to place an order to satisfy a minimum amount guaranteed to the contractor (see FAR 16.505(b)(2)(iv)).

(vi) LINE B13F, INDEFINITE–DELIVERY CONTRACT USE. If Line B13B is coded A, B, or C, and the action is the initial placement of an indefinite-delivery contract, enter one of the following codes to indicate if the indefinite-delivery contract can be used Government-wide, within DoD only, within the department or agency only, or by the contracting office only. Otherwise, leave Line B13F blank.

(A) *Code A—Government-Wide.*

(B) *Code B—DoD-Wide.*

(C) *Code C—DoD Department or Agency Only.*

(D) *Code D—Contracting Office Only.*

(vii) LINE B13G—INDEFINITE–DELIVERY CONTRACT ORDERING PERIOD ENDING DATE. If Line B13F is coded A, B, C, or D, enter the date the ordering period ends. Otherwise, leave Line B13G blank. Enter four digits for the year, two digits for the month, and two digits for the day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

(14) LINE B14, CICA APPLICABILITY. Enter one of the following codes:

(i) *Code A—Pre-CICA.* Enter code A if the action resulted from a solicitation issued before April 1, 1985. Modifications within the original scope of work of such awards and orders under pre-CICA indefinite-delivery type contracts also are coded A.

(ii) *Code B—CICA Applicable.* Enter code B if—

(A) The action resulted from a solicitation issued on or after April 1, 1985, or is a modification coded A on Line B13D issued on or after April 1, 1985; and

(B) Neither code C nor code D applies.

(iii) *Code C—Simplified Acquisition Procedures Other than FAR Subpart 13.5.* Enter code C if the action resulted from use of the procedures in FAR part 13, other than those in subpart 13.5.

(iv) *Code D—Simplified Acquisition Procedures Pursuant to FAR Subpart 13.5.* Enter code D if the action resulted from use of the procedures in FAR subpart 13.5.

(15) LINE B15, INFORMATION TECHNOLOGY PRODUCTS OR SERVICES. If the action is for information technology products or services, enter one of the following codes. Otherwise, leave Line B15 blank.

(i) *Code A—Commercially Available Off-the-Shelf Item.* Enter code A if the action is for an item of supply that meets the definition of commercial item in FAR 2.101, does not require any modification, and is available in the commercial marketplace.

(ii) *Code B—Other Commercial Item of Supply.* Enter code B if the action is for an item of supply that meets the definition of commercial item in FAR 2.101, but requires minor modifications, or is not yet available in the commercial marketplace, but will be available in time to meet the Government's needs.

(iii) *Code C—Nondevelopmental Item Other than Commercial Item.* Enter code C if the action is for an item of supply, other than a commercial item, that meets the definition of nondevelopmental item in FAR 2.101.

(iv) *Code D—Other Noncommercial Item of Supply.* Enter code D if the action is for an item of supply that does not meet the definition of commercial item or nondevelopmental item in FAR 2.101.

(v) *Code E—Commercial Service.* Enter code E if the action is for a service that meets the definition of commercial item in FAR 2.101.

(vi) *Code F—Noncommercial Service.* Enter code F for all other services.

(16) LINE B16, CLINGER-COHEN ACT PLANNING COMPLIANCE. Enter one of the following codes:

(i) *Code Y—Yes.* Enter code Y if the action is for information technology products or services acquired in compliance with the planning requirements of sections 5122 and 5123 of the Clinger-Cohen Act of 1996 (40 U.S.C. 1422 and 1423).

(ii) *Code N—No.* Enter code N if code Y does not apply.

(c) *Part C of the DD Form 350.*

(1) Part C gathers data concerning contracting procedures, use of competition, financing, and statutory requirements other than socioeconomic (which are in Part D).

(2) Do not complete Part C if the action is with a government agency, i.e., Line B5B (Government Agency) is coded Y (Yes). If Line B13A is coded 6, complete only the following lines in Part C: Line C3, and Lines C13A and C13B (when applicable).

(3) In completing Part C, use codes that describe either the current action or the original contract, depending on the codes reported on Lines B13A and B13D.

(i)(A) If Line B13A is coded 1, 3, 4, 6, or 9 and Line B13D is coded A or is blank, code the lines in Part C to describe the current action.

(B) If Line B13A is coded 5 and the current action is an order under a multiple award contract (Line B13C is coded M), code Lines C6 and C7 to describe the order and code the rest of Part C to describe the original contract.

(C) Otherwise, code the lines in Part C to describe the original contract.

(ii) If there are no codes for the original contract because a DD Form 350 was not required at the time, the original action is no longer available, the definition of the original code has changed, or a data element has been added to the system after the original contract report, use codes that best describe the original action.

(4) Complete Part C as follows:

(i) LINE C1, SYNOPSIS. Enter one of the following codes:

(A) *Code A—Synopsis Only.* Enter code A only if a synopsis of the proposed action was prepared and transmitted in accordance with FAR subpart 5.2.

(B) *Code B—Combined Synopsis/Solicitation.* Enter code B if a combined synopsis/solicitation of the proposed action was prepared and transmitted in accordance with FAR subpart 5.2 and 12.603.

(C) *Code N—Not Synopsized.* Enter code N if a synopsis was not prepared.

(ii) LINE C2, REASON NOT SYNOPSIZED. Enter one of the following codes if Line C1 is coded N. Otherwise, leave Line C2 blank.

(A) *Code A—Urgency.* Enter code A if the action was not synopsized due to urgency (see FAR 6.302–2).

(B) *Code B—FAR 5.202(a)(13).* Enter code B if the action was not synopsized because the acquisition did not exceed the simplified acquisition threshold and was made through FACNET or another means that provided access to the notice of proposed action through the Governmentwide point of entry (see FAR 5.202(a)(13)).

(C) *Code Z—Other Reason.* Enter code Z if the action was not synopsized due to some other reason.

(iii) LINE C3, EXTENT COMPETED. Enter one of the following codes:

(A) *Code A—Competed Action.* Enter code A when—

(1) The action is an order under a Federal schedule (Line B13A is coded 6);

(2) Competitive procedures were used to fulfill the requirement for full and open competition (see FAR subpart 6.1);

(3) Full and open competition procedures after exclusion of sources were used in order to establish or maintain alternative sources, to set aside an acquisition for small business or HUBZone small business, or to compete Section 8(a) awards (see FAR subpart 6.2);

(4) Statutory authorities for other than full and open competition were used (see FAR subpart 6.3) and more than one offer was received (if only one offer was received, use code D);

(5) The action resulted from a contract awarded prior to the Competition in Contracting Act that used two-step sealed bidding or other sealed bidding, or that was negotiated competitively; or

(6) Simplified acquisition procedures were used and competition was obtained.

(B) *Code B—Not Available for Competition.* Enter code B for—

(1) Awards for utilities or utility systems, excluding long distance telecommunications services, when only one supplier can furnish the service (see FAR 6.302–1(b)(3));

(2) Brand name commercial products for authorized resale;

(3) Acquisitions authorized or required by statute to be awarded to a specific source pursuant to FAR 6.302–5(b)(2) or (4), e.g., qualified nonprofit agencies employing people who are blind or severely disabled (see FAR subpart 8.7) or 8(a) program (see FAR subpart 19.8);

(4) International agreements and Foreign Military Sales when the acquisition is to be reimbursed by a foreign country that requires that the product or services be obtained from a particular firm as specified in official written direction such as a Letter of Offer and Acceptance; and

(5) Other contracting actions when the Director of Defense Procurement has determined that there is no opportunity for competition.

Note: Even though Part C is not completed for actions with a government agency, the database will automatically include these actions in the category of not available for competition.

(C) *Code C—Follow-On to Competed Action.* Enter code C when the action pertains to an acquisition placed with a particular contractor to continue or augment a specific competed program, if such placement was necessitated by prior acquisition decisions. Code C applies to contracts that meet the statutory criteria for Phase III follow-on under the Small Business Innovation Research Program.

(D) *Code D—Not Competed.* Enter code D when codes A, B, and C do not apply.

(iv) LINE C4, SEA TRANSPORTATION. Enter one of the following codes when Line B1B is coded A, Line B5B is coded N, and Line B13A is coded other than 9. Otherwise, leave Line C4 blank.

(A) *Code Y—Yes—Positive Response to DFARS 252.247–7022 or 252.212–7000(c)(2).* Enter code Y when the contractor's response to the provision at 252.247–7022, Representation of Extent of Transportation by Sea, or 252.212–7000(c)(2), Offeror Representations and Certifications—Commercial Items, indicates that the contractor anticipates that some of the supplies being provided may be transported by sea.

(B) *Code N—No—Negative Response to DFARS 252.247–7022 or 252.212–7000(c)(2).* Enter code N when the contractor's response to the provision at 252.247–7022 or 252.212–7000(c)(2) indicates that the contractor anticipates that none of the supplies being provided will be transported by sea.

(C) *Code U—Unknown—No Response or Provision Not Included in Solicitation.* Enter code U when the contractor did not complete the representation at 252.247–7022 or 252.212–7000(c)(2) or the solicitation did not include either provision.

(v) LINE C5, TYPE OF CONTRACT.

(A) If the action is a letter contract, including modifications and amendments to letter contracts, enter the code that describes the anticipated type of contract the letter contract will become when it is definitized.

(B) If there is more than one type of contract involved in the action, enter

the code that matches the type with the most dollars. If the type with the least dollars exceeds $500,000, fill out separate DD Forms 350 (with different report numbers) for each type.

(C) Enter one of the following codes:

(1) Code A—Fixed-Price Redetermination.

(2) Code J—Firm-Fixed-Price.

(3) Code K—Fixed-Price Economic Price Adjustment.

(4) Code L—Fixed-Price Incentive.

(5) Code M—Fixed-Price-Award-Fee.

(6) Code R—Cost-Plus-Award-Fee.

(7) Code S—Cost Contract.

(8) Code T—Cost-Sharing.

(9) Code U—Cost-Plus-Fixed-Fee.

(10) Code V—Cost-Plus-Incentive-Fee.

(11) Code Y—Time-and-Materials.

(12) Code Z—Labor-Hour.

(vi) LINE C6, NUMBER OF OFFERORS SOLICITED.

(A) Leave Line C6 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act);

(2) Line B1B is coded B or C and Line B13A is coded 5; or

(3) Line B13A is coded 6.

(B) Otherwise, enter—

(1) Code 1—One. Enter code 1 if only one offeror was solicited; or

(2) Code 2—More than One. Enter code 2 if more than one offeror was solicited.

(vii) LINE C7, NUMBER OF OFFERS RECEIVED.

(A) Leave Line C7 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act); or

(2) Line B13A is coded 6, Order or Call under Federal Schedule.

(B) Otherwise, enter the specific number of offers received (001–999).

(viii) LINE C8, SOLICITATION PROCEDURES.

(A) Leave Line C8 blank if—

(1) The original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act);

(2) The action is pursuant to simplified acquisition procedures (Line B13A is coded 9); or

(3) The action is an order or call under a Federal schedule (Line B13A is coded 6).

(B) Otherwise, enter one of the following codes:

(1) Code A—Full and Open Competition—Sealed Bid. Enter code A if the action resulted from an award pursuant to FAR 6.102(a).

(2) Code B—Full and Open Competition—Competitive Proposal. Enter code B if the action resulted from an award pursuant to FAR 6.102(b).

(3) Code C—Full and Open Competition—Combination. Enter code C if the action resulted from an award using a combination of competitive procedures (e.g., two-step sealed bidding) pursuant to FAR 6.102(c).

(4) Code D—Architect-Engineer. Enter code D if the action resulted from selection of sources for architect-engineer contracts pursuant to FAR 6.102(d)(1).

(5) Code E—Basic Research. Enter code E if the action resulted from competitive selection of basic research proposals pursuant to FAR 6.102(d)(2).

(6) Code F—Multiple Award Schedule. Enter code F if the action is an award of a multiple award schedule pursuant to FAR 6.102(d)(3) or an order against such a schedule.

(7) Code G—Alternative Sources. Enter code G if the action resulted from use of competitive procedures but excluded a particular source pursuant to FAR 6.202(a).

(8) Code K—Set-Aside. Enter code K if the action resulted from any—

(i) Set-aside for small business concerns (see FAR subpart 19.5), including small business innovation research (SBIR) actions;

(ii) Set-aside for small disadvantaged business concerns;

(iii) Set-aside for HUBZone small business concerns (see FAR 19.1305);

(iv) Set-aside for very small business concerns (see FAR 19.904);

(v) Set-aside (including portions of broad agency announcements) for historically black colleges and universities or minority institutions (see 226.7003 and 235.016);

(vi) Set-aside for emerging small business concerns (see FAR 19.1006(c)); or

(vii) Competition among Section 8(a) firms under FAR 19.805 (report noncompetitive 8(a) awards as code N).

(9) Code N—Other than Full and Open Competition. Enter code N if the action resulted from use of other than full and open competition pursuant to FAR subpart 6.3. This includes awards to qualified nonprofit agencies employing people who are blind or severely disabled (see FAR subpart 8.7) or noncompetitive awards to the Small Business Administration under Section 8(a) of the Small Business Act (see FAR 6.302–5(b)).

(ix) LINE C9, AUTHORITY FOR OTHER THAN FULL AND OPEN COMPETITION.

(A) Leave Line C9 blank if the original contract resulted from a solicitation issued before April 1, 1985 (i.e., before the effective date of the Competition in Contracting Act).

(B) Enter one of the following codes if Line C8 is coded N. Otherwise, leave Line C9 blank.

(1) Code 1A—Unique Source. Enter code 1A if the action was justified pursuant to FAR 6.302–1(b)(1).

(2) Code 1B—Follow-On Contract. Enter code 1B if the action was justified pursuant to FAR 6.302–1(a)(2)(ii) or (iii).

(3) Code 1C—Unsolicited Research Proposal. Enter code 1C if the action was justified pursuant to FAR 6.302–1(a)(2)(i).

(4) Code 1D—Patent or Data Rights. Enter code 1D if the action was justified pursuant to FAR 6.302–1(b)(2).

(5) Code 1E—Utilities. Enter code 1E if the action was justified pursuant to FAR 6.302–1(b)(3).

(6) Code 1F—Standardization. Enter code 1F if the action was justified pursuant to FAR 6.302–1(b)(4).

(7) Code 1G—Only One Source—Other. Enter code 1G if the action was justified pursuant to FAR 6.302–1 in a situation other than the examples cited in codes 1A through 1F.

(8) Code 2A—Urgency. Enter code 2A if the action was justified pursuant to FAR 6.302–2.

(9) Code 3A—Particular Sources. Enter code 3A if the action was justified pursuant to FAR 6.302–3(a)(2).

(10) Code 4A—International Agreement. Enter code 4A if the action was justified pursuant to FAR 6.302–4.

(11) Code 5A—Authorized by Statute. Enter code 5A if the action was justified pursuant to FAR 6.302–5(a)(2)(i).

(12) Code 5B—Authorized Resale. Enter code 5B if the action was justified pursuant to FAR 6.302–5(a)(2)(ii).

(13) Code 6A—National Security. Enter code 6A if the action was justified pursuant to FAR 6.302–6.

(14) Code 7A—Public Interest. Enter code 7A if the action was taken pursuant to FAR 6.302–7.

(x) LINE C10, SUBJECT TO LABOR STANDARDS STATUTES. Enter one of the following codes. When Line B13A is coded 6, leave Line C10 blank.

(A) *Code A—Walsh-Healey Act.* Enter code A when the action is subject to the provisions of FAR subpart 22.6.

(B) *Code C—Service Contract Act.* Enter code C when the action is subject to the provisions of the Service Contract Act (see FAR part 37).

(C) *Code D—Davis-Bacon Act.* Enter code D when the action is subject to the Davis-Bacon Act (see FAR 22.403–1).

(D) *Code Z—Not Applicable.* Enter code Z when codes A, C, and D do not apply.

(xi) LINE C11, COST OR PRICING DATA. Enter one of the following codes when Line B1B is coded A. Otherwise, leave Line C11 blank.

(A) *Code Y—Yes—Obtained.* Enter code Y when cost or pricing data were obtained (see FAR 15.403–4) and certified in accordance with FAR 15.406–2.

(B) *Code N—No—Not Obtained.* Enter code N when neither code Y nor code W applies.

(C) *Code W—Not Obtained—Waived.* Enter code W when cost or pricing data were not obtained because the head of the contracting activity waived the requirement (see FAR 15.403–1(c)(4)).

(xii) LINE C12, CONTRACT FINANCING. Enter one of the following codes identifying whether or not progress payments, advance payments, or other financing methods were used.

(A) *Code A—FAR 52.232–16.* Enter code A if the contract contains the clause at FAR 52.232–16, Progress Payments.

(B) *Code C—Percentage of Completion Progress Payments.* Enter code C if the contract provides for progress payments based on percentage or stage of completion, which is only permitted on contracts for construction, for shipbuilding, or for ship conversion, alteration, or repair (see 232.102(e)(2)).

(C) *Code D—Unusual Progress Payments or Advance Payments.* Enter code D if the contract provides unusual progress payments or advance payments (see FAR subpart 32.4 and 32.501–2).

(D) *Code E—Commercial Financing.* Enter code E if the contract provides for commercial financing payments (see FAR Subpart 32.2).

(E) *Code F—Performance-Based Financing.* Enter code F if the contract provides for performance-based financing payments (see FAR subpart 32.10).

(F) *Code Z—Not Applicable.* Enter code Z when codes A through F do not apply.

(xiii) LINE C13, FOREIGN TRADE DATA.

(A) The term ''United States (U.S.),'' as used on Line C13, excludes the Trust Territory of Palau (see 204.670–1 for definition of United States and outlying areas).

(B) LINE C13A, PLACE OF MANUFACTURE. Complete Line C13A only if the action is for a foreign end product or a service provided by a foreign concern. Otherwise, leave Line C13A blank.

(1) Code A—U.S. Enter code A if the action is for—

(i) A foreign end product that is manufactured in the United States but still determined to be foreign because 50 percent or more of the cost of its components is not mined, produced, or manufactured inside the United States or inside qualifying countries; or

(ii) Services performed in the United States by a foreign concern.

(2) Code B—Foreign. Enter code B if the action is for—

(i) Any other foreign end product; or

(ii) Services performed outside the United States by a foreign concern.

(C) LINE C13B, COUNTRY OF ORIGIN CODE.

(1) Complete Line C13B only if Line C13A is coded A or B. Otherwise, leave Line C13B blank.

(2) Enter the code from FIPS PUB 10, Countries, Dependencies, Areas of Special Sovereignty, and Their Principal Administrative Divisions, that identifies the country where the foreign product is coming from or where the foreign company providing the services is located. If more than one foreign country is involved, enter the code of the foreign country with the largest dollar value of work under the contract.

(xiv) LINE C14, COMMERCIAL ITEM. Enter one of the following codes:

(A) *Code Y—Yes—FAR 52.212–4 Included.* Enter code Y if the contract contains the clause at FAR 52.212–4, Contract Terms and Conditions—Commercial Items.

(B) *Code N—No—FAR 52.212–4 Not Included.* Enter code N if code Y does not apply.

(d) *Part D of the DD Form 350.*

(1) Do NOT complete Part D if the action is—

(i) With a government agency, i.e., Line B5B is coded Y; or

(ii) An order or call under a Federal schedule.

(2) Use the codes on Lines B13A and B13D to determine whether the codes in Part D will describe the current action or the original contract.

(i) Code Part D to describe the current action when—

(A) Line B13A is coded 1, 3, 4, or 9 and Line B13D is coded A or is blank; or

(B) Line B5B is coded N, Line B13A is coded 8, and Line B13D is coded A or is blank.

(ii) Otherwise, code Part D to describe the original contract. If there are no codes for the original contract because a DD Form 350 was not required at the time, the original action is no longer available, the definition of the original code has changed, or a data element has been added to the system after the original contract report, use codes that best describe the original action.

(3) Determine the status of the concern (e.g., size and ownership) in accordance with FAR part 19 and DFARS part 219.

(4) Complete Part D as follows:

(i) LINE D1, TYPE OF CONTRACTOR.

(A) LINE D1A, TYPE OF ENTITY. Enter one of the following codes:

(1) Code A—Small Disadvantaged Business (SDB) Performing in U.S. Enter code A if the contractor is a small disadvantaged business concern as defined in 219.001 and the place of performance is within the United States and outlying areas.

(2) Code B—Other Small Business (SB) Performing in U.S. Enter code B if the contractor is a small business concern as defined in FAR 19.001, other than a small disadvantaged business concern, and the place of performance is within the United States and outlying areas.

(3) Code C—Large Business Performing in U.S. Enter code C if the contractor is a domestic large business concern and the place of performance is within the United States and outlying areas.

(4) Code D—JWOD Participating Nonprofit Agency. Enter code D if the contractor is a qualified nonprofit agency employing people who are blind or severely disabled (see FAR 8.701) and the place of performance is within the United States and outlying areas.

(5) Code F—Hospital. Enter code F if the contractor is a hospital and the place of performance is within the United States and outlying areas.

(6) Code L—Foreign Concern or Entity. Enter code L if the contractor is a foreign concern, the Canadian Commercial Corporation, or a non-U.S.-chartered nonprofit institution.

(7) Code M—Domestic Firm Performing Outside U.S. Enter code M if the contractor is a domestic concern or a domestic nonprofit institution and the place of performance is outside the United States and outlying areas.

(8) Code T—Historically Black College or University (HBCU). Enter code T if the contractor is an HBCU as defined at 252.226–7000 and the place of performance is within the United States and outlying areas.

(9) Code U—Minority Institution (MI). Enter code U if the contractor is an MI as defined at 252.226–7000 and the place of performance is within the United States and outlying areas.

(10) Code V—Other Educational. Enter code V if the contractor is an educational institution that does not qualify as an HBCU or MI and the place of performance is within the United States and outlying areas.

(11) Code Z—Other Nonprofit. Enter code Z if the contractor is a nonprofit organization (as defined in FAR 31.701) that does not meet any of the criteria in codes D, F, T, U, or V and the place of performance is within the United States and outlying areas.

(B) LINE D1B, WOMEN-OWNED BUSINESS. Enter one of the following codes:

(1) Code Y—Yes. Enter code Y if the contractor's response to FAR 52.204–5, 52.212–3(c), or 52.219–1(b) indicates that it is a women-owned business.

(2) Code N—No. Enter code N if the contractor's response to FAR 52.204–5, 52.212–3(c), or 52.219–1(b) indicates that it is not a women-owned business.

(3) Code U—Uncertified. Enter code U if the information is not available because the contractor did not complete the representation in FAR 52.204–5, 52.212–3(c), or 52.219–1(b).

(C) LINE D1C, HUBZONE REPRESENTATION. Enter one of the following codes when Line D1A is coded A or B. Otherwise, leave Line D1C blank.

(1) Code Y—Yes. Enter code Y if the contractor represented that it is a HUBZone small business concern (see FAR 19.1303).

(2) Code N—No. Enter code N if code Y does not apply.

(D) LINE D1D, ETHNIC GROUP.

(1) Complete Line D1D if the action is with a small disadvantaged business. Otherwise, leave Line D1D blank.

(2) Enter the code from the following list that corresponds to the ethnic group that the contractor marked in the solicitation provision at FAR 52.219–1, Small Business Program Representations, or FAR 52.212–3(c).

(i) Code A—Asian-Indian American.

(ii) Code B—Asian-Pacific American.

(iii) Code C—Black American.

(iv) Code D—Hispanic American.

(v) Code E—Native American.

(vi) Code F—Other SDB Certified or Determined by SBA.

(vii) Code Z—No Representation.

(E) LINE D1E, VETERAN-OWNED SMALL BUSINESS. Enter one of the following codes if the contractor is a veteran-owned small business. Otherwise, leave Line D1E blank.

(1) Code A—Service-Disabled Veteran. Enter code A if the contractor represented that it is a service-disabled veteran-owned small business.

(2) Code B—Other Veteran. Enter code B if the contractor represented that it is a veteran-owned small business, other than a service-disabled veteran-owned small business.

(ii) LINE D2, REASON NOT AWARDED TO SDB. Enter one of the following codes when Line D1A is coded B or C. Otherwise, leave Line D2 blank.

(A) *Code A—No Known SDB Source.*

(B) *Code B—SDB Not Solicited.* Enter code B when there was a known SDB source, but it was not solicited.

(C) *Code C—SDB Solicited and No Offer Received.* Enter code C when an SDB was solicited but it did not submit an offer, or its offer was not sufficient to cover the total quantity requirement so it received a separate award for the quantity offered.

(D) *Code D—SDB Solicited and Offer Was Not Low.* Enter code D when an SDB offer was not the low or most advantageous offer or an SDB was not willing to accept award of a partial small business set-aside portion of an action at the price offered by the Government.

(E) *Code Z—Other Reason.* Enter code Z when an SDB did not receive the award for any other reason or when Line B1B is coded B or C and Line B13A is coded 5.

(iii) LINE D3, REASON NOT AWARDED TO SB. Enter one of the following codes when Line D1A is coded C. Otherwise, leave Line D3 blank. (The term ''small business'' includes all categories of small businesses.)

(A) *Code A—No Known SB Source.*

(B) *Code B—SB Not Solicited.* Enter code B when there was a known small business source, but it was not solicited.

(C) *Code C—SB Solicited and No Offer Received.* Enter code C when a small business concern was solicited but it did not submit an offer, or its offer was not sufficient to cover the total quantity requirement so it received a separate award for the quantity offered.

(D) *Code D—SB Solicited and Offer Was Not Low.* Enter code D when a small business offer was not the low or most advantageous offer or a small business concern was not willing to accept award of a set-aside portion of an action at the price offered by the Government.

(E) *Code Z—Other Reason.* Enter code Z when a small business did not receive the award for any other reason or when Line B1B is coded B or C and Line B13A is coded 5.

(iv) LINE D4, SET-ASIDE OR PREFERENCE PROGRAM.

(A) LINE D4A, TYPE OF SET-ASIDE. Enter one of the following codes:

(1) Code A—None. Enter code A if there was no set-aside (i.e., codes B through L do not apply).

(2) Code B—Total SB Set-Aside. Enter code B if the action was a total set-aside for small business (see FAR 19.502–2), including actions reserved exclusively for small business concerns pursuant to FAR 13.003(b)(1), or if the action resulted from the Small Business Innovation Research Program.

(3) Code C—Partial SB Set-Aside. Enter code C if the action was a partial set-aside for small business (see FAR 19.502–3).

(4) Code D—Section 8(a) Set-Aside or Sole Source. Enter code D if the contract was awarded to—

(i) The Small Business Administration under Section 8(a) of the Small Business Act (see FAR subpart 19.8); or

(ii) An 8(a) contractor under the direct award procedures at 219.811.

(5) Code E—Total SDB Set-Aside. Enter code E if the action was a total set-aside for small disadvantaged businesses.

(6) Code F—HBCU or MI—Total Set-Aside. Enter code F if the action was a total set-aside for HBCU or MI (see 226.7003).

(7) Code G—HBCU or MI—Partial Set-Aside. Enter code G if the action was a partial set-aside for HBCU or MI under a broad agency announcement (see 235.016).

(8) Code H—Very Small Business Set-Aside. Enter code H if the action was a set-aside for very small businesses (see FAR subpart 19.9).

(9) Code J—Emerging Small Business Set-Aside. Enter code J if the action was an emerging small business set-aside within a designated industry group under the Small Business Competitiveness Demonstration Program (see FAR subpart 19.10).

(10) Code K—HUBZone Set-Aside or Sole Source. Enter code K if the action was—

(i) A set-aside for HUBZone small business concerns (see FAR 19.1305); or

(ii) A sole source award to a HUBZone small business concern (see FAR 19.1306).

(11) Code L—Combination HUBZone and 8(a). Enter code L if the action was a combination HUBZone set-aside and 8(a) award.

(B) LINE D4B, TYPE OF PREFERENCE. Enter one of the following codes, even if Line D4A is coded E:

(1) Code A—None. Enter code A if no preference was given.

(2) Code B—SDB Price Evaluation Adjustment—Unrestricted. Enter code B if the action was unrestricted but an SDB received an award as a result of a price evaluation adjustment (see FAR subpart 19.11).

(3) Code C—SDB Preferential Consideration—Partial SB Set-Aside. Enter code C if the action was a partial set-aside for small business and preferential consideration resulted in an award to an SDB.

(4) Code D—HUBZone Price Evaluation Preference. Enter code D if the contractor received the award as a result of a HUBZone price evaluation preference (see FAR 19.1307).

(5) Code E '' Combination HUBZone Price Evaluation Preference and SDB

Price Evaluation Adjustment. Enter code E if the contractor received the award as a result of both a HUBZone price evaluation preference and an SDB price evaluation adjustment (see FAR 19.1307).

(C) LINE D4C, PREMIUM PERCENT.

(1) Complete Line D4C if Line B1B is coded A, and—

(i) Line D4A is coded E, F, or G; or

(ii) Line D4B is coded B, C, D, or E.

(2) Otherwise, leave Line D4C blank.

(3) Calculate the premium percentage per 219.202–5 and enter it as a three-digit number rounded to the nearest tenth, e.g., enter 7.55% as 076. If no premium was paid, enter three zeros (000).

(v) LINES D5—D6. Reserved.

(vi) LINE D7, SMALL BUSINESS INNOVATION RESEARCH (SBIR) PROGRAM. Enter one of the following codes. When Line B1B is coded B or C and Line B13A is coded 5, leave Line D7 blank.

(A) *Code A—Not a SBIR Program Phase I, II, or III.* Enter code A if the action is not in support of a Phase I, II, or III SBIR Program.

(B) *Code B—SBIR Program Phase I Action.* Enter code B if the action is related to a Phase I contract in support of the SBIR Program.

(C) *Code C—SBIR Program Phase II Action.* Enter code C if the action is related to a Phase II contract in support of the SBIR Program.

(D) *Code D—SBIR Program Phase III Action.* Enter code D if the action is related to a Phase III contract in support of the SBIR Program.

(vii) LINE D8, SUBCONTRACTING PLAN—SB, SDB, HBCU, OR MI. Enter one of the following codes:

(A) *Code A—Plan Not Included—No Subcontracting Possibilities.* Enter code A if a subcontracting plan was not included in the contract because subcontracting possibilities do not exist (see FAR 19.705–2(c)).

(B) *Code B—Plan Not Required.* Enter code B if no subcontracting plan was required (e.g., because the action did not meet the dollar thresholds in FAR 19.702(a)).

(C) *Code C—Plan Required—Incentive Not Included.* Enter code C if the action includes a subcontracting plan, but does not include additional incentives (see FAR 19.708(c)).

(D) *Code D—Plan Required—Incentive Included.* Enter code D if the action includes a subcontracting plan and also includes additional incentives (see FAR 19.708(c) and 219.708(c)).

(viii) LINE D9, SMALL BUSINESS COMPETITIVENESS DEMONSTRATION PROGRAM. When Line B13A is coded 5 or Line B13D is coded B, C, D, E, F, or G and the original action was awarded before the demonstration program began, enter code N on Line D9. When Line B1B is coded B or C and Line B13A is coded 5, enter code N on Line D9. Otherwise, code Line D9 as follows:

(A) *Code Y—Yes.* Enter code Y if this is an action with a U.S. business concern, in either the four designated industry groups or the ten targeted industry categories under the Small Business Competitiveness Demonstration Program (see FAR subpart 19.10 and DFARS subpart 219.10), where the principal place of performance is in the United States or outlying areas.

(B) *Code N—No.* Enter code N if code Y does not apply.

(ix) LINE D10, SIZE OF SMALL BUSINESS.

(A) Complete Line D10 only when Line D9 is coded Y and the contractor is a small business (Line D1A is coded A or B). Otherwise, leave Line D10 blank.

(B) Enter one of the following codes for the size of the business (number of employees or average annual gross revenue) as represented by the contractor in the solicitation provision at FAR 52.219–19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program:

(1) Code A—50 or fewer employees.

(2) Code B—51–100 employees.

(3) Code C—101–250 employees.

(4) Code D—251–500 employees.

(5) Code E—501–750 employees.

(6) Code F—751–1,000 employees.

(7) Code G—Over 1,000 employees.

(8) Code M—$1 million or less.

(9) Code N—Over $1 million—$2 million.

(10) Code P—Over $2 million—$3.5 million.

(11) Code R—Over $3.5 million—$5 million.

(12) Code S—Over $5 million—$10 million.

(13) Code T—Over $10 million—$17 million.

(14) Code U—Over $17 million.

(x) LINE D11, EMERGING SMALL BUSINESS.

(A) Complete this line only if Line D9 is coded Y and the action is in one of the four designated industry groups, not one of the targeted industry categories. Otherwise, leave Line D11 blank.

(B) Enter one of the following codes:

(1) Code Y—Yes. Enter code Y if the contractor represents in the provision at FAR 52.219–19, Small Business Concern Representation for the Small Business Competitiveness Demonstration Program, that it is an emerging small business concern.

(2) Code N—No. Enter code N if code Y does not apply.

(e) Part E of the DD Form 350. Part E gathers data on specialized items that may not become permanent reporting elements.

(1) LINE E1, CONTINGENCY, HUMANITARIAN, OR PEACEKEEPING OPERATION.

(i) Enter code Y on Line E1 if the action exceeds $200,000 and is in support of—

(A) A contingency operation as defined in 10 U.S.C. 101(a)(13); or

(B) A humanitarian or peacekeeping operation as defined in 10 U.S.C. 2302(8).

(ii) Otherwise, leave Line E1 blank.

(2) LINE E2, COST ACCOUNTING STANDARDS CLAUSE. Enter code Y on Line E2 if the contract includes a Cost Accounting Standards clause (see FAR part 30). Otherwise, leave Line E2 blank.

(3) LINE E3, NON-DOD REQUESTING AGENCY CODE (FIPS 95). If making a purchase on behalf of a non-DoD agency, enter the four-position code from FIPS PUB 95 that identifies the non-DoD agency. Otherwise, leave Line E3 blank.

(4) LINE E4, REQUESTING ACTIVITY CODE. If making a purchase on behalf of a non-DoD agency, enter the non-DoD agency's office code. If making a purchase on behalf of a DoD activity, enter the DoDAAC of the activity for whom the purchase was made. DoDAACs can be found at: http://daynt6c.daas.dla.mil/dodaac/dodaac.htm. If multiple requesting activities are involved, enter the DoDAAC of the activity that provided the largest portion of funding for the action.

(5) LINE E5, NUMBER OF ACTIONS. If submitting a consolidated DD Form 350, enter the number of actions included in the consolidated report (see 204.670–6(b)). Otherwise, enter 1 on Line E5.

(f) *Part F of the DD Form 350.* Part F identifies the reporting official.

(1) LINE F1, NAME OF CONTRACTING OFFICER OR REPRESENTATIVE. Enter the name (Last, First, Middle Initial) of the contracting officer or representative.

(2) LINE F2, SIGNATURE. The person identified on Line F1 must sign.

(3) LINE F3, TELEPHONE NUMBER. Enter the telephone number (with area code) for the individual on Line F1. Installations with Defense Switched Network (DSN) must enter the DSN number.

(4) LINE F4, DATE. Enter the date that the DD Form 350 Report is submitted. Enter four digits for the year, two digits for the month, and two digits for the

day. Use 01 through 12 for January through December. For example, enter January 2, 2003, as 20030102.

11. Section 253.204–71 is amended as follows:

a. In paragraph (a)(3) introductory text by revising the last sentence;

b. By revising paragraphs (c)(1) and (c)(3);

c. In paragraph (e)(2)(i)(A)(*4*) by removing ''contract'' and adding in its place ''contracting'' and

d. By adding paragraph (g)(1)(iii)(C) to read as follows:

253.204–71 DD Form 1057, Monthly Summary of Contracting Actions.

(a) * * *

(3) * * * Report actions exceeding $25,000 but not exceeding $200,000 that support a contingency, humanitarian, or peacekeeping operation, and actions exceeding $25,000 but not exceeding $200,000 that are placed by a contracting officer on a Navy vessel, on the monthly DD Form 1057 as follows:

* * * * *

(c) * * *

(1) LINE A1, REPORT MONTH. Enter four digits for the year and two digits for the month. Use 01 through 12 for January through December. For example, enter January 2003 as 200301.

* * * * *

(3) LINE A3, CONTRACTING OFFICE CODES.

(i) Line A3a, Reporting Agency FIPS 95 Code. Enter one of the following codes: 2100 (Army); 1700 (Navy); 5700 (Air Force); 96CE (Army Civil Works); 97AS (DLA); 9700 (all other defense agencies).

(ii) Line A3b, Contracting Office Code. Enter the code assigned by the departmental data collection point in 204.670–1(c).

* * * * *

(g) * * *

(1) * * *

(iii) * * *

(C) Line E1c, Reserved.

* * * * *

[FR Doc. 01–22420 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–U

DEPARTMENT OF DEFENSE

48 CFR Part 207

[DFARS Case 2000–D030]

Defense Federal Acquisition Regulation Supplement; Review of Acquisition Plans for Conventional Ammunition

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add policy pertaining to acquisition plans for conventional ammunition. The rule requires military departments and defense agencies to submit acquisition plans to the DoD single manager for conventional ammunition (SCMA) for review.

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Susan Schneider, Defense Acquisition Regulations Council, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0326; facsimile (703) 602–0350. Please cite DFARS Case 2000–D030.

SUPPLEMENTARY INFORMATION:

A. Background

Section 806 of the National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261) provides authority for the DoD SCMA to restrict the procurement of conventional ammunition to sources within the national technology and industrial base, when the SCMA determines such limitation is necessary to maintain a facility, producer, manufacturer, or supplier for an essential item of ammunition. This final DFARS rule facilitates the implementation of Section 806 by requiring military departments and defense agencies to submit acquisition plans for conventional ammunition to the SCMA for review.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public law 98–577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2000–D030.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 207

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 207 is amended as follows:

1. The authority citation for 48 CFR Part 207 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 207—ACQUISITION PLANNING

2. Section 207.103 is amended as follows:

a. By redesignating paragraphs (c), (d), (f), and (h) as paragraphs (d), (e), (g), and (i), respectively;

b. In newly designated paragraph (d)(i), by revising the introductory text;

c. In newly designated paragraph (d)(ii), in the second sentence, by removing ''which'' and adding in its place ''that'';

d. In newly designated paragraph (e), in the first sentence, by removing the parenthetical ''(c)'' and adding in its place ''(d)''; and

e. By adding a new paragraph (h). The revised and added text reads as follows:

207.103 Agency-head responsibilities.

(d)(i) Prepare written acquisition plans for—

* * * * *

(h) For procurement of conventional ammunition, as defined in DoDD 5160.65, Single Manager for Conventional Ammunition (SCMA)—

(i) The department or agency—

(A) Must submit the acquisition plan to the SCMA at the following address: Deputy for Ammunition, Office of the Assistant Secretary of the Army (Acquisition, Logistics and Technology), ATTN: SAAL–ZCA, 5001 Eisenhower Avenue, Alexandria, VA 22333–0001. Telephone: Commercial (703) 617–8001; DSN 767–8001;

(B) Also must submit an acquisition plan to the SCMA for a new procurement covered by a previously approved acquisition plan, if the SCMA did not review the previously approved acquisition plan; and

(C) Must not proceed with the procurement until the SCMA provides written concurrence with the acquisition plan.

(ii) The SCMA—

(A) Will review the acquisition plan to determine if it is consistent with retaining national technology and industrial base capabilities in accordance with 10 U.S.C. 2304(c)(3) and Section 806 of Public law 105–261; and

(B) Will notify the department or agency of concurrence or non-concurrence. In the case of a non-concurrence, the SCMA, with assistance from the Army Office of the Executive Director for Conventional Ammunition, will attempt to resolve the matter with the department or agency. If no agreement is reached, the Assistant Secretary of the Army (Acquisition, Logistics and Technology) will make the final decision on the appropriate acquisition approach.

* * * * *

[FR Doc. 01–22422 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 219 and 252 and Appendix I to Chapter 2

[DFARS Case 2001–D006]

Defense Federal Acquisition Regulation Supplement; DoD Pilot Mentor-Protege Program

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 807 of the National Defense Authorization Act for Fiscal Year 2001. Section 807 adds women-owned small businesses to the types of concerns that may participate as protege firms in the DoD Pilot Mentor-Protege Program.

DATES: *Effective date:* September 11, 2001.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before November 13, 2001, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2001–D006 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Angelena Moy, OUSD (AT&l) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2001–D006.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy, (703) 602–1302.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule implements Section 807 of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). Section 807 adds women-owned small businesses to the types of concerns that may participate as protege firms in the DoD Pilot Mentor-Protege Program. The rule also clarifies that business concerns owned and controlled by an Indian tribe or a Native Hawaiian organization are eligible to participate as protege firms in the Program.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD expects this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.* An initial regulatory flexibility analysis has been prepared and is summarized as follows: This interim rule permits women-owned small business concerns to participate as protege firms in the DoD Pilot Mentor-Protege Program. DoD expects this rule to have a beneficial impact on women-owned small business concerns, as participation in the Program provides protege firms an opportunity to enhance their capabilities and increase their participation as subcontractors. Presently, there are 3,471 women-owned small business concerns that do business with DoD. Since the inception of the Pilot Mentor-Protege Program, 160 mentor firms and 509 protege firms have participated in the Program.

A copy of the analysis may be obtained from the point of contact specified herein. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2001–D006.

C. Paperwork Reduction Act

The information collection requirements of the DoD Pilot Mentor-Protege Program have been approved by the Office of Management and Budget under Control Number 0704–0332, for use through March 31, 2004.

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 807 of the National Defense Authorization Act for Fiscal Year 2001 (Public Law 106–398). Section 807 adds women-owned small businesses to the types of concerns that may participate as protege firms in the DoD Pilot Mentor-Protege Program. Section 807 became effective upon enactment on October 30, 2000. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Parts 219 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 219 and 252 and Appendix I to Chapter 2 are amended as follows:

1. The authority citation for 48 CFR Parts 219 and 252 and Appendix I to Subchapter I continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

2. Section 219.7100 is revised to read as follows:

219.7100 Scope.

This subpart implements the Pilot Mentor-Protege Program established under Section 831 of the National Defense Authorization Act for Fiscal Year 1991 (Public Law 101–510; 10 U.S.C. 2302 note). The purpose of the Program is to provide incentives for DoD contractors to assist protege firms in enhancing their capabilities and to increase participation of such firms in Government and commercial contracts.

3. Section 219.7102 is amended by revising paragraph (b); and in paragraph (d)(2) by removing ''SDB'' and adding in its place ''applicable''. The revised text reads as follows:

219.7102 General.

* * * * *

(b) Protege firms that are—

(1)(i) small disadvantaged business concerns as defined at 219.001(1);

(ii) Business entities owned and controlled by an Indian tribe;

(iii) business entities owned and controlled by a Native Hawaiian Organization;

(iv) Qualified organizations employing the severely disabled; or

(v) Women-owned small business concerns;

(2) Eligible for receipt of Federal contracts; and

(3) Selected by the mentor firm.

* * * * *

219.7103–2 [Amended]

4. Section 219.7103–2 is amended in paragraph (c) by removing ''small disadvantaged businesses'' and adding in its place ''protege firms''.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 252.232–7005 is amended by revising the clause date and paragraph (a) introductory text to read as follows:

252.232–7005 Reimbursement of Subcontractor Advance Payments—DoD Pilot Mentor–Protege Program.

* * * * *

REIMBURSEMENT OF SUBCONTRACTOR ADVANCE PAYMENTS—DOD PILOT MENTOR–PROTEGE PROGRAM (SEP 2001)

(a) The Government will reimburse the Contractor for any advance payments made by the Contractor, as a mentor firm, to a protege firm, pursuant to an approved mentor-protege agreement, provided—

* * * * *

6. Appendix I to Chapter 2 is amended by revising Section I–100 to read as follows:

Appendix I—Policy and Procedures for the DoD Pilot Mentor-Protege Program

* * * * *

I–100 Purpose.

(a) This Appendix I to 48 CFR Chapter 2 implements the Pilot Mentor–Protege Program (hereinafter referred to as the ''Program'') established under Section 831 of Public Law 101–510, the National Defense Authorization Act for Fiscal Year 1991 (10 U.S.C. 2302 note). The purpose of the Program is to—

(1) Provide incentives to major DoD contractors, performing under at least one active approved subcontracting plan negotiated with DoD or another Federal agency, to assist protege firms in enhancing their capabilities to satisfy DoD and other contract and subcontract requirements;

(2) Increase the overall participation of protege firms as subcontractors and suppliers under DoD contracts, other Federal agency contracts, and commercial contracts; and

(3) Foster the establishment of long-term business relationships between protege firms and such contractors.

(b) Under the Program, eligible companies approved as mentor firms will enter into mentor-protege agreements with eligible protege firms to provide appropriate developmental assistance to enhance the capabilities of the protege firms to perform as subcontractors and suppliers. According to the law, DoD may provide the mentor firm with either cost reimbursement or credit against applicable subcontracting goals established under contracts with DoD or other Federal agencies.

(c) DoD will measure the overall success of the Program by the extent to which the Program results in—

(1) An increase in the dollar value of contract and subcontract awards to protege firms (under DoD contracts, contracts awarded by other Federal agencies, and commercial contracts) from the date of their entry into the Program until 2 years after the conclusion of the agreement;

(2) An increase in the number and dollar value of subcontracts awarded to a protege firm (or former protege firm) by its mentor firm (or former mentor firm);

(3) An increase in subcontracting with small disadvantaged business (SDB) and women-owned small business (WOSB) concerns in industry categories where SDBs and WOSBs traditionally have not participated within the mentor firm's vendor base;

(4) The involvement of emerging SDB protege firms in the Program; and

(5) An increase in the employment level of protege firms from the date of entry into the Program until 2 years after the completion of the agreement.

(d) This policy sets forth the procedures for participation in the Program applicable to companies that are interested in receiving—

(1) Reimbursement through a separate contract line item in a DoD contract or a separate contract with DoD; or

(2) Credit toward applicable subcontracting goals for costs incurred under the Program.

7. Appendix I to Chapter 2 is amended by revising Section I–101.1 to read as follows:

I–101.1 Emerging SDB protege firm.

A small disadvantaged business whose size is no greater than 50 percent of the Small Business Administration (SBA) numerical size standard applicable to the North American Industry Classification System (NAICS) code for the supplies or services that the protege firm provides or would provide to the mentor firm.

I–102 [Amended]

8. Appendix I to Chapter 2 is amended in Section I–102 in paragraph (a) by removing ''SDB'' and adding in its place ''applicable''.

9. Appendix I to Chapter 2 is amended in Section I–103 by revising paragraph (c) to read as follows:

I–103 Program duration.

* * * * *

(c) From October 1, 1991, until September 30, 2005, a mentor firm may receive credit toward the attainment of its applicable subcontracting goals, for unreimbursed costs incurred in providing developmental assistance to its protege firms, only if such costs are incurred pursuant to an approved mentor-protege agreement.

10. Appendix I to Chapter 2 is amended by revising Section I–104 to read as follows:

I–104 Eligibility requirements for a protege firm.

(a) An entity may qualify as a protege firm if it is—

(1)(i) An SDB concern as defined at 219.001, paragraph (1) of the definition of ''small disadvantaged business concern'';

(ii) A business entity owned and controlled by an Indian tribe as defined in Section 8(a)(13) of the Small Business Act (15 U.S.C. 637(a)(13));

(iii) A business entity owned and controlled by a Native Hawaiian Organization as defined in Section 8(a)(15) of the Small Business Act (15 U.S.C. 637(a)(15));

(iv) A qualified organization employing the severely disabled as defined in Section 8064A of Public Law 102–172; or

(v) A small business concern owned and controlled by women, as defined in Section 8(d)(3)(D) of the Small Business Act (15 U.S.C. 637(d)(3)(D));

(2) Eligible for the award of Federal contracts; and

(3) A small business according to the SBA size standard for the NAICS code that represents the contemplated supplies or services to be provided by the protege firm to the mentor firm, if the firm is representing itself as a qualifying entity under paragraph (a)(1)(i) or (v) of this section.

(b) A protege firm may self-certify to a mentor firm that it meets the eligibility requirements in paragraph (a) of this section. Mentor firms may rely in good faith on a written representation that the entity meets the requirements of paragraph (a) of this section, except for a protege's status as a small disadvantaged business concern (see FAR 19.703(b)).

(c) A protege firm may have only one active DoD mentor-protege agreement.

11. Appendix I to Chapter 2 is amended in Section I–105 as follows:

a. In paragraph (a) by revising the second sentence;

b. In paragraph (c) by removing the parenthetical ''(1)''; and

c. By revising paragraph (e) to read as follows:

I–105 Selection of protege firms.

(a) * * * Mentor firms are encouraged to identity and select concerns that are defined as emerging SDB protege firms.

* * * * *

(e) If at any time pursuant to paragraph (c) of this section, the SBA determines that a protege firm is ineligible, assistance that the mentor firm furnishes to such a concern after the date of the determination may not be

considered assistance furnished under the Program.

I–106 [Amended]

12. Appendix I to Chapter 2 is amended in Section I–106 as follows:

a. In paragraph (a) in the first sentence by removing ''SDB'' and adding in its place ''applicable'';

b. In paragraph (b)(3) by removing ''SDB'' and adding in its place ''small and disadvantaged business utilization'';

c. In paragraph (b)(8) in the first sentence by adding, after ''SDB'', the phrase ''and WOSB'';

d. In paragraph (c)(1) by adding, after ''SDBs'', the phrase ''and WOSBs'';

e. In paragraph (c)(2)(iii) by removing ''(1) or (2)''; and

f. In paragraph (e) in the first sentence by removing ''SDB'' and adding in its place ''applicable''.

13. Appendix I to Chapter 2 is amended in Section I–107 by revising paragraph (b)(2) and the last sentence of paragraph (f)(3) to read as follows:

I–107 Mentor-protege agreements.

* * * * *

(b) * * *

(2) The NAICS code(s) that represent the contemplated supplies or services to be provided by the protege firm to the mentor firm and a statement that, at the time the agreement is submitted for approval, the protege firm, if an SDB or WOSB concern, does not exceed the size standard for the appropriate NAICS code;

* * * * *

(f) * * *

(3) * * * Provision of progress payments by a mentor firm to a protege firm at a rate other than the customary rate for the firm must be implemented in accordance with FAR 32.504(c).

* * * * *

14. Appendix I to Chapter 2 is amended in Section I–108 by revising paragraph (c) to read as follows:

I–108 Reimbursement procedures.

* * * * *

(c) Assistance provided in the form of progress payments to a protege firm in excess of the customary progress payment rate for the firm will be reimbursed only if implemented in accordance with FAR 32.504(c).

* * * * *

15. Appendix I to Chapter 2 is amended in Section I–109 as follows:

a. By revising paragraph (a);

b. In paragraph (b) in the first sentence by removing ''SDB'' and adding in its place ''applicable'';

c. By revising paragraph (e) introductory text and paragraph (f);

d. In paragraph (g)(1) by removing ''SDB'';

e. In paragraph (h) introductory text by revising the first sentence;

f. In paragraph (h)(1) by removing ''SDB'' and adding in its place ''small business''; and

g. In paragraph (m) by removing ''SDB'' and adding in its place ''applicable''. The revised text reads as follows:

I–109 Credit for unreimbursed developmental assistance costs.

(a) Developmental assistance costs incurred by a mentor firm for providing assistance to a protege firm pursuant to an approved mentor-protege agreement, that have not been reimbursed through a separate contract, cooperative agreement, or other agreement entered into between DoD and the mentor firm, or through a separately priced contract line item added to a DoD contract, may be credited as if it were a subcontract award to that protege for determining the performance of the mentor firm in attaining an applicable subcontracting goal established under any contract containing a subcontracting plan pursuant to the clause at FAR 52.219–9, Small Business Subcontracting Plan. Unreimbursed developmental assistance costs incurred for a protege firm that is a qualified organization employing the severely disabled may be credited toward the mentor firm's small disadvantaged business subcontracting goal, even if the protege firm is not a small disadvantaged business concern.

* * * * *

(e) A mentor firm may receive credit toward the attainment of an SDB subcontracting goal for each subcontract awarded for a product or a service by the mentor firm to an entity that qualifies as an SDB protege firm pursuant to I–104(a)(1)(i) through (iv). With respect to former SDB protege firm(s), a mentor may take credit for awards to such concern(s) that, except for its size would be a small business concern owned and controlled by socially and economically disadvantaged individuals, but only if—

* * * * *

(f) Amounts credited toward applicable subcontracting goal(s) for unreimbursed costs under the Program must be separately identified from the amounts credited toward the goal resulting from the award of actual subcontracts to protege firms. The combination of the two must equal the mentor firm's overall accomplishment toward the applicable goal(s).

* * * * *

(h) The mentor firm must be afforded the opportunity to explain the decline in small business subcontract awards before imposition of any such limitation on credit.

* * *

* * * * *

I–111 [Amended]

16. Appendix I to Chapter 2 is amended in Section I–111 as follows:

a. In paragraph (a)(1) by removing ''SDB'' and adding in its place ''applicable'';

b. In paragraph (a)(2)(i) by removing ''SDB subcontract'' and adding in its place ''applicable subcontracting'';

c. In paragraph (a)(3)(i) by removing ''SDB'' and adding in its place ''applicable subcontracting'', and by removing the ''a'' before the word ''protege''; and

d. In paragraph (c)(1) by removing ''SDB'' and adding in its place ''applicable''.

[FR Doc. 01–22423 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 226 and 252

[DFARS Case 2000–D024]

Defense Federal Acquisition Regulation Supplement; Utilization of Indian Organizations and Indian-Owned Economic Enterprises

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 8022 of the DoD Appropriations Act for Fiscal Year 2001. Section 8022 provides for incentive payments to DoD contractors, and subcontractors at any tier, that use Indian organizations and Indian-owned economic enterprises as subcontractors.

DATES: Effective date: September 11, 2001.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before November 13, 2001, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil*. Please cite DFARS Case 2000–D024 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Angelena Moy, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2000–024.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Angelina Moy, (703) 602–1302.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule implements Section 8022 of the DoD Appropriations Act for Fiscal Year 2001 (Public Law 106–259). Section 8022 provides funding for incentive payments to DoD contractors, and subcontractors at any tier, that use Indian organizations and Indian-owned economic enterprises as subcontractors.

This rule revises DFARS 226.104 and adds a new clause at 252.226–7001. The new clause is similar to the clause at FAR 52.226–1, Utilization of Indian Organizations and Indian-Owned Economic Enterprises, but contains the DoD requirement to provide for incentive payments to subcontracors at any tier.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because DoD already has been implementing the Indian Incentive Program through use of the clause at FAR 52.226–1, Indian Organizations and Indian-Owned Economic Enterprises. The FAR clause permits incentive payments to large and small contractors that use Indian organizations or enterprises as subcontractors. The new DFARS clause will expand the incentive payments to subcontractors at any tier While this expansion is expected to benefit small businesses that award lower-tier subcontracts to Indian organizations or enterprises, the economic impact is not expected to be substantial. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2000–D024.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 8022 of the DoD Appropriations Act for Fiscal Year 2001 (Public Law 106–259). Section 8022 provides that a subcontractor at any tier shall be considered a contractor for the purposes of being allowed additional compensation under Section 504 of the Indian Financing Act of 1974 (25 U.S.C. 1544). Section 8022 became effective on August 9, 2000. DoD will consider comments received in response to this interim rule in the formation of the final rule.

List of Subjects in 48 CFR Parts 226 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Parts 226 and 252 are amended as follows:

1. The authority citation for 48 CFR Parts 226 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 226—OTHER SOCIOECONOMIC PROGRAMS

2. Section 225.104 introductory text is revised to read as follows:

226.104 Contract clause.

Use the clause at 252.226–7001, Utilization of Indian Organizations and Indian-Owned Economic Enterprises-DoD Contracts, in solicitations and contracts that—

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

3. Section 252.226–7001 is added to read as follows:

252.226–7001 Utilization of Indian Organizations and Indian-Owned Economic Enterprises-DoD Contracts.

As prescribed in 226.104, use the following clause:

Utilization of Indian Organizations and Indian-Owned Economic Enterprises-DoD Contracts (Sep 2001)

(a) *Definitions.* As used in this clause—

''Indian'' means any person who is a member of any Indian tribe, band, group, pueblo, or community that is recognized by the Federal Government as eligible for services from the Bureau of Indian Affairs (BIA) in accordance with 25 U.S.C. 1452(c) and any ''Native'' as defined in the Alaska Native Claims Settlement Act (43 U.S.C. 1601).

''Indian organization'' means the governing body of any Indian tribe or entity established or recognized by the governing body of an Indian tribe for the purposes of 25 U.S.C. Chapter 17.

''Indian-owned economic enterprise'' means any Indian-owned (as determined by the Secretary of the Interior) commercial, industrial, or business activity established or organized for the purpose of profit, provided that Indian ownership constitutes not less than 51 percent of the enterprise.

''Indian tribe'' means any Indian tribe, band, group, pueblo, or community, including native villages and native groups (including corporations organized by Kenai, Juneau, Sitka, and Kodiak) as defined in the Alaska Native Claims Settlement Act, that is recognized by the Federal Government as eligible for services from BIA in accordance with 25 U.S.C. 1452 (c).

''Interested party'' means a contractor or an actual or prospective offeror whose direct economic interest would be affected by the award of a subcontract or by the failure to award a subcontract.

(b) The Contract shall use its best efforts to give Indian organizations and Indian-owned economic enterprises the maximum practicable opportunity to participate in the subcontracts it awards, to the fullest extent consistent with efficient performance of the contract.

(c) The Contracting Officer and the Contractor, acting in good faith, may rely on the representation of an Indian organization or Indian-owned economic enterprise as to its eligibility, unless and interested party challenges its status or the Contracting Officer has independent reason to question that status.

(d) In the event of a challenge to the representation of a subcontractor, the Contracting Officer will refer the matter to the U.S. Department of the Interior, Bureau of Indian Affairs, Attn: Chief, Division of Contracting and Grants Administration, 1849 C Street NW, MS–2626–MIB, Washington, DC 20240–4000. The BIA will determine the eligibility and will notify the Contracting Officer. No incentive payment will be made—

(1) Within 59 working days of subcontract award;

(2) While a challenge is pending; or

(3) If a subcontractor is determined to be an ineligible participant.

(e)(1) The Contractor, on its own behalf or on behalf of a subcontractor at any tier, may request an adjustment under the Indian Incentive Program to the following:

(i) The estimated cost of cost-type contract.

(ii) The target cost of a cost-plus-incentive-fee contract.

(iii) The target cost and ceiling price of a fixed-price incentive contract.

(iv) The price of a firm-fixed-price contract.

(2) The amount of the adjustment that may be made to the contract is 5 percent of the

estimated cost, target cost, or firm-fixed price included in the subcontract initially awarded to the Indian organization or Indian-owned economic enterprise.

(3) The Contractor has the burden of proving the amount claimed and must assert its request for an adjustment prior to completion of contract performance.

(4) The Contracting Officer, subject to the terms and conditions of the contract and the availability of funds, will authorize an incentive payment of 5 percent of the amount paid to the subcontractor.

(5) If the Contractor requests and receives an adjustment on behalf of a subcontractor, the Contractor is obligated to pay the subcontractor the adjustment.

(f) The Contractor shall insert the substance of this clause, including this paragraph (f), in all subcontracts that—

(1) Are for other than commercial items; and

(2) Are expected to exceed the simplified acquisition threshold in Part 2 of the Federal Acquisition Regulation.

(End of clause)

[FR Doc. 01–22424 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2001–D008]

Defense Federal Acquisition Regulation Supplement; Iceland—Newly Designated Country Under Trade Agreements Act

AGENCY: Department of Defense (DoD).

ACTION: Final rule.

SUMMARY: DoD has issued a final rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to add Iceland as a designated country under the Trade Agreements Act, as directed by the United States Trade Representative.

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, Defense Acquisition Regulations Council, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062. Telephone (703) 602–0288; facsimile (703) 602–0350. Please cite DFRARS Case 2001–D008.

SUPPLEMENTARY INFORMATION:

A. Background

This final rule amends the clauses at DFARS 252.227–7007, Buy American Act—Trade Agreements—Balance of Payments Program, and 252.225–7021, Trade Agreements. The rule adds Iceland to the list of designated countries under the Trade Agreements Act, as directed by the United States Trade Representative. Iceland joined the World Trade Organization Government Procurement Agreement in April 2001.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

This final rule does not constitute a significant revision within the meaning of FAR 1.501 and Public Law 98–577 and publication for public comment is not required. However, DoD will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should cite DFARS Case 2001–D008.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

252.225–7007 [Amended]

2. Section 252.225–7007 is amended in paragraph (a)(4) by adding, in alphabetical order, ''Iceland'' to the list of countries.

252.225–7021 [Amended]

3. Section 252.225–7021 is amended in paragraph (a)(4) by adding, in alphabetical order, ''Iceland'' to the list of countries.

[FR Doc. 01–22421 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 252

[DFARS Case 2000–D302]

Defense Federal Acquisition Regulation Supplement; Caribbean Basin Country End Products

AGENCY: Department of Defense (DoD).

ACTION: Interim rule with request for comments.

SUMMARY: DoD has issued an interim rule amending the Defense Federal Acquisition Regulation Supplement (DFARS) to implement Section 211 of the United States—Caribbean Basin Trade Partnership Act and the determination of the United States Trade Representative as to which countries qualify for enhanced trade benefits under that Act.

DATES: Effective date: September 11, 2001.

Comment date: Comments on the interim rule should be submitted to the address shown below on or before November 13, 2001, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2000–D302 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD (AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0950. Please cite DFARS Case 2000–D302.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0288.

SUPPLEMENTARY INFORMATION:

A. Background

This interim rule amends the clauses at DFARS 252.225–7007, Buy America Act—Trade Agreements—Balance of Payments Program, and 252.225–7021, Trade Agreements, to remove Panama from the definition of ''Caribbean Basin country'' and to clarify which Caribbean Basin country products are subject to duty-free treatment. The rule implements Section 211 of the United States-Caribbean Basin Trade Partnership Act (Title II of Public Law 106–200) and determinations of the United States Trade Representative published at 65 FR 60236 on October 10, 2000; 65 FR 69988 on November 21, 2000; and 65 FR 78527 on December 15, 2000.

This rule was not subject to Office of Management and Budget review under

Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

DoD does not expect this rule to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, *et seq.,* because the rule affects only a limited number of textile and apparel articles from certain Caribbean Basin countries. Other statutory requirements (10 U.S.C. 2241 note) still prohibit DoD from acquiring most of these articles from other than domestic sources. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2000–D302.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

D. Determination To Issue an Interim Rule

A determination has been made under the authority of the Secretary of Defense that urgent and compelling reasons exist to publish this interim rule prior to affording the public an opportunity to comment. This interim rule implements Section 211 of the United States-Caribbean Basin Trade Partnership Act (Title II of Public Law 106–200) and the determination of the United States Trade Representative as to which countries qualify for enhanced trade benefits under that Act. The determination of the United States Trade Representative to provide enhanced benefits to the products of certain countries became effective on October 2, 2000. Comments received in response to this interim rule will be considered in the formation of the final rule.

List of Subjects in 48 CFR Part 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, 48 CFR Part 252 is amended as follows:

1. The authority citation for 48 CFR part 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

2. Section 252.225–7007 is amended as follows:

a. By revising the clause date;

b. In paragraph (a)(1) by removing ''Panama'';

c. In paragraph (a)(2)(i)(B) in the last sentence by removing the period and adding in its place ''; and'';

d. By revising paragraph (a)(2)(ii); and

e. By adding paragraph (e) to read as follows:

252.225–7007 Buy American Act-Trade Agreements-Balance of Payments Program.

* * * * *

BUY AMERICAN ACT—TRADE AGREEMENTS—BALANCE OF PAYMENTS PROGRAM (SEP 2001)

(A) * * *

(2) * * *

(ii) Excludes products, other than petroleum and any product derived from petroleum, that are not granted duty-free treatment under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)). These exclusions presently consist of—

(A) Textiles, apparel articles, footwear, handbags, luggage, flat goods, work gloves, leather wearing apparel, and handloomed, handmade, or folklore articles that are not granted duty-free status in the Harmonized Tariff Schedule of the United States (HTSUS);

(B) Tuna, prepared or preserved in any manner in airtight containers; and

(C) Watches and watch parts (including cases, bracelets, and straps) of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material that is the product of any country to which the HTSUS column 2 rates of duty (HTSUS General Note 3(b)) apply.

* * * * *

(e) The HTSUS is available on the Internet at *http://www.customs.ustreas.gov/impoexpo/impoexpo.htm.* The following sections of the HTSUS provide information regarding duty-free status of articles specified in paragraph (a)(2)(ii)(A) of this clause.

(1) General Note 3(c), Products Eligible for Special Tariff Treatment.

(2) General Note 17, Products of Countries Designated as Beneficiary Countries Under the United States-Caribbean Basin Trade Partnership Act of 2000.

(3) Section XXII, Chapter 98, Subchapter II, Articles Exported and Returned, Advanced or Improved Abroad, U.S. Note 7(b).

(4) Section XXII, Chapter 98, Subchapter XX, Goods Eligible for Special Tariff Benefits Under the United States-Caribbean Basin Trade Partnership Act.

3. Section 252.225–701 is amended as follows:

a. By revising the clause date;

b. In paragraph (a)(1) by removing ''Panama'';

c. In paragraph (a)(2)(i)(B) in the last sentence by removing the period and adding in its place ''; and'';

d. By revising paragraph (a)(2)(ii); and

e. By adding paragraph (e) to read as follows:

252.225–7021 Trade Agreements.

* * * * *

TRADE AGREEMENTS (SEP 2001)

(a) * * *

(2) * * *

(ii) Excludes products, other than petroleum and any product derived from petroleum, that are not granted duty-free treatment under the Caribbean Basin Economic Recovery Act (19 U.S.C. 2703(b)). These exclusions presently consist of—

(A) Textiles, apparel articles, footwear, handbags, luggage, flat goods, work gloves, leather wearing apparel, and handloomed, handmade, or folklore articles that are not granted duty-free status in the Harmonized Tariff Schedule of the United States (HTSUS);

(B) Tuna, prepared or preserved in any manner in airtight containers; and

(C) Watches and watch parts (including cases, bracelets, and straps) of whatever type including, but not limited to, mechanical, quartz digital, or quartz analog, if such watches or watch parts contain any material that is the product of any country to which the HTSUS column 2 rates of duty (HTSUS General Note 3(b)) apply.

* * * * *

(e) The HTSUS is available on the Internet at *http://www.customs.ustreas.gov.impoexpo/impoexpo.htm.* The following sections of the HTSUS provide information regarding duty-free status of articles specified in paragraph (a)(2)(ii)(A) of this clause:

(1) General Note 3(c), Products Eligible for Special Tariff Treatment.

(2) General Note 17, Products of Countries Designated as Beneficiary Countries Under the United States-Caribbean Basin Trade Partnership Act of 2000.

(3) Section XXII, Chapter 98, Subchapter II, Articles Exported and Returned, Advanced or Improved Abroad, U.S. Note 7(b).

(4) Section XXII, Chapter 98, Subchapter 98, Subchapter XX, Goods Eligible for Special Tariff Benefits Under the United States-Caribbean Basin Trade Partnership Act.

[FR Doc. 01–22425 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

49 CFR Part 199

[Docket No. RSPA–00–8417; Amdt. 199–19]

RIN 2137–AD55

Drug and Alcohol Testing for Pipeline Facility Employees

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Final rule.

SUMMARY: We are conforming our pipeline facility drug and alcohol testing regulations with DOT's ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs.'' In addition, we are changing the format of the regulations to make them easier to apply and understand. The purpose of these changes is to make the regulations clearer and consistent with DOT's drug and alcohol testing policies.

EFFECTIVE DATE: This Final Rule takes effect September 11, 2001.

FOR FURTHER INFORMATION CONTACT: L.M. Furrow by phone at 202–366–4559, by fax at 202–366–4566, by mail at U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, or by e-mail at buck.furrow@rspa.dot.gov.

SUPPLEMENTARY INFORMATION:

Effective Date

Federal law requires pipeline safety standards to take effect 30 days after publication unless we for good cause establish a different effective date based on the time reasonably necessary to comply with the standards. The primary purpose of this Final Rule is to conform RSPA's drug and alcohol testing regulations with DOT's revised procedures on drug and alcohol testing. A secondary purpose is to make RSPA's regulations easier to apply and understand through appropriate changes in format. Agreement between RSPA's drug and alcohol regulations and DOT's revised procedures is essential to avoid overlap, conflict, duplication, or confusion in applying the regulations, and the format changes support this aim. Because DOT's revised procedures are effective August 1, 2001, any delay in achieving agreement after publication of this Final Rule would be contrary to the public interest. So we are making this Final Rule effective upon publication, rather than 30 days from now. Because the revised DOT procedures were published over eight months ago and RSPA's regulations already incorporate the DOT procedures by reference, affected parties have had ample time to prepare to implement the revised procedures to which this Final Rule refers.

Background

Last year DOT's Office of the Secretary comprehensively revised its regulations in 49 CFR Part 40 called ''Procedures for Transportation Workplace Drug and Alcohol Testing Programs'' (65 FR 79462; Dec. 19, 2000). Through separate regulations published by various DOT operating administrations, including RSPA, these DOT procedures apply to all employers who must test transportation personnel for illegal drugs and alcohol. RSPA's separate regulations for drug and alcohol testing apply to operators of gas and hazardous liquid pipeline facilities (49 CFR Part 199).

To conform the Part 199 regulations with the revised DOT procedures and make other clarifying changes to Part 199, we published a notice of proposed rulemaking (NPRM) (66 FR 21506; Apr. 30, 2001). The NPRM invited interested persons to submit written comments by June 14, 2001. We published the NPRM concurrently with similar notices published by other DOT agencies. In addition, we joined these other agencies and the Office of the Secretary in publishing a Common Preamble that gave an overview of significant issues (66 FR 21491; Apr. 30, 2001).

Disposition of Comments

This section of the preamble summarizes the written comments we received in response to the NPRM. It also describes how we treated those comments in developing this Final Rule. If a proposed section is not mentioned, no significant comments were received on that section and we are adopting it as final.

Validity testing and access to information. In a joint comment, the Air Line Pilots Association and the Transportation Trades Department, AFL–CIO, expressed concerns about the new requirement in 49 CFR 40.89 that laboratories must conduct validity testing to determine whether certain adulterants or foreign substances were added to the urine, if the urine was diluted, or if the urine specimen was substituted. In light of this new regulation, these commenters also questioned the adequacy of Part 40 provisions concerning release of information, and they objected to DOT agency proposals to delete their separate regulations on release of information. We believe this comment relates to across-the-board Part 40 issues that are beyond the scope of the NPRM. The NPRM did not propose to remove the separate Part 199 requirements on release of information. DOT's Office of the Secretary addressed these commenters' concerns in a separate **Federal Register** publication associated with this Final Rule entitled ''Transportation Workplace Drug and Alcohol Testing Programs: Response to Comments on Pre-Employment Inquiry Requirement; Common Preamble for DOT Agency Conforming Rules'' (66 FR 41955; Aug. 9, 2001).

Follow-up testing. Blair & Burke commented on the different wording that Part 199 and revised Part 40 use to state the authority of a substance abuse professional (SAP) to terminate follow-up testing. Existing §§ 199.111(f) and 199.243(c)(2)(ii) provide that a SAP may terminate follow-up testing at any time after the first six tests have been administered. In contrast, 49 CFR 40.307(f) states that SAPs may modify their determinations concerning follow-up tests but not the requirement that the employee take at least six follow-up tests within the first 12 months after returning to a safety-sensitive function. As an example, § 40.307(f) states that if the SAP recommends follow-up testing beyond the first 12 months, the SAP can terminate the testing requirement at any time after the first year of testing. Blair & Burke was concerned that if an SAP recommends more than six tests in the first 12 months, under § 40.307(f) the SAP could not terminate testing until after the first year of testing, not after the first six tests as §§ 199.111(f) and 199.243(c)(2)(ii) provide. We think Blair & Burke may have mistaken the example in § 40.307(f) for the rule. The example only concerns modification of testing that is to take place after the first 12 months, but the rule allows modification of any testing other than the minimum six tests in 12 months. So any required testing in the first 12 months beyond the minimum six tests could be terminated under § 40.307(f). We do not see any need to change §§ 199.111(f) and 199.243(c)(2)(ii) to make these rules consistent with § 40.307(f).

Affirming pre-employment testing exemptions and tests. Part 199 exempts an individual from pre-employment drug testing if the individual participates in an anti-drug program that conforms to the requirements of Part 199 (existing § 199.11(a)). To minimize erroneous exemptions, the Drug and Alcohol Testing Industry Association (DATIA) suggested that DOT agencies adopt the Federal Motor Carrier Safety

Administration's rule (49 CFR 382.301) that requires employers to investigate and document the validity of such programs. DATIA further suggested that we require managers of random testing pools to have written proof of pre-employment tests, or written proof of exemptions, before enrolling persons in random testing pools. We believe this comment relates to across-the-board Part 40 issues that are beyond the scope of the NPRM. The NPRM did not propose regulations on the matter DATIA advances in this comment. DOT's Office of the Secretary addressed this commenter's concern in a separate **Federal Register** publication associated with this Final Rule entitled ''Transportation Workplace Drug and Alcohol Testing Programs: Response to Comments on Pre-Employment Inquiry Requirement; Common Preamble for DOT Agency Conforming Rules'' (66 FR 41955; Aug. 9, 2001).

Self-employed individuals. DATIA suggested that DOT agencies authorize any Consortium/Third-party administrator (C/TPA) to determine if a self-employed individual has refused to take a drug or alcohol test requested by the C/TPA. DATIA said this rule change would bring accountability to the testing process for small companies. We believe this comment relates to across-the-board Part 40 issues that are beyond the scope of the NPRM. The NPRM did not propose regulations on the matter DATIA advances in this comment. DOT's Office of the Secretary addressed these commenter's concern in a separate **Federal Register** publication associated with this Final Rule entitled ''Transportation Workplace Drug and Alcohol Testing Programs: Response to Comments on Pre-Employment Inquiry Requirement; Common Preamble for DOT Agency Conforming Rules'' (66 FR 41955; Aug. 9, 2001).

Publishing random testing rate. The Common Preamble suggested that DOT agencies may consider adopting a proposal by the Federal Motor Carrier Safety Administration (FMCSA) to publish the random testing rate only when the rate changes. At present RSPA publishes the testing rate applicable to the pipeline industry annually, as existing § 199.11(c)(2) requires. DATIA recommended that we not adopt FMCSA's proposal. We agree with DATIA that annual publication is an important source of information for the industry, and so have not changed existing § 199.11(c)(2). DATIA also suggested that DOT agencies jointly publish their random testing rates. We believe the objective of this comment is being met by DOT's Office of Drug and Alcohol Policy by publishing each agency's random rate on its Web site (http://www.dot.gov/ost/dapc/main/testrate.htm).

Stand-down waivers. Regarding the proposed procedures for seeking stand-down waivers (proposed § 199.9 or new § 199.7), Equilon Pipeline Company, LLC, asked if we would consider a waiver request for all covered employees of a company or just specific employees. The proposed procedures relate to waivers authorized by 49 CFR 40.21. This regulation prohibits employers from temporarily removing employees from performing safety-sensitive functions based on an unverified positive drug test result unless a concerned DOT agency waives this restriction. Because waiver authority under § 40.21 is not limited to particular employees or groups of employees, neither are the proposed waiver procedures. So we will consider waiver requests on a company-wide basis provided the request contains all the information required by § 40.21 and new § 199.7.

Checking previous test results. Under 49 CFR 40.25 employers who intend to use a person for a safety-sensitive function must seek certain information from former DOT-regulated employers about that person's drug and alcohol testing records. The purpose of proposed new § 199.11 was simply to call operators' attention to this new information collection requirement. However, the Iowa Utilities Board (IUB) commented that § 199.11(a) lacked guidance for operators if an employee does not consent to release of information by a former employer. IUB was also concerned that proposed new § 199.11(b) would require a person who had violated a DOT agency drug or alcohol rule to undergo the new employer's return-to-duty process even if that person had successfully completed the previous employer's return-to-duty process. Both of these concerns are answered by § 40.25. Under § 40.25(a), if a person refuses to provide written consent, the employer may not permit the person to perform a safety-sensitive function. And under §§ 40.25(e) and (j), if an employer learns the person has violated a DOT agency drug or alcohol rule, the employer may not use the person to perform a safety-sensitive function unless the employer also obtains information that the person has successfully completed the return-to-duty process. Only if that process was not successfully completed would the person have to undergo the new employer's return-to-duty process.

In light of IUB's comments, it appears that proposed § 199.11 has the potential to cause varied applications of § 40.25. Considering that revised Part 40, including § 40.25, will apply to operators through incorporation by reference in Part 199, we decided proposed § 199.11 is not necessary and dropped it from this Final Rule.

Return-to-duty testing. IUB also thought the wording of proposed § 199.105(e) could be clearer. So we edited the wording in the final rule.

Drug and alcohol plans. The Southwest Gas Corporation asked that we allow operators at least 6 months to update their written drug and alcohol plans under § 199.7 (redesignated as § 199.101) and § 199.202 to conform to the Part 40 and Part 199 revisions. DOT published revised Part 40 on December 19, 2000, but delayed the effective date until August 1, 2001, to ease the impact of the transition between the old and revised rules. This delay of more than 6 months gave all covered employers, including pipeline operators, ample time to digest the rule changes and prepare to implement them. Because §§ 199.7 and 199.202 incorporate Part 40 by reference, and the NPRM did not propose to change these sections, operators have had notice since December 19, 2000, that they would have to revise their drug and alcohol plans to conform to revised Part 40. The NPRM simplified this task by advising operators their plans would no longer have to allow for inconsistencies between Parts 40 and Part 199. So we do not feel that operators as a whole need more time to conform their plans to revised Part 40 and Part 199. Should an individual operator have good reasons for not completing its revisions before revised Part 40 takes effect, RSPA inspection personnel will take the reasons into account in evaluating the operator's level of compliance. And we will encourage State authorities who participate in the Federal pipeline safety program to do likewise.

Additionally, Southwest Gas suggested that as a guideline for preparing revised drug and alcohol plans, we develop model plans similar to the ones we developed for the old rules. The old model plans Southwest Gas referred to are posted on the Web at *http://ops.dot.gov/pub.htm#pub.* These model plans now have limited usefulness because we have not yet updated them to reflect changes to Part 40. Even if the model plans are not updated in time to help operators before the August 1 deadline, this circumstance would not lessen the duty of operators to develop and follow revised alcohol and drug plans.

Structure and Organization

Although there were no comments on the proposed structural and organizational changes to Part 199, we have edited final §§ 199.1 and 199.2. In § 199.1, the title is changed from ''Scope and compliance'' to ''Scope,'' and the text is limited to stating that Part 199 requires operators of pipeline facilities subject to 49 CFR Part 192, 193, or 195 to test covered employees for the presence of prohibited drugs and alcohol. As proposed, the second sentence of the present § 199.1(a), concerning the exclusion from Part 199 of master meter and petroleum gas systems, is clarified and transferred to new § 199.2, Applicability. In addition, we edited and transferred paragraphs (c) and (d) of § 199.1 to this new section because these paragraphs also concern the applicability of Part 199.

As proposed, the present Subpart B on alcohol misuse is redesignated as Subpart C. The present §§ 199.7 through 199.25 are designated as new Subpart B—Drug Testing and then redesignated as §§ 199.101 through 199.119, respectively. In new Subpart B, we have added new § 199.100, Purpose, to parallel § 199.200, which explains the purpose of redesignated Subpart C.

The NPRM proposed to amend existing § 199.23(b) [or redesignated § 199.117(b)] to make this section consistent with revised Part 40 regulations on releasing name-specific drug testing records without the employee's consent in certain legal proceedings and to RSPA and jurisdictional state agencies. Although there were no comments on this proposal, we have recognized an inconsistency between § 199.23(b) and the parallel regulation for alcohol testing, § 199.231(b). The first sentence of existing and proposed § 199.23(b) reads in part: ''Information * * * may be released only upon the written consent of the individual. * * *'' In contrast, the first sentence of § 199.231(b) states: ''A covered employee is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his or her alcohol tests.'' While § 199.231(b) requires operators to provide employees access to records of their alcohol testing upon written request, existing and proposed § 199.23(b) only authorize operators to provide employees access to drug testing information upon written request. To make §§ 199.23(b) and 199.231(b) consistent, in final § 199.23(b) we changed ''may be released'' to ''must be released.'' Because of this change, the reference to DOT Procedures in proposed § 199.23(b), which was stated as an exception, is stated affirmatively in the final rule.

Advisory Committee Consideration

We discussed the highlights of the NPRM with the Technical Pipeline Safety Standards Committee (TPSSC) and the Technical Hazardous Liquid Pipeline Safety Standards Committee (THLPSSC) at a meeting in Washington, DC on February 6, 2001 (66 FR 132; Jan. 2, 2001). The committees are statutorily mandated advisory committees that advise us on proposed safety standards and other policies for gas and hazardous liquid pipelines. Each committee has an authorized membership of 15 persons, five each representing government, industry, and the public. Each member is qualified to consider the technical feasibility, reasonableness, cost-effectiveness, and practicability of proposed pipeline safety standards. A transcript of the February 6 meeting as well as other material related to the committees' consideration of the NPRM are available in Docket No. RSPA–98–4470.

Following publication of the NPRM, we asked the members of each committee to review the NPRM and vote by letter-ballot on whether the proposed rules are technically feasible, reasonable, cost-effective, and practicable. We also sent each member a copy of the Regulatory Evaluation we prepared for this Final Rule. Of the TPSSC members who returned ballots, four voted to approve the proposed rules and three voted to approve the proposed rules with changes. All THLPSSC members who returned ballots voted to approve the proposed rules and no member commented on the Regulatory Evaluation. The changes recommended by the TPSSC members are discussed next.

Eric Thomas, Director of Engineering, Southern Natural Gas Company, objected to the stand-down waiver process under 49 CFR 40.21 and proposed § 199.9. He said the ability to remove from covered positions employees with unverified positive drug tests is imperative for safety, and the waiver process will overburden operators without any guarantee waivers will be granted. The preamble to the Part 40 revisions gave the reasons DOT established the prohibition against stand down in § 40.21: ''stand-down undercuts the rationale for [medical review officer] review, can compromise the confidentiality of test results, and may result in unfair stigmatization of an employee as a drug user.'' (65 FR 79463; Dec. 19, 2000). However, recognizing the safety concerns of commenters favoring stand-down, DOT also established a waiver process in § 40.21 to permit employers, on a case-by-case basis, to request DOT agency approval for a specific, well-founded stand-down plan that effectively protects the interests of employees. The purpose of proposed § 199.9 is merely to establish a mechanism to implement the waiver process for pipeline operators. RSPA does not have authority to change DOT policy expressed in § 40.21. Although Mr. Thomas is correct that there is no guarantee a waiver application will be successful, we will give each application full and fair consideration.

Mr. Thomas also opposed the proposal on checking previous test results (proposed new § 199.11), as did Ricky Cotton, Director of Pipeline Safety, Mississippi Public Service Commission, and John Leiss, Geologist, Federal Energy Regulatory Commission. Mr. Thomas and Mr. Cotton considered pre-employment testing alone to be a sufficient standard, and they thought requiring operators to check testing by previous employers would not be beneficial. In contrast, Mr. Leiss said we should expand the proposed rule to cover current covered employees and job applicants not previously employed by a DOT regulated employer. We proposed new § 199.11 simply to call operators' attention to the new information collection requirement in 49 CFR 40.25. We do not have authority to change DOT policy expressed in § 40.25. At the same time, we do not think the problem of illegal drug use among pipeline workers warrants establishing in Part 199 a regulation broader than § 40.25.

Because of maritime industry concerns, DOT recently opened a 30-day comment period on § 40.25 (66 FR 32248; June 14, 2001). DOT's Office of the Secretary will address the comments in a separate **Federal Register** publication associated with this Final Rule.

Regulatory Analyses and Notices

Executive Order 12866 and DOT Policies and Procedures

RSPA does not consider this rulemaking to be a significant regulatory action under Section 3(f) of Executive Order 12866 (58 FR 51735; Oct. 4, 1993). Therefore, the Office of Management and Budget (OMB) has not received a copy of this rulemaking to review. RSPA also does not consider this rulemaking to be significant under DOT regulatory policies and procedures (44 FR 11034: February 26, 1979).

The final rules are non-significant because they merely conform Part 199 to revised Part 40, which has already had extensive comment and analysis, and make other clarifying and organizational changes to Part 199. The economic impact of revised Part 40 was analyzed in connection with the Part 40 rulemaking, and the final Part 199 rules will not have any incremental economic impact of their own. As to the clarifying and organizational changes not directly related to revised Part 40, we assessed the economic impact of these changes as minimal. A copy of the Regulatory Evaluation of costs and benefits is available in the docket for this proceeding.

Regulatory Flexibility Act

The final rules are consistent with revised Part 40 and have no incremental economic impacts of their own. Therefore, based on the facts available about the anticipated impacts of this proposed rulemaking, I certify, pursuant to Section 605 of the Regulatory Flexibility Act (5 U.S.C. 605), that the final rules will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

All the information collection requirements of Part 40 have been analyzed and approved by OMB. The final rules will not impose any information collection requirements that have not already been reviewed in the Part 40 rulemaking. So no further Paperwork Reduction Act review is necessary.

Executive Order 12612

The final rules will not have a substantial direct effect on states, on the relationship between the Federal Government and the states, or on the distribution of power and responsibilities among the various levels of Government. Therefore, in accordance with Executive Order 12612 (52 FR 41685; October 30, 1987), we have determined that the final rules will not have sufficient federalism implications to warrant preparation of a federalism assessment.

Executive Order 13084

The final rules have been analyzed in accordance with the principles and criteria contained in Executive Order 13084, ''Consultation and Coordination with Indian Tribal Governments.'' Because the final rules will not significantly or uniquely affect the communities of the Indian tribal governments and will not impose substantial direct compliance costs, the funding and consultation requirements of Executive Order 13084 do not apply.

Executive Order 13132

Revised Part 40 has been analyzed in accordance with the principles and criteria contained in Executive Order 13132 (''Federalism''). The final rules have no incremental Federalism impacts for purposes of Executive Order 13132. So no further analysis is needed for Federalism purposes.

Impact on Business Processes and Computer Systems

We do not want to impose new requirements that would mandate business process changes when the resources necessary to implement those requirements would otherwise be applied to ''Y2K'' or related computer problems. The final rules do not mandate business process changes or require modifications to computer systems. Because the final rules will not affect the ability of organizations to respond to those problems, we are not delaying the effectiveness of the requirements.

Unfunded Mandates Reform Act of 1995

The final rules will not impose unfunded mandates under the Unfunded Mandates Reform Act of 1995. The rules will not result in costs of $100 million or more to either state, local, or tribal governments, in the aggregate, or to the private sector, and are the least burdensome alternative that achieves the objective of the rules.

National Environmental Policy Act

We have analyzed the final rules for purposes of the National Environmental Policy Act (42 U.S.C. 4321 et seq.). Because the rules parallel present requirements of revised Part 40 or involve clarifying or organizational changes, we have determined that the rules will not significantly affect the quality of the human environment.

Executive Order 13211

This rulemaking is not a ''Significant energy action'' under Executive Order 13211. 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. Further, this rulemaking has not been designated by the Administrator of the Office of Information and Regulatory Affairs as a significant energy action.

List of Subjects in 49 CFR Part 199

Drug testing, Pipeline safety, Reporting and recordkeeping requirements, Safety, Transportation.

In consideration of the foregoing, we are amending 49 CFR part 199 as follows:

PART 199—DRUG AND ALCOHOL TESTING

1. The authority citation for part 199 continues to read as follows:

Authority: 49 U.S.C. 5103, 60102, 60104, 60108, 60117, and 60118; 49 CFR 1.53.

2. The heading for subpart A is revised to read as follows:

Subpart A—General

3. Section 199.1, is revised to read as follows:

§ 199.1 Scope.

This part requires operators of pipeline facilities subject to part 192, 193, or 195 of this chapter to test covered employees for the presence of prohibited drugs and alcohol.

4. Section 199.2 is added to read as follows:

§ 199.2 Applicability.

(a) This part applies to pipeline operators only with respect to employees located within the territory of the United States, including those employees located within the limits of the ''Outer Continental Shelf '' as that term is defined in the Outer Continental Shelf Lands Act (43 U.S.C. 1331).

(b) This part does not apply to any person for whom compliance with this part would violate the domestic laws or policies of another country.

(c) This part does not apply to covered functions performed on—

(1) Master meter systems, as defined in § 191.3 of this chapter; or

(2) Pipeline systems that transport only petroleum gas or petroleum gas/air mixtures.

5. In § 199.3, the introductory text is revised, the definitions of ''Covered employee'' and ''Refuse to submit'' are removed, the definitions of ''Covered function,'' ''DOT Procedures,'' and ''Prohibited drug'' are revised, and definitions of ''Covered employee, employee, or individual to be tested,'' ''Performs a covered function,'' and ''Refuse to submit, refuse, or refuse to take'' are added in alphabetical order, to read as follows:

§ 199.3 Definitions.

As used in this part—

* * * * *

Covered employee, employee, or individual to be tested means a person who performs a covered function, including persons employed by operators, contractors engaged by

operators, and persons employed by such contractors.

Covered function means an operations, maintenance, or emergency-response function regulated by part 192, 193, or 195 of this chapter that is performed on a pipeline or on an LNG facility.

DOT Procedures means the Procedures for Transportation Workplace Drug and Alcohol Testing Programs published by the Office of the Secretary of Transportation in part 40 of this title.

* * * * *

Performs a covered function includes actually performing, ready to perform, or immediately available to perform a covered function.

* * * * *

Prohibited drug means any of the following substances specified in Schedule I or Schedule II of the Controlled Substances Act (21 U.S.C. 812): marijuana, cocaine, opiates, amphetamines, and phencyclidine (PCP).

* * * * *

Refuse to submit, refuse, or refuse to take means behavior consistent with DOT Procedures concerning refusal to take a drug test or refusal to take an alcohol test.

* * * * *

6. Section 199.5 is revised to read as follows:

§ 199.5 DOT procedures.

The anti-drug and alcohol programs required by this part must be conducted according to the requirements of this part and DOT Procedures. Terms and concepts used in this part have the same meaning as in DOT Procedures. Violations of DOT Procedures with respect to anti-drug and alcohol programs required by this part are violations of this part.

7. Subpart B is redesignated as subpart C.

8. Existing §§ 199.7, 199.9, 199.11, 199.13, 199.15, 199.17, 199.19, 199.21, 199.23, and 199.25 are redesignated as §§ 199.101, 199.103, 199.105, 199.107, 199.109, 199.111, 199.113, 199.115, 199.117, and 199.119, respectively, in new subpart B, and a subpart B heading is added to read as follows:

Subpart B—Drug Testing

9. New § 199.7 is added to subpart A to read as follows:

§ 199.7 Stand-down waivers.

(a) Each operator who seeks a waiver under § 40.21 of this title from the stand-down restriction must submit an application for waiver in duplicate to the Associate Administrator for Pipeline Safety, Research and Special Programs Administration, Department of Transportation, Washington, DC 20590.

(b) Each application must—

(1) Identify § 40.21 of this title as the rule from which the waiver is sought;

(2) Explain why the waiver is requested and describe the employees to be covered by the waiver;

(3) Contain the information required by § 40.21 of this title and any other information or arguments available to support the waiver requested; and

(4) Unless good cause is shown in the application, be submitted at least 60 days before the proposed effective date of the waiver.

(c) No public hearing or other proceeding is held directly on an application before its disposition under this section. If the Associate Administrator determines that the application contains adequate justification, he or she grants the waiver. If the Associate Administrator determines that the application does not justify granting the waiver, he or she denies the application. The Associate Administrator notifies each applicant of the decision to grant or deny an application.

10. New § 199.100 is added to Subpart B to read as follows:

§ 199.100 Purpose.

The purpose of this subpart is to establish programs designed to help prevent accidents and injuries resulting from the use of prohibited drugs by employees who perform covered functions for operators of certain pipeline facilities subject to part 192, 193, or 195 of this chapter.

11. In redesignated § 199.103, paragraph (a)(1) is amended by removing the term ''§ 199.15(d)(2)'' and adding ''DOT Procedures'' in its place, and by revising paragraph (b)(2) to read as follows:

§ 199.103 Use of persons who fail or refuse a drug test.

* * * * *

(b) * * *

(2) Been considered by the medical review officer in accordance with DOT Procedures and been determined by a substance abuse professional to have successfully completed required education or treatment; and

* * * * *

12. In redesignated § 199.105, paragraph (b) is revised, paragraphs (c)(3) and (c)(4) are amended by removing the term ''§ 199.25'' and adding ''§ 199.119'' in its place wherever the term appears, and paragraph (e) is revised, to read as follows:

§ 199.105 Drug tests required.

* * * * *

(b) *Post-accident testing.* As soon as possible but no later than 32 hours after an accident, an operator shall drug test each employee whose performance either contributed to the accident or cannot be completely discounted as a contributing factor to the accident. An operator may decide not to test under this paragraph but such a decision must be based on the best information available immediately after the accident that the employee's performance could not have contributed to the accident or that, because of the time between that performance and the accident, it is not likely that a drug test would reveal whether the performance was affected by drug use.

* * * * *

(e) *Return-to-duty testing.* A covered employee who refuses to take or has a positive drug test may not return to duty in the covered function until the covered employee has complied with applicable provisions of DOT Procedures concerning substance abuse professionals and the return-to-duty process.

* * * * *

13. In redesignated § 199.109, paragraphs (b), (c), and (d) are revised to read as follows:

§ 199.109 Review of drug testing results.

* * * * *

(b) *MRO qualifications.* Each MRO must be a licensed physician who has the qualifications required by DOT Procedures.

(c) *MRO duties.* The MRO must perform functions for the operator as required by DOT Procedures.

(d) *MRO reports.* The MRO must report all drug test results to the operator in accordance with DOT Procedures.

* * * * *

14. In redesignated § 199.111, the section heading and the first sentence of paragraph (b) are revised, the second sentence of paragraph (b) and paragraph (c) are amended by removing the term ''retesting'' and adding ''testing'' in its place wherever the term appears, and the last sentence of paragraph (b) is amended by removing the term ''retest'' and adding ''additional test'' in its place, to read as follows:

§ 199.111 Retention of samples and additional testing.

(b) If the medical review officer (MRO) determines there is no legitimate

medical explanation for a confirmed positive test result other than the unauthorized use of a prohibited drug, and if timely additional testing is requested by the employee according to DOT Procedures, the split specimen must be tested. * * *

* * * * *

15. The first sentence of redesignated § 199.117(b) is revised to read as follows:

§ 199.117 Recordkeeping.

* * * * *

(b) Information regarding an individual's drug testing results or rehabilitation must be released upon the written consent of the individual and as provided by DOT Procedures. * * *

§ 199.201 [Removed and Reserved]

16. Section 199.201 is removed and reserved.

17. In § 199.202, the first sentence is revised to read as follows:

§ 199.202 Alcohol misuse plan.

Each operator must maintain and follow a written alcohol misuse plan that conforms to the requirements of this part and DOT Procedures concerning alcohol testing programs. * * *

§§ 199.203, 199.205 [Removed and Reserved]

18. Sections 199.203 and 199.205 are removed and reserved.

19. Section 199.207 is redesignated as new § 199.9 and transferred to subpart A, and redesignated § 199.9 is amended by removing the term ''subpart'' and adding ''part'' in its place wherever the term appears.

20. In § 199.209, the existing text is designated as paragraph (a) and new paragraph (b) is added to read as follows:

§ 199.209 Other requirements imposed by operators.

* * * * *

(b) Operators may, but are not required to, conduct pre-employment alcohol testing under this subpart. Each operator that conducts pre-employment alcohol testing must—

(1) Conduct a pre-employment alcohol test before the first performance of covered functions by every covered employee (whether a new employee or someone who has transferred to a position involving the performance of covered functions);

(2) Treat all covered employees the same for the purpose of pre-employment alcohol testing (i.e., you must not test some covered employees and not others);

(3) Conduct the pre-employment tests after making a contingent offer of employment or transfer, subject to the employee passing the pre-employment alcohol test;

(4) Conduct all pre-employment alcohol tests using the alcohol testing procedures in DOT Procedures; and

(5) Not allow any covered employee to begin performing covered functions unless the result of the employee's test indicates an alcohol concentration of less than 0.04.

§ 199.213 [Removed and Reserved]

21. Section 199.213 is removed and reserved.

§ 199.225 [Amended]

22. In § 199.225, paragraphs (a)(2)(ii) and (b)(4)(ii) are removed and reserved.

23. Section 199.231(g) is revised to read as follows:

§ 199.231 Access to facilities and records.

* * * * *

(g) An operator may disclose information without employee consent as provided by DOT Procedures concerning certain legal proceedings.

* * * * *

Issued in Washington, DC, on August 29, 2001.

Edward A. Brigham,

Acting Deputy Administrator.

[FR Doc. 01–22581 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–60–P

Proposed Rules

Federal Register
Vol. 66, No. 176
Tuesday, September 11, 2001

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

FEDERAL ELECTION COMMISSION

11 CFR Parts 100, 104, and 113

[Notice 2001–13]

Brokerage Loans and Lines of Credit

AGENCY: Federal Election Commission.

ACTION: Cancellation of public hearing.

SUMMARY: On July 25, 2001, the Federal Election Commission published proposed rules on brokerage loans and lines of credit available to candidates. 66 FR 38576 (July 25, 2001). The Notice of Proposed Rulemaking stated that the Commission would hold a public hearing on September 19, 2001, if there were sufficient requests to testify by August 24, 2001. The Commission did not receive any requests to testify. Therefore, the Commission is canceling the public hearing.

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

Dated: September 5, 2001.

Danny L. McDonald,

Chairman, Federal Election Commission.

[FR Doc. 01–22663 Filed 9–10–01; 8:45 am]

BILLING CODE 6715–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2001–9559; Airspace Docket No. 01–AWP–2]

RIN 2120–AA66

Proposed Revision of VOR Federal Airway 105, and Jet Route 58 and 86; and Establishment of Jet Routes 614 and 616

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Supplemental Notice of proposed rulemaking (SNPRM).

SUMMARY: This notice supplements a notice of proposed rulemaking (NPRM) published in the **Federal Register** on June 20, 2001. In that notice, the FAA proposed to realign Federal Airway 105 (V–105) and Jet Route 86 (J–86) in the Phoenix, AZ, area. In this supplemental notice, the FAA is proposing to correct an inadvertent error in the previously proposed description of V–105. Additionally, in this notice, the FAA is proposing to modify the previously proposed descriptions for J–58 and J–86, and to rename portions of J–58 and J–86 in the state of Florida. These proposed modifications are part of the National Airspace Redesign effort to improve system efficiency.

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

ADDRESSES: Send comments on this proposal to the Docket Management System, U.S. Department of Transportation, Room Plaza 401, 400 Seventh Street, SW., Washington, DC 20590–0001. You must identify the docket number FAA–2001–9559/ Airspace Docket No. 01–AWP–2, at the beginning of your comments.

You may also submit comments on the Internet at *http://dms.dot.gov.* You may review the public docket containing the proposal, any comments received, and any final disposition in person in the Dockets Office between 9:00 a.m. and 5:00 p.m., Monday through Friday, except Federal holidays. The Docket Office (telephone 1–800–647–5527) is on the plaza level of the Department of Transportation NASSIF Building at the above address.

An informal docket may also be examined during normal business hours at the office of the Regional Air Traffic Division, Federal Aviation Administration, 15000 Aviation Boulevard, Hawthorne, CA 90261.

FOR FURTHER INFORMATION CONTACT: Ken McElroy, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested parties are invited to participate in this proposed rulemaking by submitting such written data, views, or arguments, as they may desire. Comments that provide the factual basis supporting the views and suggestions presented are particularly helpful in developing reasoned regulatory decisions on the proposal. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal.

Communications should identify both docket numbers and be submitted in triplicate to the address listed above. Commenters wishing the FAA to acknowledge receipt of their comments on this notice must submit with those comments a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. FAA–2001–9559/Airspace Docket No. 01–AWP–2.'' The postcard will be date/time stamped and returned to the commenter.

All communications received on or before the specified closing date for comments will be considered before taking action on the proposed rule. The proposal contained in this notice may be changed in light of comments received. All comments submitted will be available for examination in the Rules Docket both before and after the closing date for comments. A report summarizing each substantive public contact with FAA personnel concerned with this rulemaking will be filed in the docket.

Availability of SNPRM's

An electronic copy of this document may be downloaded through the Internet at *http://dms.dot.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at http://www.faa.gov or the Superintendent of Document's web page at http://www.access.gpo.gov/nara.

Additionally, any person may obtain a copy of this notice by submitting a request to the Federal Aviation Administration, Office of Air Traffic Airspace Management, ATA–400, 800 Independence Avenue, SW., Washington, DC 20591, or by calling (202) 267–8783. Communications must identify both docket numbers for this notice. Persons interested in being placed on a mailing list for future NPRM's should call the FAA's Office of Rulemaking, (202) 267–9677, for a copy of Advisory Circular No. 11–2A, Notice of Proposed Rulemaking Distribution

System, which describes the application procedure.

Background

V–105

On June 20, 2001, Airspace Docket No. 01–AWP–02, FAA–2001–9559 (66 FR 30654), was published in the **Federal Register**. In that airspace docket the FAA proposed to realign V–105 and J–86 in the Phoenix, AZ, area. The June 20, 2001 NPRM contained an inadvertent error in the proposed description of V–105. Specifically, the description transposed the magnetic and true radials of V–105. This SNPRM corrects that error.

J–58 and J–86

Currently the navigational signal in the vicinity of the Gulf of Mexico is not sufficient enough to support that segment of J–58 between the Harvey, LA, Very High Frequency Omnidirectional Radio Range and Tactical Air Navigation Aids (VORTAC), and the Sarasota VORTAC. The same dilemma affects that segment of J–86 between the Leeville VORTAC and the Sarasota, FL, VORTAC. Due to the weak navigational signal affecting these routes, they no longer pass flight inspection. The FAA is therefore proposing in this action to remove the route segments over the Gulf and terminate them at the Harvey VORTAC (for J–58) and the Leeville VORTAC (for J–86) respectively.

To replace the revoked segments, over water advanced navigation routes were established under a separate action. These over water navigation routes do not rely on ground based navigation facilities and are not subject to navigation signal coverage limitations. Additionally, in this action, the FAA is proposing to rename the route segments of J–58 and J–86 in the State of Florida to avoid confusion.

The Proposal

The FAA is proposing an amendment to Title 14 Code of Federal Regulations (14 CFR) part 71 to revise V–105 and J–86 in the vicinity of Phoenix Arizona. Specifically, this notice corrects the proposed description of V–105 between the Drake and Phoenix, AZ, VORTAC. Additionally, in this action the FAA is proposing to revise J–86 between Winslow, AZ, and the Leeville, LA, VORTAC; removes the segment of J–86 between the Leeville VORTAC and the Sarasota, FL, VORTAC; renames the J–86 route segment from the Sarasota VORTAC to the Dolphin, FL, VORTAC, J–616; amend J–58 by terminating the route at the Harvey, LA, VORTAC; removing the segment of J–58 between the Harvey VORTAC and the Sarasota, FL, VORTAC; and renaming the route from the Sarasota VORTAC to the Dolphin, FL, VORTAC, J–614. These actions are necessary because J–58 and J–86 fail to pass flight inspection over the Gulf of Mexico due to gaps in navigation signal coverage. These changes are part of the National Airspace Redesign effort to improve system efficiency and safety.

The FAA has determined that this proposed regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. Therefore, this proposed regulation: (1) Is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under Department of Transportation (DOT) Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that will only affect air traffic procedures and air navigation, it is certified that this proposed rule, when promulgated, will not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Jet routes and Domestic VOR Federal airways are published in paragraphs 2004 and 6010(a), respectively, of FAA Order 7400.9H dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The jet route and VOR Federal airway listed in this document would be published subsequently in the order.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

In consideration of the foregoing, the Federal Aviation Administration proposes to amend 14 CFR part 71 as follows:

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

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

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

§ 71.1 [Amended]

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

Paragraph 2004 Jet Routes

* * * * *

J–58 [Revised]

From Oakland, CA, via Manteca, CA; Coaldale, NV; Wilson Creek, NV; Milford, UT; Farmington, NM; Las Vegas, NM; Panhandle, TX; Wichita Falls, TX; Ranger, TX; Alexandria, LA; Harvey, LA.

J–86 [Revised]

From Beatty, NV; INT Beatty 131° and Boulder City, NV, 284° radials; Boulder City; Peach Springs, AZ; INT of Peach Springs 091° (076°M) and Winslow, AZ, 301° (287°M) radials, El Paso, TX; Fort Stockton, TX; Junction, TX; Humble, TX; Leeville, LA.

J–614 [New]

Sarasota; Lee County, FL; to the INT Lee County 120° and Dolphin, FL, 293° radials; Dolphin.

J–616 [New]

Sarasota; INT Sarasota 103° and La Belle, FL, 313° radials; La Belle; to Dolphin, FL.

* * * * *

Paragraph 6010(a) Domestic VOR Federal Airways

* * * * *

V–105 [Revised]

From Tucson, AZ; INT Tucson 300° and Stanfield, AZ 145° radials; Stanfield; Phoenix, AZ; INT Phoenix 333° (321°M) and Drake, AZ, 182° (168°M) radials; Drake; 25 miles, 22 miles 85 MSL; Boulder City, NV; Las Vegas, NV; INT Las Vegas 266° and Beatty, NV, 142° radials; 17 miles, 105 MSL; Beatty; 105 MSL, Coaldale, NV; 82 miles, 110 MSL; to Mustang, NV.

* * * * *

Issued in Washington, DC, on September 5, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01–22771 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–144]

RIN 2115–AE47

Drawbridge Operation Regulations; Back River, ME

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge

operating regulations governing the operation of the Maine Department of Transportation (MDOT) highway bridge, at mile 4.6, between Hodgdon and Barter's Island at Boothbay, Maine. This proposed temporary change to the drawbridge operation regulations would allow the bridge to remain in the closed position from December 15, 2001 through April 15, 2002. This action is necessary to facilitate structural repairs at the bridge.

DATES: Comments must reach the Coast Guard on or before November 13, 2001.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, Bridge Branch, at 408 Atlantic Avenue, Boston, MA. 02110–3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–01–144), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Background

The MDOT, highway bridge, at mile 4.6, across the Back River has a vertical clearance of 6 feet at mean high water and 15 feet at mean low water. The existing regulations are listed at 33 CFR 117.523.

The bridge owner, MDOT, asked the Coast Guard to temporarily change the drawbridge operation regulations to facilitate structural repairs at the bridge. This proposed temporary rule would allow the bridge owner to keep the bridge in the closed position from December 15, 2001 through April 15, 2002. The bridge operates on a twenty-four hours advance notice from November 1 through May 31, normally. The local fishermen haul out their equipment during the month of November, after which, the bridge historically receives few requests to open.

Discussion of Proposal

This proposed temporary change to the drawbridge operation regulations would allow the bridge owner to keep the bridge in the closed position from December 15, 2001 through April 15, 2002, while structural repairs are underway at the bridge.

The number of bridge openings from December through April in past years have been relatively low. The bridge opening log data for December through April for the past three years is as follows:

	1998	1999	2000
December	4	0	0
January	0	0	0
February	0	0	0
March	0	0	0
April	0	0	0

The Coast Guard believes this rulemaking is reasonable based upon the relatively low number of bridge opening requests during past years December through April and the fact that this work is necessary maintenance required to assure continued uninterrupted operation of the bridge.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, Feb. 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the there have been few requests to open the bridge historically, during the time period that the bridge would be closed.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that there have been few requests historically, to open the bridge during the time period the bridge would be closed.

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

Collection of Information

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

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal government or the private sector to incur direct costs without the Federal Government's having first provided the

funds to pay those costs. This proposed rule would not impose an unfunded mandate.

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

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 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.523 [Suspended]

2. From December 15, 2001, through April 15, 2002, § 117.523 is suspended.

3. From December 15, 2001 through April 15, 2002, § 117.T524 is temporarily added to read as follows:

§ 117.T524 Back River.

The Maine Department of transportation highway bridge, mile 4.6, between Hodgdon and Barter's Island at Boothbay, need not open for the passage of vessel traffic.

Dated: August 28, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–22777 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD01–01–142]

RIN 2115–AE47

Drawbridge Operation Regulations; Dorchester Bay, MA

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to temporarily change the drawbridge operating regulations governing the operation of the William T. Morrisey Boulevard Bridge, at mile 0.0, across Dorchester Bay at Boston, Massachusetts. This proposed temporary change to the drawbridge operation regulations would allow the bridge to remain in the closed position from November 1, 2001 through May 10, 2002. This action is necessary to facilitate rehabilitation construction at the bridge.

DATES: Comments must reach the Coast Guard on or before October 11, 2001.

ADDRESSES: You may mail comments to Commander (obr), First Coast Guard District, Bridge Branch, at 408 Atlantic Avenue, Boston, MA. 02110–3350, or deliver them to the same address between 7 a.m. and 3 p.m., Monday through Friday, except Federal holidays. The telephone number is (617) 223–8364. The First Coast Guard District, Bridge Branch, maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will become part of this docket and will be available for inspection or copying at the First Coast Guard District, Bridge Branch, 7 a.m. to 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Mr. John W. McDonald, Project Officer, First Coast Guard District, (617) 223–8364.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments or related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD01–01–142), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know if they reached us, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for a meeting by writing to the First Coast Guard District, Bridge Branch, at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Regulatory Information

Pursuant to 5 U.S.C. 553, a notice of proposed rulemaking (NPRM) is being published with a shortened comment period of thirty days instead of the normal sixty day comment period because the bridge owner held a meeting with the members of the Dorchester Yacht Club, the sole marine facility upstream from the bridge, and the members of the yacht club agreed upon the time period that the bridge will be allowed to remain closed.

The Coast Guard anticipates that any temporary final rule enacted following public notice and comment may be effective in less than 30 days after publication.

Any delay encountered in this regulation's effective date would be unnecessary and contrary to the public interest because the rehabilitation construction is necessary in order to assure continued reliable operation of the bridge.

Background

The William T. Morrisey Boulevard Bridge, at mile 0.0, across Dorchester Bay has a vertical clearance of 12 feet at mean high water and 22 feet at mean low water. The existing regulations at 33 CFR 117.597 require the draw to open on signal from April 16 through October 14; except that, the draw need not open for vessel traffic from 7:30 a.m. to 9 a.m. and from 4:30 p.m. to 6 p.m. except on Saturdays, Sundays, or holidays observed in the locality. From October 15 through April 15, the draw shall open on signal if at least twenty-four hours notice is given.

The bridge owner, the Metropolitan District Commission (MDC), asked the Coast Guard to temporarily change the drawbridge operation regulations to allow the bridge to remain in the closed position from November 1, 2001 through May 10, 2002, to facilitate rehabilitation construction at the bridge. The bridge owner and the Coast Guard contacted all known waterway users to advise them of the proposed closure. No objections or negative comments were received in response to this proposal.

Discussion of Proposal

This proposed temporary change to the drawbridge operation regulations would allow the William T. Morrisey Boulevard Bridge to remain in the closed position from November 1, 2001 through May 10, 2002. The bridge normally operates on a twenty-four hour advance notice from October 15 through April 15, during the winter months.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, Feb. 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full Regulatory Evaluation, under paragraph 10e of the regulatory policies and procedures of DOT, is unnecessary. This conclusion is based on the fact that the only marine facility effected by this proposal has agreed to the closure dates for the bridge.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under section 5 U.S.C. 605(b), that this proposed rule would not have a significant economic impact on a substantial number of small entities. This conclusion is based upon the fact that the only marine facility effected by this proposal has agreed to the closure date for the bridge.

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

Collection of Information

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

Federalism

We have analyzed this proposed rule under E.O. 13132 and have determined that this rule does not have implications for federalism under that Order.

Unfunded Mandates Reform Act

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

Taking of Private Property

This proposed rule would not effect a taking of private property or otherwise have taking implications under E.O. 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32)(e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation because promulgation of drawbridge regulations have been found not to have a significant effect on the environment. A written ''Categorical Exclusion Determination'' is not required for this rule.

Indian Tribal Governments

This final rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

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 117

Bridges.

Regulations

For the reasons set out in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); section 117.255 also issued under the authority of Pub. L. 102–587, 106 Stat. 5039.

§ 117.597 [Suspended]

2. From November 1, 2001, through May 10, 2002, § 117.597 is suspended.

3. From November 1, 2001 through May 10, 2002, § 117.T602 is temporarily added to read as follows:

§ 117.T602 Dorchester Bay.

The draw of the William T. Morrisey Boulevard Bridge, mile 0.0, at Boston, need not open for the passage of vessel traffic.

Dated: August 28, 2001.

G.N. Naccara,

Rear Admiral, U.S. Coast Guard, Commander, First Coast Guard District.

[FR Doc. 01–22778 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–15–U

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

36 CFR Part 1230

RIN 3095–AB06

Micrographic Records Management

AGENCY: National Archives and Records Administration (NARA).

ACTION: Proposed rule.

SUMMARY: The proposed rule updates the editions of standards incorporated by reference in 36 CFR part 1230 to the most current edition. In addition, the part has been rewritten in plain language format. The proposed rule will affect Federal agencies.

DATES: Comments are due by November 13, 2001.

ADDRESSES: Comments must be sent to Regulation Comments Desk (NPOL), Room 4100, Policy and Communications Staff, National Archives and Records Administration, 8601 Adelphi Road, College Park, MD 20740–6001. They may be faxed to 301–713–7270. You may also comment via email to comments@nara.gov. See the **SUPPLEMENTARY INFORMATION** for details.

FOR FURTHER INFORMATION CONTACT: Nancy Allard at telephone number 301–713–7360, ext. 226, or fax number 301–713–7270.

SUPPLEMENTARY INFORMATION: NARA periodically reviews all of its regulations. This proposed rule was developed after such a review. The only substantive changes from the current regulation are the editions of industry micrographic standards that must be used.

The proposed rule is not a significant regulatory action for the purposes of Executive Order 12866 and has not been reviewed by the Office of Management and Budget. As required by the Regulatory Flexibility Act, I certify that this rule will not have a significant impact on a substantial number of small entities because it applies to Federal agencies. This regulation does not have any federalism or tribalism implications.

Please submit email comments within the body of your email message or attach comments as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: 3095–AB06'' and your name and return address in your email message. If you do not receive a confirmation that we have received your email message, contact the Regulation Comment Desk at 301–713–7360, ext. 226.

List of Subjects in 36 CFR Part 1230

Archives and records.

For the reasons set forth in the preamble, NARA proposes to revise part 1230 of title 36, Code of Federal Regulations, to read as follows:

PART 1230—MICROGRAPHIC RECORDS MANAGEMENT

Subpart A—General

Sec.

1230.1 What does this part cover?
1230.2 What is the authority for this part?
1230.3 Publications incorporated by reference.
1230.4 Definitions.

Subpart B—Program Requirements

1230.7 What must agencies do to manage microform records?

Subpart C—Microfilming Standards

1230.10 Do agencies need to request NARA approval for the disposition of all microform and source records?
1230.12 What are the steps to be followed in filming records?
1230.14 What are the filming requirements for permanent and unscheduled records?
1230.16 What are the film and image requirements for temporary records, duplicates, and user copies?

Subpart D—Standards for the Storage, Use and Disposition of Microform Records

1230.20 How should microform records be stored?
1230.22 What are NARA inspection requirements for permanent and unscheduled microform records?
1230.24 What are NARA inspection requirements for temporary microform records?
1230.26 What are the use restrictions for permanent and unscheduled microform records?
1230.28 What must agencies do to send permanent microform records to a records storage facility?
1230.30 How do agencies transfer permanent microform records to the legal custody of the National Archives?

Subpart E—Centralized Micrographic Services

1230.50 What micrographic services are available from NARA?

Authority: 44 U.S.C. 2907, 3302 and 3312.

Subpart A—General

§ 1230.1 What does this part cover?

This part covers the standards and procedures for using micrographic technology to create, use, store, inspect, retrieve, preserve, and dispose of Federal records.

§ 1230.2 What is the authority for this part?

44 U.S.C. chapters 29 and 33, authorize the Archivist of the United States to:

(a) Establish standards for copying records by photographic and microphotographic means,

(b) Establish standards for the creation, storage, use, and disposition of microform records in Federal agencies; and

(c) Provide centralized microfilming services for Federal agencies.

§ 1230.3 Publications incorporated by reference.

(a) General. The following publications are hereby incorporated by reference into Part 1230. They are available from the issuing organizations at the addresses listed in this section. They may also be examined at the Office of the Federal Register, 800 North Capitol Street NW., suite 700, Washington, DC. This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR Part 51. These materials are incorporated as they exist on the effective date of this regulation, and a notice of any change in these materials will be published in the **Federal Register**.

(b) American National Standards Institute (ANSI) and International (ISO) standards. ANSI standards cited in this part are available from the American National Standards Institute, 11 West 42nd St., New York, NY 10036. The standards can be ordered on line at http://webstore.ansi.org/ansidocstore/default.asp.

ANSI/ISO 10602:1995 or ANSI/NAPM IT9.1—1996 Imaging Materials—Processed Silver-Gelatin Type Black-and-White Film—Specifications for Stability.

ANSI/PIMA IT9.2—1998, American National Standard for Imaging Media—Photographic Processed Films, Plates, and Papers—Filing Enclosures and Storage Containers.

ANSI/NAPM IT2.19—1994, American National Standard for Photography—Density Measurements—Part 2: Geometric Conditions for Transmission Density.

ANSI/NAPM IT2.18—1996, Photography—Density Measurements—Part 3: Spectral Conditions.

ISO 18911:2000, Imaging materials—Processed safety photographic films—Storage Practices.

(c) Association of Information and Image Management (AIIM) Standards. You may obtain the following standards from the Association of Information and Image Management, 1100 Wayne Avenue, suite 1100, Silver Spring, MD 20910. The standards can be ordered on line at http://www.aiim.org/.

ANSI/AIIM MS1—1996, Recommended Practice for Alphanumeric Computer-Output Microforms—Operational Practices for Inspection and Quality Control.

ANSI/AIIM MS5—1992 (R1998), Micrographic Microfiche.

ANSI/AIIM MS14—1996, Specifications for 16mm and 35mm Roll Microfilm.

ANSI/AIIM MS19—1993, Recommended Practice for Identification of Microforms.

ANSI/AIIM MS23—1998, Microfilm of Documents, Operational Procedures/Inspection and Quality Control of First-Generation Silver-Gelatin.

ANSI/AIIM MS32—1996, Microrecording of Engineering Source Documents on 35mm Microfilm.

ANSI/AIIM MS41—1996, Unitized Microfilm Carriers (Aperture, Camera, Copy, and Image Cards).

ANSI/AIIM MS43—1998, Recommended Practice for Operational Procedures/Inspection and Quality Control for Duplicate Microforms of Documents and from COM

ANSI/AIIM MS45—1990, Recommended Practice for Inspection of Stored Silver-Gelatin Microforms for Evidence of Deterioration.

ANSI/ISO 3334—1991, ANSI/AIIM MS51–1991, Micrographics—ISO Resolution Test Chart No. 2—Description and Use.

§ 1230.4 Definitions.

The following definitions apply to this part:

(a) *Archival microfilm.* A photographic film that meets the standards described in § 1230.14 and that is suitable for the preservation of permanent records when stored in accordance with § 1230.20(a). Such film must conform to film designated as LE 500 in ANSI/NAPM IT9.1—1996.

(b) *Background density.* The opacity of the area of the microform not containing information.

(c) *Computer-assisted retrieval (CAR) system.* A records storage and retrieval system, normally microfilm-based, that uses a computer for indexing, automatic markings such as blips or bar codes for identification, and automatic devices for reading those markings and, in some applications, for transporting the film for viewing.

(d) *Computer Output Microfilm (COM).* Microfilm containing data converted and recorded from a computer.

(e) *Facility.* An area used exclusively to make or copy microforms.

(f) *Microfilm.* (1) Raw (unexposed and unprocessed) fine-grain, high resolution photographic film with characteristics that make it suitable for use in micrographics;

(2) The process of recording microimages on film; or

(3) A fine-grain, high resolution photographic film containing microimages.

(g) *Microform.* Any form containing microimages.

(h) *Microimage.* A document such as a page of text or a drawing that is too small to be read without magnification.

(i) *Permanent record.* Permanent record has the meaning specified in § 1220.14 of this chapter.

(j) *Records storage facility.* Records storage facility has the meaning specified in § 1220.14 of this chapter.

(k) *Temporary record.* Temporary record has the meaning specified in § 1220.14 of this chapter.

(l) *Unscheduled record.* Unscheduled record has the meaning specified in § 1220.14 of this chapter.

(m) *Use or work copies.* Duplicates of original film made to be used for reference or for duplication on a recurring or large-scale basis. These are not preservation master copies, which must be stored unused as specified in § 1230.20.

Subpart B—Program Requirements

§ 1230.7 What must agencies do to manage microform records?

Federal agencies must manage microform records by taking the following actions:

(a) Assign responsibility for an agencywide program for managing microform records and notify the National Archives and Records Administration (NWM), 8601 Adelphi Rd., College Park, MD 20740–6001 of the name and title of the person assigned the responsibility.

(b) Manage the microform records as part of other records and information resources management programs of the agency.

(c) Include microform records management objectives, responsibilities, and authorities in pertinent agency directives and disseminate them to appropriate officials.

(d) Address records management issues, including disposition, before approving new microform records systems or enhancements to existing systems.

(e) Train the managers and users of microform records.

(f) Develop records schedules covering microform records and finding aids, secure NARA approval, and apply the disposition instructions.

(g) Schedule computerized indexes associated with microform records, such as in a computer-assisted retrieval (CAR) system, in accordance with part 1234 of this chapter.

(h) Review practices used to create and manage microform records periodically to ensure compliance with NARA standards in this part.

Subpart C—Microfilming Standards

§ 1230.10 Do agencies need to request NARA approval for the disposition of all microform and source records?

(a) *Permanent or unscheduled records.* Agencies must schedule both source documents (originals) and microforms. NARA must approve the schedule, Standard Form (SF) 115, Request for Records Disposition Authority, in accordance with part 1228 of this chapter before any records, including source documents, can be destroyed. NARA will not approve the destruction of original records that have intrinsic value, or security classified or otherwise restricted original records that are scheduled as permanent, or original records that are scheduled as permanent and that have other characteristics that would limit the usefulness of microform copies for public reference.

(1) Agencies that comply with the standards in § 1230.14 must include on the SF 115 the following certification: ''This certifies that the records described on this form were (or will be) microfilmed in accordance with the standards set forth in 36 CFR part 1230.''

(2) Agencies using microfilming methods, materials, and procedures that do not meet the standards in § 1230.14(a) must include on the SF 115 a description of the system and standards used.

(3) When an agency intends to retain the silver original microforms of permanent records and destroy the original records, the agency must certify in writing on the SF 115 that the microform will be stored in compliance with the standards of § 1230.20 and inspected as required by § 1230.22.

(b) *Temporary records.* Agencies do not need to obtain additional NARA approval when destroying scheduled temporary records that have been microfilmed. The same approved retention period for temporary records is applied to microform copies of these records. The original records can be destroyed once microfilm is verified, unless legal requirements prevent their early destruction.

§ 1230.12 What are the steps to be followed in filming records?

(a) Ensure that the microforms contain all information shown on the originals and that they can be used for the purposes the original records served.

(b) Arrange, describe, and index the filmed records to permit retrieval of any particular document or component of the records. Title each microform roll or fiche with a titling target or header. For fiche, place the titling information in frame 1 if the information will not fit on the header. At a minimum, titling information must include:

(1) The title of the records;

(2) The number or identifier for each unit of film;

(3) The security classification, if any; and

(4) The name of the agency and organization the inclusive dates, names, or other data identifying the records to be included on a unit of film.

(c) Add an identification target showing the date of filming. When necessary to give the film copy legal standing, the target must also identify the person who authorized the microfilming. See ANSI/AIIM MS19—1993 for standards for identification targets.

(d) The following formats are mandatory standards for microforms:

(1) *Roll film.*—(i) *Source documents.* The formats described in ANSI/AIIM MS14—1996 must be used for microfilming source documents on 16mm and 35mm roll film. A reduction ratio no greater than 1:24 is recommended for typewritten or correspondence types of documents. See ANSI/AIIM MS23—1998 for the appropriate reduction ratio and format for meeting the image quality requirements. When microfilming on 35mm film for aperture card applications, the format dimensions in ANSI/AIIM MS32—1996, Table 1 are mandatory, and the aperture card format ''D Aperture'' shown in ANSI/AIIM MS41—1996, Figure 1, must be used. The components of the aperture card, including the paper and adhesive, must conform to the requirements of ANSI/PIMA IT9.2—1998. The 35mm film used in the aperture card application must conform to film designated as LE500 in ANSI/NAPM IT9.1—1996.

(ii) *COM.* Computer output microfilm (COM) generated images must be the simplex mode described in ANSI/AIIM MS14—1996 at an effective ratio of 1:24 or 1:48 depending upon the application.

(2) *Microfiche.* For microfilming source documents or computer generated information (COM) on microfiche, the formats and reduction ratios prescribed in ANSI/AIIM MS5—1992 must be used as specified for the size and quality of the documents being filmed. See ANSI/AIIM MS23—1998 for determining the appropriate reduction ratio and format for meeting the image quality requirements.

(e) *Index placement.* (1) *Source documents.* When filming original (source) documents, place indexes, registers, or other finding aids, if microfilmed, either in the first frames of the first roll of film or in the last frames of the last roll of film of a series. For microfiche, place them in the last frames of the last microfiche or microfilm jacket of a series.

(2) *COM.* Place indexes on computer-generated microforms following the data on a roll of film or in the last frames of a single microfiche, or the last frames of the last fiche in a series. Other index locations may be used only if dictated by special system constraints.

§ 1230.14 What are the filming requirements for permanent and unscheduled records?

(a) *General requirements.* (1) Apply the standards in this section for microfilming of:

(i) Permanent paper records;

(ii) Unscheduled paper records, and

(iii) Permanent and unscheduled original microform records (no paper originals) produced by automation, such as computer output microfilm (COM).

(2) Do not destroy unscheduled paper records after microfilming without authorization from NARA on a SF 115.

(b) *Film stock standards.* Polyester-based silver gelatin type film that conforms to ANSI/NAPM IT9.1—1996 for LE 500 film must be used in all applications.

(c) *Processing standards.* Microforms must be processed so that the residual thiosulfate ion concentration will not exceed 0.014 grams per square meter in accordance with ANSI/NAPM IT9.1—1996. Follow processing procedures in ANSI/AIIM MS1—1996 and MS23—1998.

(d) *Quality standards.* (1) *Resolution.* (i) Source documents. Determine minimum resolution on microforms of source documents using the method in the Quality Index Method for determining resolution and anticipated losses when duplicating, as described in ANSI/AIIM MS23—1998 and MS43—1998. Perform resolution tests using an ISO 3334—1991 Resolution Test Chart, and read the patterns following the instructions of ISO 3334—1991. Use the smallest character used to display information to determine the height used in the Quality Index formula. A Quality Index of five is required at the third generation level.

(ii) COM. Computer output microforms (COM) must meet the requirements of ANSI/AIIM MS1—1996.

(2) *Background density of images.* The background ISO standard visual diffuse transmission density on microforms must be appropriate to the type of documents being filmed. The procedure for density measurement is described in ANSI/AIIM MS23—1998. The densitometer must meet with ANSI/NAPM IT2.18—1996, for spectral

conditions and ANSI/NAPM IT2.19—1994, for geometric conditions for transmission density.

(i) Recommended visual diffuse transmission background densities for images of documents are as follows:

Classification	Description of document	Background density
Group 1	High-quality, high contrast printed book, periodicals, and black typing	1.3–1.5
Group 2	Fine-line originals, black opaque pencil writing, and documents with small high-contrast printing.	1.15–1.4
Group 3	Pencil and ink drawings, faded printing, and very small printing, such as footnotes at the bottom of a printed page.	1.0–1.2
Group 4	Low-contrast manuscripts and drawing, graph paper with pale, fine-colored lines; letters typed with a worn ribbon; and poorly printed, faint documents.	0.8–1.0
Group 5	Poor-contrast documents (special exception)	0.7–0.85

(ii) Recommended visual diffuse transmission densities for computer generated images are as follows:

Film type	Process	Density measurement method	Min. DMax [1]	Max. Dmin [1]	Minimum density difference
Silver gelatin	Coventional	Printing or diffuse	0.75	0.15	0.60
Silver gelatin	Full reversal	Printing	1.50	0.20	1.30

[1] Character or line denisty, measured with a microdensitometer or by comaprying the film under a microscope with an image of a know denisty.

(3) *Base plus fog density of films.* The base plus fog density of unexposed, processed films must not exceed 0.10. When a tinted base film is used, the density will be increased. The difference must be added to the values given in the tables in paragraph (d)(2) of this section.

(4) *Line or stroke width.* Due to optical limitations in most photographic systems, film images of thin lines appearing in the original document will tend to fill in as a function of their width and density. Therefore, as the reduction ratio of a given system is increased, reduce the background density as needed to ensure that the copies will be legible.

§ 1230.16 What are the film and image requirements for temporary records, duplicates, and user copies?

(a) *Temporary records with a retention period over 99 years.* Follow the film and image requirements in § 1230.14.

(b) *Temporary records to be kept for less than 100 years.* NARA does not require the use of specific standards. Select a film stock that meets agency needs and ensures the preservation of the microforms for their full retention period. Consult appropriate ANSI standards, available as noted in § 1230.3, or manufacturer's instructions for processing microfilm of these temporary records. Follow the manufacturer's recommendations for production and maintenance of temporary microfilm to ensure that the image is accessible and usable for the entire retention period.

Subpart D—Storage, Use and Disposition Standards for Microform Records

§ 1230.20 How should microform records be stored?

(a) *Permanent and unscheduled records.* Store permanent and unscheduled microform records under the extended term storage conditions specified in ISO 18911:2000 and ANSI/PIMA IT9.2—1998, except that the relative humidity of the storage area must be a constant 35% RH, plus or minus 5%. Do not store non-silver copies of microforms in the same storage area as silver gelatin originals or duplicate copies.

(b) *Temporary records.* Store temporary microform records under conditions that will ensure their preservation for their full retention period. Agencies may consult Life Expectance (LE) guidelines in ANSI/AIIM standards (see § 1230.3 for availability) for measures that can be used to meet retention requirements.

§ 1230.22 What are NARA inspection requirements for permanent and unscheduled microform records?

(a) Agencies must inspect, or arrange to pay a contractor or NARA to inspect the following categories of microform records stored at the agency, at a commercial records storage facility, or at a NARA records center, when the films are 2 years old, and every 2 years thereafter, until legal custody is transferred to the National Archives and Records Administration, in accordance with ANSI/AIIM MS45—1990.

(1) Master films of permanent records microfilmed in order to dispose of the original records,

(2) Master films of permanent records originally created on microfilm,

(3) Other master films scheduled for transfer to the National Archives, and

(4) Master films of unscheduled records.

(b) To facilitate inspection, the agency must maintain an inventory of microfilm listing each microform series/publication by production date, producer, processor, format, and results of previous inspections.

(c) The elements of the inspection shall consist of:

(1) An inspection for aging blemishes following ANSI/AIIM MS45—1990;

(2) A rereading of resolution targets;

(3) A remeasurement of density; and

(4) A certification of the environmental conditions under which the microforms are stored, as specified in § 1230.20(a).

(d) The agency must prepare an inspection report, and send a copy to NARA in accordance with § 1230.28(b). The inspection report must contain:

(1) A summary of the inspection findings, including:

(i) A list of batches by year that includes the identification numbers of microfilm rolls and microfiche in each batch;

(ii) The quantity of microforms inspected;

(iii) An assessment of the overall condition of the microforms;

(iv) A summary of any defects discovered, e.g., redox blemishes or base deformation; and

(v) A summary of corrective action taken.

(2) A detailed inspection log created during the inspection that contains the following information:

(i) A complete description of all records inspected (title; roll or fiche number or other unique identifier for each unit of film inspected; security classification, if any; and inclusive dates, names, or other data identifying the records on the unit of film);

(ii) The date of inspection;

(iii) The elements of inspection (see paragraph (a)(4) of this section);

(iv) Any defects uncovered; and

(v) The corrective action taken.

(e) If an inspection shows that a master microform that is deteriorating, the agency must make a silver duplicate in accordance with § 1230.14 to replace the deteriorating master. The duplicate film will be subject to the 2-year inspection requirement before transfer to a record center or to the National Archives.

(f) Inspection must be performed in an environmentally controlled area in accordance with ANSI/AIIM MS45—1990.

§ 1230.24 What are NARA inspection requirements for temporary microform records?

NARA recommends, but does not require, that agencies use the inspection by sampling procedures described in § 1230.22(a).

§ 1230.26 What are the use restrictions for permanent and unscheduled microform records?

(a) Do not use the silver gelatin original microform or duplicate silver gelatin microform of permanent or unscheduled records created in accordance with § 1230.14 of this part (microform) for reference purposes. Agencies must ensure that the archival microform remains clean and undamaged during the process of making a duplicating master.

(b) Use duplicates for:

(1) Reference,

(2) Further duplication on a recurring basis,

(3) Large-scale duplication, and

(4) Distribution of records on microform.

(c) Agencies retaining the original record in accordance with an approved records disposition schedule may apply agency standards for the use of microform records.

§ 1230.28 What must agencies do to send permanent microform records to a records storage facility?

(a) Follow the procedures in part 1228, subpart I, of this chapter and the additional requirements in this section.

(b) Package non-silver copies separately from the silver gelatin original or silver duplicate microform copy and clearly label them as non-silver copies.

(c) Include the following information on the transmittal (SF 135 for NARA records centers), or in an attachment to the transmittal. For records sent to an agency records center or commercial records storage facility, submit this information to NARA as part of the documentation required by § 1228.154(c)(2) of this chapter:

(1) Name of the agency and program component;

(2) The title of the records and the media/format used;

(3) The number or identifier for each unit of film;

(4) The security classification, if any;

(5) The inclusive dates, names, or other data identifying the records to be included on a unit of film;

(6) Finding aids that are not contained in the microform; and

(7) The inspection log forms and inspection reports required by § 1230.22(a) (5) and (6).

(d) Agencies may transfer permanent microform records to a records storage facility meeting the storage requirements in Section 1230.20(a) (see § 1228.152(e)(3) for NARA centers) only after the first inspection or with certification that the microforms will be inspected by the agency, an agency contractor, or a NARA records center (on a reimbursable basis) when the microforms become 2 years old.

§ 1230.30 How do agencies transfer permanent microform records to the legal custody of the National Archives?

(a) Follow the procedures in part 1228, subpart L, of this chapter and the additional requirements in this section.

(b) Originate the transfer by submitting an SF 258, Agreement to Transfer Records to the National Archives of the United States, unless otherwise instructed by NARA.

(c) If the records are not in a NARA records center, submit the information specified in § 1230.28(c) of this part.

(d) Transfer the silver gelatin original (or duplicate silver gelatin microform created in accordance with § 1230.14) plus one microform copy.

(f) Ensure that the inspection of the microform is up-to-date. If the microform records were recently produced, please note that NARA will not accession permanent microform records until the first inspection (when the microforms are 2 years old) has been performed.

(g) Package non-silver copies separately from the silver gelatin original or silver duplicate microform copy and clearly label them as non-silver copies.

Subpart E—Centralized Micrographic Services

§ 1230.50 What micrographic services are available from NARA?

Some NARA records centers provide reimbursable microfilming services, including preparing, indexing, and filming of records, inspection of film, and labeling of film containers. Agencies desiring microfilming services from NARA should contact the Office of Regional Records Services (NR), 8601 Adelphi Rd., College Park, MD 20740–6001, or the director of the NARA records center serving the agency's records (see § 1228.150(a) of this chapter). The fees for microfilming services will appear in NARA bulletins, which are available on NARA's web site at http://www.nara.gov/records/policy/bulletin.html or from the Modern Records Programs (NWM), 8601 Adelphi Road, College Park, MD 20740–6001.

Dated: September 4, 2001.

John W. Carlin,

Archivist of the United States.

[FR Doc. 01–22669 Filed 9–10–01; 8:45 am]

BILLING CODE 7515–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[PA–4145b; FRL–7050–5]

Approval and Promulgation of Air Quality Implementation Plans; Pennsylvania; VOC and NO_X RACT Determinations for Seven Individual Sources in the Philadelphia-Wilmington-Trenton Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revisions submitted by the Commonwealth of Pennsylvania for the purpose of establishing and requiring reasonably available control technology (RACT) for seven major sources of volatile organic compounds (VOC) and/or nitrogen oxides (NO_X). These sources are located in the Philadelphia-Wilmington-Trenton ozone nonattainment area. In the Final Rules section of this **Federal Register**, EPA is approving the Commonwealth's SIP revisions as a direct final rule without prior proposal because the Agency views this as a noncontroversial submittal and anticipates no adverse comments. The rationale for the

approval is set forth in the direct final rule. If no adverse comments are received in response to this action, no further activity is contemplated. If EPA receives adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period. Any parties interested in commenting must do so at this time. Please note that if adverse comment is received for a specific source or subset of sources covered by an amendment, section or paragraph of this rule, only that amendment, section, or paragraph for that source or subset of sources will be withdrawn.

DATES: Comments must be received in writing by October 11, 2001.

ADDRESSES: Written comments should be addressed to David L. Arnold, Chief, Air Quality Planning and Information Services Branch, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and the Pennsylvania Department of Environmental Resources Bureau of Air Quality Control, P.O. Box 8468, 400 Market Street, Harrisburg, Pennsylvania 17105.

FOR FURTHER INFORMATION CONTACT: Ray Chalmers at (215) 814–2061, the EPA Region III address above or by e-mail at chalmers.ray@epa.gov. Please note that while questions may be posed via telephone and e-mail, formal comments must be submitted, in writing, as indicated in the **ADDRESSES** section of this document.

SUPPLEMENTARY INFORMATION: For further information, please see the information provided in the direct final action, with the same title, that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

Dated: August 29, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 01–22616 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[CO–001–0048b, CO–001–0049b, CO–001–0050b; FRL–7044–7]

Approval and Promulgation of Air Quality Implementation Plans; State of Colorado; Trip Reduction, and Reduction of Diesel Vehicle Emissions

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to take direct final action to approve a State Implementation Plan (SIP) revision submitted by the Governor of Colorado on May 20, 2000. These revisions incorporate changes to Colorado's Regulation 12, ''Reduction of Diesel Vehicle Emissions,'' and repeals Colorado's Regulation 9, ''Trip Reduction.'' EPA is taking this action under section 110 of the Clean Air Act (Act).

In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the Agency views this as a noncontroversial SIP revision and anticipates no adverse comments. A detailed rationale for the approval is set forth in the preamble to the direct final rule. If EPA receives no adverse comments, EPA will not take further action on this proposed rule. If EPA receives adverse comments, EPA will withdraw the direct final rule and it will not take effect. EPA will address all public comments in a subsequent final rule based on this proposed rule. EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Comments must be received in writing on or before October 11, 2001.

ADDRESSES: Written comments may be mailed to Richard R. Long, Director, Air and Radiation Program, Mailcode 8P-AR, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air and Radiation Program, Environmental Protection Agency, Region VIII, 999 18th Street, Suite 300, Denver, Colorado, 80202–2466. Copies of the State documents relevant to this action are available for public inspection at the Colorado Air Pollution Control Division, Colorado Department of Public Health and Environment, 4300 Cherry Creek Drive South, Denver, Colorado 80246–1530.

FOR FURTHER INFORMATION CONTACT: Kerri Fiedler, EPA Region VIII, (303) 312–6493.

SUPPLEMENTARY INFORMATION: See the information provided in the Direct Final action of the same title which is located in the Rules and Regulations section of this **Federal Register**.

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

Dated: July 10, 2001.

Kerrigan G. Clough,

Acting Regional Administrator, Region VIII.

[FR Doc. 01–22611 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region II Docket No. NJ47–227, FRL–7053–4]

Approval and Promulgation of Implementation Plans; New Jersey; Motor Vehicle Inspection and Maintenance Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to approve a State Implementation Plan (SIP) revision submitted by New Jersey. This revision consists of two elements necessary for EPA to grant final full approval of New Jersey's enhanced motor vehicle inspection and maintenance (I/M) program. The first element provides the State's final submittal for compliance with the National Highway Systems Designation Act (NHSDA), which allowed states to claim additional credit for their decentralized inspection and maintenance programs, provided they could validate that credit claim with actual program implementation data. The second element revises New Jersey's performance standard modeling to reflect the State's enhanced I/M program as it is currently implemented. This element satisfies a condition of EPA's May 14, 1997 conditional interim approval of New Jersey's enhanced I/M program SIP. The intended effect of this proposal is to approve the two evaluations of the enhanced I/M program, in addition to prior minor revisions to the enhanced I/M SIP, and to grant final full approval of the program. The enhanced I/M program will result in emission reductions that will help achieve attainment of the one-

hour ozone standard and carbon monoxide standard.

DATES: Comments must be received on or before October 11, 2001. Public comments on this action are requested and will be considered before taking final action.

ADDRESSES: All comments should be addressed to Raymond Werner, Branch Chief, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the documents relevant to this action are available for public inspection during normal business hours at the following locations: Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866, and New Jersey Department of Environmental Protection, Bureau of Air Quality Planning, 401 East State Street, CN027, Trenton, New Jersey 08625.

FOR FURTHER INFORMATION CONTACT: Michael P. Moltzen, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–4249.

SUPPLEMENTARY INFORMATION:

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1. Background

The Clean Air Act Amendments of 1990 (the Clean Air Act) require certain states to implement an enhanced Inspection and Maintenance (I/M) program to detect gasoline-fueled motor vehicles which exhibit excessive emissions of certain air pollutants. The enhanced I/M program includes a tailpipe exhaust analyzer and a dynomometer test which simulates realistic driving conditions. The enhanced I/M program is intended to help states meet federal health-based national ambient air quality standards (NAAQS) for ozone and carbon monoxide by requiring vehicles with excess emissions to have their emissions control systems repaired. Specifically, the Clean Air Act requires enhanced I/M programs to be implemented by states for areas which meet one or more of the following criteria:

(1) Designated as a serious, severe or extreme ozone non-attainment area with urbanized populations of 200,000 or more;

(2) Designated as a carbon monoxide non-attainment area that exceeds a 12.7 part per million (ppm) design value with urbanized populations of 200,000 or more; or,

(3) Part of a Metropolitan Statistical Area with a population of 100,000 or more in the Northeast Ozone Transport Region.

New Jersey meets all three of these criteria, and consequently has adopted, and is implementing, an enhanced I/M program state-wide.

As required by the Clean Air Act, EPA promulgated regulations, including a performance standard and program administration features, for the implementation of enhanced I/M programs. EPA's final rule on Inspection/Maintenance Program Requirements was promulgated on November 5, 1992 at 40 CFR part 51. To comply with EPA's requirements for implementation, on June 29, 1995, New Jersey submitted to EPA a SIP revision for its adopted enhanced I/M program (N.J.A.C. 7:27–15.5). That SIP revision included provisions for an inspection program whereby all 1968 and newer gasoline fueled motor vehicles, unless specifically exempt through law or regulation, would be subject to a steady-state dynamometer-based exhaust emission test known as the ASM5015. The SIP revision provided that once the program was fully implemented, all subject motor vehicles would be inspected at least once every two years (i.e., biennially). New Jersey's enhanced I/M SIP revision also accounted for a hybrid inspection network, that is, it would utilize both centralized, test-only and decentralized, test-and-repair facilities.

Regarding the emission reduction effectiveness of decentralized enhanced I/M programs, the National Highway System Designation Act of 1995 (NHSDA) included a key change to EPA's previously developed enhanced I/M rule requirements. Under the NHSDA, EPA cannot disapprove a state I/M SIP revision, nor apply an automatic discount to a state I/M SIP revision under section 182, 184 or 187 of the Clean Air Act, because the I/M program in such plan revision is decentralized, or a test-and-repair program. Accordingly, an automatic 50 percent credit discount that was originally established for decentralized programs by EPA's I/M rule was replaced with a presumptive equivalency criterion where appropriate. That criterion places the emission reduction credits for decentralized networks on par with credit assumptions for centralized networks, based upon a state's good faith estimate of reductions as provided by the NHSDA. The NHSDA allowed states to claim any reasonable amount of credit for their decentralized programs that they deemed appropriate, so long as 18 months from the approval of their enhanced I/M SIP, the State could show full implementation enhanced I/M program data substantiating their credit claim.

On March 27, 1996, New Jersey submitted a revision to its June 29, 1995 enhanced I/M SIP, modifying its enhanced I/M program design to take advantage of the additional flexibility afforded states by Congress in the NHSDA. Consequently, as part of its March 27, 1996 enhanced I/M SIP revision, New Jersey claimed 80 percent credit for the decentralized portion of its enhanced I/M program.

On May 14, 1997, (62 FR 26401) EPA granted conditional interim approval to New Jersey's enhanced I/M program based on both the State's original June 29, 1995 enhanced I/M SIP submittal and its subsequent March 27, 1996 SIP revision. That action began the 18-month period by the end of which, as required by the NHSDA, New Jersey was to demonstrate that its decentralized program was as effective as claimed. This ''NHSDA clock'' thus began on the effective date of the interim approval, June 13, 1997. The conditions of the May 14, 1997 interim SIP approval included requirements that the State provide final and complete test equipment specifications, test procedures and emission standards; and that the State provide enhanced I/M performance standard modeling. New Jersey made revisions to its SIP which satisfied the conditions of this approval by rectifying the two major deficiencies in its enhanced I/M SIP by January 31, 1997 and January 30, 1998, respectively. In addition, on December 14, 1998, New Jersey cured eight de minimus deficiencies identified by EPA. Fulfillment of the conditions that New Jersey provide final and complete test equipment specifications, test procedures and emission standards and the rectification of the de minimus

deficiencies is discussed further in section 7. of this proposal.

The performance standard modeling which was submitted on January 30, 1998, however, was completed prior to the implementation of New Jersey's enhanced I/M program on December 13, 1999. As such, in performing this modeling, the State had to make certain assumptions regarding the I/M program's parameters, some of which later proved to be inaccurate. Subsequently, on April 23, 2001, EPA informed New Jersey that an additional submittal which included performance standard modeling more reflective of the State's program's parameters as currently implemented would be required in order to grant final approval of the enhanced I/M program. That request and its subsequent fulfillment are discussed further below in this Background section and in section 6. of this proposal.

By letter dated December 12, 1997, EPA indicated that New Jersey's 15 percent Rate of Progress Plan was disapproved for failure to meet certain commitments and found that the State had failed to implement its enhanced I/M program. Notice of this letter was published in the **Federal Register** on August 26, 1998 at 63 FR 45399. As a result of EPA's finding that New Jersey failed to implement the program, the NHSDA clock was effectively stopped six months after the granting of conditional interim approval. EPA's finding of failure to implement the required enhanced I/M program also began 18 and 24 month time periods after which a two-to-one emissions offset sanction and a federal highway funding sanction would be imposed, respectively, absent implementation of the enhanced I/M program. These are referred to as ''the sanctions clocks.''

On November 19, 1999, New Jersey notified EPA by letter that its enhanced I/M program would be implemented on December 13, 1999. EPA had been working closely with the State during the phase-in period of the enhanced I/M program and agreed that the State would have the program implemented on December 13, 1999. Therefore, on December 17, 1999 (64 FR 70659), EPA proposed to find that the State of New Jersey had implemented its enhanced I/M program by December 13, 1999. EPA also proposed to reinstate the interim approval under Section 348 of the NHSDA of the enhanced I/M program effective on December 13, 1999. The ''NHSDA clock'' thus re-started on December 13, 1999 when the enhanced I/M program began being implemented; however only the remaining 12 months could be used to evaluate the program for NHSDA. This meant that New Jersey's NHSDA submittal would be due by December 13, 2000.

Also in the December 17, 1999 **Federal Register**, EPA published an interim final rule (64 FR 70593), which, as of December 13, 1999, stayed the application of the offset sanction and deferred the highway sanction. Clocks for both sanctions were originally started based on EPA's finding that New Jersey failed to implement the enhanced I/M program. Although New Jersey had numerous start-up problems, the program was implemented and has since become fully operational. On June 12, 2001 (66 FR 31554), EPA took final action to find that New Jersey has implemented its enhanced I/M program. As a result of that finding, the sanctions clocks related to the implementation of New Jersey's enhanced I/M program were terminated on July 12, 2001, the effective date of that action. The June 12, 2001 action also had the effect of reinstating the interim approval of New Jersey's enhanced I/M program.

As stated above, New Jersey started its enhanced I/M program on December 13, 1999. One year later, on December 13, 2000, in order to fulfill the requirement of the NHSDA that the State substantiate its decentralized program credit claim before expiration of the NHSDA clock, New Jersey submitted to EPA an interim analysis. The analysis was based on four months of inspection data in an attempt to demonstrate the effectiveness of the decentralized portion of its enhanced I/M program relative to its centralized test-only network. However, due to start-up issues encountered by the State at the beginning of the program, the data collected was insufficient for a qualitative evaluation. Since New Jersey was not in a position to submit an adequately representative NHSDA evaluation before the termination of the 18 month period, the interim approval of the I/M program under the NHSDA terminated. However, since EPA had approved the I/M program under section 110 of the Clean Air Act as well, the I/M program remained a part of the federally enforceable SIP.

Also as stated above, New Jersey's January 30, 1998 I/M SIP submittal included performance standard modeling completed prior to the implementation of New Jersey's enhanced I/M program, and which was based upon assumptions regarding the I/M program's parameters, some of which later proved to be inaccurate. As mentioned earlier in this section, on April 23, 2001, EPA sent a letter from Acting Regional Administrator William J. Muszynski to New Jersey Department of Environmental Protection Commissioner Robert C. Shinn, Jr., which included remaining actions to be completed before EPA could grant final approval to the State's ozone attainment demonstration. Because all required elements of the State's SIP must be in place and fully approved before the attainment demonstration can be approved, including the enhanced I/M program, the letter identified the two outstanding items related to that program. Specifically, EPA informed New Jersey that its final NHSDA evaluation report and its revised performance standard modeling were needed before we could take those approval actions.

2. What Is the Purpose and Content of New Jersey's Submittal?

New Jersey's May 4, 2001 proposed SIP revision submittal (the May 4, 2001 submittal) addresses EPA's April 23, 2001 letter requesting the two remaining enhanced I/M program SIP elements which are needed in order for EPA to grant final approval to the program. The overarching purpose of the May 4, 2001 submittal is to fulfill the remaining requirements necessary before EPA can grant final approval to New Jersey's enhanced I/M program.

First, the May 4, 2001 submittal provides the final evaluation report for compliance with the NHSDA, which allowed states to claim additional credit for their decentralized program networks, provided they could validate that credit claim with actual program implementation data. The May 4, 2001 submittal proposes to conclude that, based on the qualitative evaluation report, New Jersey's decentralized enhanced I/M network is at least 80% as effective as its centralized enhanced I/M network. Primary conclusions drawn from the analysis are that emission reductions after vehicle repairs consistently show greater incremental reductions for re-inspections conducted at private inspection facilities (PIFs) as compared to those conducted at centralized inspection facilities (CIFs), and that there is a consistent level of performance between CIFs and PIFs. The evaluation validates the State's original claim allowed by the NHSDA regarding the decentralized network's effectiveness.

Second, the May 4, 2001 submittal includes the State's revised performance standard modeling, which was originally submitted on January 30, 1998 to satisfy one of the conditions of EPA's May 14, 1997 interim approval of New Jersey's enhanced I/M program. The revised performance standard modeling reflects New Jersey's enhanced I/M program as it is currently

implemented, whereas the original performance standard modeling submitted in 1998 made certain assumptions prior to the start-up of the enhanced I/M program which later proved to be inaccurate. The revised performance standard modeling demonstrates that New Jersey's enhanced I/M program, as currently implemented, successfully meets and exceeds EPA's low enhanced I/M program performance standard developed for all three criteria pollutants (volatile organic compounds (VOC), oxides of nitrogen (NO_X) and carbon monoxide or CO) as modeled for the year 2002.

3. What Are the Criteria of New Jersey's Final NHSDA Evaluation?

In New Jersey, motorists have the option of using either a CIF or a PIF for initial inspections and a CIF or PIF for re-inspections. For the time period New Jersey evaluated, approximately 80 percent of motorists who submitted their vehicles to enhanced emissions inspections in New Jersey chose to have their initial inspection performed at a CIF, whereas, only 20 percent chose to have that initial inspection performed at a PIF. New Jersey's final NHSDA evaluation report covers program data collected in both types of networks from July 1, 2000 to December 31, 2000. The final NHSDA evaluation report which was included in the May 4, 2001 submittal contains the results of the data analyses criteria described in this section for a full six months of enhanced I/M operational data. The following criteria were used to evaluate the program's effectiveness with respect to the 20% of vehicles which were tested at PIFs as compared with the remaining 80% tested at CIFs.

A. Emission Test Scores and Failure Rates

The database for I/M emissions test results analyzed under this criterion consisted of test data for enhanced emissions inspections (i.e., involving the ASM5015 exhaust emission test) that were collected and electronically stored on the State's Vehicle Information Database (VID). Average emission scores (in parts per million (ppm) for hydrocarbons (HC) and nitric oxide (NO, an indicator of overall NO_X reductions) and percent of CO) were calculated from that test data. For each network type, the State conducted these calculations for initial ASM5015 exhaust emission tests performed between July 1 and December 31, 2000 for three conditions: when the initial test result was a failure for emissions, when the initial test result was a pass for emissions, and the overall emission result (i.e. all vehicles receiving an ASM5015 exhaust emission test, regardless of pass/fail status). The analysis was aggregated by station type (i.e., CIF and PIF).

Additional analyses were conducted to further investigate the trends found when analyzing initial emission test results for each pollutant. First, average emissions were calculated by model year and station type. Second, to further explore the initial test failure rate data, an analysis was conducted which included calculating the differences in emissions before and after repair for vehicles failing their initial test.

B. Repair Success Rates

The second criterion used to evaluate the effectiveness of the decentralized network compared to the centralized network was an analysis of the repair success rate of vehicles that failed their initial tests during the time period examined. The repair success rates were determined by comparing all initial failing tests with the test results of the ''first retest after repair.'' This criterion is useful in identifying possible differences in repair success between the different after-repair facility types.

C. Trigger Data Comparison

The last criterion used as part of the State's NHSDA evaluation was trigger data comparison. Typically, trigger analyses are conducted as part of a program's enforcement efforts. An analysis based on this criterion checks various results throughout the inspection process that might be symptomatic of program-compromising behavior. An example of a trigger checked as part of this criterion is an unusually low failure rate. For the purpose of ensuring that indicative criteria were included as part of the NHSDA evaluation, New Jersey selected trigger analyses used to allow the State to determine if the behavior in the PIFs and CIFs is comparable. Data used to satisfy this criterion was collected as part of initial vehicle inspections in New Jersey during the period July 1 through December 31, 2000 from both centralized and decentralized stations.

For each of the individual triggers analyzed, an index number on a scale of 0 to 100 was computed for each PIF and CIF emissions analyzer. For example, in general, a below-average failure rate would produce a lower index score than the mean value for the entire inspection network. Average trigger index numbers were then compared to provide an indication of relative performance of the decentralized network compared to the centralized network. EPA agrees that the criteria selected by the State to qualitatively evaluate the effectiveness of its decentralized enhanced I/M network relative to the centralized network are sufficient for the purposes of the NHSDA requirements.

4. How Have the NHSDA Evaluation Criteria Been Met, and What Are the Conclusions?

During the period of July 1, 2000 to December 31, 2000, New Jersey collected operational data regarding its enhanced I/M program, summarized as follows:

- 914,842 vehicles received an initial ASM5015 exhaust emission test
- 837,722 (91.6%) vehicles passed the initial ASM5015 exhaust emission test
- 77,120 (8.4%) failed the initial ASM5015 exhaust emission test
- 180,262 (19.7%) initial ASM5015 tests conducted by PIFs (test-and-repair)
- 734,580 (80.3%) initial ASM5015 tests conducted by CIFs (test-only)

A summary of the State's analysis of the data collected based on the criteria described above follows.

A. Emission Test Scores and Failure Rates

This analysis covered 914,842 vehicles receiving initial ASM5015 exhaust emission tests between July 1 and December 31, 2000. Overall, for both centralized and decentralized networks, the State found that vehicles failing the enhanced test are significantly more polluting than vehicles which pass the test. Furthermore, New Jersey found that there was a significant difference in overall average ASM5015 initial test failure rates (i.e., 7.6 percent for CIFs and 11.9 percent for PIFs). Another significant finding of the Emission Test Scores and Failure Rates analysis showed an average first repair success rate of approximately 83.9 percent in the PIFs for vehicles receiving their second test at a PIF, as compared to an average rate of approximately 56.9 percent in the CIFs for vehicles receiving their second test at a CIF.

The following conclusions can be drawn from the Emission Test Scores and Failure Rates analysis:

- Overall, the enhanced I/M program is achieving significant reductions in emissions through the effective repair of vehicles emitting unacceptable levels of air pollutants. The analyses show overall reductions of 55 percent for HC, 58 percent for NO_X and 84 percent for carbon monoxide.
- The analysis of emission reductions after repairs consistently show greater

incremental reductions for re-inspections conducted at PIFs as compared to those conducted at CIFs. New Jersey's evaluation concludes that repairs conducted by PIFs are more successful and effective on the first attempt as compared to any repairs conducted by either a vehicle owner or an untrained repair technician (e.g., subsequent to test failure at a CIF).

• The State concluded that test results for the two networks by model year track closely, indicating near equivalency between the network types when comparing similar model years.

B. Repair Success Rates

New Jersey found that 91.6 percent of the vehicles tested using the ASM5015 exhaust emission test passed their initial inspection. Following the second evaluation criterion described above, New Jersey analyzed the repair success rate of the 77,120 vehicles that failed this initial test during the time period examined.

New Jersey found an average first repair success rate of approximately 83.9 percent in the PIFs for vehicles receiving their second test at a PIF, as compared to an average rate of approximately 56.9 percent in the CIFs for vehicles receiving their second test at a CIF.

The State drew the following conclusions from the Repair Success Rates analysis:

• Repairs performed on vehicles tested exclusively at CIFs appear to be less effective when compared to repairs administered when a vehicle had one or both tests performed at a PIF. This is most likely attributable to the higher skill level of the technicians in the test and repair community.

• The overall repair success rates of the enhanced I/M program, regardless of the test facility, demonstrate that the program is significantly reducing vehicle emissions.

C. Trigger Data Comparison

Trigger data test results that were compared between the two networks included test data collected as part of initial vehicle inspections. As discussed in section 3.C. above, for each of the individual triggers analyzed, an index number was computed for each PIF and CIF emissions analyzer. In analyzing the trigger data, distribution of average index scores, on a scale of zero to 100, for PIFs verses CIFs was created for comparative purposes. New Jersey's analysis showed that the distributions for both the CIF and PIF analyzers are centered between index ratings of 70 and 85; however, the range of the distribution differs substantially between the facility types. While average CIF indexes are tightly grouped between 75 and 85, PIF indexes are more broadly grouped, most ranging from 55 to 85. As previously discussed, scores extending toward zero from the clustered majority of the scores indicate a higher probability of poor performance.

The State drew the following conclusions from the Trigger Data analysis:

i. The fraction of PIF analyzers with below-average scores account for a small fraction of the total volume of initial tests. The significance of this finding is that only a relatively small fraction of the initial test volume occurred at the facilities considered most likely to be engaging in questionable performance.

ii. Results show that there is little difference between the PIF and CIF networks on an average basis; i.e., all average trigger index values are similarly located in the upper 70s. It thus appears that, on average, CIFs and PIFs are achieving similar performance, based upon the selected trigger criteria.

Overall conclusions of NHSDA evaluation:

Although the NHSDA evaluation was qualitative in nature, it did allow the State to draw conclusions which substantiate the State's 80 percent PIF effectiveness credit claim. First, the State found that the analyses demonstrate that emission reductions after repairs consistently show greater incremental reductions for re-inspections conducted at PIFs as compared to those conducted at CIFs. Second, it found that these analysis all appear to demonstrate a consistent level of performance between CIFs and PIFs. Taking into consideration all the results from the various analyses, it is clear that the PIFs are meeting the State's 80 percent SIP credit claim estimation. In addition, these analyses seem to indicate that the State may have been conservative in that original estimation.

EPA agrees with New Jersey's conclusions regarding the analyses associated with each criterion chosen, as well as its overall conclusion regarding the results of the final NHSDA evaluation report. EPA proposes to approve this element of the May 4, 2001 SIP revision. EPA also proposes to find that New Jersey has fulfilled its requirements under the NHSDA regarding the substantiation of its decentralized enhanced I/M program credit claim.

5. What Is Performance Standard Modeling?

EPA included provisions for a model program, known as the performance standard, in the requirements established for enhanced I/M programs. The features of the enhanced I/M performance standard model program are used to generate the minimum performance target that a state must meet. When programmed into EPA's mobile source emission factor model (the MOBILE model), these features produce target emission factors, in grams per mile of vehicle travel, which a state's enhanced I/M program must not exceed to be deemed minimally acceptable for purposes of SIP approval. The performance standard provides a gauge by which EPA can evaluate the adequacy and effectiveness of each state's enhanced I/M program. As such, states are required to demonstrate that their enhanced I/M programs achieve applicable area-wide emission levels for the pollutants of interest that are equal to, or lower than, those which would be realized by the implementation of the performance standard model program. However, the combination of program features which make up the performance standard does not necessarily constitute a recommended program design. The use of the performance standard approach allows EPA to meet Congress's dual statutory requirements that EPA develops a performance standard based on certain statutory features and that the standard provide states with maximum flexibility to design I/M programs to meet local needs.

On September 18, 1995 (60 FR 48029), EPA amended the enhanced I/M final rule to establish an alternate, ''low enhanced'' I/M performance standard for those areas that can meet the Clean Air Act's requirements for Reasonable Further Progress (RFP) and attainment of either the CO and/or ozone ambient air quality standards without the benefits of the high enhanced I/M performance standard. This low enhanced performance standard is designed for areas that are required to implement enhanced I/M but do not have a major mobile source component to the air quality problem or can obtain adequate emission reductions from other sources to meet the 15% VOC emission reduction requirement and demonstrate attainment.

The low enhanced performance standard meets the Clean Air Act's requirement that it be based on centralized, annual testing of light duty cars and trucks, and checks for tampering and exhaust emissions. Nevertheless, this standard can be met with a comprehensive decentralized, test-and-repair program or a hybrid program comprised of both centralized

and decentralized networks such as the program in New Jersey.

6. How Has New Jersey Modeled and Met the Performance Standard?

In compliance with the Clean Air Act, on January 30, 1998, New Jersey submitted modeling to EPA which was intended to satisfy the requirement that the enhanced I/M program meet the performance standard targets. At the time of that submittal New Jersey was required to meet the original enhanced performance standard, subsequently termed the ''high'' enhanced performance standard. This was a consequence of New Jersey's 1996 15 percent Rate of Progress plan, which relied on credit from a program which was to meet that standard, and which is discussed in the Background section, section 1. of this proposal.

On February 5, 1999, New Jersey submitted a revised 1996 15 percent ROP Plan, which no longer relied on the emission reduction benefits from the enhanced I/M program. Subsequently, on April 23, 1999 (64 FR 19913), EPA approved this revised 15 percent ROP plan. As such, New Jersey is currently demonstrating compliance with the Clean Air Act requirements for RFP. On April 11, 2001, New Jersey submitted to EPA a ROP Plan which demonstrates that it will meet reasonable further progress requirements for the milestone year 2002. That demonstration is based on a mix of measures which includes the current enhanced I/M program which meets the ''low'' enhanced performance standard. Therefore, New Jersey is only required to meet the low enhanced performance standard, discussed above in Section 5. The May 4, 2001 submittal includes modeling which demonstrates that New Jersey's enhanced I/M program as currently implemented meets EPA's low enhanced performance standard.

As required in the enhanced I/M final rule, in its May 4, 2001 submittal New Jersey's intent was to show through modeling that its enhanced I/M program is being implemented such that it meets or exceeds the low enhanced performance standard, expressed as emission levels in program area-wide average grams per vehicle mile (gpm). New Jersey is required to meet the low enhanced performance standard for the ozone precursors hydrocarbons (HC), NO_X and also for CO because of its non-attainment status for ozone and CO.

EPA's enhanced I/M final rule also requires that equivalency to the performance standard be demonstrated using the most current version of EPA's mobile source emission model. New Jersey has completed its performance standard modeling using the most current model applicable for its purposes, MOBILE5a-H. A subsequent version of the model, MOBILE5b, has also been released, however, EPA allows states to continue to use the MOBILE5a version for SIP submittals and transportation conformity determinations prior to, and for a limited period after, the release of EPA's next version of the model, MOBILE6.

Both the high and low enhanced performance standards and evaluations to determine a program's performance standard compliance is based on the following parameters: network type (centralized, decentralized or a hybrid network), decentralized effectiveness or credit (as a percentage of centralized network effectiveness), program start date, test frequency, emission standards (cutpoints), vehicle model year and type coverage, exhaust emission test, emission control device inspections (visual), evaporative system function checks, pre-1981 model year stringency (i.e., failure rate), waiver rate, compliance rate, evaluation date and on-road testing (as a percentage of all subject vehicles).

Although each state must model the performance standard using specific values specified by EPA (detailed in the Technical Support Document for this proposal and at 40 CFR 51.351), the performance standard emission factor results may vary from state to state. Variations will primarily result if states decide to use state-specific vehicle registration distribution and/or state-specific Vehicle Miles Traveled (VMT) mix. In the modeling included in its May 4, 2001 submittal, New Jersey used the most recently available state-specific vehicle registration data, which was from 1999. The state-specific registration data was also used to modify the VMT mix used in the modeling so that it more accurately represented the vehicle type distribution in New Jersey. Other local parameters, such as minimum, maximum and ambient temperatures were also used in determining the emission factors associated with the low enhanced performance standard. New Jersey's modeling with these state-specific and local parameters resulted in low enhanced performance standard emission factors of 1.29 gpm, 1.41 gpm and 18.33 gpm for VOC, NO_X and CO, respectively.

A discussion of the various program parameters New Jersey used to determine compliance with the low enhanced performance standard follows.

Network Type: New Jersey's enhanced I/M program is comprised of a hybrid network of both centralized test-only facilities and decentralized test-and-repair facilities. For modeling purposes, the State assumed a 70/30 split for its enhanced I/M network (that is, of those vehicles which ultimately pass inspection, either on their first test or subsequent to initial failure and repair, 70 percent of the vehicle owners passing final inspection are expected to do so at a centralized inspection facility, and the remaining 30 percent are expected to pass final inspection at a decentralized private inspection facility). As discussed in section 2. of this notice, New Jersey claimed that the decentralized portion of its enhanced I/M program would be 80 percent as effective as the centralized portion of its program. Therefore, New Jersey has assumed 80 percent credit for the decentralized portion of its program in its performance standard modeling. As discussed in Section 4. of this notice, EPA is proposing to approve the State's demonstration that its decentralized inspection network is at least 80% as effective as its centralized network. For further discussion of the methodology employed by the State in modeling its hybrid network, the reader is referred to the Technical Support Document.

Start Date: The State began implementing its enhanced I/M program on December 13, 1999. For modeling purposes, the State assumed an enhanced I/M start date of January 1, 2000.

Test Frequency: The test frequency of New Jersey's enhanced I/M program is biennial (that is, vehicle inspections are required once every two years). However, there are several types of ''off-cycle'' inspections which, due to their nature, result in vehicles being inspected annually, rather than biennially. Off-cycle inspections include random roadside inspections, retail and casual change of ownership inspections and courtesy inspections. In New Jersey's previous performance standard modeling, the State estimated the expected volume of ''off-cycle'' inspections and claimed credit for those inspections as annual, rather then biennial, inspections. The State chose to be more conservative with its current performance standard modeling, and did not include any additional benefits achieved from ''off-cycle'' annual inspections in the evaluation which EPA is proposing to approve in this notice.

Model Year and Vehicle Type Coverage: All gasoline-fueled vehicles in New Jersey, regardless of model year, receive some type of emissions inspection as part of the enhanced I/M program, unless specific regulatory

exemptions apply through New Jersey Division of Motor Vehicle (NJDMV) regulations at N.J.A.C. 13:20–43.1. (exemptions include collector motor vehicles, low mileage vehicles, and historic motor vehicles). However, only 1981 and newer model year vehicles which are: (1) classified as light-duty gasoline-fueled motor vehicles (LDGVs), or light-duty gasoline-fueled trucks 1 and 2 (LDGT1s and LDGT2s), (2) amenable to dynamometer-based testing, and (3) not ''specifically exempted'' from enhanced testing, are subjected to the enhanced inspection test procedures. A more detailed discussion of the applicable exhaust and evaporative emission test for each vehicle category can be found in the Technical Support Document.

Exhaust Emission Test Type: The majority of gasoline-fueled motor vehicles inspected as part of the State's enhanced I/M program receive either an ASM5015 test or an idle test as their exhaust emission test. Specifically, the ASM5015 exhaust emission test procedure (a single mode ASM test) is performed on all 1981 and newer LDGVs, LDGT1s and LDGT2s which are amenable to dynamometer-based testing and are not specifically exempted from enhanced testing. All pre-1981 LDGVs, LDGT1s and LDGT2s, and all HDGVs, receive an idle test. New Jersey accounted for tests applicable to those model year categories in its performance standard modeling. A more detailed discussion is found in the technical support document.

Certain 1981 and newer vehicles are exempt from the ASM5015 exhaust emission testing. Certain types of the vehicles in this exempt group are subjected to a less extensive 2500 RPM exhaust emissions test. In its previous performance standard modeling submittal, the State estimated the number of vehicles that would be exempt from the ASM5015 exhaust emission test because they were not amenable to dynamometer testing (these include vehicles which employ full-time, four-wheel drive or which are installed with non-switchable traction control). This estimation was then used to determine the loss in credit attributed to these vehicles receiving a 2500 RPM test in lieu of the ASM5015 exhaust emission test. At that time, the State estimated that fraction at one (1) percent of the total number of vehicles which otherwise meet the requirements to receive the ASM5015 test. Based on its data analysis from the enhanced I/M program as currently implemented, the State significantly underestimated this percentage of vehicles that would be exempt from the ASM5015 dynamometer test. New Jersey's current program data shows that while 1,062,311 initial ASM5015 exhaust emission tests were performed from August 2000 through March 2001, there were 96,761 2500 RPM exhaust emission tests performed during the same period. This translates to 8.4 percent of the vehicles which otherwise met the requirements to receive the ASM5015 test, instead received a 2500 RPM test. For current modeling purposes, the State assumed the percentage was 10 percent to be conservative in its estimates.

The NJDMV's regulations and State statute also specifically exempt several types of vehicles that would otherwise be subjected to enhanced I/M testing from either the enhanced tests (that is, subjecting these vehicles, instead, to a less effective exhaust emission test) or from emission testing as a whole. These vehicles include: (1) low mileage vehicles, and (2) collector motor vehicles. In addition, the NJDMV's regulations maintain a vehicle category that exempts applicable vehicles from basic I/M emission testing. These vehicles are classified by the NJDMV as historic motor vehicles.

In its original performance standard modeling submittal, the State estimated that the number of low mileage vehicles in the fleet eligible for exemption would be approximately one (1) percent. Also in that submittal, the State determined that although it was not possible to determine the number of applications the State would receive under the enhanced I/M program for designation as a collector motor vehicle, it was believed the number would be insignificant, well under 1 percent. Therefore, collector motor vehicles were not accounted for in the original performance standard modeling. New Jersey also did not account for historic motor vehicles in its original performance standard modeling, as the vehicles in this category, by definition, fall well outside the 25 model year analysis window examined by the MOBILE model.

Based on its data analysis from the enhanced I/M program as currently implemented, the State determined that the number of vehicles actually applying for a low mileage exemption was, approximately 0.3 percent, seventy percent lower than the rate that was estimated in the original performance standard modeling. Because the actual rate is so small, the State did not consider the impact of these vehicles as part of the revised performance standard modeling. In addition, actual I/M program operational data indicated that the State was correct in its original assessment that the collector vehicle category would be insignificant, and therefore New Jersey also did not account for these vehicles in the revised modeling. Historic motor vehicles are not accounted for since they fall well outside the 25 model year analysis window examined by the MOBILE5a–H model. Based on the State's determinations described above, the only vehicles receiving a 2500 RPM test that are considered in the May 4, 2001 performance standard modeling are those vehicles deemed not amenable to dynamometer-based testing. Thus, 10 percent of the 1981 and newer vehicles in the State were modeled by New Jersey as receiving a 2500 RPM test instead of the ASM5015 test. Further detail on how the State modeled the effect of that ASM5015 exemption/2500 RPM testing rate can be found in the technical support document for this proposal.

Emission Standards: New Jersey assumed implementation of initial cutpoints for the ASM5015 exhaust emission test. ASM5015 cutpoints are the numeric values of the emission levels used to determine the pass/fail status of a vehicle, as compared to the measured emission test results, under the ASM5015 test. Exceeding one or more cutpoints is considered as failing the emission test. Initial ASM5015 cutpoints are less stringent than final cutpoints would be under the program.

Emission Control Device Inspections: New Jersey performs a visual inspection to determine the presence of a catalytic converter on all 1975 and newer motor vehicles, and that inspection was modeled by the State in its performance standard modeling. In addition, the State's modeling assumes that all vehicles subject to a gas cap check also receive a visual gas cap check. New Jersey also included fuel inlet restrictor testing for all applicable model years in its revised performance standard modeling. The purpose of that test is to determine whether or not a leaded gasoline pump nozzle could fit into the vehicle's gasoline inlet, allowing for the possibility of misfueling with leaded gasoline. Use of leaded gasoline inhibits the effectiveness of vehicles' catalytic converters. Although fuel inlet restrictor testing was part of the State's annual inspections since June 1990, New Jersey stopped performing inlet restrictor tests in 1994 because it was no longer possible for New Jersey motorists to obtain leaded gasoline. However, based on EPA modeling guidance (EPA–AA–TEB–94–01, User's Guide to MOBILE5, May 1994), states that have previously performed fuel inlet tests for at least one full cycle (and have required catalyst

replacement upon failure) may claim the SIP credit associated with this testing without future testing. Since New Jersey met these qualifications, the State is still permitted to take emission credit for the fuel inlet restrictor test.

Evaporative System Function Checks: New Jersey's evaporative emission testing is currently limited to a pressurized gas cap test. The gas cap check is designed to insure that the gas cap seals properly and has no leaks. All gasoline-fueled motor vehicles manufactured with a sealed gas cap are subject to this pressured gas cap inspection, which New Jersey determined comprises all 1971 and later model year vehicles. However, since the MOBILE model only looks at the last 25 model years from the evaluation date, for a 2002 evaluation year, New Jersey only evaluated emissions for model years 1977 to 2002. Further detail on which vehicle categories are subject to the State's pressurized gas cap inspection can be found in the Technical Support Document. MOBILE5 does not allow a state to estimate the benefit of a gas cap test separate from the full evaporative pressure test, which New Jersey has not yet implemented as part of its enhanced I/M program. EPA has determined that the pressurized gas cap inspection accounts for 40 percent of the full pressure test benefit. New Jersey accounted for only that fraction of emission reductions attributable to the gas cap test in its performance standard modeling. Further details on the State's methodology in determining that credit can be found in the Technical Support Document. In its performance standard modeling, New Jersey also projects future emission reductions associated with the evaporative purge test for all 1981 and newer vehicles subject to the ASM5015 exhaust emission test. The purge test was designed to inspect the ability of the vehicle's evaporative control system to properly purge stored VOC vapors from the evaporative canister. However, in-use evaluation of the purge test by EPA and several states revealed significant operational problems with the administration of the purge test. Currently, New Jersey does not implement the evaporative purge test. EPA acknowledged that problems exist with the purge test in a memorandum dated November 5, 1996 from Margo T. Oge, Director, Office of Mobile Sources, to its regional Air Division Directors. In that guidance and in an addendum memorandum issued on December 23, 1996, EPA determined that this type of testing in the interim would not be required, but that EPA is allowing states who committed to performing the purge test in the future, including New Jersey, to claim the applicable emission credit in its performance standard modeling for future years.

Stringency. For modeling purposes, New Jersey assumed a 30 percent emission test failure rate for pre-1981 vehicles. EPA agrees that this is a reasonable assumption.

Waiver Rate: In accordance with 40 CFR 51.360(d)(1), each state's enhanced I/M SIP must include ''a maximum waiver rate expressed as a percentage of initially failed vehicles.'' The purpose of this waiver rate is to estimate emission reduction benefits in a modeling analysis. EPA's enhanced I/M performance standard assumes a 3 percent waiver rate. New Jersey also assumed a 3 percent waiver rate for 1981 and newer vehicles in its original performance standard modeling. Under New Jersey's enhanced I/M program, any vehicle that applies for a waiver must show compliance with the idle test, in addition to meeting the minimum cost expenditure. Since all pre-1981 vehicles receive the idle test as their official inspection test under the State's enhanced I/M program, these vehicles are not eligible for a waiver. Thus, New Jersey's pre-1981 model year waiver rate is effectively zero. Data from the first year of the enhanced I/M program's implementation shows that the waiver rate in New Jersey is approximately 0.3 percent, well below the 3 percent waiver rate assumed in the State's original performance standard modeling. However, for the purposes of its performance standard modeling evaluation, the State continued to assume a conservative waiver rate of 3 percent for all model years.

Compliance Rate: The compliance rate for New Jersey's basic I/M program was 96 percent. In moving to the enhanced program, the State originally assumed that transitioning from a sticker-enforced inspection program to a registration denial-enforced program increases compliance with the program by a moderate amount of 2 percent. At the time of its May 4, 2001 submittal, New Jersey did not have any validated statistical evidence which contradicted that assumed compliance rate and continues to assume a 98 percent compliance rate in the current performance standard modeling exercise. EPA believes this is a reasonable assumption.

Evaluation Date: Both the high and low enhanced performance standard model programs include evaluation dates. These were the dates by which states had to demonstrate, through modeling, that their enhanced I/M programs could attain equivalent or lower emission levels than the performance standard program. Specifically, states had to demonstrate that the emission levels achieved by their enhanced I/M program were equivalent to, or lower than, those achieved by the performance standard program by 2000 for ozone (VOC and NO_X) and 2001 for CO. At the time of the Agency's May 14, 1997, conditional interim approval of New Jersey's enhanced I/M program, EPA made the determination that based on the provisions of the NHSDA, the evaluation dates in the Federal I/M rule had been superseded. The provisions of the NHSDA allow for state development of an enhanced I/M program commencing later than those dates set forth in EPA's November 5, 1992 final rule on Inspection/Maintenance Program Requirements.

Therefore, to be consistent with the intent of the NHSDA, EPA determined that the initial program evaluation for all three criteria pollutants would be for calendar year 2002. Because of the seasonal nature of New Jersey's nonattainment for ozone and carbon monoxide, the State completed its performance standard modeling for the ozone precursors VOC and NO_X with an evaluation date of July 1, 2002, and for CO with an evaluation date of January 1, 2002.

Other Modeling Parameters and Assumptions: In addition to the parameters and assumptions discussed above, New Jersey made certain other assumptions necessary to complete its performance standard modeling. These assumptions are consistent across modeling New Jersey did for its own program as well as for the EPA model I/M 240 program which is used to generate the minimum performance target that a state must meet. Further detail on these additional assumptions can be found in the Technical Support Document.

Performance Standard Modeling Results: The following table shows the emission factors obtained from both the EPA model performance standard program and New Jersey's enhanced I/M program for January 1, 2002 for CO and July 1, 2002 for VOC and NO_X.

TABLE 1.—MODELING RESULTS

Program type	VOC (gpm)	NO_X (gpm)	CO (gpm)
Low Enhanced Performance Standard	1.48	1.60	21.58
New Jersey Program	1.29	1.41	18.33

Overall conclusions of the performance standard modeling evaluation

Based on the State's modeling analysis, EPA agrees that New Jersey's enhanced I/M program, as currently implemented, exceeds the low enhanced I/M program performance standard for all three criteria pollutants. EPA is proposing to approve New Jersey's performance standard modeling.

7. What Are the Related Elements Associated With New Jersey's Enhanced I/M Program Which EPA Is Addressing Today?

EPA is proposing to approve certain revisions to New Jersey's enhanced I/M SIP which were made prior to the May 4, 2001 submittal. As discussed in section 1 of this notice, on May 14, 1997, EPA granted conditional interim approval to New Jersey's enhanced I/M program. In addition to the requirement that the State provide enhanced I/M performance standard modeling (which the State submitted on May 4, 2001 and which EPA is proposing to approve today), the conditions of the May 14, 1997 interim SIP approval also included additional requirements that the State provide final and complete test equipment specifications, test procedures and emission standards. On January 31, 1997, New Jersey submitted a SIP revision to satisfy those additional conditional requirements. New Jersey finalized those requirements through a succession of rule adoptions on February 3, 1997 and July 7, 1997 at New Jersey Administrative Code (N.J.A.C.) 7:27–15 (Subchapter 15, Control and Prohibition of Air Pollution from Gasoline-fueled Motor Vehicles) and N.J.A.C. 7:27B–4 (Subchapter 4, Air Test Method 4: Testing Procedures for Motor Vehicles). EPA is proposing to approve those additional requirements in today's action.

In addition to the conditional requirements discussed above, there also remained eight de minimus deficiencies related to the Clean Air Act requirements for enhanced I/M in the State's submittal. Those de minimus deficiencies did not affect the interim approval status of New Jersey's enhanced I/M program, however they did need to be rectified prior to EPA granting final approval of the program. In order to address these de minimus deficiencies, New Jersey needed to:

(1) Submit proof that adequate funding will be available throughout the life of the enhanced I/M program, as set forth in 40 CFR 51.354.

(2) Submit final requirements for inspection of fleet vehicles, as set forth in 40 CFR 51.356.

(3) Insure that quality control measures are in accordance with the requirements set forth in 40 CFR 51.359.

(4) Provide a detailed description of its motorist compliance enforcement program, as set forth in 40 CFR 51.361.

(5) Provide a description of the procedures that will ensure program quality (such as audits and training requirements), as set forth in 40 CFR 51.363.

(6) Provide final program requirements for data collection, as set forth in 40 CFR 51.365.

(7) Provide final procedures for analyzing and reporting program data, as set forth in 40 CFR 51.366.

(8) Complete the public information program, including the repair station report card, as set forth in 40 CFR 51.368.

New Jersey's December 14, 1998 enhanced I/M SIP revision was intended in part to cure these eight de minimis deficiencies identified by EPA. Two of the eight de minimus deficiencies were finalized by the State through rule adoptions on December 6, 1999 at N.J.A.C. Title 13, Chapter 20, Subchapter 43, Enhanced Motor Vehicle Inspection and Maintenance Program: de minimus deficiency #2 was cured at N.J.A.C.13:20–43.4, 43.5, and 43.6, and de minimus deficiency #4 was cured at N.J.A.C.13:20–43.16. Evidence of these corrections is contained in the docket for this rulemaking. As part of its proposal to approve New Jersey's enhanced I/M program today, EPA is now proposing to find that the State has cured the eight previously identified de minimus deficiencies.

Pertaining to de minimus deficiency #2, New Jersey has revised its regulations at N.J.A.C. 13:20–43.4 to require fleet and employee-owned motor vehicles operated on Federal facilities to comply with the I/M program requirements for the state. However, EPA is not requiring states to implement 40 CFR 51.356(a)(4), dealing with Federal installations within I/M areas, at this time. The Department of Justice has recommended to EPA that this Federal regulation be revised since it appears to grant states authority to regulate Federal installations in circumstances where the Federal government has not waived sovereign immunity. It would not be appropriate to require compliance with this regulation if it is not constitutionally authorized. EPA will be revising this provision in the future and will review state I/M SIPs with respect to this issue when this new rule is final. Therefore, for these reasons, EPA is neither proposing approval nor disapproval of the specific requirements which apply to Federal facilities at this time.

8. Summary of Conclusions and Proposed Action

This revision is being proposed under a procedure called parallel processing, whereby EPA proposes rulemaking action concurrently with the state's procedures for amending its regulations. If the proposed revision is substantially changed in areas other than those identified in this document, EPA will evaluate those changes and may publish another notice of proposed rulemaking. If no substantial changes are made other than those areas cited in this document, EPA will publish a final rulemaking on the revisions. The final rulemaking action by EPA will occur only after the SIP revision has been adopted by New Jersey and submitted formally to EPA for incorporation into the SIP.

Based on the analyses included in New Jersey's May 4, 2001 submittal, EPA concludes the following. The State's NHSDA evaluation validates New Jersey's 80% decentralized test and repair effectiveness rate credit claim. New Jersey's evaluation uses actual program implementation data to show that the decentralized portion of the network is at least 80% as effective as its centralized program, as the State previously claimed. EPA also concludes, based on New Jersey's performance standard modeling which reflects the State's enhanced I/M program as it is currently implemented, that the State's program meets the low enhanced performance standard. Based on these conclusions, EPA is proposing to approve New Jersey's May 4, 2001 SIP revision.

EPA is also proposing to approve the final and complete test equipment specifications, test procedures and emission standards that New Jersey submitted to satisfy conditions of EPA's May 14, 1997 interim approval. New Jersey made a revision to its SIP on January 31, 1997 which contained those required elements.

EPA is proposing to find that New Jersey's December 14, 1998, SIP revision submittal adequately remedies the eight de minimus deficiencies previously identified.

Finally, as a consequence of EPA's conclusions regarding the approvability of the elements summarized above, EPA is proposing to change the conditional interim status of the approval of New Jersey's enhanced I/M program to final approval.

9. Administrative Requirements

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

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

Dated: August 31, 2001.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 01–22738 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[Region 2 Docket No. NY52–228, FRL–7053–5]

Approval and Promulgation of Implementation Plans; New York's Reasonably Available Control Measure Analysis

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve the New York State Implementation Plan revision involving Reasonably Available Control Measures (RACM). Specifically, EPA is proposing to approve New York's RACM Analysis and determination that there are no additional RACM that may be implemented to advance the 1-hour ozone attainment date from 2007 to 2006 in the New York portion of the New York-Northern New Jersey-Long Island severe ozone nonattainment area.

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

ADDRESSES: All comments should be addressed to: Raymond Werner, Chief, Air Programs Branch, Environmental Protection Agency, Region 2 Office, 290 Broadway, 25th Floor, New York, New York 10007–1866.

Copies of the New York submittals and EPA's Technical Support Document (TSD) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 2 Office, Air Programs Branch, 290 Broadway, 25th Floor, New York, New York 10007–1866

New York State Department of Environmental Conservation, Division of Air Resources, 625 Broadway, 2nd floor, Albany, New York 12233.

FOR FURTHER INFORMATION CONTACT: Kirk J. Wieber, Air Programs Branch, Environmental Protection Agency, 290 Broadway, 25th Floor, New York, New York 10007–1866, (212) 637–3381.

SUPPLEMENTARY INFORMATION:

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Administrative Requirements

What Are the Requirements for Reasonably Available Control Measures (RACM)?

Section 172(c)(1) of the Clean Air Act (the Act) requires State Implementation Plans (SIP) to contain RACM as necessary to provide for attainment as expeditiously as practicable. EPA interprets the RACM requirements of section 172(c)(1) in the ''General Preamble for the Implementation of Title I of the Clean Air Act Amendments of 1990'' (General Preamble), see 57 FR 13498, 13560. In that preamble, EPA

states the principle that potential measures that would not advance the attainment date for an area are not considered RACM. EPA encourages states to consider all potentially available measures to determine whether they were reasonably available for implementation in the area, and whether they would advance the attainment date. Further, the General Preamble provides that if the measures are reasonably available, states should adopt them as RACM. EPA also indicates that states could reject a potential RACM if it would cause substantial widespread and long-term adverse impacts. States are encouraged to consider local conditions, such as economics or implementation concerns, in evaluating potential RACM. On November 30, 1999, John S. Seitz, Director of EPA's Office of Air Quality Planning and Standards, issued a memorandum entitled, ''Guidance on the Reasonably Available Control Measures Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas'' which reiterated the Act's RACM requirements.

What Did New York Include in Its RACM Submittal?

On June 15, 2001, the New York State Department of Environmental Conservation (NYSDEC) submitted to EPA its assessment of whether any RACM are available to advance the attainment date, from 2007 to 2006 or sooner, for the New York portion of the New York-Northern New Jersey-Long Island (New York Metro Area) severe ozone nonattainment area. New York requested that EPA process in parallel the State's adoption of its RACM analysis, which EPA is doing in today's notice. New York held public hearings on July 30 and July 31, 2001 and established a public comment period which closed on August 6, 2001. The State will provide a copy of the public comment record and responsiveness document for EPA to consider before taking final rulemaking action.

How Does New York's Analysis Address the RACM Requirement?

New York's analysis of potential RACM considered information from the following sources:

1. Section 108(f) of the Act
2. A list of control measures completed by the State and Territorial Air Pollution Program Administrators (STAPPA)/Association of Local Air Pollution Control Officials (ALAPCO)
3. Ozone attainment suggested shortfall measures developed by the Ozone Transport Commission (OTC)
4. Control measures implemented through the California Federal Implementation Plan
5. Control measures implemented in other serious and severe ozone nonattainment areas
6. Control measures suggested by commenters during public comment periods on New York's attainment SIP, and
7. Transportation Control Measures analyzed by the New York State Department of Transportation (NYSDOT) in a document entitled, ''NYSDOT Conformity Measure Analysis''

New York's analysis summed the volatile organic compound (VOC) and oxides of nitrogen (NO_X) potential emission reductions from the numerous possible measures, including all the reductions from all the measures identified in the NYSDOT study. New York's analysis of Transportation Control Measures (TCM's) examined the potential emissions reductions from measures included in the documents listed previously. As part of this evaluation, New York considered local circumstances, such as the fact that the New York Metro Area has a high population density and a well-established public transit system. Many RACM-type measures listed in these documents have already been implemented. Moreover, the New York Metro Area is not experiencing the same rate of growth as other metropolitan areas in the nation, so that RACM's which are appropriate in high growth areas may be less effective here. Of the measures examined by New York, only eight measures were identified as having any potential to provide significant emission reductions and these eight were determined to warrant further evaluation as potential RACM's.

Of the eight measures identified, the most significant portion of the potential emission reductions estimates in New York's analysis come from the night-time construction and alternative fuels programs. Despite their potential emission reductions, these measures are not RACM for the 1-hour ozone standard because they cannot be fully implemented prior to 2007, they need further analysis of air quality benefits/impacts to be considered and will not advance the attainment date.

What Were the Results of New York's RACM Assessment?

The NYSDEC's RACM analysis addresses the reasonableness and effectiveness of both additional TCM's and additional stationary source control measures. New York concludes that there are no control measures, above and beyond what the State is already implementing, that would advance the 2007 attainment date specified in the Act for severe ozone nonattainment areas, because, the reductions from any potential RACM measures in the short-term are small compared to the reductions that will be achieved by 2007 through measures that are already in place or through measures which the State has previously committed to implement. In fact, the New York 1-hour Ozone Attainment SIP for the New York Metro Area, the 15 percent Rate of Progress (ROP) plan, the 9 percent post-1996 ROP plan and the continuing 3 percent per year Reasonable Further Progress emission reductions, already require emission controls on a wide variety of sources. Nevertheless, New York clearly states that there is nothing within its RACM assessment that precludes it from adopting the measures discussed in the assessment for the purpose of meeting the requirements for motor vehicle transportation conformity, attainment of the 8-hour ozone standard or any other air quality standard, and control of certain air toxins, or for any other reason to protect public health. In fact, over the period beyond the attainment date, some of these strategies may provide significant benefit. In some instances, there are efforts already underway to implement these.

The combination of measures examined by New York indicate potential reductions, but it is important to note that the estimate did not consider practical limitations in their implementation prior to 2007. Unfortunately, many of the actions needed to bring these measures to full fruition cannot be fully implemented in time to advance the attainment date from 2007 to 2006 or sooner. For the NYSDOT study in particular, the measures are currently under interagency review and represent values at the higher end of the potential emissions reduction range and not values that could potentially be achieved before 2007.

Of the possible emission reductions identified in the State's submittal, a significant portion of those reductions are estimated from construction/ozone action days, alternate fuels and clean fuel fleet programs.

Construction/Ozone Action Day Program

The construction analysis assumes the cessation of construction operations on ozone action days or the shifting of emissions from day-time to night-time through day-time construction bans. The ozone action day reductions would

be episodic, and not continuous emission reductions. While this measure may offer long term emission reductions to help achieve the 8-hour ozone standard, significant issues need to be addressed before it can be considered a RACM. These include analyses of: (1) Quantity of night-time construction which already takes place to ensure that emission reduction benefits are not ''double counted;'' (2) air quality impacts to ensure that the night-time emissions for New York are not contributing to ozone problems in downwind nonattainment areas; (3) air pollutant emissions from generators needed for lighting and supporting night-time activities; and (4) costs associated with implementing the construction/ozone action day program.

Alternate Fuels Consumption

New York's analysis of the impact of alternate fuel-consuming vehicles examined the benefits associated with conversion of all government vehicles in the New York Metro Area, regardless of vehicle weight, age or function, to use fuels which exhibit fewer emissions than gasoline-consuming vehicles. The analysis concluded that while replacement of all government vehicles to alternate fuel-consuming vehicles has the potential for significant emission reductions and has received strong encouragement by the Federal, state and local governments, that magnitude of vehicle replacement is not practicably achievable by the 2007 attainment date. There is a lack of sufficient infrastructure currently in place for supply of alternate fuel for all government fleets. In addition, the analysis double counts reductions from vehicles that have already been converted. The New York City Department of Transportation currently only has two compressed natural gas (CNG) bus refueling stations capable of handling 200 buses apiece, with plans to convert five more stations by 2005. This would give a total capacity of seven stations for 1400 buses, out of a fleet of 3000 buses available for conversion. Moreover, the analysis does not recognize that existing non-CNG buses may have a useful life that extends beyond 2007 and that it may not be economically feasible to replace these buses before completion of their useful life. The promise of substantial emission reductions associated with this measure is contingent on a phase-in period for fleet vehicle turnover and further infrastructure development, which can be achievable, but not in time to advance attainment by 2006 or sooner. Therefore, this measure cannot be considered a RACM. Nevertheless, EPA believes alternate fuels for government vehicle fleets does offer potential emissions reductions to help achieve long-term environmental benefits.

Clean Fuel Fleet Program

In examining the potential emission reductions for the clean fuel fleet program, it should be noted that they were estimated using MOBILE5b modeling projected for the year 2010, not 2006, and were modeled before EPA's recent heavy-duty engine regulations were promulgated (40 CFR Parts 85 and 86). The national heavy-duty engine standards which are required beginning with model year 2002 for most manufacturers, are actually more stringent than the applicable heavy-duty clean fuel fleet emission standards. Consequently, actual emission reductions from a heavy-duty clean fuel fleet program would be significantly less than those projected, and to a large extent would be occurring anyway.

Remaining Five Measures

The potential emission reductions associated with the remaining five measures that NYSDOT examined (maintenance equipment, ozone action days, commuter choice, coatings and aircraft support programs) did not consider practical limitations in their implementation prior to 2007. Many of the actions needed to bring these five measures to full fruition cannot be fully implemented in time to advance the attainment date from 2007, and therefore, are not considered RACM. In addition, some of these measures are episodic and would not represent continuous emission reductions. Although these measures may offer long term emission reductions to help achieve the 8-hour ozone standard, a number of analyses must be conducted before any one of these measures can be considered a RACM. These include: (1) An analysis that the emission reduction benefits are not ''double counted'' because the program may already exist in some other form; (2) an analysis that deferred emissions contribute to a reduction in ozone (e.g., limiting use of lawn equipment on ozone alert days may actually be deferring use to subsequent days in the same ozone season); and (3) an economic analysis of the costs associated with implementing the programs.

Does New York's Submittal Meet the RACM Requirement?

EPA has reviewed New York's RACM analysis documentation, the process used by the New York State agencies to review and select TCM's and other possible reduction measures for point and area sources for the New York Metro Area and has determined that New York's RACM analysis meets the Act's RACM requirement. Although EPA encourages areas to implement available RACM measures as potentially cost effective methods to achieve emissions reductions in the short term, EPA does not believe that section 172(c)(1) requires implementation of potential RACM measures that either are not economically feasible or produce relatively small emissions reductions that will not be sufficient to allow the area to achieve attainment in advance of full implementation of all other required measures. The attainment demonstration for the New York Metro Area indicates that the ozone benefit expected from regional NO_X reductions is substantial.

The term ''reasonably available control measure'' is not actually defined among the definitions in the Act. Therefore, the EPA interpretation that potential measures may not be RACM if they require an intensive and costly effort for numerous small area sources is based on the common sense meaning of the phrase, ''reasonably available.'' A measure that is reasonably available is one that is technologically and economically feasible and that can be readily implemented. New York's analysis of its ability to implement RACM includes consideration of whether potential small emissions reductions, from a multitude of sources, create an undue administrative burden to the states and regulated entities. As stated in the General Preamble, EPA believes that states can reject potential measures based on local conditions including cost, see 57 FR 13561.

What Are EPA's Conclusions?

EPA has evaluated New York's submittal for consistency with the Act, applicable EPA regulations, and EPA policy. EPA is proposing to approve New York's RACM analysis and to determine that there are no additional RACM's that, when implemented, would advance the attainment date in the New York Metro Area from 2007 to 2006 or sooner. However, EPA does believes that the control strategies considered in New York's RACM analysis may offer some benefits in providing for attainment of an 8-hour ozone standard, and we recommend that New York and other states in the OTR revisit these control strategies for an 8-hour standard.

What Additional Actions Is the State Taking to Provide for Attainment of the 1-hour Ozone Standard?

New York's 1994 attainment demonstration documented that the New York Metro Area could not attain the ozone standard without significant emission reductions from upwind sources. This documentation, along with documentation developed by EPA, led EPA to promulgate the NO_X SIP Call (63 FR 57356) to reduce the transport of pollution into downwind nonattainment areas. In the NO_X SIP Call, EPA concluded that reductions from various upwind states were necessary to provide for timely attainment in various downwind states. The NO_X SIP Call therefore established requirements for control of sources of significant emissions in all upwind states. However, these reductions are not scheduled for full implementation until May 2003. Further, the United States Court of Appeals for the District of Columbia Circuit recently ordered that EPA could not require full implementation of the NO_X SIP Call prior to May 2004. *Michigan, et al.,* v. *EPA*, D. C. Cir. No. 98–1497, Order of Aug. 30, 2000. New York complied with the NO_X SIP Call and established a NO_X trading program as its control program. On May 22, 2001 (66 FR 28059), EPA approved New York's regulations to comply with the NO_X SIP Call. New York requires full implementation by May 2003 for its NO_X sources.

New York, in cooperation with the other OTR states, worked to consider regional control measures and strategies to bring the New York Metro Area into attainment of the ozone standard. New York has committed to adopt the measures to account for this shortfall noted previously by October 31, 2001. In fact, New York has taken a leadership role in the OTC process of identifying and developing regional control strategies that would achieve the necessary additional reductions to attain the 1-hour ozone standard. New York will be implementing regulations consistent with the OTC which include; revisions to the consumer products and architectural and industrial coatings rules, a mobile equipment refinishing rule, controls on portable fuel containers as well as the NO_X model rule (NO_X reductions from sources that are not included in the 1994 OTC NO_X Memorandum of Understanding for regional NO_X reductions or covered by EPA's NO_X SIP Call). New York has begun its regulatory development process for these measures.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This proposed action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this proposed rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This proposed rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Oxides of Nitrogen, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: August 31, 2001.

William J. Muszynski,

Acting Regional Administrator, Region 2.

[FR Doc. 01–22739 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL–056–2–200031; FRL–7053–2]

Approval and Promulgation of Air Quality State Implementation Plans (SIP); Alabama: Control of Gasoline Sulfur and Volatility

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA is proposing to fully approve a SIP revision submitted by the State of Alabama establishing low-sulfur and low-Reid Vapor Pressure (RVP) requirements for gasoline distributed in the Birmingham nonattainment area (Shelby and Jefferson counties in Alabama). Alabama developed these fuel requirements to reduce emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC) as part of the State's strategy to achieve the National Ambient Air Quality Standard (NAAQS) for ozone in the Birmingham nonattainment area. EPA is approving Alabama's fuel requirement into the SIP because these fuel requirements are in accordance with the requirements of the Clean Air Act (the Act), and are necessary for the Birmingham nonattainment area to achieve the 1-hour ozone NAAQS in a timely manner.

DATES: Comments should be received on or before October 11, 2001.

ADDRESSES: All comments should be addressed to: Lynorae Benjamin at the

EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW, Atlanta, Georgia 30303–8960.

Copies of the State submittal(s) are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. Lynorae Benjamin, (404) 562–9040

Alabama Department of Environmental Management (ADEM), 400 Coliseum Boulevard, Montgomery, Alabama 36110–2059

FOR FURTHER INFORMATION CONTACT: Lynorae Benjamin, Regulatory Planning Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960. The telephone number is (404) 562–9040. Ms. Benjamin can also be reached via electronic mail at benjamin.lynorae@epa.gov.

SUPPLEMENTARY INFORMATION: The following section provides the rationale for EPA's granting Alabama a preemption waiver, as provided in Section 211(c)(4)(C) of the Act, for the low-sulfur/low-RVP requirements for gasoline sold in the Birmingham nonattainment area during the regulatory control period (June 1 through September 15) each year through 2003. After that time, the State control of sulfur terminates, and Federal controls on sulfur in gasoline will then apply. There is no termination date for the low-RVP portion of Alabama's fuel regulation.

I. Analysis of State's Submittal

What Did the State Submit?

On November 1, 2000, the State of Alabama submitted an attainment demonstration for the 1-hour ozone NAAQS for the Birmingham nonattainment area for inclusion into the Alabama SIP. The rule for the fuel program (the subject of this proposed rulemaking) is included in this submittal in Appendix I; the request for a waiver from Federal preemption pursuant to 211(c)(4)(C) of the Act (also the subject of this proposed rulemaking) is included as Appendix II of this submittal. Specifically, Appendix II of the Alabama submittal contains data and analyses to support a finding under section 211(c)(4)(C) that the State's low-sulfur and low-RVP requirements are necessary for the Birmingham nonattainment area to achieve the ozone NAAQS.

Does the State Submittal Meet the SIP Approval Requirements Under Section 110?

This SIP submittal, including the fuel rule for Alabama's low-sulfur/low-RVP fuel control program, meets the requirements outlined in section 110. The fuel rule was formally adopted by the ADEM Board on October 24, 2000, and became effective December 1, 2000.

How Does the Low-Sulfur/Low-RVP Proposal Relate to Other SIP Activities in the State?

The attainment demonstration for the Birmingham nonattainment area, submitted November 1, 2000, relies upon the emission reductions from the low-sulfur/low-RVP fuel program. The SIP submittal includes a list of controls currently in place in both Jefferson and Shelby counties, and provides additional emission reductions control measures necessary to achieve the 1-hour ozone NAAQS. Specifically, the attainment demonstration includes a low-sulfur/low-RVP fuel program (the subject of this proposed rulemaking) and controls on Alabama Power Company's Gorgas and Miller Steam Plants. EPA action on the controls for the Gorgas and Miller Steam Plants are being taken in a separate rulemaking.

What Are the Clean Air Act Requirements?

This action is pursuant to section 110 of the Clean Air Act as amended in 1990 (the Act). The approval of the State's fuel control measure must also meet the requirements of section 211(c)(4)(C). Under this section of the Act, EPA may approve a state fuel control into a SIP if it is found that the control is ''necessary'' to achieve a NAAQS.

The EPA's August 21, 1997, Guidance on Use of Opt-in to RFG and Low-RVP Requirements in Ozone SIPs gives further guidance on what EPA is likely to consider in making a finding of necessity. The guidance sets out four issues to be analyzed:

1. The quantity of emission reductions needed to achieve the NAAQS;
2. Other possible control measures and the reductions each would achieve;
3. The explanation for rejecting alternatives as unreasonable or impracticable; and
4. A demonstration that reductions are needed even after implementation of reasonable and practicable alternatives, and that the fuel control will provide some or all of the needed reductions.

In this notice of proposed rulemaking and accompanying Technical Support Document (TSD), EPA addresses these issues.

What Does the State's Low-Sulfur/Low-RVP Regulation Include?

The State's low-sulfur/low-RVP regulation establishes a maximum sulfur content limit of 150 ppm, averaged on a volume-weighted basis, for all gasoline sold in Jefferson and Shelby counties during the regulatory period beginning June 1 and ending September 15. The sulfur limit will remain in effect through the 2003 control period. After that time, the State control of sulfur terminates, and Federal controls on sulfur in gasoline will then apply. As Alabama noted in its submittal, EPA promulgated its newest standards for vehicle tailpipe emissions as well as a national clean fuel (Tier 2 Motor Vehicle Emissions Standards and Gasoline Sulfur Control Requirements) on February 10, 2000. EPA's rule sets an initial corporate pool average for sulfur of 120 parts per million (ppm) beginning in 2004, and will require a refinery average of 30 ppm sulfur for all gasoline sold nationwide beginning in 2006.

The State's low-sulfur/low-RVP regulation also establishes a maximum RVP limit of 7.0 pounds per square inch (psi) for all gasoline sold in Jefferson and Shelby counties during the aforementioned regulatory period of *any* calendar year beginning in 1999. For ethanol blends meeting specified conditions sold during the regulatory period in Jefferson and Shelby counties, Alabama's regulations limits RVP to a maximum of 8.0 psi. The RVP limit on gasoline and ethanol blends is a per gallon standard. There is no termination date for the low-RVP portion of Alabama's fuel regulation.

How Will the Program Be Enforced?

ADEM will enforce the low-sulfur/low-RVP rule. Producers, importers, terminals, pipelines, truckers, rail carriers, and retail dispensing outlets are subject to provisions of this rule. Registration, recordkeeping, reporting, and certification requirements are included. ADEM will conduct sampling for the fuel program in accordance with the ''Methodology for Randomized Sampling to Estimate Mean Sulfur in Gasoline During a Specified Ozone Season'' (see Appendix I of the attainment demonstration) or by some EPA-approved modification of this sampling plan. Samples, the number to be determined in coordination with ADEM and EPA, will be collected and analyzed for sulfur and RVP throughout

the control period. Any sample that exceeds the limits specified in the fuel rule (i.e., 150 ppm sulfur and 7.0 psi—with the consideration of the allowable margin of error), will be considered a violation and may require an enforcement action. If an enforcement action is warranted, ADEM would use one of two approaches. ADEM would either issue an administrative order or consent order, or initiate a civil action. Another provision of the fuel rule provides that the seasonal sulfur average will not exceed 140 ppm. If the seasonal sulfur average exceeds 140 ppm, ADEM will require 100 percent terminal testing in lieu of testing at the retail level for future control periods.

EPA finds that this fuel rule is an acceptable approach for enforcing the State's fuel program.

Will the Low-Sulfur/Low-RVP Fuel Control Program Provide Some or All of the Needed Emission Reductions?

Implementation of the low-sulfur/low-RVP fuel program will provide 3.3 (tons per day) TPD of NO_X and 7.0 TPD of VOC emission reductions, which provides some or all of the emission reductions needed for the Birmingham nonattainment area to achieve the 1-hour ozone NAAQS. Reducing the sulfur and RVP of gasoline reduces NO_X and VOC emissions, respectively.

On May 1, 1998, EPA released a staff paper presenting EPA's understanding of the impact of gasoline sulfur on emissions from motor vehicles and exploring what gasoline producers and automobile manufacturers could do to reduce sulfur's impact on emissions. The staff paper noted that gasoline sulfur degrades the effectiveness of catalytic converters and that high sulfur levels in commercial gasoline could affect the ability of future automobiles—especially those designed for very low emissions—to meet more stringent standards that are in use. The paper also pointed out that sulfur control will provide additional benefits by lowering emissions from the current fleet of vehicles.

Lowering the RVP in gasoline reduces VOC emissions, primarily through reducing evaporative losses from vehicle fuel tanks, lines, and carburetors as well as losses from gasoline storage and transfer facilities. To a lesser degree, a reduction in the VOCs in vehicle exhaust also results from low-RVP gasoline.

Are There Any Reasonable and Practicable Alternatives to Alabama's Fuel Program?

The State conducted thorough analyses of control measures available for the Birmingham nonattainment area. The attainment demonstration for the Birmingham nonattainment area contains a long list of stationary and point source controls that are required for Jefferson and Shelby counties. In brief, this attainment demonstration discusses Alabama's implementation of VOC reasonably achievable control technology (RACT), Stage I vapor recovery controls and open burning bans, among other controls for Jefferson and Shelby counties. Further, NO_X controls for the Alabama Power Company's Gorgas and Miller plant are included in this attainment demonstration. This attainment SIP uses a weight-of-evidence analysis to show that implementation of these controls, including the low sulfur/low-RVP program, should bring the Birmingham nonattainment area into attainment of the 1-hour ozone NAAQS. The discussion below summarizes the controls that have been adopted and evaluates the reasonableness and practicability of the non-fuel alternatives that are still available.

In February 1997, ADEM formed an Advisory Committee to assist in determining the course(s) most appropriate to reduce ozone precursor emissions in the Birmingham nonattainment area. As a result of these meetings, many discussions centered on a fuel control strategy (in conjunction with other strategies). For the purpose of this fuel waiver request, ADEM referred to the results of the aforementioned meetings and reconsidered the potential implementation of an inspection and maintenance (I/M) program, and Stage II vapor recovery controls.

The conclusion drawn from ADEM's analysis of these controls was that implementing an I/M program is not practicable as a strategy to achieve attainment by the year 2003 because: (1) the implementation of an I/M program would require a modification to Alabama law; (2) full implementation of an I/M program could not be achieved by 2003 (the attainment year) and little or no emission reductions would be achieved by that year; and (3) the program would require significant funding (i.e., ''start-up'' costs) and human resources to implement.

ADEM did not consider implementation of the Stage II controls because, in 1994, EPA promulgated regulations for Onboard Refueling Vapor Recovery and because modeling revealed that even if the Stage II program were implemented, the fuel control program would still be necessary. Implementation of a Stage II program would only provide VOC emission reductions of 2.09 TPD and no NO_X emission reductions.

In addition to evaluating the potential for NO_X reductions from an I/M program, ADEM evaluated potential additional NO_X emission reductions from various point source groups. Of the point source groups considered, only six of these point source groups have potentially significant NO_X emissions that are reasonably evaluated for possible controls. These point source groups include the following: coke oven underfiring of coke by-product manufacturing; quenching process of coke by-product manufacturing; industrial internal combustion engines utilizing natural gas as a fuel; reheat furnaces at steel manufacturing sources; lime kilns at lime manufacturing sources; and cement kilns at cement manufacturing sources. After further analysis of each of the above sources, ADEM concluded that it was either not reasonable or practicable to further control these sources, or controls on available sources would not provide all the emission reductions needed. We concur with ADEM's assessment as described in the TSD.

Based on the State's analysis of the cost-effectiveness and the time required to implement these measures, we agree that, other than those proposed in the attainment demonstration and those described in the TSD, there are no reasonable or practicable non-fuel control measures available to the State to achieve the 1-hour ozone NAAQS in a timely manner. Compared to all of the potentially available measures outlined in the TSD, the low-sulfur/low-RVP fuel is the most reasonable and practicable measure available to reduce the emissions from ozone precursor emissions for the Birmingham nonattainment area. The low-sulfur/low-RVP fuel is readily available to the State because it is also being provided to the Atlanta nonattainment area. The benefits of this fuel program are already being felt in the Birmingham nonattainment area.

The TSD includes a detailed review of the controls that the State has already proposed or adopted and the reasonableness and practicability of the non-fuel alternatives that are still available.

Is the Low-Sulfur/Low-RVP Program Necessary for the Birmingham Nonattainment Area To Achieve the 1-Hour Ozone NAAQS?

Implementation of the low-sulfur/low-RVP fuel program will provide 3.3 TPD of NO_X and 7.0 TPD of VOC emission reductions for the Birmingham nonattainment area. Without the

proposed fuel controls, the Birmingham nonattainment area subject to these controls would receive gasoline with a sulfur level in excess of 300 ppm and a RVP of up to 7.8 psi during the summer months. The State, based on modeling results using EPA's Complex Model, estimates that the proposed low-sulfur/low-RVP program will reduce NO_X emissions from automobiles by at least 6.2 percent and VOC emissions from automobiles by at least 3.6 percent. Thus, we concur with the State's conclusion that implementation of the low-sulfur/low-RVP fuel program will provide some or all of the emission reductions necessary for the Birmingham nonattainment area to achieve the ozone NAAQS in 2003.

Proposed Action by EPA

EPA is proposing to approve Alabama's low-sulfur/low-RVP fuel program into the federally enforceable SIP. The State has demonstrated that the fuel program will provide some or all of the NO_X and VOC emission reductions needed to reduce ozone levels for the Birmingham nonattainment area. Additionally, the State has demonstrated necessity for a preemption waiver as required by section 211(c)(4)(C) of the Act. Without the program, the design values for the nonattainment area will continue to exceed the 1-hour ozone NAAQS. In the Birmingham attainment demonstration, the State examined control measures, not previously implemented for this nonattainment area, and concluded that, even with adoption of all reasonable and practicable non-fuel control measures, additional VOC and NO_X reductions in the area are necessary to achieve the 1-hour ozone NAAQS. The State further demonstrated that the fuel control satisfies the requirements of section 110 and will supply some or all of the reductions needed to achieve the ozone NAAQS.

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

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use.'' (66 FR 28355, May 22, 2001.) This action merely proposes to approve state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Ozone, Reporting and recordkeeping requirements.

Dated: August 30, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–22735 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL–056–200110; FRL–7053–1]

Approval and Promulgation of Implementation Plans; Alabama; Attainment Demonstration of the Birmingham 1-hour Ozone Nonattainment Area

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to approve the additions to Alabama's Air Quality Regulations and the ground-level 1-hour ozone attainment demonstration State Implementation Plan (SIP) for the Birmingham nonattainment area submitted by the Alabama Department of Environmental Management (ADEM) on November 1, 2000. This proposed rule is based on the requirements of the Clean Air Act as amended in 1990 (CAA) related to 1-hour ozone attainment demonstrations. EPA will be proposing approval of the fuel control measure in a separate **Federal Register** action.

DATES: Written comments must be received on or before October 11, 2001.

ADDRESSES: All comments should be addressed to: Sean Lakeman at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.

Copies of documents relative to this action are available at the following addresses for inspection during normal business hours:

Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960.
Alabama Department of Environmental Management, 400 Coliseum Boulevard, Montgomery, Alabama 36110–2059.

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SUPPLEMENTARY INFORMATION: This section provides background information on attainment demonstration SIPs for the 1-hour ozone national ambient air quality standard (NAAQS) and an analysis of the 1-hour ozone attainment demonstration SIP submittal for the Birmingham nonattainment area.

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I. Requirements for Marginal Ozone Nonattainment Areas

The CAA requires EPA to establish NAAQS for certain pollutants that cause or contribute to air pollution that is reasonably anticipated to endanger public health or welfare (CAA sections 108 and 109). In 1979, EPA promulgated the 1-hour 0.12 parts per million (ppm) ground-level ozone NAAQS (44 FR 8202 (Feb. 8, 1979)). Ground-level ozone is not emitted directly by sources. Rather, emissions of nitrogen oxides (NO_X) and volatile organic compounds (VOC) react in the presence of sunlight to form ground-level ozone. NO_X and VOC are referred to as precursors of ozone.

An area exceeds the 1-hour ozone NAAQS each time an ambient air quality monitor records a 1-hour average ozone concentration above 0.124 ppm. An area is violating the NAAQS when the average of expected exceedances during a consecutive three-year period is greater than 1 at any one monitor (40 CFR Part 50, Appendix H). The CAA required EPA to designate as nonattainment any area that was violating the 1-hour ozone NAAQS, generally based on air quality monitoring data from the three-year period from 1987–1989, or any area contributing to a violation (CAA section 107(d)(4); 56 FR 56694 (Nov. 6, 1991)). The CAA further classified these areas, based on the area's design value (i.e., the 4th highest ozone value during the relevant 3 year period at the violating monitor with the highest ozone levels), as marginal, moderate, serious, severe or extreme (CAA section 181(a)). Marginal areas were suffering the least significant air pollution problems.

The control requirements and dates by which attainment needs to be achieved vary with the area's classification. Marginal areas were subject to the fewest mandated control requirements and had the earliest attainment date. Marginal areas were required to attain the 1-hour NAAQS by November 15, 1993.

Table 1 presents a summary of the CAA requirements for a marginal ozone nonattainment area for the 1-hour ozone NAAQS. These requirements are specified in sections 182(b) and 182(f) of the CAA.

TABLE 1.—CAA REQUIREMENTS FOR MARGINAL NONATTAINMENT AREAS

Submit emissions inventory for VOC and NO_X.
Corrections to the Reasonably Available Control Technology (RACT) for VOC sources.
Reasonably Available Control Measures
Submit Permit Programs.
Submit periodic emissions inventory.
Submit Emissions Statement Rule.
Submit Emissions Offset of at least 1.1 to 1 for VOC and NO_X.

II. Background on Birmingham

The Birmingham area was originally classified as a 1-hour ozone nonattainment area by EPA on March 3, 1978 (43 FR 8962). The Birmingham nonattainment area at that time, was geographically defined as Jefferson County, Alabama. On November 6, 1991, by operation of law under section 181(a) of the CAA, EPA classified the Birmingham nonattainment area as a marginal nonattainment area for ozone and added Shelby County to the nonattainment area (56 FR 56693). The nonattainment classification for the Birmingham marginal ozone area was based on ambient air sampling measurements for ozone made during 1987–1989. The area was required to attain the 1-hour ozone NAAQS by November 15, 1993, (i.e. three years from the enactment of the CAA) which is the date set forth in section 181(a)(1).

After the 1993 ozone season the area had three years of quality assured air monitoring data (1991, 1992 and 1993) which demonstrated that the 1-hour ozone NAAQS was attained, making the nonattainment area eligible for redesignation to attainment. The State submitted a final redesignation request on March 16, 1995, that was deemed administratively complete by EPA on April 11, 1995. A direct final rule proposing approval of the redesignation request was signed by the Regional Administrator and forwarded to the Office of the Federal Register on August 15, 1995, for publication. Prior to publication of the document, a violation of the 1-hour ozone NAAQS occurred on August 18, 1995. Because of the violations of the 1-hour ozone NAAQS, EPA directed the Office of the Federal Register to recall the proposed direct final rule from publication. EPA began the process to disapprove the redesignation request. The final action disapproving the redesignation request was published in the **Federal Register** on September 19, 1997, (62 FR 49154). Although exceedances of the 1-hour ozone NAAQS continued through 1998, the design values for the Birmingham nonattainment area for the three-year periods 1994–1996, 1995–1997, and 1996–1998 have remained within the range of marginal classification.

Because of these continuing violations, in a letter dated September 10, 1997, EPA requested that ADEM submit an enforceable commitment to develop an attainment demonstration SIP to attain the 1-hour ozone NAAQS. The enforceable commitment submitted by ADEM included a schedule that required them to submit a new attainment demonstration by July 1999. On August 10, 1998, the State submitted an enforceable commitment without Board adoption, preventing EPA from approving it into the federally enforceable SIP. Therefore, Region 4 informed the State that a SIP call would be initiated (to assure that the SIP provides for the attainment and maintenance of the 1-hour ozone NAAQS, pursuant to section 110(k)(5) of the CAA which authorizes EPA to find that a SIP is substantially inadequate to attain or maintain a NAAQS, and to require (''call for'') the State to submit, within a specified period, a SIP revision to correct the inadequacy). EPA

published a proposal in the **Federal Register** on December 16, 1999 (64 FR 70205) to require the State to submit an attainment SIP for Birmingham within six months after final action is taken on the SIP call and to implement controls by May 1, 2003. The final rulemaking on the SIP call was published October 28, 2000, with an effective date of November 27, 2000, (65 FR 64352). ADEM submitted the 1-hour ozone attainment demonstration to EPA on November 1, 2000.

Alabama has met all the regulatory requirements for a marginal nonattainment area as specified in sections 182(b) and 182(f) of the CAA and has elected to develop a control strategy for the SIP revision based on photochemical grid modeling. Although, the model simulation for the proposed control strategy was performed for the year 2004, all control strategies proposed by the attainment demonstration will be in place by May 1, 2003, and attainment is projected in 2003 (ADEM responded to comments received during the comment period concerning the projection that Birmingham will achieve attainment in 2003).

The modeling of 2004 for the attainment year was completed prior to agreement with EPA on the appropriate attainment year. However, since the modeling was completed for 2004 and the time and resources to redo the modeling for 2003 were not available, EPA agreed that attainment for 2003 could be demonstrated with the submittal of a 2003 emissions inventory as a supplement to the 2004 demonstration provided that the 2003 emissions inventory emissions are less than or equal to the level of emissions used in the modeling. It could then be concluded that emissions concentration for 2003, if modeled, would be less than or equal to the 2004 1-hour ozone concentrations, which were modeled.

The year 2003 was determined to be the most ''expeditious as practicable'' based on the control strategies that are needed to bring Birmingham into attainment and can be implemented in a timely manner. Due to the large amount of NO_X reductions required, a vehicle inspection and maintenance program would not provide the reductions required to attain the standard. Additionally there is no current authority for such a program. Even if such authority existed, development of a regulation, selection of a contractor and completion of the testing sites could not be achieved by 2003. The RACM analysis and fuel waiver request (which will be published in a separate **Federal Register** notice) show that other programs would not provide the reductions required to attain the standard by 2003. Implementing NO_X controls on the Gorgas and Miller Power Plants in the area will achieve the needed reductions by 2003. Its not possible to have three years of clean air quality data prior to 2003, based on monitored violations that occurred in 2000.

EPA conducted a detailed examination of the feasibility of installing the NO_X controls and based on these findings, the EPA believes that the compliance date of May 1, 2003, for installing NO_X controls (Selective Catalytic Reduction (SCR)) on Gorgas and Miller is a feasible and reasonable deadline.

There are three basic considerations related to implementation of post-combustion controls SCR and Selective Non-Catalytic Reduction (SNCR) by the compliance date: (1) Availability of materials and labor, (2) the time needed to implement controls at plants with single or multiple retrofit requirements, and (3) the potential for interruptions in power supply resulting from outages needed to complete installations. The EPA examined each of these considerations. An adequate supply of off-the-shelf hardware (such as steel, piping, nozzles, pumps, soot blowers, fans, and related equipment), reagent (ammonia and urea), and labor would be available to complete implementation of post-combustion controls projected under the assumed control strategy. However, the catalyst used in the SCR process is not an off-the-shelf item and, therefore, requires additional consideration. EPA conservatively concludes that adequate catalyst supply should be available if SCR installations were to occur over a period of two years or more.

Implementation of a NO_X control technology on a combustion unit involves conducting facility engineering review, developing control technology specifications, awarding a procurement contract, obtaining a construction permit, completing control technology design, installation, testing, and obtaining an operating permit. The EPA evaluated the amount of time potentially needed to complete these activities for a single unit retrofit and found that about 21 months would be needed to implement SCR while about 19 months would be needed to implement SNCR.

Based on the estimated timelines for implementing NO_X controls at a plant and availability of materials and labor, the EPA estimates that the NO_X controls in the assumed control strategy could be readily implemented by September 2002, without causing an adverse impact on the electricity supply or on the cost of compliance. Taking this into consideration NO_X controls on Gorgas and Miller could be readily implemented by May 2003 but not in time to affect ozone level in 2002.

III. Relevant Policy and Guidance Documents

This proposal cites several policy and guidance memoranda. The EPA has also developed several technical documents related to the rulemaking action in this proposal. Some of the documents have been referenced. The documents and their location on EPA's web site are listed below.

Recent Documents

1. ''Guidance for Improving Weight of Evidence Through Identification of Additional Emission Reductions, Not Modeled.'' U.S. Environmental Protection Agency, Office of Air Quality Planning and Standards, Emissions, Monitoring, and Analysis Division, Air Quality Modeling Group, Research Triangle Park, NC 27711. November 1999. Web site: *http://www.epa.gov/ttn/scram/* (file name: ''ADDWOE1H'').

2. ''Serious and Severe Ozone Nonattainment Areas: Information on Emissions, Control Measures Adopted or Planned and Other Available Control Measures.'' Draft Report. November 3, 1999. Ozone Policy and Strategies Group. U.S. EPA, RTP, NC. Web site: *www.epa.gov/ttn/oarpg/t1main.html.*

3. Memorandum ''Guidance on Motor Vehicle Emissions Budgets in One-Hour Attainment Demonstrations,'' from Merrylin Zaw-Mon, Office of Mobile Sources, to Air Division Directors, Regions I–VI. November 3, 1999. Web site: *http://www.epa.gov/oms/transp/traqconf.htm*

Previous Documents

1. U.S. EPA, (1991), Guideline for Regulatory Application of the Urban Airshed Model, EPA–450/4–91–013, (July 1991). Web site: *http://www.epa.gov/ttn/scram/* (file name: ''UAMREG'').

2. U.S. EPA, (1996), Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, EPA–454/B–95–007, (June 1996). Web site: *http://www.epa.gov/ttn/scram/* (file name: ''O3TEST'')

3. Memorandum ''Guidance on Use of Opt-in to RFG and Low-RVP Requirements,'' from Gay McGregor, Office of Mobile Sources, to Air Division Directors, Regions I–X. August 21, 1997.

IV. Description of Revisions to Regulations

The November 1, 2000, submittal included two regulations that will reduce emissions of NO_X and VOC in the Birmingham modeling domain. Rule 335–3–8–.03 requires utility NO_X emission reduction controls on Alabama Power Company plants Gorgas and Miller for the period May 1 through September 30, beginning in 2003. This rule includes specific NO_X emission reduction requirements as well as testing, recordkeeping and reporting requirements. Rule 335–3–20 regulates the sulfur level in gasoline sold in Jefferson and Shelby Counties (will be addressed in the fuel waiver request) which will reduce emissions of NO_X and VOC.

V. Framework for Proposing Action on the Attainment Demonstration SIPs

In general, an attainment demonstration SIP includes a modeling analysis component showing how the area will achieve the NAAQS by its attainment date and the control measures necessary to achieve those reductions.

A. Control Measures Relied on in the Modeled Attainment Demonstration SIP

To receive final approval of the attainment demonstration SIP, the State must have adopted the emission control measures required under the CAA for the area's classification or must have established negative source declarations for the source categories for which the area has no sources that are subject to the CAA area's classification requirements for such sources.

The attainment demonstration must incorporate the emission impacts of, and the SIP submittal must address the rule development for, any additional emission control measures needed to achieve attainment. The rules for the emission controls relied upon in the attainment demonstration must also have been adopted by the State and approved by EPA at the time of or prior to final approval of the attainment demonstration SIP. The emission controls for these sources must be implemented as expeditiously as practicable but no later than the beginning of the ozone control season in the attainment year.

B. Description of Controls and Reductions Projected

The demonstration shows that 71.5 tons per day (TPD) of NO_X emission reductions and 7.0 TPD of VOC emission reductions are needed to achieve attainment of the 1-hour NAAQS for ozone in 2003. In order to achieve attainment in 2003, the following modeled controls are being implemented in addition to the controls mandated and already implemented for marginal nonattainment areas.

(1) During every ozone season (between June 1 and September 15), gasoline sold in Jefferson and Shelby Counties will be required to have a volume-weighted average sulfur content no greater than 150 ppm and a Reid Vapor Pressure (RVP) no greater than 7.0 pounds per square inch. This will provide 3.3 TPD reduction of NO_X emissions and 7.0 TPD reduction of VOC emissions. A separate **Federal Register** notice will be published to approve the fuel rule and the waiver (CAA section 211(c)(4)(C)).

(2) Beginning in 2003, utility NO_X controls on Alabama Power Company plants Gorgas and Miller will commence for the period May 1 to September 30 each year beginning in 2003. These controls will provide for 68.2 TPD reduction of NO_X emissions. The corresponding NO_X emission rates for each of the Gorgas and Miller units are provided in the following table.

Plant/Unit	NO_X Emission Rate pounds/million British thermal unit (lb/mmBtu)
Gorgas Unit 6	0.35
Gorgas Unit 7	0.35
Gorgas Unit 8	0.23
Gorgas Unit 9	0.24
Gorgas Unit 10	0.24
Miller Unit 1	0.20
Miller Unit 2	0.20
Miller Unit 3	0.20
Miller Unit 4	0.20

These emission limitations will be enforced by establishing a 0.21 lb/mmBtu NO_X emission limit for the two plants based on a rolling 30 day average from May 1 through September 30 of each year. The limit is based on a two plant average and the rolling 30 day averages are based on a heat input-weighted average of NO_X emissions from all units at the two plants.

(3) National VOC and NO_X control measures on-road mobile, off-road mobile, and area sources, including the national low emission vehicle (NLEV) program, locomotive engine standards, phase 2 requirements for VOC consumer and commercial products, marine engine standards, and phase 2 and 3 non-road diesel engine standards will be in place and were assumed in the model.

C. Motor Vehicle Emissions Budget (MVEB)

Another component of the attainment demonstration SIP is a motor vehicle emissions budget for transportation conformity purposes. Transportation conformity is identification of a process for ensuring that states consider the effects of emissions associated with the transportation plan for the nonattainment area on attainment of the NAAQS. As described in section 176(c)(2)(A), attainment demonstrations necessarily include the estimates of motor vehicle emissions that are consistent with attainment, which then act as a budget or ceiling for the purposes of determining whether transportation plans, programs, and projects conform to the attainment SIP.

States must include in their attainment demonstration SIP the level of the motor vehicle emissions that will be produced in the attainment year, and demonstrate that this emissions level, when considered with emissions from all other sources, is consistent with attainment. This level of motor vehicle emissions is used to determine the conformity of transportation plans and programs to the SIP, as described by CAA section 176(c)(2)(A). A state cannot effectively demonstrate attainment through its SIP unless they identify the level of motor vehicle emissions that can be produced while still achieving attainment. The motor vehicle emissions budgets must meet certain criteria which are listed in the Transportation Conformity Rule (40 CFR 93.118) before the budget can be determined adequate and approved as part of the attainment demonstration SIP. When a motor vehicle emissions budget is found to be adequate, it is used to determine the conformity of the transportation plans and programs to the SIP, as required by section 176(c) of the CAA. EPA's adequacy process as outlined in a May 14, 1999, guidance document, provides the public a 30 day comment period upon EPA's receipt of a SIP submittal containing a MVEB. Comments were provided by the Southern Environmental Law Center. EPA considered these comments in its determination of adequacy and provided responses. These responses are posted on the EPA MVEB web site: http://www.epa.gov/otaq/transp/conform/adequacy.htm.

On June 7, 2001, EPA published a finding of adequacy of the motor vehicle emissions budget for transportation conformity purposes (66 FR 30737). The budgets identified in the attainment demonstration are 52 TPD of VOC and 65 TPD of NO_X emissions.

D. Additional Measures To Further Reduce Emissions

If the modeling analysis indicates that emission reductions are needed beyond

those in the modeled control strategy, the SIP must include adopted rules to achieve that additional level of control. The analysis for Birmingham indicates no further emission reductions are needed (see section V.A. of this document for further discussion).

VI. Requirements of a Modeled Attainment Demonstration

States may rely on a modeled attainment demonstration supplemented with additional evidence to demonstrate attainment.[1] In order to have a complete modeling demonstration submission, states should submit the required modeling analysis and identify any additional evidence that EPA should consider in evaluating whether the area will attain the NAAQS.

The EPA guidance identifies the following six features of a modeling analysis that are essential to obtain credible results:

1. The state must develop and implement a modeling protocol. The modeling protocol describes the methods and procedures used in conducting the modeling analyses and provides for policy oversight and technical review by individuals responsible for developing or assessing the attainment demonstration (state and local agencies, EPA Regional offices, the regulated community, and public interest groups).

2. For purposes of developing the information to put into the model, the state must select air pollution days, i.e., days in the past with bad air quality, that are representative of the ozone pollution problem for the nonattainment area.

3. The state needs to identify the appropriate dimensions of the area to be modeled, i.e., the domain size. The domain should be larger than the designated nonattainment area to reduce uncertainty in the boundary conditions and should include large upwind sources just outside the nonattainment area. In general, the domain is considered the local area where control measures are most beneficial to bring the area into attainment.

4. The state needs to determine the horizontal and vertical grid cell resolution (i.e., size) of the receptor network. The grid cell size is the size of one edge of a grid cell in both the X and Y directions. The units for the cell size are the same as the coordinate units (e.g., kilometers). The horizontal and vertical resolutions in the model affect the dispersion and transport of emission plumes. Artificially large grid cells (too few vertical layers and horizontal grids) may dilute concentrations and may not properly consider impacts of complex terrain, complex meteorology, and land/water interfaces.

5. The state needs to generate meteorological data that describe atmospheric conditions and emissions inputs.

6. The state needs to perform a model performance evaluation to verify that the model is properly simulating the chemistry and atmospheric conditions through diagnostic analyses and model performance tests. Once these steps are satisfactorily completed, the model is ready to be used to generate air quality estimates to support an attainment demonstration.

The modeled attainment test compares model predicted 1-hour ozone daily maximum concentrations in all grid cells for the attainment year to the level of the NAAQS. A predicted concentration above 0.124 ppm ozone indicates that the area is expected to exceed the NAAQS in the attainment year and a prediction at or below 0.124 ppm indicates that the area is expected to attain the NAAQS. This type of test is often referred to as an exceedance test. The EPA's guidance recommends that states use either of two modeled attainment or exceedance tests for the 1-hour ozone NAAQS: A deterministic test or a statistical test.

The deterministic test requires the State to compare predicted 1-hour daily maximum ozone concentrations for each modeled day[2] to the attainment level of 0.124 ppm. If none of the predictions exceed 0.124 ppm, the test is passed. The statistical test takes into account the fact that the form of the 1-hour ozone NAAQS allows exceedances. If, over a three-year period, the area has an average of one or fewer exceedances per year, the area is not violating the NAAQS. Thus, if the state models a very extreme day, the statistical test provides that a prediction above 0.124 ppm up to a certain upper limit may be consistent with attainment of the NAAQS. (The form of the 1-hour NAAQS allows for up to three readings above the NAAQS over a three-year period before an area is considered to be in violation.) A complete discussion of how to determine the acceptable upper exceedance limit is included in the Technical Support Document (TSD).

When the modeling does not conclusively demonstrate attainment, additional analyses may be presented to help determine whether the area will attain the NAAQS. As with other predictive tools, there are inherent uncertainties associated with modeling and its results. For example, there are uncertainties in some of the modeling inputs, such as the meteorological and emissions data bases for individual days and in the methodology used to assess the severity of an exceedance at individual sites. The EPA's guidance recognizes these limitations, and provides a means for considering other evidence to help assess whether attainment of the NAAQS is likely. The process by which this is done is called a weight of evidence (WOE) determination (ADEM responded to several comments received during the comment period concerning the use of WOE, modeling technique and the models ability to provide a clear demonstration of attainment).

Under a WOE determination, the state can rely on and EPA will consider factors such as other modeled attainment tests (e.g., a rollback analysis), other modeled outputs (e.g., changes in the predicted frequency and pervasiveness of exceedances and predicted changes in the design value), actual observed air quality trends, estimated emissions trends, analyses of monitored air quality data, the responsiveness of the model predictions to further controls, and whether there are additional control measures that are or will be approved into the SIP but were not included in the modeling analysis. This list is not an exclusive list of factors that may be considered and these factors could vary for a particular area. The EPA's guidance contains no limit on how close a modeled attainment test must be to passing to conclude that other evidence besides an attainment test is sufficiently compelling to suggest attainment. However, the further a modeled attainment test is from being passed, the more compelling the WOE needs to be.

VII. Technical Analysis of the Attainment Demonstration

The Urban Airshed Model, Variable Grid Version (UAM–V) was approved for use in the attainment modeling demonstration by EPA. The UAM–V model is suitable for evaluating the air quality effects of emission control scenarios because it accounts for the spacial and temporal variations in

[1] The EPA issued guidance on the air quality modeling that is used to demonstrate attainment with the 1-hour ozone NAAQS. See U.S. EPA, (1991), Guideline for Regulatory Application of the Urban Airshed Model, EPA–450/4–91–013, (July 1991). A copy may be found on EPA's web site at http://www.epa.gov/ttn/scram/ (file name: ''UAMREG''). See also U.S. EPA, (1996), Guidance on Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS, EPA–454/B–95–007, (June 1996). A copy may be found on EPA's web site at http://www.epa.gov/ttn/scram/ (file name: ''O3TEST'').

[2] The initial, ''ramp-up'' days for each episode are excluded from this determination.

emissions and emission reactivity. The UAM–V modeling domain consists of three nested grids with approximately 36-, 12- and 4-kilometer (km) grid cell resolution (i.e. grid cell size), respectively. The 4-km fine grid, in the Birmingham urban area, encompasses north central Alabama. A modeling protocol was not developed, but, a modeling scope of work was developed for obtaining contractor assistance. This scope of work described the major steps that were used in the modeling project and reviewed and approved by the Regional Office.

One multi-day ozone episode for the July 7–15, 1995, period was modeled for the attainment demonstration. The modeling simulation period included two start-up days (to limit the influence of the initial conditions on the simulation results). The primary episode days used to develop the control strategy include the July 9–15, 1995, period. The July 1995 episode can be generally characterized as an extended period during which high pressure was a dominant meteorological feature over the eastern United States. Local meteorological conditions (high pressure, light winds, high temperatures) are typical of those associated with high ozone concentrations in the Birmingham area. The period encompasses a range of summertime meteorological conditions. It includes days with a range of maximum ozone concentrations so that the response of the modeling system to emissions reductions can be examined for low, moderate and high ozone days. Exceedances of the 1-hour ozone NAAQS were observed on three days of the episode period.

Emission inventories were developed for the base case year (i.e., 1995) for the model performance evaluation and the future year control strategy assessment (i.e., 2004). The modeling emission inventories included five emission source classes: (1) Point, (2) area, (3) on-road mobile, (4) non-road mobile, and (5) biogenic. The1995 base case inventory used in the OTAG modeling was used to develop the various inventories used in the modeling. This inventory was supplemented with local point source inventories from ADEM, emissions used in the Atlanta 1-hour ozone SIP attainment modeling, and day-specific emissions from a local utility. Bureau of Economic Analysis growth factors were used to project the 1995 inventory to 2004 for the Birmingham 4-km domain. For the outer nested grids in the remainder of the modeling domain, the 2007 OTAG base1C point source inventory was used as the 2004. Biogenic emissions used in this modeling application were generated using the EPA's Biogenic Emissions Inventory System (BEIS2). BEIS2 provides county-level area coverage of different vegetation classes that include agricultural crop types as well as individual tree genus types, and uses it along with surface temperature and solar energy to calculate emissions from biogenic sources.

The model performance evaluation involves a statistical and graphical assessment. Acceptable model performance is achieved if spatial and temporal concentrations from the model match well with observed (i.e., ambient air quality) spatial and temporal patterns, and the model performance statistics are within EPA's established ranges. The spatial patterns of simulated ozone concentrations are generally well replicated in the Birmingham area. In general the model performance is within EPA's ranges on most days for the statistical analysis. EPA has determined that the model performance is acceptable and that the days modeled can be used to evaluate future control strategies and therefore, are suitable for use in the attainment demonstration. More information on the model performance evaluation is included in the TSD.

The 2004 modeling of the Birmingham control strategy contains regulations that will be implemented by 2003 within the nonattainment area. The UAM–V 2004 simulation of the control strategy predicts modeled ozone peaks of 135, 128, 141, 132, 115, 149, and 130 parts per billion (ppb) for the July 9–15, 1995, episode days, respectively. The deterministic modeled attainment test is not passed since all but one of the episode days have predicted 1-hour ozone daily maximum concentrations above 124 ppb. ADEM applied the statistical attainment test per the EPA guidance, ''On Use of Modeled Results to Demonstrate Attainment of the Ozone NAAQS (EPA, 1996).'' A full explanation of this test is found in the TSD. Of the three benchmarks comprising the statistical test, only benchmark one was passed, because less than three exceedances of 124 ppb occurred in any subregion of the modeling grid. Benchmark two failed because the predicted (modeled) daily maximum ozone concentration for one of the three severe episode days exceeded the maximum exceedance limit (i.e., 133 ppb) allowed by the statistical test. On July 11, 1995, the model predicted concentration is 141 ppb which is close to the allowed exceedances of 133 ppb (within 8 ppb of passing this attainment test). Benchmark three requires that the number of daytime grid cell hours exceeding 124 ppb for the days allowed an exceedance and on which the model under predicts by 5 percent or more reduced by at least 80 percent, as compared to the base-case simulation. This benchmark is not required for the Birmingham attainment demonstration because the peak ozone concentrations are not underestimated. Nevertheless, the simulation results show significant reductions; the number of exceedance grid cell hours is reduced by 67 percent. According to the EPA guidance, if one or more of the statistical test's benchmarks is failed, a WOE analysis may be performed using corroborative information to determine if the strategy will likely provide for attainment.

The 2004 control strategy simulations indicate that ozone levels in the Birmingham area will be reduced if the currently proposed controls are implemented. The demonstration shows that 71.5 TPD of NO_X emission reductions and 7.0 TPD of VOC emission reductions are needed to achieve attainment of the 1-hour NAAQS for ozone in 2003. Even though both modeled attainment tests (the statistical test and the deterministic test) are not satisfied, there are several reasons to believe that Birmingham will attain the NAAQS. Additional analyses considered includes: (1) An estimate of additional reductions needed for attainment through application of EPA's, ''Guidance for Improving Weight of Evidence Through Identification of Additional Emission Reductions, Not Modeled'' which included an estimate of the future design value, (2) estimates of future design values at each monitor using the Relative Reduction Factor (RRF) analysis recommended in the DRAFT 8-hour modeling guidance, (3) estimates of additional emissions reductions to be implemented that were not modeled, (4) statistical test benchmark 3, and (5) normalized air quality and emissions trends data.

The first analysis involves the use of information from the photochemical grid modeling and ambient air quality monitoring to estimate additional levels of emission reductions needed for attainment of the 1-hour NAAQS for ozone. ADEM used EPA's guidance to identify the additional percentage reduction in NO_X and VOC from the 1995 emissions, needed for attainment. This analysis strengthens the WOE and accounts for high modeled peaks by estimating the additional measures that at a minimum bring the model estimated future ozone design value to 124 ppb or below. The method is based on the assumption that the relationship between ozone and its precursors (VOC

and NO_X) can be calculated. A detailed discussion of the steps to calculate the additional emission reductions needed for attainment is provided in the TSD which can be obtained from the Regional Office staff contact. ADEM's application of this procedure estimates a future design value of 124 ppb which indicates additional reductions NO_X and VOC are not needed, in accordance with EPA guidance.

The second analysis uses air quality modeling results to estimate a design value in 2003 at each ozone monitor and EPA's draft 8-hour ozone modeling guidance (''Use of Models and Other Analyses In Attainment Demonstrations for the 8-Hour Ozone NAAQS, EPA–454/R–99–004 (1999)'') to develop a local relative reduction factor (RRF). A 2004 ozone design value that is less than 124 ppb is estimated at almost all monitors in the Birmingham nonattainment area. The future design value at the McAdory monitoring site was 128 ppb and the design value resulting from using the domain wide max base case design value and average of domain wide model predicted peaks was 127 ppb. This indicates that substantial progress will be made towards attainment, because design values are expected to be reduced by as much as 5 ppb.

The third analysis involves consideration of the additional VOC and NO_X reductions from three programs that were not modeled in the 2004 control strategy but are subject to an emission reduction regulation or a voluntary program (i.e., Stage 1 Vapor Recovery, Birmingham NOZONER program and open burning ban in Jefferson and Shelby counties). The Stage 1 Vapor Recovery regulations were initiated in the early nineties. Continued implementation of this program has resulted and will continue to result in reductions in VOC emission reductions from bulk gasoline plants and retail outlets. The NOZONER program focuses on collective and individual actions to reduce emissions from the mobile and area source categories. These actions include changes in vehicle volumes and traffic patterns by promoting alternative commuting options, and other actions that involve operational and maintenance activities. A ban on open burning during the ozone season has been instituted in Shelby County since 1998 and an open burning ban in Jefferson County has been in effect since 1998. These emission reductions are difficult to quantify; however it is believed that these programs will provide future emissions reductions for VOC and NO_X.

The fourth analysis uses statistical test benchmark 3. Benchmark 3 assesses the improvement in ozone exposure (i.e., reduction in grid cell hours of 124 ppb or greater). Although, benchmark 3 was not applicable in the statistical test for the Birmingham area (see previous discussion), a 67 percent reduction in the number of ozone exceedance exposure occurrences is predicted by the model. This is a significant reduction in the extent of the predicted ozone exceedances over the domain.

The last analysis considers normalized trends data for air quality and NO_X point source emissions. The changes in NO_X point source emissions from 1995 until 1998 for Birmingham nonattainment area indicate a large increase from 1995 to 1996 and a slight increase from 1996 until 1998. The normalized air quality trends analysis for the period from 1988 to 1998 indicates a decrease in the design values from 1996 (i.e., 132 ppb) until 1998 (i.e., 128 ppb) and projects a continued decrease below the 124 ppb level in the future. Air quality monitoring data in the 1998 to 2000 period indicated a 137 ppb design value which appears to temporarily deflect the projected downward trend indicated in the SIP. However, it is expected that the point source controls in the attainment strategy will support the projected downward trend in the air quality analysis.

Although, the model simulation for the proposed control strategy that demonstrates attainment was performed for the year 2004, all control strategies proposed by the attainment demonstration will be in place by the year 2003 and attainment is projected in 2003. A 2003 emissions inventory, representative of emissions expected in the attainment year was developed. The 2003 inventory represents future levels of VOC and NO_X that are less than that used in the modeling due to growth between 2003 and 2004 as well as control programs being implemented. The levels of anthropogenic NO_X and VOC that are modeled in 2004 strategy in the Birmingham nonattainment area are 249.9 TPD and 157.3 TPD, respectively. The levels of anthropogenic NO_X and VOC expected in 2003 in the Birmingham nonattainment area are 246.8 TPD and 155.6 TPD, respectively. The controls modeled in the 2004 strategy are included in the 2003 inventory. Since the VOC and NO_X emissions projected for 2003 are less than the levels modeled for 2004, it is expected that if modeled, attainment would also be projected for 2003. The SIP included several modeled sensitivity simulations to support this statement (i.e., lower VOC and NO_X emissions than that modeled in the 2004 attainment strategy can result in lower ozone concentrations). Therefore, EPA believes the area will attain the NAAQS in 2003.

VIII. Reasonably Available Control Measures (RACM)

Section 172(c)(1) of the CAA requires that SIPs provide for the implementation of all RACM as expeditiously as practicable. EPA has previously provided guidance interpreting the RACM requirements of 172(c)(1) (See 57 FR 13498, 13560). In that guidance, EPA indicated its interpretation that potentially available measures that would not advance the attainment date for an area would not be considered RACM. States must consider all potentially available measures to determine whether they were reasonably available for implementation in the area prior to the attainment date and whether they will advance attainment. If measures are deemed reasonably available and they will advance the attainment date, they must be adopted as control measures in the SIP.

Finally, states can reject potential RACM measures either because they would not advance the attainment date, would cause substantial widespread and long-term adverse impacts, or for various reasons related to local conditions, such as economics or implementation issues. EPA issued a recent memorandum on this topic confirming its earlier guidance, ''Guidance on the Reasonably Available Control Measures (RACM) Requirement and Attainment Demonstration Submissions for Ozone Nonattainment Areas,'' John S. Seitz, Director, Office of Air Quality Planning and Standards, November 30, 1999. Web site: http://www.epa.gov/ttn/oarpg/t1pgm.html.

Pursuant to section 172(b) of the Clean Air Act as amended in 1977 (now section 172(c)(1)), Alabama conducted a RACM analysis for Jefferson County in 1985 that underwent public notice and comment. Since 1990, Birmingham's design value has not exceeded the marginal ozone concentrations, which may be attributed to improved vehicle emission technology and previously implemented control measures in the Birmingham nonattainment area to reduce NO_X and VOC emissions. This continued marginal level has occurred despite dramatic increases in the level of construction and economic activity and substantial growth in the mobile fleet.

The 1985 RACM analysis evaluated the following 19 measures for the purpose of reducing vehicle emissions:

—Inspection and Maintenance Program
—Vapor Recovery Program
—Improved Public Transit
—Exclusive Bus and Carpool Lanes
—Areawide Carpool Programs
—Private Car Restrictions
—Long-Range Transit Improvements
—On-Street Parking Controls
—Park-and-Ride and Fringe Parking Lots
—Pedestrian Malls and Vehicle Restricted Zones
—Employer Participation in Carpools, Vanpools, etc.
—Bicycle Lanes and Storage Facilities
—Staggered Work Hours
—Road Pricing to Discourage Single Occupancy Vehicles
—Controls on Extended Vehicle Idling
—Traffic Flow Improvements
—Conversion to Cleaner Fuels
—Emission Control Retrofit
—Reducing Extreme Cold Start Emissions

Some examples of control measures that were implemented include rideshare/carpool program, vanpool subsidy, park and ride lots, bicyle and pedestrian program, ClasTran public paratransit, incident/congestion response team, commute smart program, and ozone awareness program. Programs that are scheduled to be implemented include adding high occupancy vehicle lanes (September 2001), expanding downtown shuttle service (October 2001) and installing bicycle racks on all area buses.

As a part of this submittal ADEM evaluated the feasibility of implementing non-fuel control measures to show necessity for a fuel control measure as required by section 211(c)(4)(C) of the 1990 CAA. Under section 211(c)(4)(C), EPA may approve such a fuel control measure into a SIP if it is concluded that this fuel control is ''necessary'' to achieve a NAAQS. A fuel control is ''necessary'' if no other measures that would bring about timely attainment exist, or if other measures exist and are technically feasible, but are unreasonable or impracticable. The EPA guidance used to review a state's submittal for a fuel waiver is the August 21, 1997, Guidance on Use of Opt-in to RFG and Low-RVP Requirements. The guidance on SIP approvals of fuel controls sets out four issues to be analyzed:

1. The quantity of emissions reductions needed to achieve the NAAQS;

2. Other possible control measures and the reductions each would achieve;

3. The explanation for rejecting alternatives as unreasonable or impracticable; and

4. A demonstration that reductions are needed even after implementation of reasonable and practicable alternatives, and that the fuel control will provide some or all of the needed reductions. Although the information provided in Appendix II for the fuel waiver was not specifically identified by ADEM as a RACM analysis for this submittal, the information provided meets the intent of a RACM analysis. As part of this submittal, the fuel waiver request went through public review and comment. EPA will be proposing approval of the fuel control measure in a separate **Federal Register** action.

EPA acknowledges that the 1985 RACM analysis did not include Shelby County. However, given the large reductions (68.2 TPD reduction of NO_X emissions) from the Gorgas and Miller power plants which will begin in 2003, and the small reductions from the potential RACM measures, EPA believes that even if ADEM had conducted a new RACM analysis for both counties, they still would not have identified sufficient additional measures that would achieve enough emission reductions to advance attainment prior to 2003.

Furthermore, the process of taking additional measures through a public hearing, board approval, funding, and time needed to implement would severely limit the feasibility of obtaining emission reductions that could accelerate the attainment date. Alabama plans to continue reviewing and implementing new technologies as appropriate for the Birmingham area. The area will also benefit from EPA's requirements for cleaner vehicles and fuels in the future.

IX. Proposed Action

The EPA believes that the Birmingham attainment demonstration SIP meets the requirements of the CAA. Therefore, EPA is proposing to grant an attainment date of 2003 and approve the State's demonstration that Birmingham will attain the 1-hour ozone NAAQS by November 15, 2003. The modeling and WOE analyses of ozone and ozone precursor emissions from sources in the Birmingham area, demonstrate that the modeled control strategy will provide for attainment of the 1-hour ozone NAAQS by November 2003.

X. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). This proposed action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

In reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. In this context, in the absence of a prior existing requirement for the State to use voluntary consensus standards (VCS), EPA has no authority to disapprove a SIP submission for failure to use VCS. It would thus be inconsistent with applicable law for EPA, when it reviews a SIP submission, to use VCS in place of a SIP submission that otherwise satisfies the provisions of the CAA. Thus, the requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of

Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this proposed rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings' issued under the executive order.

This proposed approval of the Birmingham attainment demonstration SIP does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Volatile Organic Compounds, Reporting and recordkeeping requirements.

Dated: August 24, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, Region 4.

[FR Doc. 01–22734 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7052–4]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete the Farmers' Mutual Cooperative Superfund site (site) from the National Priorities List (NPL).

SUMMARY: The EPA Region VII is issuing a notice of intent to delete the Farmers' Mutual Cooperative Superfund site (site) located in Hospers, Iowa, from the NPL and requests public comments on this notice of intent. The NPL, promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) of 1980, as amended, is found at Appendix B of 40 CFR Part 300 of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP). The EPA and the state of Iowa through the Iowa Department of Natural Resources have determined that all appropriate response actions under CERCLA have been completed. However, this deletion does not preclude future actions under Superfund.

In the ''Rules and Regulations'' section of today's **Federal Register,** we are publishing a direct final notice of deletion of the Farmers' Mutual Cooperative Superfund site without prior notice of intent to delete because we view this as a noncontroversial revision and anticipate no adverse comment. We have explained our reasons for this deletion in the preamble to the direct final deletion. If we receive no adverse comment(s) on the direct final notice of deletion, we will not take further action on this notice of intent to delete. If we receive adverse comment(s), we will withdraw the direct final notice of deletion and it will not take effect. We will, as appropriate, address all public comments in a subsequent final deletion notice based on this notice of intent to delete. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. For additional information, see the direct final notice of deletion which is located in the Rules section of this **Federal Register**.

DATES: Comments concerning this site must be received by October 11, 2001.

ADDRESSES: Written comments should be addressed to Catherine Barrett, Remedial Project Manager, Superfund Division, U.S. Environmental Protection Agency, Region VII, 901 North 5th Street, Kansas City, KS 66101.

FOR FURTHER INFORMATION CONTACT: Catherine Barrett, Remedial Project Manager, U.S. EPA, Region VII, Superfund Division, Missouri/Kansas Remedial Branch, 901 North 5th Street, Kansas City, KS 66101, fax (913) 551–7063 or 1–800–223–0425.

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

Information Repositories

Information concerning this deletion decision can be found in the Deletion Docket at the information repositories at the following locations: U.S. EPA, Region VII, Superfund Division Records Center, 901 North 5th Street, Kansas City, KS 66101 and at the Iowa Department of Natural Resources, Wallace State Office Building, 900 East Grand, Des Moines, IA 50319.

List of Subjects in 40 CFR Part 300

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

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

Dated: August 30, 2001.

William W. Rice,

Acting Regional Administrator, EPA Region VII.

[FR Doc. 01–22608 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–U

DEPARTMENT OF DEFENSE

48 CFR Parts 213, 247, and 252

[DFARS Case 2000–D014]

Defense Federal Acquisition Regulation Supplement; Ocean Transportation by U.S.-Flag Vessels

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to specify that requirements for use of U.S. -flag vessels, in the transportation of supplies by sea, apply to contracts at or below the simplified acquisition threshold as well as those that exceed the simplified acquisition threshold.

DATES: Comments on its proposed rule should be submitted to the address shown below on or before November 13, 2001 to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2000–D014 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, OUSD (AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2000–D014.

At the end of the comment period, interested parties may view public comments on the World Wide Web at

http://emissary.acq.oad.mil/dar/dfars.nsf.

FOR FURTHER INFORMATION CONTACT: Mr. Rich Layser, (703) 602–0293.

SUPPLEMENTARY INFORMATION:

A. Background

The clause at DFARS 252.7023, Transportation of Supplies by Sea, contains requirements for use of U.S. -flag vessels when transporting supplies by sea under a DoD contract. The clause requires a contractor to (1) submit any request for use of other than U.S. -flag vessels in writing to the contracting officer; (2) provide a copy of the bill of lading to the contracting officer and the Maritime Administration after each shipment of supplies by sea; (3) provide with the final invoice a representation as to whether ocean transportation and U.S. -flag vessels were used in performance of the contract; and (4) include the clause in subcontracts for construction supplies, noncommercial items, and certain commercial items.

The DFARS presently exempts contracts and subcontracts at or below the simplified acquisition threshold from use of the clause at 252.247–7023. In accordance with 10 U.S.C. 2631, Supplies: Preference for United States Vessels, and regulations of the Maritime Administration at 46 CFR 381, the proposed rule would eliminate this exemption. Consistent with the provisions of 41 U.S.C. 427, Simplified Acquisition Procedures, the rule prescribes an alternate version of the clause for contracts and subcontracts at or below the simplified acquisition threshold. The alternate version excludes the requirement for a contractor or subcontractor to provide a representation regarding ocean transportation with its final invoice.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because most entities that provide ocean transportation of freight are not small businesses. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2000–D014.

C. Paperwork Reduction Act

The Paperwork Reduction Act applies. The proposed rule increases the number of contractors subject to the information collection requirements in paragraphs (d) and (e) of the clause at DFARS 252.247–7023. DoD estimates that this change will increase paperwork burden by approximately 240 hours. The additional hours were included in the estimate published at 66 FR 9070 on February 6, 2001, under OMB Control Number 0704–0245.

List of Subjects in 48 CFR Parts 213, 247, and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR parts 213, 247, and 252 as follows:

1. The authority citation for 48 CFR parts 213, 247, and 252 continues to read as follows:

PART 213—SIMPLIFIED ACQUISITION PROCEDURES

2. Section 213.301 is amended in paragraph (2)(i)(E) by removing the word ''and'', and by adding paragraph (2)(i)(G) to read as follows:

213.301 Governmentwide commercial purchase card.

* * * * *

(2) * * *

(i) * * *

(G) Does not require transportation of supplies by sea; and

* * * * *

PART 247—TRANSPORTATION

247.572–1 [Amended]

3. Section 247.572–1 is amended by removing paragraph (c) and redesignating paragraph (d) as paragraph (c).

4. Section 247.573 is amended by revising paragraph (b)(1) and adding paragraph (b)(4) to read as follows:

247.573 Solicitation provision and contract clauses.

* * * * *

(b)(1) Use the clause at 252.247–7023, Transportation of Supplies by Sea, in all solicitations and resultant contracts, except those for direct purchase of ocean transportation services.

* * * * *

(4) Use the clause with its Alternate III in solicitations and contracts with an anticipated value at or below the simplified acquisition threshold.

* * * * *

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

5. Section 252.247–7023 is amended by revising the clause date, paragraph (e) introductory text, paragraph (f) introductory text, and paragraph (h), and by adding Alternate III to read as follows:

252.247–7023 Transportation of Supplies by Sea.

* * * * *

Transportation of Supplies by Sea (XXX 2001)

* * * * *

(e) The Contractor shall, within 30 days after each shipment covered by this clause, provide the Contracting Officer and the Maritime Administration, Office of Cargo Preference, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, one copy of the rated on board vessel operating carrier's ocean bill of lading, which shall contain the following information:

* * * * *

(f) The Contractor shall provide with its final invoice under this contract a representation that to the best of its knowledge and belief—

* * * * *

(h) In the award of subcontracts for the types of supplies described in paragraph (b)(2) of this clause, the Contractor shall flow down the requirements of this clause as follows:

(1) The Contractor shall insert the substance of this clause, including this paragraph (h), in subcontractors that exceed the simplified acquisition threshold in part 2 of the Federal Acquisition Regulation.

(2) The Contractor shall insert the substance of paragraphs (a) through (e) of this clause, and this paragraph (h), in subcontracts that are at or below the simplified acquisition threshold in part 2 of the Federal Acquisition Regulation.

* * * * *

Alternate III (XXX 2001)

As prescribed in 247.573(b)(4), substitute the following paragraph (f) for paragraphs (f), (g), and (h) of the basic clause:

(f) The Contractor shall insert the substance of this clause, including this paragraph (f), in subcontracts that are for a type of supplies described in paragraph (b)(2) of this clause.

[FR Doc. 01–22427 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Parts 225 and 252

[DFARS Case 2000–D020]

Defense Federal Acquisition Regulation Supplement; Balance of Payments Program

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to add policy pertaining to the Balance of Payments Program. The DFARS policy would replace Federal Acquisition Regulation (FAR) policy on this subject that has been proposed for elimination.

DATES: Comments on the proposed rule should be submitted to the address shown below on or before November 13, 2001, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcom.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2000–D020 in the subject line of e-mail comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Amy Williams, OUSD (AT&L) DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2000–D020.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Ms. Amy Williams, (703) 602–0288.

SUPPLEMENTARY INFORMATION:

A. Background

The proposed rule published at 65 FR 54936 on September 11, 2000, requested comments on the removal of all FAR policy pertaining to the Balance of Payments Program. This program applies to contracts for supplies to be used, and construction to be performed, outside the United States. Although the DFARS already contains policy that implements the Balance of Payments Program for acquisition of supplies for use outside the United States, DoD presently uses the FAR policy for construction contracts performed outside the United States. This DFARs rule proposes to add policy for application of the Balance of Payments Program to construction contracts that would replace the existing FAR policy for DoD.

DoD is also considering discontinuation of application of the Balance of Payments Program to construction contracts. Therefore, in addition to the request for comments on this proposed rule, DoD invites comments on the advisability of discontinuing application of the Balance of Payments Program to DoD construction contracts.

This proposed rule would streamline application of the Balance of Payments Program to DoD construction contracts by—

(1) Exempting any particular construction material that is at or below the simplified acquisition threshold;

(2) Authorizing the contracting officer to make pre-solicitation determinations as to whether a requirement can best be filled by a foreign end product or construction material; and

(3) Specifically authorizing an assessment, prior to issuance of a solicitation, as to whether an exemption to the Balance of Payments Program applies on the basis of the entire project.

In addition, this proposed rule updates the clause at DFARS 252.225–7005, Identification of Expenditures in the United States, to implement the applicable requirements of the DoD Financial Management Regulations, Vol. 6A, Chapter 13, International Balance of Payments Reporting and Estimating.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the Balance of Payments Program requirements in this rule are transferred from existing FAR requirements, with streamlining changes that are not expected to have a significant effect outside the Government. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2000–D020.

C. Paperwork Reduction Act

This rule does not impose any information collection requirements that require the approval of the Office of Management and Budget (OMB) under 44 U.S.C. 3501, *et seq.* The information collection requirements associated with the clause at 252.225–7005, Identification of Expenditures in the United States, are already approved under OMB Clearance Number 0704–0229 for use through March 31, 2004.

List of Subjects in 48 CFR Parts 225 and 252

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR Parts 225 and 252 as follows:

1. The authority citation for 48 CFR Parts 225 and 252 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 225—FOREIGN ACQUISITION

2. Section 225.003 is amended by revising paragraph (3) to read as follows:

225.003 Definitions.

* * * * *

(3) ''Domestic concern'' means—

(i) A concern incorporated in the United States (including a subsidiary that is incorporated in the United States, even if the parent corporation is a foreign concern); or

(ii) An unincorporated concern having its principal place of business in the United States.

* * * * *

Subpart 225.3—[Removed]

3. Subpart 225.3 is removed.

225.1101 [Amended]

4. Section 225.1101 is amended by removing the phrase ''—Balance of Payments Program'' in the following places:

a. In paragraph (1), in the first sentence, the second time it appears;

b. In paragraph (2) introductory text;

c. In paragraph (12) introductory text the second time it appears; and

d. In paragraph (13) introductory text, in the first sentence, the second time it appears.

5. Section 225.1103 is amended by revising paragraph (1) to read as follows:

225.1103 Other provisions and clauses.

(1) Unless the contracting officer knows that the prospective contractor is not a domestic concern, use the clause

at 252.225–7005, Identification of Expenditures in the United States, in solicitations and contracts that—

(i) Exceed the simplified acquisition threshold; and

(ii) Are for the acquisition of—

(A) Supplies for use outside the United States;

(B) Construction to be performed outside the United States; or

(C) Services to be performed primarily outside the United States.

6. Subpart 225.75 is added to read as follows:

Subpart 225.75—Balance of Payments Program

Sec.
225.7500 Scope of subpart.
225.7501 Policy.
225.7502 Procedures.
225.7503 Contract clauses.

225.7500 Scope of subpart.

This subpart provides policies and procedures implementing the Balance of Payments Program. It applies to contracts for the acquisition of—

(a) Supplies for use outside the United States; and

(b) Construction to be performed outside the United States.

225.7501 Policy.

Acquire only domestic end products for use outside the United States, and use only domestic construction material for construction to be performed outside the United States, including end products and construction material for foreign military sales, unless—

(a) Before issuing the solicitation—

(1) The estimated cost of the acquisition or the value of a particular construction material is at or below the simplified acquisition threshold;

(2) The end product or particular construction material is—

(i) Listed in FAR 25.104 or 225.104(a)(iii);

(ii) An end product or construction material that, by its nature or as a practical matter, can best be acquired in the geographic area concerned, e.g., ice or books; or bulk material, such as sand, gravel, or other soil material, stone, concrete masonry units, or fired brick;

(iii) A petroleum product;

(iv) A spare part for foreign-manufactured vehicles, equipment, machinery, or systems, provided the acquisition is restricted to the original manufacturer or its supplier in accordance with DoD standardization policy (see DoD Directive 4120.3, Defense Standardization and Specification Program);

(v) An industrial gas; or

(vi) A brand drug specified by the Defense Medical Materiel Board;

(3) The acquisition of foreign end products or construction material is required by a treaty or executive agreement between governments;

(4) The end product is acquired for commissary resale; or

(5) The contracting officer determines that a requirement can best be filled by a foreign end product or construction material, including determinations that—

(i) A subsistence product is perishable and delivery from the United States would significantly impair the quality at the point of consumption;

(ii) A particular domestic construction material is not available;

(iii) The cost of domestic construction material would exceed the cost of foreign construction material by more than 50 percent, calculated on the basis of—

(A) A particular construction material; or

(B) The comparative cost of application of the Balance of Payments to the total acquisition; or

(iv) Use of a particular domestic construction material is impracticable.

(b) After receipt of offers—

(1) The evaluated low offer (see subpart 225.5) is an offer of an end product that—

(i) Is a qualifying country end product;

(ii) Is an eligible product subject to the Trade Agreements Act, NAFTA, or the Israeli Trade Act;

(iii) For acquisitions subject to the Trade Agreements Act, is an information technology product in Federal Supply Group 70 or 74 that is substantially transformed in the United States; or

(iv) Is a nonqualifying country end product, but application of the Balance of Payments Program evaluation factor would not result in award on a domestic offer; or

(2) The construction material is designated country construction material or NAFTA country construction material, and the acquisition is subject to the Trade Agreements Act or NAFTA respectively; or

(c) At any time during the acquisition process, the head of the agency determines that it is not in the public interest to apply the restrictions of the Balance of Payments Program to the end product or construction material.

225.7502 Procedures.

(a) *Solicitation of offers.* Identify, in the solicitation, supplies and construction material known in advance to be exempt from the Balance of Payments Program.

(b) *Evaluation of offers.* (1) *Supplies.* Unless the entire acquisition is exempt from the Balance of Payments Program, evaluate offers for supplies that are subject to the Balance of Payments Program using the evaluation procedures in subpart 225.5. However, treatment of duty may differ when delivery is overseas.

(i) Duty may not be applicable to nonqualifying country offers.

(ii) The U.S. Government cannot guarantee the exemption of duty for components or end products imported into foreign countries.

(iii) Foreign governments may impose duties. Evaluate offers including such duties as offered.

(2) *Construction.* Because the contracting officer evaluates the estimated cost of foreign and domestic construction material in accordance with 225.7501(a)(5)(iii) before issuing the solicitation, no special procedures are required for evaluation of construction offers.

(c) *Postaward.* For construction contracts, the procedures at FAR 25.206, for noncompliance under the Buy American Act, also apply to noncompliance under the Balance of Payments Program.

225.7503 Contract clauses.

Unless the entire acquisition is exempt from the Balance of Payments Program under 225.7501(a)(3), 225.7501(a)(5)(iii), or 225.7501(c)—

(a) Use the clause at 252.225–70XX, Balance of Payments Program—Construction Material, in solicitations and contracts for construction to be performed outside the United States with a value greater than the simplified acquisition threshold but less than $6,806,000.

(b) Use the clause at 252.225–70YY, Balance of Payments Program—Construction Material Under Trade Agreements, in solicitations and contracts for construction to be performed outside the United States with a value of $6,806,000 or more. For acquisitions with a value of $6,806,000 or more, but less than $7,068,419, use the clause with its Alternate I.

PART 252—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

7. Section 252.225–7005 is revised to read as follows:

252.225–7005 Identification of Expenditures in the United States.

As prescribed in 225.1103(1), use the following clause:

Identification of Expenditures in the United States (XXX 2001)

(a) This clause applies only if the Contractor is—

(1) A concern incorporated in the United States (including a subsidiary that is incorporated in the United States, even if the parent corporation is not incorporated in the United States); or

(2) An unincorporated concern having its principal place of business in the United States.

(b) On each invoice, voucher, or other request for payment under this contract, the Contractor shall identify that part of the requested payment that represents estimated expenditures in the United States.

(1) May be expressed either as dollar amounts or as percentages of the total amount of the request for payment;

(2) Should be based on reasonable estimates; and

(3) Shall state the full amount of the payment requested, subdivided into the following categories:

(i) U.S. products-expenditures for material and equipment manufactured or produced in the United States, including end products, components, or construction material, but excluding transportation;

(ii) U.S. services-expenditures for services performed in the United States, including all charges for overhead, other indirect costs, and profit for construction or service contracts;

(iii) Transportation on U.S. carriers-expenditures for transportation furnished by U.S. flag, ocean, surface, and air carriers; and

(iv) Expenditures not identified under paragraphs (b)(3)(i) through (iii) of this clause.

(c) Nothing in this clause requires the establishment or maintenance of detailed accounting records or gives the U.S. Government any right to audit the Contractor's books or records.

(End of clause)

8. Sections 252.225–70XX and 252.225–70YY are added to read as follows:

252.225–70XX Balance of Payments Program—Construction Material.

As prescribed in 225.7503(a), use the following clause:

Balance of Payments Program—Construction Material (XXX 2001)

(a) *Definitions.* As used in this clause—

''Component'' means any article, material, or supply incorporated directly into construction material.

''Construction material'' means an article, material, or supply brought to the construction site by the Contractor or a subcontractor for incorporation into the building or work. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

''Cost of components'' means—

(1) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the end product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(2) For components manufactured by the Contractor, all costs associated with the manufactured of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the end product.

''Domestic construction material'' means—

(1) An unmanufactured construction material mined or produced in the United States; or

(2) A construction material manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic.

''United States'' means the 50 States and the District of Columbia, U.S. territories and possessions, Puerto Rico, the Northern Mariana Islands, and any other place subject to U.S. jurisdiction, but does not include leased bases.

(b) *Domestic preference.* This clause implements the Balance of Payments Program by providing a preference for domestic construction material. The Contractor shall use only domestic construction material in performing this contract, except for—

(1) Construction material valued at or below the simplified acquisition threshold in part 2 of the Federal Acquisition Regulation; or

(2) The construction material or components listed by the Government as follows:

[*Contracting Officer to list applicable excepted materials or indicate ''none''*]

(End of clause)

252.225–70YY Balance of Payments Program—Construction Materials Under Trade Agreements.

As prescribed in 225.7503(b), use the following clause:

Balance of Payments Program—Construction Material Under Trade Agreements (XXX 2001)

(a) *Definitions.* As used in this clause—

''Component'' means any article, material, or supply incorporated directly into construction material.

''Construction material'' means an article, material, or supply brought to the construction site by the Contractor or a subcontractor for incorporation into the building or work. The term also includes an item brought to the site preassembled from articles, materials, or supplies. However, emergency life safety systems, such as emergency lighting, fire alarm, and audio evacuation systems, that are discrete systems incorporated into a public building or work and that are produced as complete systems, are evaluated as a single and distinct construction material regardless of when or how the individual parts or components of those systems are delivered to the construction site. Materials purchased directly by the Government are supplies, not construction material.

''Cost of components'' means—

(1) For components purchased by the Contractor, the acquisition cost, including transportation costs to the place of incorporation into the end product (whether or not such costs are paid to a domestic firm), and any applicable duty (whether or not a duty-free entry certificate is issued); or

(2) For components manufactured by the Contractor, all costs associated with the manufactured of the component, including transportation costs as described in paragraph (1) of this definition, plus allocable overhead costs, but excluding profit. Cost of components does not include any costs associated with the manufacture of the end product.

''Designated country'' means any of the following countries:

Aruba
Austria
Bangladesh
Belgium
Benin
Bhutan
Botswana
Burkina Faso
Burundi
Canada
Cape Verde
Central African Republic
Chad
Comoros
Denmark
Djibouti
Equatorial Guinea
Finland
France
Gambia
Germany
Greece
Guinea
Guinea-Bissau
Haiti
Hong Kong
Iceland
Ireland
Israel
Italy
Japan
Kiribati
Korea, Republic of
Lesotho
Liechtenstein
Luxembourg
Malawi
Maldives

Mali
Mozambique
Nepal
Netherlands
Niger
Norway
Portugal
Rwanda
Sao Tome and Principe
Sierra Leone
Singapore
Somalia
Spain
Sweden
Switzerland
Tanzania U.R.
Togo
Tuvalu
Uganda
United Kingdom
Vanuatu
Western Samoa
Yemen

''Designated country construction material'' means a construction material that—

(1) Is wholly the growth, product, or manufacture of a designated country; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in a designated country into a new and different construction material distinct from the material from which it was transformed.

''Domestic construction material'' means—

(1) An unmanufactured construction material mined or produced in the United States; or

(2) A construction material manufactured in the United States, if the cost of its components mined, produced, or manufactured in the United States exceeds 50 percent of the cost of all its components. Components of foreign origin of the same class or kind for which nonavailability determinations have been made are treated as domestic.

''North American Free Trade Agreement (NAFTA) country'' means Canada or Mexico.

''North American Free Trade Agreement (NAFTA) country construction material'' means a construction material that—

(1) Is wholly the growth, product, or manufacture of a NAFTA country; or

(2) In the case of a construction material that consists in whole or in part of materials from another country, has been substantially transformed in a NAFTA country into a new and different construction material distinct from the material distinct from which it was transformed.

''United States'' means the 50 States and the District of Columbia, U.S. territories and possessions, Puerto Rico, the Northern Mariana Islands, and any other place subject to U.S. jurisdiction, but does not include leased bases.

(b) This clause implements the Balance of Payments Program by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act and the North American Free Trade Agreement (NAFTA) apply to this acquisition. Therefore, the Buy American Act and Balance of Payments Program restrictions are waived for designated country and NAFTA country construction materials.

(c) The Contractor shall use only domestic, designated country, or NAFTA country construction material in performing this contract, except for—

(1) Construction material valued at or below the simplified acquisition threshold in part 2 of the Federal Acquisition Regulation; or

(2) The construction materials or components listed by the Government as follows:

[*Contracting Officer to list applicable excepted materials or indicate ''none''*.]

Alternate I (XXX 2001)

As prescribed in 225.7503(b), delete the definitions of ''North American Free Trade Agreement country'' and ''North American Free Trade Agreement country construction material'' from the definitions in paragraph (a) of the basic clause and substitute the following paragraphs (b) and (c) for paragraphs (b) and (c) of the basic clause:

(b) This clause implements the Balance of Payments Program by providing a preference for domestic construction material. In addition, the Contracting Officer has determined that the Trade Agreements Act applies to this acquisition. Therefore, the Balance of Payments Program restrictions are waived for designated country construction material.

(c) The Contractor shall use only domestic or designated country construction material in performing this contract, except for)—

(1) Construction material valued at or below the simplified acquisition threshold in part 2 of the Federal Acquisition Regulation; or

(2) The construction materials or components listed by the Government as follows:

[*Contracting Officer to list applicable excepted materials or indicate ''none''*.]

[FR Doc. 01–22429 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 226

[DFARS Case 2001–D007]

Defense Federal Acquisition Regulation Supplement; Preference for Local 8(a) Contractors—Base Closure or Realignment

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify policy pertaining to preferences for local businesses in acquisitions that support a base closure or realignment. The rule clarifies that both competitive and noncompetitive acquisitions under the Section 8(a) Program are permitted if an 8(a) contractor is located in the vicinity of the base to be closed or realigned.

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before November 13, 2001, to be considered in the formation of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm*. As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil*. Please cite DFARS Case 2001–D007 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Ms. Angelena Moy, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2001–D007.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf*.

FOR FURTHER INFORMATION CONTACT: Ms. Angelena Moy, (703) 602–1302.

SUPPLEMENTARY INFORMATION:

A. Background

This proposed rule amends DFARS 226.7103 to clarify policy pertaining to preferences for local businesses in acquisitions that support a base closure or realignment. The present policy permits award under the Section 8(a) Program if ''the 8(a) contractor'' is located in the vicinity of the base to be closed or realigned. This proposed rule amends the text to permit use of 8(a) procedures if ''at least one eligible 8(a) contractor'' is located in the vicinity. This change clarifies the intent of the policy, which is to permit both competitive and noncompetitive 8(a) acquisiitons in support of a base closure or realignment. A similar clarifying amendment is made to the text pertaining to set-asides for small business concerns.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities

within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule merely clarifies existing policy pertaining to acquisitions made in support of a base closure or realignment. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subpart in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2001–D007.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 226

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR part 226 as follows:

1. The authority citation for 48 CFR part 226 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 226—OTHER SOCIOECONOMIC PROGRAMS

2. Section 226.7103 is amended by revising paragraph (c) to read as follows:

226.7103 Procedure.

* * * * *

(c) If offers can be expected from business concerns in the vicinity—

(1) Consider section 8(a) only if at least one eligible 8(a) contractor is located in the vicinity.

(2) Set aside the acquisition for small business only if at least one of the expected offers is from a small business located in the vicinity.

[FR Doc. 01–22426 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

48 CFR Part 244

[DFARS Case 2000–D028]

Defense Federal Acquisition Regulation Supplement; Subcontract Commerciality Determinations

AGENCY: Department of Defense (DoD).

ACTION: Proposed rule with request for comments.

SUMMARY: DoD is proposing to amend the Defense Federal Acquisition Regulation Supplement (DFARS) to clarify the responsibilities of contractors and administrative contracting officers regarding determinations as to whether a subcontract item meets the definition of ''commercial item'' specified in the Federal Acquisition Regulation (FAR).

DATES: Comments on the proposed rule should be submitted in writing to the address shown below on or before November 13, 2001, to be considered in the information of the final rule.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* As an alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite DFARS Case 2000–D028 in the subject line of 3-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulation Council, Attn: Mr. Rick Layser, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite DFARS Case 2000–D028.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602–0293.

SUPPLEMENTARY INFORMATION:

A. Background

This rule proposes amendments to the DFARS to specify that—

(1) The contractor will determine whether a particular subcontract item meets the definition of ''commercial item''; and

(2) When conducting a contractor purchasing system review, the administrative contracting officer will review the adequacy of rationale documenting commercial item determinations to ensure compliance with the definition of ''commercial item'' in FAR 2.101.

This rule was not subject to Office of Management and Budget review under Executive Order 12866, dated September 30, 1993.

B. Regulatory Flexibility Act

The proposed rule is not expected to have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act, 5 U.S.C. 601, et seq., because the rule merely clarifies responsibilities regarding commercial item determinations for subcontracts. Therefore, DoD has not performed an initial regulatory flexibility analysis. DoD invites comments from small businesses and other interested parties. DoD also will consider comments from small entities concerning the affected DFARS subparts in accordance with 5 U.S.C. 610. Such comments should be submitted separately and should cite DFARS Case 2000–D028.

C. Paperwork Reduction Act

The Paperwork Reduction Act does not apply because the rule does not impose any information collection requirements that require the approval of the Office of Management and Budget under 44 U.S.C. 3501, *et seq.*

List of Subjects in 48 CFR Part 244

Government procurement.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

Therefore, DoD proposes to amend 48 CFR part 244 as follows:

1. The authority citation for 48 CFR part 244 continues to read as follows:

Authority: 41 U.S.C. 421 and 48 CFR Chapter 1.

PART 244—SUBCONTRACTING POLICIES AND PROCEDURES

2. Section 244.303 is added to read as follows:

244.303 Extent of review.

Also review the adequacy of rationale documenting commercial item determinations to ensure compliance with the definition of ''commercial item'' in FAR 2.101.

3. Section 244.402 is added to read as follows:

244.402 Policy requirements.

(a) Contractors must determine whether a particular subcontract item meets the definition of a commercial item (but see FAR 15.403–1(c)(3)). Contractors are expected to exercise reasonable business judgment in making such determinations, consistent with the guidelines for conducting market research in FAR part 10.

[FR Doc. 01–22428 Filed 9–10–01; 8:45 am]

BILLING CODE 5000–04–M

Notices

Federal Register

Vol. 66, No. 176

Tuesday, September 11, 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

Federal Crop Insurance Corporation

Notice of Intent to Seek Approval to Conduct an Information Collection

AGENCY: Risk Management Agency, USDA.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Risk Management Agency's intent to request approval for an information collection, the Survey of Risk Management Practices of Specialty Crop Producers.

DATES: Written comments on this notice will be accepted until close of business November 13, 2001.

ADDRESSES: Interested persons are invited to submit written comments to David Fulk, United States Department of Agriculture (USDA), Research and Evaluation Division, Federal Crop Insurance Corporation, Risk Management Agency, 6501 Beacon Drive, Mail Stop 813, Kansas City, MO 64133.

FOR FURTHER INFORMATION CONTACT: David Fulk or Virginia Guzman, at the Kansas City, MO address listed above, telephone (816) 926–6343 or (816) 926–3843, respectively.

SUPPLEMENTARY INFORMATION:

Title: Survey of Risk Management Practices of Specialty Crop Producers.

OMB Number: 0563–NEW.

Type of Request: Intent to Seek Approval to Conduct an Information Collection.

Abstract: The goal of this project is to expand the knowledge base related to the risk management practices and preferences of specialty crop producers. Initially the survey will be limited to California, Florida, Pennsylvania, and New York.

Studies by the Economic Research Service (ERS) have indicated that the specialty crops, in general, differ in risk structure compared with the traditional crops for which the current insurance programs were primarily designed. That analysis supports the idea that the current insurance structures may need to be redesigned to provide adequate insurance programs for producers of specialty crops. Addressing the question of how existing crop insurance programs can best be adapted to specialty crops is vital since it relates directly to the core issues of participation and performance. Policy options for crop insurance reform need to be analyzed carefully by examining the risks specific to specialty crop producers and analyzing growers' demand for risk management tools. Applicable economic studies for specialty crops are generally sparse. This survey will provide essential information relating to crop insurance for California, Florida, New York, and Pennsylvania specialty crop producers.

The project addresses the following objectives: (1) To determine why (federal) crop insurance is utilized at current levels by specialty crop producers in California, New York, Florida, and Pennsylvania; (2) to identify the potential market for crop insurance for specialty crop producers in the four states; and (3) to determine how crop insurance programs could be designed to better meet the needs of specialty crop producers in California, New York, Florida, and Pennsylvania.

The survey will cover approximately 67,000 farms operated as sole proprietorships, partnerships, or family corporations. The respondent will be the operator of each farm. The projected useable responses are approximately 53,200 cases. In addition to the presolicitation request and the actual mailed questionnaire, follow-up phone interviews will be used to contact non-respondents. The California Agricultural Statistics Service, Florida Agricultural Statistics Service, Pennsylvania Agricultural Statistics Service and the New York Agricultural Statistics Service will conduct all data collection activities and be responsible for all respondent contacts. Approximately two weeks prior to the actual survey mailing, pre-survey letters will be sent to the sample members explaining the purpose of the study and alerting them to the arrival and importance of the upcoming survey.

The purpose of this notice is to solicit comments from the public concerning this information collection activity. These comments will help:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has 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, through use, as appropriate, of automated, electronic, mechanical, and other collection technologies, e.g., permitting electronic submission of responses.

Please submit written comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, DC 20503.

Estimate of Burden: Test interviews indicated that completion of the survey would require approximately 45 minutes. There will be a pre-survey letter mailed to 67,000 specialty crop farm operators in the four states, as well as follow-up phone interviews with non-respondents.

Respondents: Specialty crop farm operators in California, New York, Florida, and Pennsylvania.

Estimated Annual Number of Respondents: 53,600 responses.

Estimated annual number of responses per respondent: 1.

Estimated annual number of responses: 53,600.

Estimated Total Annual Burden on Respondents: 41,600 hours.

Signed in Washington, DC, September 4, 2001.

Craig A. Witt,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 01–22801 Filed 9–10–01; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Forest Service

Northern Rockies Lynx Amendment

AGENCY: Forest Service, USDA.

ACTION: Scoping notice to prepare an Environmental Assessment.

SUMMARY: The Forest Service and Bureau of Land Management (BLM) are cooperating in the preparation of an environmental assessment on a proposal to implement new management direction for the Canada lynx for national forests and BLM units within the Northern Rocky Mountain area. More specifically, the proposal would amend 18 land and resource management plans for national forests in Idaho, Montana, Utah and Wyoming, and 18 BLM land use plans in Idaho and Utah. (Hereafter Forest Service land and resource management plans and BLM land use plans are referred to as land management plans, or plans). The Forest Service is the lead agency.

Forest Service administrative units included in this amendment are the Idaho Panhandle, Clearwater, Nez Perce, Kootenai, Flathead, Lolo, Lewis and Clark, Helena, Bitterroot, Beaverhead Deerlodge, Gallatin and Custer National Forests located in the Northern Region or Region 1; the Bighorn, and Shoshone National Forests located in the, Rocky Mountain Region or Region 2, and the Salmon-Challis, Targhee, Ashley, and Brigder-Teton National Forests located in the Intermountain Region or Region 4. BLM administrative units affected by this effort include the Salt Lake Field Office in Utah, and the Upper Snake River District, Lower Snake River District, and Upper Columbia-Salmon Clearwater District in Idaho. A more detailed description of affected BLM plans will be provided in the near future in a separate notice as required by the Department of Interior.

The purpose of the proposal is to incorporate management direction for the Canada lynx based on new information regarding lynx developed since the issuance of the land management plans. If approved, the amendment would establish management direction that conserves and promotes recovery of the Canada lynx by promoting restoration of lynx habitat, and reducing or eliminating adverse effects from management activities on these lands, while preserving the overall multiple-use direction in existing plans. This direction will ensure compliance with the requirements of the National Forest Management Act, the Federal Land Policy and Management Act, and the Endangered Species Act.

DATES: Comments concerning the scope of analysis should be postmarked on or before October 26, 2001. Open houses will be held throughout the affected area. Meeting dates may be found in the **SUPPLEMENTARY INFORMATION** section.

ADDRESSES: Send written comments to Northern Rockies Lynx Amendment, Attn: Jon Haber, Project Manager, Northern Region Headquarters, PO BOX 7669, Missoula, MT 59807.

FOR FURTHER INFORMATION CONTACT: Marcia Hogan, Public Affairs Officer, (406) 329–3300. Information regarding lynx and the planning process can also be found on the Northern Region website at *http://www.fs.fed.us/rl/lynx.html*.

SUPPLEMENTARY INFORMATION:

Background

Canada lynx inhabit moist coniferous forests that experience cold, snowy winters and provide a prey base of snowshoe hare. In the United States, lynx occur mostly on Federal lands, especially in the west. The lynx occupies habitat on national forest lands in Regions 1, 2, 4, 6 and 9 and BLM lands in Colorado, Idaho, Montana, Oregon, Washington, Utah and Wyoming.

On July 8, 1998 the U.S. Fish and Wildlife Service (USFWS) proposed to list the Canada lynx as a threatened species. The Forest Service and BLM responded to the declining status of lynx in 1998 by establishing a science team of international experts in lynx ecology to collect and summarize scientific data. This effort resulted in the publication of ''Ecology and Conservation of Lynx in the United States.'' At the same time, another team of biologists developed the ''Lynx Conservation Assessment and Strategy'' (LCAS). Based on information compiled by the science team, the LCAS recommended conservation measures to be applied to all federal lands in the conterminous United States. The conservation measures of the LCAS focus on managing within the historic range of variability, maintaining dense understory conditions for prey, minimizing snow compaction, and identifying and maintaining connectivity within and between habitat areas.

In December 1999, the Forest Service and BLM prepared a Biological Assessment (BA) of 57 Forest Service and 56 BLM land management plans. The BA determined that the plans were likely to adversely affect lynx because they did not contain direction to conserve lynx. The agencies consulted on the plans by submitting the BA to the USFWS.

In February 2000, five Regional Foresters and four USFWS Regional Directors signed a ''Lynx Conservation Agreement,'' to promote the conservation of lynx and its habitat. In August 2000, the BLM Assistant Director for Renewable Resources and Planning and USFWS Regional Directors in Regions 1 and 6 signed a similar Conservation Agreement. Both agreements require the agencies to review and consider the recommendations in the LCAS prior to making any new decision to undertake actions in lynx habitat. In addition, the agreements say that changes in management direction will be made through amendment or revision. In March 2001, the Forest Service developed a schedule to amend or revise plans to address the lynx.

The USFWS listed the lynx as threatened, effective April 24, 2000. The USFWS concluded that the chief threat to the lynx in the contiguous United States was the lack of guidance to conserve the species in federal land management plans.

Formal consultation, as required by the Endangered Species Act, was completed on October 25, 2000 when the USFWS issued a Biological Opinion on the plans. The USFWS concluded in its opinion that the plans as implemented in conjunction with the Conservation Agreement, are not likely to jeopardize the continued existence of the lynx.

In accordance with the agreed upon schedule, this Northern Rockies Lynx Amendment will implement the planning aspect of the Conservation Agreements for 18 national forests in Regions 1, 2, and 4, and four BLM units in the states of Idaho and Utah. The national forests included in this amendment are: The Idaho Panhandle, Clearwater, Nez Perce, Lolo, Kootenai, Flathead, Lewis and Clark, Helena, Bitterroot, Beaverhead-Deerlodge, Gallatin and Custer National Forests in Region 1; the Shoshone and Bighorn National Forests in Region 2; and the Salmon-Challis, Targhee, Ashley and Bridger-Teton National Forests in Region 4. The BLM units include the Salt Lake Field Office in Utah, and the Upper Snake River District, Lower Snake River District, and Upper Columbia-Salmon Clearwater District in Idaho.

Eleven national forests in the Northern Rocky Mountain area are not included in this amendment. In Region 4 the Payette, Boise, Sawtooth, Caribou, Wasatch-Cache, and Unita National Forests are currently revising their plans. Information from this amendment process may be used in developing those plans. In Region 6, the Colville, Umatilla, Wallowa-Whitman, Malheur, and Ochoco National Forests will

address lynx through a separate process at a late date. The Forest Service is currently addressing lynx in the Southern Rocky Mountain area through a separate amendment process (**Federal Register**, Vol. 65, No. 127, 40601–40606.)

BLM units covered in this amendment are limited to those in Idaho and Utah. BLM units in Montana and Wyoming will address lynx in separate processes and are not included in this proposal.

The Forest Service and BLM believe that whenever practical, management direction should be developed at the local level. However, with lynx, new scientific information affecting many plans needs to be addressed promptly and consistently. The Forest Service and BLM expect this amendment process to expeditiously update the affected plans with improved lynx management direction.

Once this amendment is in place, individual plans may be amended or revised, as needed, to respond to local conditions concerning the lynx. Seventeen of the 18 national forest plans proposed to be amended by this decision will likely be revised within the next few years. (The Targhee National Forest revised their plan in 1999). The BLM has recently started revision or replacement of existing plans and anticipates that all out-of-date plans will be replaced within the next few years.

For these reasons the scope of this multi-plan amendment has been narrowly defined to provide consistent management direction that conserves and promotes recovery of the Canada lynx on a broad-scale. Future changes to individual plans could include changes to the direction contained in this amendment. Formal consultation with the USFWS would have to be re-initiated if analysis shows an amendment or revision is likely to adversely affect lynx.

Purpose and Need

The purpose and need for the proposed amendments is:

To establish management direction that conserves and promotes recovery of the Canada lynx, by reducing or eliminating adverse effects from land management activities on these national forests and BLM lands, while preserving the overall multiple-use direction in existing plans. This direction will assure compliance with the requirements of the National Forest Management Act, the Federal Land Policy and Management Act, and the Endangered Species Act (ESA).

Direction is needed to guide project level decisions:

1. To maintain or improve Canada lynx habitat so the lynx can recover; and

2. To avoid or reduce adverse effects from a spectrum of management activities.

To achieve the stated purpose, the selected amendment must provide a level of lynx conservation and recovery comparable to the LCAS.

The Forest Service and BLM expect to consider alternatives for the whole planning area, rather than treating each plan individually. Such an approach would streamline ESA consultation with USFWS. The Lynx Biological Opinion issued by the USFWS concluded that ''* * * if Plans are amended or revised incorporating conservation measures in the LCAS, or the equivalent thereof * * * the plans would likely not jeopardize the continued existence of lynx'' (p. 54).

Proposed Action

The Forest Service in the Northern Region, the Rocky Mountain Region, the Intermountain Region, and the Bureau of Land Management propose to amend 18 land and resource management plans for national forests in Idaho, Montana, Utah and Wyoming, and 18 BLM land use plans in Idaho and Utah. The proposed amendment would add management direction to these plans. Details of the proposed action may be found on the Internet at *http://www.fs.fed.us/r1/lynx.html.*

The proposal is designed to provide for conservation and recovery of the Canada lynx, a threatened species. It is based on management recommendations in the ''Canada Lynx Conservation Assessment and Strategy'' (August 2000), the ''Biological Assessment of the Effects of National Forest Land and Resource Management Plans and Bureau of Land Management Land Use Plans on Canada Lynx'' (December 1999), the ''Lynx Biological Opinion'' (October 2000), and the U.S. Fish and Wildlife Service's ''Final Listing Rule,'' **Federal Register**, Volume 65, Number 127, 40601–40606 (March 24, 2000).

The proposed action reorganizes the LCAS conservation measures to fit into Forest and BLM land management plan format. The analysis procedures specified in the LCAS would be addressed through the use of agency directives systems or correspondence, but would not be included in the plans.

An Environmental Assessment is being prepared to evaluate and determine the significance of the effects of the proposed action, and to look at alternative ways of achieving the purpose and need.

Decision Framework

The Responsible Officials will decide:

- Whether or not an Environmental Impact Statement is warranted.
- Whether or not to amend National Forest and BLM land management plans to incorporate direction on lynx conservation and recovery, and if so what that direction would contain.

Due to agency specific planning regulations, the BLM and Forest Service will publish separate decision documents for their respective amendments.

Responsible Officials

The responsible officials are Kathleen McAllister, Acting Regional Forester, Northern Region, Region 1, PO Box 7669, Missoula, Montana 59807; Rick Cables, Regional Forester, Rocky Mountain Region, Region 2, PO Box 25127, Lakewood, CO 80225; Jack Blackwell, Regional Forester, Intermountain Region, Region 4, Federal Building, 324 25th Street, Ogden, UT 84401; Martha Hahn, BLM State Director for Idaho, 1387 South Vinnell Way, Boise, ID 83709; and Sally Wisely, BLM State Director for Utah, 324 South State Street, Salt Lake City, UT 84145.

Kathleen McAllister has been delegated the authority to direct the preparation of the environmental analysis.

Public Involvement

The Forest Service and BLM are seeking comments from individuals, organizations, tribal governments, and Federal, State, and local agencies that are interested or may be affected by the proposed action. While public participation is welcome at any time, comments received within 45 days of the publication of this notice will be especially useful in the preparation of the Environmental Assessment. Open houses associated with the project will be held to provide the public a better understanding of the proposed action and to gain an understanding of public issues and concerns. The following meetings have been scheduled at this time; others may be scheduled as needed:

September 21: Sheridan, Wyoming
September 24: Billings, Montana
September 25: Idaho Falls, Idaho
September 26: Hamilton, Montana
September 27: Helena, Montana
September 27: Great Falls, Montana
September 27: Cody, Wyoming
October 2: Challis, Idaho
October 2: Grangeville, Idaho
October 3: Orofino, Idaho
October 3: Missoula, Montana
October 4: Salmon, Idaho

October 10: Libby, Montana
October 10: Bozeman, Montana
October 10: Coeur d'Alene, Idaho
October 11: Kalispell, Montana
October 17: Dillon, Montana

Further information regarding the locations, times, changes or additions to the open houses will be announced in local newspapers, and other news media, and will be available from the local offices of the Forest Service and BLM.

Information from the meetings and public comment will be used in preparation of the Environmental Assessment. The purpose of the scoping process is to identify issues that can be used to develop alternatives and to identify the level and scope of analysis.

The scoping process will be used to evaluate whether or not an Environmental Impact Statement (EIS) is warranted. If an EIS is warranted then the written comments resulting from this notice will be used to determine the scope of alternatives and effects in the EIS.

Preliminary Issues

Some preliminary issues have been identified and are listed below. Other issues may be identified once scoping is completed.

Snowshoe hares, the lynx primary prey, require dense sapling cover. The adoption of new management direction may affect some areas where precommercial thinning may take place. The direction would defer precommercial thinning within lynx habitat until the stands no longer provide snowshoe hare habitat. This would benefit snowshoe hare by providing a necessary habitat component, but may result in increases in insect and disease damage to trees, and potentially in the long-term increased risk of stand replacing wildfires.

Lynx utilize down logs or root wads as den sites. The adoption of new management direction may affect timber harvest practices in order to provide habitat for lynx denning. The direction would provide limitations on salvage harvest under certain conditions. This would provide necessary habitat for lynx denning, but may result in increased fuel buildup in some areas.

Young aspen and lodgepole stands provide good quality habitat for snowshoe hares. In addition, shrub-steppe habitats provide an important habitat component in areas with naturally fragmented forests, particularly for movement and dispersal. The direction would require that livestock be managed to ensure that new growth of aspen and lodgepole pine is not impeded, and that certain habitat conditions in shrub-steppe habitats, riparian areas and willow carrs be maintained. This would provide necessary forage for snowshoe hares, and movement cover for lynx, but may reduce the area or timing of livestock grazing.

Packed trails created by snowmobiles, cross-country skiers, dog sleds etc. may serve as travel routes for potential competitors and predators of lynx, especially coyotes. The adoption of new management direction may affect these kinds of recreational uses. The direction would only allow increases in groomed or designated and/or permitted over-the-snow routes, and designated snow play areas where grooming or designation would serve to consolidate use and result in no net increase of snow compacted areas. This would benefit the lynx by limiting predator access, but could also result in limiting opportunities to increase winter recreation.

Ski areas and four-season resorts may affect lynx denning, foraging, security habitats and the ability for lynx to move between areas. The direction requires certain types lynx habitat be retained and that expansion not create barriers to lynx movement and dispersal. This would provide necessary habitat components, but could result in limitations on ski area expansion or new developments.

Highways, land development and other uses can fragment large tracts of land and the movement of lynx between blocks of habitat. The adoption of new management direction may affect activities within areas of National Forest and BLM lands that link blocks of lynx habitat. The direction requires that activities maintain and restore habitat connectivity, through use of highway crossings, retaining public ownership, and ensuring that new developments do not impair connectivity. This would benefit the lynx by providing movement corridors, but may affect opportunities for additional development or type of development on public lands.

Based on public comments, the issues will be refined and used to develop alternatives and determine the scope of the environmental analysis.

Estimated Dates for Filing

The Forest Service and BLM expects the Environmental Assessment to be released for public, agency, and tribal government comment in early 2002, with a final decision expected in the fall of 2002.

The Reviewer's Obligation To Comment

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

To assist the Forest Service and BLM in identifying and considering issues and concerns on the proposed action, comments on the environmental assessment should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the analysis. Comments may also address the adequacy of the environmental assessment or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3 in addressing these points.

Dated: August 30, 2001.

Monica J. Schwalbach,

Acting Deputy Regional Forester.

[FR Doc. 01–22599 Filed 9–10–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–815 & A–580–816]

Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From the Republic of Korea; Notice of Preliminary Results of Antidumping Duty Administrative Review

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

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

SUMMARY: In response to requests from four respondents and from the petitioners, the Department of Commerce (''the Department'') is conducting (the seventh) administrative reviews of the antidumping duty orders on certain cold-rolled and corrosion-resistant carbon steel flat products from Korea. The corrosion-resistant carbon steel flat products review covers four manufacturers and exporters of the subject merchandise, while the cold-rolled carbon steel flat products review covers three. The period of review for cold-rolled products is August 1, 1999 through December 31, 1999, and the period of review for corrosion-resistant products is August 1, 1999 through July 31, 2000.

We preliminarily determine that a dumping margin exists for certain products and companies for their sales in the United States. *See* ''Preliminary Results of the Review'' section of this notice. If these preliminary results are adopted in our final results of administrative reviews, we will instruct U.S. Customs to assess antidumping duties on entries of the affected companies' merchandise during the period of review (''POR'').

Interested parties are invited to comment on these preliminary results. Parties who submit arguments in this proceeding are requested to submit with the argument: (1) A statement of the issue; and (2) a brief summary of the argument.

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Marlene Hewitt (Dongbu Steel Co., Ltd. (''Dongbu'')), Robert Bolling (Pohang Iron and Steel Co. (''POSCO''), Pohang Coated Steel Co., Ltd. (''POCOS''), and Pohang Steel Industries Co., Ltd. (''PSI'')—(collectively, ''the POSCO Group'')), Sarah Ellerman (SeAH Steel Corporation (''SeAH'')), Mesbah Motamed (Union Steel Manufacturing Co., Ltd. (''Union'')) or James Doyle, Enforcement Group III—Office 9, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Room 7866, Washington, DC 20230; telephone (202) 482–1385 (Hewitt), 482–3434 (Bolling), 482–6134 (Ellerman), 482–1382 (Motamed), or 482–0159 (Doyle).

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

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

Background

The Department published antidumping duty orders on certain cold-rolled and corrosion-resistant carbon steel flat products from Korea on August 19, 1993. *See Antidumping Duty Orders on Certain Cold-Rolled Carbon Steel Flat Products and Certain Corrosion-Resistant Carbon Steel Flat Products from Korea,* 58 FR 44159 (August 19, 1993). On August 16, 2000, the Department published a notice of ''Opportunity to Request an Administrative Review'' of the antidumping duty orders for the 1999–2000 review period. *See Notice of Opportunity to Request Administrative Review of Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation,* 65 FR 49962 (August 16, 2000). On August 31, 2000, respondents Dongbu, Union, and the POSCO Group requested that the Department conduct an administrative review of the antidumping duty orders on cold-rolled carbon steel flat products from Korea. In a separate letter on August 31, 2000, the POSCO Group also requested partial revocation of the antidumping duty order of cold-rolled carbon steel flat products. On August 31, 2000, respondents Dongbu, Union, the POSCO Group, and SeAH requested that the Department conduct an administrative review of the antidumping duty orders on corrosion-resistant carbon steel flat products. On August 31, 2000, petitioners in the original less-than-fair-value (''LTFV'') investigations (AK Steel Corporation; Bethlehem Steel Corporation; Inland Steel Industries, Inc.; LTV Steel Company; National Steel Corporation; and U.S. Steel Group-a-Unit of USX Corporation) requested that the Department conduct administrative reviews of the antidumping duty orders on cold-rolled and corrosion-resistant carbon steel flat products from Korea: the cold-rolled respondents; Dongbu, the POSCO Group, and Union; and the corrosion-resistant respondents; Dongbu, the POSCO Group, SeAH, and Union. We initiated these reviews on September 26, 2000. *See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part,* 65 FR 58733 (October 2, 2000).

The Department issued Sections A, B, C, and D questionnaires to all respondents on October 4, 2000, with the exception of SeAH, to which the Department issued Section A, B, and C. On December 15, 2000, the Department revoked the antidumping order on cold-rolled carbon steel products from Korea pursuant to section 751(d)(2) of the Act, effective January 1, 2000. See Revocation of Antidumping and Countervailing Duty Orders on Certain Carbon Steel Products From Canada, Germany, Korea, the Netherlands, and Sweden, 65 FR 78467 (December 15, 2000). At that time, the Department instructed all interested parties to revise their submissions to reflect the new POR for cold-rolled products. The resulting POR for cold-rolled products is August 1, 1999 through December 31, 1999. The Department's revocation of the antidumping order for cold-rolled products renders the POSCO Group's request for revocation moot.

Under section 751(a)(3) of the Act the Department may extend the deadline for completion of administrative reviews if it determines that it is not practicable to complete the review within the statutory time limit of 365 days. On January 30, 2001, the Department extended the time limits for the preliminary results in these cases to August 31, 2001. See Certain Cold-Rolled Carbon Steel Flat Products and Certain Corrosion-Resistant Carbon Steel Flat Products from Korea: Antidumping Duty Administrative Reviews: Extension of Time Limit, 66 FR 8197 (January 30, 2001).

Dongbu

On November 8, 2000, Dongbu reported that it made sales of subject merchandise to the United States during the period of review in its response to Section A of the Department's questionnaire. On December 18, 2000, Dongbu submitted its responses to Sections B, C, and D of the Department's questionnaire. On March 15, 2001, the Department issued a supplemental questionnaire for Sections A and B of Dongbu's questionnaire response. On April 4, 2001, Dongbu submitted its response to the Department's first supplemental questionnaire. On May 30, 2001, the Department issued a supplemental questionnaire for Sections C and D of Dongbu's questionnaire response. On June 20, 2001, Dongbu submitted its response to the Department's Section C and D supplemental questionnaire. On June 22, 2001, the Department issued its second supplemental questionnaire for Sections A through D. On July 2, 2001,

Dongbu submitted its response to the second supplemental questionnaire.

The POSCO Group

On November 3, 2000, POSCO requested that the Department not require it to report downstream service center sales for this POR because the facts are different from previous administrative review. On November 9, 2000, petitioners provided a letter to the Department stating that the Department should verify the POSCO Group's statement that the facts have changed in this POR, and determine whether the POSCO Group should report its downstream service center sales. On November 13, 2000, the POSCO Group reported that it made sales of subject merchandise to the United States during the period of review in its response to Section A of the Department's questionnaire. On December 18, 2000, the POSCO Group submitted its responses to Sections B, C, and D of the Department's questionnaire. On February 8, 2001, the Department determined that the POSCO Group only had to report certain of its affiliated service center sales. See Memo from Robert Bolling to Edward Yang, dated February 8, 2001. On March 2, 2001, the Department issued a supplemental questionnaire for Sections A, B, and C of the POSCO Group's questionnaire response. On March 12, 2001, the Department issued a supplemental questionnaire for Section D of the POSCO Group's questionnaire response. On March 30, 2001, the POSCO Group submitted its response to the Department's first set of supplemental questionnaires and its service center section B response. On April 9, 2001, the POSCO Group submitted its response to the Department's Section D supplemental questionnaire. On June 18, 2001, the Department issued its second supplemental questionnaire for Sections A through C and the POSCO Group's downstream sales. On July 10, 2001, the POSCO Group submitted its response to the second supplemental questionnaire.

SeAH

On November 13, 2000, SeAH submitted its response to Section A of the Department's questionnaire. On December 18, 2000, SeAH submitted its response to Sections B and C of the Department's questionnaire.

On December 26, 2001, petitioners alleged SeAH made home market sales at prices below the cost of production. On March 7, 2001, the Department issued a supplemental questionnaire regarding Sections A, B, and C of SeAH's questionnaire response. On March 12, 2001, we initiated a cost of production investigation of SeAH's sales and requested that SeAH complete Section D of the Department's questionnaire. See Memorandum from Sarah Ellerman to Edward Yang, Allegation of Sales Below the Cost of Production for SeAH Steel Corporation, dated March 12, 2001. On March 21, 2001, SeAH submitted its response to the Department's Sections A, B, and C supplemental questionnaire. On April 18, 2001, SeAH submitted its Section D response to the Department's questionnaire. On May 7, 2001, SeAH submitted its cost reconciliation. On June 15, 2001, the Department issued a supplemental questionnaire regarding Section D of SeAH's questionnaire response. On June 29, 2001, SeAH submitted its response to the Section D supplemental questionnaire. On July 3, 2001, the Department issued a verification outline to SeAH. We verified sales and cost information provided by SeAH from July 10, 2001 to July 14, 2001. On July 23 and July 30, 2001, SeAH submitted minor corrections to its response. On July 5, 2001, the Department issued a third supplemental questionnaire to SeAH. SeAH submitted its response to the third supplemental questionnaire on July 26, 2001.

Union

On November 8, 2000, Union reported that it made sales of subject merchandise to the United States during the period of review in its response to Section A of the Department's questionnaire. Union submitted its response to Sections B, C, and D on December 18, 2000. On March 2, 2001, the Department issued a supplemental questionnaire for Sections A, B, and C, and on March 13, 2001, the Department issued a supplemental questionnaire for Section D. Union submitted its Sections A, B, and C response on March 23, 2001, and its Section D response on April 10, 2001. Following the Department's second supplemental questionnaire for Sections A through D, Union submitted its supplemental response on June 6, 2001. Finally, on July 24, 2001, Union submitted its response to the Department's June 22, 2001, request for information.

The Department is conducting these administrative reviews in accordance with section 751 of the Act.

Period of Review

For corrosion-resistant carbon steel products, the POR is August 1, 1999 through July 31, 2000. As a result of the Department's recent revocation of the antidumping order for cold-rolled carbon steel products pursuant to 751(d)(2) of the Act, the POR for cold-rolled carbon steel products is August 1, 1999 through December 31, 1999. *See* discussion supra at page 4. These reviews cover entries from Dongbu, SeAH, Union, and the POSCO Group (*see* ''Affiliated Parties'' section below).

Verification

As provided in section 782(i) of the Act, we verified the information submitted by SeAH for use in our preliminary results. We used standard verification procedures, including examination of relevant accounting and production records and original source documents provided by SeAH. We verified sales and cost information provided by SeAH from July 10, 2001 to July 14, 2001. Our verification results are outlined in the public version of the verification report and are on file in the Central Records Unit (''CRU'') located in room B–099 of the main Department of Commerce Building, 14th Street and Constitution Avenue, N.W., Washington, D.C. See Sales and Cost Verification Report from Sarah Ellerman and Michael Strollo through Jim Doyle to the File, dated August 31, 2001.

Scope of the Reviews

The review of ''certain cold-rolled carbon steel flat products'' covers cold-rolled (cold-reduced) carbon steel flat-rolled products, of rectangular shape, neither clad, plated nor coated with metal, whether or not painted, varnished or coated with plastics or other nonmetallic substances, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or, if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the Harmonized Tariff Schedule (''HTS'') under item numbers 7209.15.0000, 7209.16.0030, 7209.16.0060, 7209.16.0090, 7209.17.0030, 7209.17.0060, 7209.17.0090, 7209.18.1530, 7209.18.1560, 7209.18.2550, 7209.18.6000, 7209.25.0000, 7209.26.0000, 7209.27.0000, 7209.28.0000, 7209.90.0000, 7210.70.3000, 7210.90.9000, 7211.23.1500, 7211.23.2000, 7211.23.3000, 7211.23.4500, 7211.23.6030, 7211.23.6060, 7211.23.6085, 7211.29.2030, 7211.29.2090, 7211.29.4500, 7211.29.6030, 7211.29.6080,

7211.90.0000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7215.50.0015, 7215.50.0060, 7215.50.0090, 7215.90.5000, 7217.10.1000, 7217.10.2000, 7217.10.3000, 7217.10.7000, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in this review are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from this review is certain shadow mask steel, *i.e.*, aluminum-killed, cold-rolled steel coil that is open-coil annealed, has a carbon content of less than 0.002 percent, is of 0.003 to 0.012 inch in thickness, 15 to 30 inches in width, and has an ultra flat, isotropic surface.

The review of ''certain corrosion-resistant carbon steel flat products'' covers flat-rolled carbon steel products, of rectangular shape, either clad, plated, or coated with corrosion-resistant metals such as zinc, aluminum, or zinc-, aluminum-, nickel- or iron-based alloys, whether or not corrugated or painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating, in coils (whether or not in successively superimposed layers) and of a width of 0.5 inch or greater, or in straight lengths which, if of a thickness less than 4.75 millimeters, are of a width of 0.5 inch or greater and which measures at least 10 times the thickness or, if of a thickness of 4.75 millimeters or more are of a width which exceeds 150 millimeters and measures at least twice the thickness, as currently classifiable in the HTS under item numbers 7210.30.0030, 7210.30.0060, 7210.41.0000, 7210.49.0030, 7210.49.0090, 7210.61.0000, 7210.69.0000, 7210.70.6030, 7210.70.6060, 7210.70.6090, 7210.90.1000, 7210.90.6000, 7210.90.9000, 7212.20.0000, 7212.30.1030, 7212.30.1090, 7212.30.3000, 7212.30.5000, 7212.40.1000, 7212.40.5000, 7212.50.0000, 7212.60.0000, 7215.90.1000, 7215.90.3000, 7215.90.5000, 7217.20.1500, 7217.30.1530, 7217.30.1560, 7217.90.1000, 7217.90.5030, 7217.90.5060, 7217.90.5090. Included in this review are flat-rolled products of non-rectangular cross-section where such cross-section is achieved subsequent to the rolling process (*i.e.*, products which have been ''worked after rolling'')—for example, products which have been beveled or rounded at the edges. Excluded from this review are: flat-rolled steel products either plated or coated with tin, lead, chromium, chromium oxides, both tin and lead (''terne plate''), or both chromium and chromium oxides (''tin-free steel''), whether or not painted, varnished or coated with plastics or other nonmetallic substances in addition to the metallic coating; clad products in straight lengths of 0.1875 inch or more in composite thickness and of a width which exceeds 150 millimeters and measures at least twice the thickness; and certain clad stainless flat-rolled products, which are three-layered corrosion-resistant carbon steel flat-rolled products less than 4.75 millimeters in composite thickness that consist of a carbon steel flat-rolled product clad on both sides with stainless steel in a 20%–60%–20% ratio.

These HTS item numbers are provided for convenience and Customs purposes. The written descriptions remain dispositive.

Transactions Reviewed

For these preliminary results, we have accepted PSI's reporting methodology for overruns and have excluded reported overrun sales in the home market from our sales comparisons because such sales were outside the ordinary course of trade. This is consistent with the methodology we accepted in prior reviews. However, the Department may conduct verification of PSI's overrun methodology in this review.

Dongbu

We have reviewed Dongbu's original and supplemental questionnaire submissions, and according to our analysis of those submissions, the Department has determined that Dongbu had no ''downstream'' sales by affiliated resellers in the home market during the POR. Therefore, the Department reviewed all home market transactions in its determination of NV.

The POSCO Group

According to 19 CFR 351.403(d), downstream sales to home market affiliates accounting for less than five percent of total sales are normally excluded from the normal value (''NV'') calculation. *See also* 773(a)(5) of the Act. In a November 3, 2000 letter to the Department, POSCO stated that it sold its interest in the majority of its affiliated resellers/service centers. However, as the POSCO Group's sales to its remaining affiliated resellers exceeded the Department's five percent threshold, the Department has required the POSCO Group to report the home market downstream sales for these affiliated service centers.

The Department examined whether the sales the POSCO Group made to these affiliated service centers were comparable to the price at which POSCO Group sold the subject merchandise to unaffiliated purchasers (*i.e.* ''the arm's length test''). *See* 19 CFR 351.403(c). To test whether the POSCO Group's sales were made at arm's length, we compared the prices of sales to affiliated and unaffiliated customers net of all movement charges, direct selling expenses, discounts and packing. Where prices to the affiliated parties were on average 99.5 percent or more of the price to the unaffiliated party, we determined that those sales made to the related party were at arm's length and reviewed these sales in our determination of normal value. If the sales to the affiliated service centers did not pass the arm's length test, we reviewed the resales made by these affiliated service centers in our determination of normal value. Where the arm's length test could not be applied because identical merchandise was not sold to unaffiliated customers, we were unable to determine that these sales were made at arm's length and, therefore, excluded them from our analysis. *See* Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, 58 FR 37062, 37077 (July 9, 1993). Where the exclusion of such sales eliminated all sales of the most appropriate comparison product, we made comparisons to the next most similar model.

SeAH

Based on our review of the submission by SeAH, the Department reviewed all home market transactions in its determination of NV.

Union

Based on our review of the submission by Union, the Department reviewed all home market transactions in its determination of NV.

Affiliated Parties

For purposes of these reviews, we are treating POSCO, POCOS, and PSI as affiliated parties and have ''collapsed'' them, *i.e.,* treated them as a single producer of certain cold-rolled carbon steel flat products (POSCO and PSI) and certain corrosion-resistant carbon steel flat products (POSCO, POCOS, and PSI). We refer to the collapsed respondent as the POSCO Group. POSCO, POCOS, and PSI were treated as collapsed in a

previous segment of these proceedings. *See, e.g.*, Preliminary Determinations of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products, Certain Corrosion-Resistant Carbon Steel Flat Products from Korea, 61 FR 51882, 51884 (October 4, 1996). The POSCO Group has submitted no new information which has caused us to reconsider that determination.

As we have determined in past administrative reviews, we are treating Union and Dongkuk Industries Co., Ltd. (''DKI'') as a single producer of certain cold-rolled carbon steel flat products. *See* Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products From Korea: Preliminary Results of Antidumping Duty Administrative Reviews, 60 FR 65284 (December 19, 1995). Additionally, we are treating Union and DKI as a single producer of certain corrosion-resistant carbon steel flat products. *See* Collapsing Memorandum from Marlene Hewitt to Edward Yang, dated August 31, 1999; Memorandum from Marlene Hewitt to the File, dated August 15, 2001. No new information has been submitted which has caused us to reconsider that determination.

Product Comparisons

In accordance with section 771(16) of the Act, we considered all cold-rolled carbon steel flat products produced by the respondents, covered by the descriptions in the ''Scope of the Reviews'' section of this notice, *supra,* and sold in the home market during the POR, to be foreign like products for the purpose of determining appropriate product comparisons to U.S. sales of cold-rolled carbon steel flat products. Likewise, we considered all corrosion-resistant carbon steel flat products produced by the respondents and sold in the home market during the POR to be foreign like products for the purpose of determining appropriate product comparisons to corrosion-resistant carbon steel flat products sold in the United States.

For the ''quality'' product characteristic, Dongbu reported an additional sub-code. The Department has included the additional code that Dongbu reported in the aforementioned category in the Department's product matching methodology. *See* Memorandum from Marlene Hewitt to the File: Preliminary Results Analysis Memo, dated August 31, 2001.

Where there were no sales in the ordinary course of trade of identical merchandise in the home market to compare to U.S. sales, we compared U.S. sales to the next most similar foreign like product on the basis of the characteristics listed in Appendix V of the Department's antidumping questionnaire. In making the product comparisons, we matched foreign like products based on the physical characteristics reported by the respondent. Where sales were made in the home market on a different weight basis from the U.S. market (theoretical versus actual weight), we converted all quantities to the same weight basis, using the conversion factors supplied by the respondents, before making our fair-value comparisons.

Normal-Value Comparisons

To determine whether sales of certain cold-rolled and corrosion-resistant carbon steel flat products by the respondents to the United States were made at less than normal value, we compared the export price (''EP'') or constructed export price (''CEP'') to the normal value (''NV''), as described in the ''Export Price/Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(2) of the Act, we calculated monthly weighted-average prices for NV and compared these to individual U.S. transactions.

Date of Sale

It is the Department's practice normally to use the invoice date as the date of sale, although we may use a date other than the invoice date if we are satisfied that a different date better reflects the date on which the exporter or producer establishes the material terms of sale. *See* 19 CFR 351.401(i). We have preliminarily determined that there is no reason to depart from the Department's treatment of invoice date as the date of sale for respondents Dongbu, the POSCO Group, and Union. Consistent with prior reviews, for home market sales, we used the reported date of the invoice from the Korean manufacturer; for U.S. sales we have followed the Department's methodology from the prior reviews, and have based date of sale on invoice date from the U.S. affiliate, unless that date was subsequent to the date of shipment to the unaffiliated customer from Korea, in which case that shipment date is the date of sale. *See* Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Preliminary Results, 65 FR 54197, 54201 (September 7, 2000), and *see* Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Final Results of Antidumping Duty Administrative Reviews, 66 FR 3540 (January 16, 2001). Additionally, SeAH reported its date of sale in the home market to be the invoice date and its date of sale in the U.S. market to be the purchase order date. At verification, the Department confirmed SeAH's claim that purchase order date is the proper date of sale for all of its U.S. sales because the material terms of sale are set at the purchase order date and not the invoice date. *See* Sales and Cost Verification Report from Sarah Ellerman and Michael Strollo through Jim Doyle to the File, dated August 31, 2001. Thus, we have preliminarily determined to use invoice date in the home market and purchase order date in the U.S. as date of sale for SeAH.

Export Price/Constructed Export Price

We calculated the price of U.S. sales based on constructed export price, in accordance with section 772(b) of the Act. The Act defines the term ''constructed export price'' as ''the price at which the subject merchandise is first sold (or agreed to be sold) *in the United States* before or after the date of importation *by or for the account of* the producer or exporter of such merchandise or by a seller affiliated with the producer or exporter, to a purchaser not affiliated with the producer or exporter, as adjusted under subsections (c) and (d).'' In contrast, ''export price'' is defined as ''the price at which the subject merchandise is first sold (or agreed to be sold) before the date of importation *by the producer or exporter* of the subject merchandise *outside of the United States.*'' Sections 772(a) and (b) of the Act (emphasis added).

In determining whether to classify U.S. sales as either export price (''EP'') or constructed export price (''CEP''), the Department must examine the totality of the circumstances surrounding the U.S. sales process, and assess whether the reviewed sales were made ''in the United States'' for purposes of section 772(b) of the Act. In the instant case, the record establishes that Dongbu's, the POSCO Group's, and Union's affiliates *in the United States* (1) took title to the subject merchandise; and (2) invoiced and received payment from the unaffiliated U.S. customers. Thus, the Department has determined that these U.S. sales should be classified as CEP transactions. Additionally, the record establishes that SeAH has an affiliate in the United States which invoiced and received payment in the United States from the unaffiliated customer for SeAH's U.S. sales. Thus, the Department has determined that SeAH's U.S. sales should be classified as CEP transactions.

For Dongbu, the POSCO Group, SeAH and Union, we calculated CEP based on packed prices to unaffiliated customers in the United States. Where appropriate,

we made deductions from the starting price for foreign inland freight, foreign inland insurance, foreign brokerage and handling, international freight, marine insurance, U.S. warehousing expenses, U.S. wharfage, U.S. inland freight, U.S. brokerage and handling, loading expenses, other U.S. transportation expenses, U.S. Customs duties, commissions, credit expenses, letter of credit expenses, warranty expenses, other direct selling expenses, inventory carrying costs incurred in the United States, and other indirect selling expenses in the country of manufacture and the United States associated with economic activity in the United States. Pursuant to section 772(d)(3) of the Act, we made an adjustment for CEP profit. Where appropriate, we added interest revenue to the gross unit price.

In order to ensure that we have accounted for all appropriate U.S. interest expenses (i.e. both imputed and actual) without double-counting, we have utilized the following interest expense methodology. As in the prior review, in our U.S. indirect selling expenses, we have included net financial expenses incurred by the respondent's U.S. affiliates; however, we added U.S. interest expenses only after deducting U.S. imputed credit expenses and U.S. inventory carrying costs, so as to eliminate the possibility of double-counting U.S. interest expenses.

Consistent with the Department's normal practice, we added the reported duty drawback to the gross unit price. We did so in accordance with the Department's long-standing test, which requires: (1) That the import duty and rebate be directly linked to, and dependent upon, one another; and (2) that the company claiming the adjustment demonstrate that there were sufficient imports of imported raw materials to account for the duty drawback received on the exports of the manufactured product. *See* Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Preliminary Results, 65 FR 54197, 54202 (September 7, 2000).

Normal Value

Based on a comparison of the aggregate quantity of home market and U.S. sales, we determined that the quantity of the foreign like product sold in the exporting country was sufficient to permit a proper comparison with the sales of the subject merchandise to the United States, pursuant to section 773(a) of the Act. Therefore, in accordance with section 773(a)(1)(B)(i) of the Act, we based NV on the price at which the foreign like product was first sold for consumption in the home market, in the usual commercial quantities and in the ordinary course of trade.

Where appropriate, we deducted rebates, discounts, inland freight (offset, where applicable, by freight revenue), inland insurance, and packing. Additionally, only for the POSCO Group, we made a deduction for affiliated foreign service centers' adjustments. We made adjustments to NV, where appropriate, for differences in credit expenses (offset, where applicable, by interest income), warranty expenses, post-sale warehousing, and differences in weight basis. We also made adjustments, where appropriate, for home market indirect selling expenses and inventory carrying costs to offset U.S. commissions in CEP comparisons.

We also increased NV by U.S. packing costs in accordance with section 773(a)(6)(A) of the Act. We made adjustments to NV for differences in cost attributable to differences in physical characteristics of the merchandise, pursuant to section 773(a)(6)(C)(ii) of the Act. In accordance with the Department's practice, where all contemporaneous matches to a U.S. sale observation resulted in difference-in-merchandise adjustments exceeding 20 percent of the cost of manufacturing (''COM'') of the U.S. product, we based NV on constructed value (''CV''). *See* 19 CFR 351.411.

Cost of Production/Constructed Value

At the time the questionnaires were issued in these reviews, the fifth annual administrative reviews were the most recently completed segments of these proceedings. In accordance with section 773(b)(2)(A)(ii) of the Act, and consistent with the Department's practice, because we disregarded certain below-cost sales by Dongbu, the POSCO Group, and Union in the fifth reviews (SeAH was not reviewed in the fifth administrative review), we found reasonable grounds to believe or suspect that these respondents made sales in the home market at prices below the cost of producing the merchandise. *See* Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Preliminary Results, 65 FR 54197, 54203 (September 7, 2000). We, therefore, initiated cost investigations with regard to Dongbu, the POSCO Group, and Union in order to determine whether these respondents made home market sales during the POR at prices below their cost of production (COP) within the meaning of section 773(b)(2)(A)(ii) of the Act. Additionally, on March 12, 2001, following petitioners' allegation of sales below the cost of production, we initiated a cost of production investigation of SeAH's sales. *See* Memorandum from Sarah Ellerman to Edward Yang, Allegation of Sales Below the Cost of Production for SeAH Steel Corporation, dated March 12, 2001; *See* Letter from Skadden, Arps, Slate, Meagher and Flom to Secretary Mineta, dated December 26, 2001.

Before making concordance matches, we conducted the COP analysis described below.

A. Calculation of COP

We calculated a company-specific COP for Dongbu, the POSCO Group, SeAH, and Union based on the sum of each respondent's cost of materials and fabrication for the foreign like product, plus amounts for home-market selling expenses, general, and administrative expenses (''SG&A''), and packing costs in accordance with section 773(b)(3) of the Act. We relied on Dongbu's, the POSCO Group's, SeAH's and Union's information as submitted.

B. Test of Home-Market Prices

For the POSCO Group, SeAH, and Union, we used each of respondents' weighted-average COP, as adjusted (*see* ''Calculation of COP'' above), for the period July 1999 to June 2000, as reported. Dongbu's COP and CV figures were calculated based on costs incurred by Dongbu during the period July 1, 1999 through December 31, 1999 and July 1, 1999 through June 30, 2000, as reported, for cold-rolled and corrosion resistant products respectively. We compared the weighted-average COP figures to home-market sales of the foreign like product as required under section 773(b) of the Act. In determining whether to disregard home-market sales made at prices below the COP, as required under section 773(b)(1)(A) and (B) of the Act, we examined whether (1) within an extended period of time, such sales were made in substantial quantities, and (2) such sales were made at prices which permitted the recovery of all costs within a reasonable period of time. On a product-specific basis, we compared the COP to the home-market prices (not including VAT), less any applicable movement charges, discounts, and rebates.

C. Results of COP Test

Pursuant to section 773(b)(2)(C) of the Act, where less than 20 percent of a respondent's sales of a given product were at prices less than the COP, we did not disregard any below-cost sales of that product because we determined that the below-cost sales were not made in ''substantial quantities.'' Where 20 percent or more of a respondent's sales

of a given product during the POR were at prices less than the COP, we found that sales of that model were made in ''substantial quantities'' for an extended period of time, in accordance with sections 773(b)(2)(B) and (C) of the Act, and were not at prices which would permit recovery of all costs within a reasonable period of time, in accordance with section 773(b)(2)(D) of the Act. In such cases, we disregarded the below-cost sales in accordance with section 773(b)(1) of the Act.

D. Calculation of CV

In accordance with section 773(e)(1) of the Act, we calculated constructed value (CV) for Dongbu, the POSCO Group, SeAH, and Union based on the sum of each respondent's cost of materials, fabrication, SG&A, including interest expenses, U.S. packing costs, and profit. In accordance with section 773(e)(2)(A) of the Act, we based SG&A and profit on the actual amounts incurred and realized by the respondent in connection with the production and sale of the foreign like product in the ordinary course of trade, for consumption in the foreign country. For selling expenses, we used the weighted-average home-market selling expenses. We also made adjustments, where appropriate, for home-market indirect selling expenses to offset U.S. commissions in CEP comparisons.

Level of Trade

In accordance with section 773(a)(1)(B) of the Act, to the extent practicable, we determine NV based on sales in the comparison market at the same level of trade (''LOT'') as the EP or CEP transaction. The NV LOT is that of the starting-price sales in the comparison market, or when NV is based on constructed value (''CV''), that of the sales from which we derive selling, general and administrative (''SG&A'') expenses and profit. For EP, the U.S. LOT is also the level of the starting-price sale, which is usually from exporter to importer. For CEP, it is the level of the constructed sale from the exporter to the importer.

To determine whether NV sales are at a different LOT than EP or CEP, we examine stages in the marketing process and selling functions along the chain of distribution between the producer and the unaffiliated customer. If the comparison market sales are at a different LOT, and the difference affects price comparability as manifested in a pattern of consistent price differences between the sales on which NV is based and comparison market sales at the LOT of the export transaction, we make an LOT adjustment under section 773(a)(7)(A) of the Act. Finally, for CEP sales, if the NV level is more remote from the factory than the CEP level and there is no basis for determining whether the difference in levels between NV and CEP affects price comparability, we adjust NV under section 773(a)(7)(B) of the Act (the CEP offset provision). *See, e.g.,* Notice of Final Determination of Sales at Less Than Fair Value: Certain Cut-to-Length Carbon Steel Plate from South Africa, 62 FR 61731, 61732 (November 19, 1997).

In reviewing the selling functions reported by the respondents, we examined all types of selling functions and activities reported in respondent's questionnaire response on LOT and during verification. In analyzing whether separate LOTs existed in this review, we found that no single selling function was sufficient to warrant a separate LOT in the home market. *See* Antidumping Duties; Countervailing Duties, Final Rule, 63 FR 65347 (November 25, 1998).

Dongbu

In its questionnaire response, Dongbu stated that there were no significant differences in its selling activities by customer categories within or between the home market and the United States. Therefore, Dongbu stated that it was not distinguishing between LOT for these reviews and that it was not claiming a level of trade adjustment nor claiming a CEP offset. *See* Dongbu's November 8, 2000 Section A at 16. To determine whether an adjustment is necessary, in accordance with the principles discussed above, we examined information regarding the distribution systems in both the United States and home markets, including the selling functions, classes of customer, and selling expenses.

Our analysis of the questionnaire responses detailing the selling functions provided by Dongbu in the home market shows that Dongbu sold subject merchandise through one channel of distribution to two classes of customers in the home market: distributor/service centers and end user. *See* Dongbu's November 8, 2000 Section A at 12. Dongbu reported that there were no differences in its selling functions performed for the different classes of customers and its support services were the same for all classes, including limited warehousing, processing of claims for delivery of defective merchandise, after sales services and warranties, freight and delivery arrangements, and credit terms. *See* Dongbu's December 18, 2000 Response.

In the U.S. market, Dongbu reported two channels of distribution in the United States: 1) Dongbu Steel to Dongbu Corporation to Dongbu USA to U.S. customer; 2) Dongbu Steel to Dongbu USA to U.S. customer. *See* Dongbu's November 8, 2000 Section A at 12. Dongbu stated that the U.S. customers included distributors or service centers, and end users. Dongbu claimed that the scope of selling functions performed in connection with U.S. sales were identical for both end users and distributors and there were no significant difference in selling activities by customer categories within or between each market. Thus Dongbu performed the same sales-related activity in both channels of distribution, including credit terms, inventory maintenance, warranties, and freight. Based on Dongbu's record of sales related activities in its two channels of distribution, we preliminary determine that there is one LOT in the U.S. market.

We also note that the selling functions described by Dongbu in these reviews are consistent with the selling functions described for the previous reviews of these orders, in which we determined no distinct levels of trade. *See* Notice of Preliminary Results: Certain Cold-Rolled Carbon Steel Flat Products and Certain Corrosion-Resistant Carbon Steel Flat Products from Korea, 64 FR 48767, 48772 (September 9, 1999) and 66 FR 3540 (January 16, 2000).

We have analyzed the evidence, and determined that the selling functions performed on sales to the U.S. importer are the same as provided in the home market. As a result, we preliminary determine that the selling functions between both markets do not significantly differ, and therefore, sales in the home market and the U.S. market were made at the same level of trade. Therefore, all price comparisons are at the same level of trade and any adjustment pursuant to section 773(a)(7) of the Act is unwarranted.

The POSCO Group

In the current review, the POSCO Group stated that it is not claiming a level of trade adjustment, nor has it claimed a CEP offset. *See* The POSCO Group's December 18, 2000 Section B at 53. To determine whether an adjustment is necessary, in accordance with the principles discussed above, we examined information regarding the distribution systems in both the United States and home markets, including the selling functions, classes of customer, and selling expenses.

In its questionnaire responses, the POSCO Group stated that its home-market sales by affiliated service centers were at a different level of trade than its other home-market sales and its U.S.

sales. *See* The POSCO Group's November 13, 2000 Section A at 29. The respondent indicated that the service centers provide certain selling functions to all of their customers, while POSCO, POCOS and PSI provide a different set of selling functions to all of their customers (including the service centers).

In order to confirm the presence of separate levels of trade within or between the U.S. and home markets, we examined the respondent's questionnaire responses for indications of substantive differences in selling and marketing functions. *See* the preamble to section 351.412 of the Department's regulations, 62 FR 27296, 27371 (May 19, 1997).

In its November 13, 2000 Section A responses, the POSCO Group claimed that there are two channels of distribution in the home market: one channel of distribution consists of sales made by POSCO, POCOS, and PSI, while the second channel of distribution consists of the sales made by the affiliated service centers. The Department has reviewed both channels of distribution of the POSCO Group and the related selling functions. In both channels of distribution, the POSCO Group performed the following sales-related activities in both channels of distribution: sales and marketing; freight and delivery arrangement; computer, legal, and accounting assistance and business-systems development assistance; advertising, and warranties. *See* The POSCO Group's November 13, 2000 Section A at 32–36. Next, we analyzed the selling functions of the affiliated service centers and determined that the only substantive additional function that the affiliated service centers perform is the slitting and shearing of coils. As this is not a selling function but rather a manufacturing operation, we have preliminary determined that the selling functions of the POSCO Group and affiliated service centers in the home market are essentially the same and thus made at the same level of trade. *See* Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Preliminary Results, 65 FR 54197, 54201 (September 7, 2000), and see Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Final Results of Antidumping Duty Administrative Reviews, 66 FR 3540 (January 16, 2001).

In the U.S. market, the POSCO Group reported one channel of distribution. *See* The POSCO Group's November 13, 2000 Section A at 31. In this U.S. channel of distribution, the POSCO Group performed the following sales-related activities: Freight and delivery arrangement; computer, legal, and accounting assistance and business-systems development assistance; market research; warranties; sales force development and end user contact and support; advertising; and quality control. *See* The POSCO Group's November 13, 2000 Section A at 32–36. We have analyzed the record and preliminary find that this is the only channel of distribution and thus level of trade in the U.S. market.

Finally, we compared the selling functions in the home market to the and U.S. market and found that the POSCO Group performed the following selling functions in both markets: freight and delivery arrangement; computer, legal and accounting assistance and business-systems development assistance; market research; warranties; sales force development and end user contact and support; advertising; and quality control. Additionally, the POSCO Group only has CEP sales in the U.S. market. As we have found the selling functions in both markets do not substantively differ (*e.g.*, freight and warranties), we have preliminary determined that the selling functions performed on sales to the U.S. importer are the same as provided in the home market. Thus, we preliminary determine that sales within or between each market are made at the same level of trade and an adjustment pursuant to section 773(a)(7) is unwarranted. This is consistent with our practices in past reviews. *See* Certain Cold-Rolled and Corrosion-Resistant Carbon Steel Flat Products from Korea: Preliminary Results, 65 FR 54197, 54203 (September 7, 2000).

SeAH

SeAH reported, and we verified, that SeAH sold merchandise at one LOT in the home market during the POR. SeAH's one LOT involved one channel of distribution in the home market, where SeAH made sales to unaffiliated end-users or distributors. SeAH performed all sales-related activities for these home market sales, including the following: Negotiating prices, meeting with customers, processing purchase orders, invoicing, arranging for freight and delivery, inventory, market research and extending credit. In addition, we found that sales at the home market LOT was at a more advanced stage of distribution (to end-users as well as distributors) compared to the CEP sales (sold only to distributors).

SeAH reported only CEP sales, with one market channel of distribution, in the U.S. market. In order to determine the level of trade in the U.S. market, we reviewed the selling activities associated with this channel of distribution. SeAH reported, and we verified, that all of SeAH's CEP sales in the U.S. market were made through Pusan Pipe America Inc. (PPA), to unaffiliated U.S. distributors. SeAH performed the following sales-related activities regarding sales through PPA: Processing purchase orders, invoicing PPA, and arranging for international freight. Therefore, for these U.S. sales, we determined that SeAH performed fewer and different selling functions than SeAH performed in the home market.

When the NV is established at a LOT that is at a more advanced stage of distribution than the LOT of the CEP transactions, the Department's practice is to adjust normal value to account for this difference. SeAH requested a CEP offset due to differences in level of trade between its home market and U.S. sales. As discussed above, we found that the LOT in the home market did not match the LOT of the CEP transactions. However, we were unable to quantify the LOT adjustment in accordance with section 773(a)(7)(A) of the Act. Instead, we applied a CEP offset to the NV–CEP comparisons, in accordance with section 773(a)(7)(B) of the Act.

Union

In the present review, Union stated that it does not claim a level of trade adjustment. To determine whether an adjustment is necessary, in accordance with the principles discussed above, we examined information regarding the distribution systems in both the United States and home markets, including the selling functions, classes of customer, and selling expenses.

In the home market, Union reported one level of trade. *See* Union's December 18, 2000 Section B Response at 25. Union stated that it sold subject merchandise through two channels of distribution: (1) End users; and (2) local distributors. According to Union, it performed the same sales-related activities in both channels of distribution, including inventory maintenance, after sales services and warranties, occasional post-sale warehousing, technical advice, freight and delivery arrangement, and credit terms. *See* Union's June 6, 2001 Supplemental Response at 2. Therefore, based on Union's submissions, we preliminary determine that there is one LOT in the home market.

In the U.S. market, Union reported one level of trade to its U.S. affiliate, Dongkuk International (''DKA''). *See* Union's December 18, 2000 Section C Response at 24. Union stated that DKA sold subject merchandise to U.S.

customers through two channels of distribution: (1) End users; and (2) local distributors. Union claims that no differences exist between the two channels. According to Union, it performed the same sales-related activities in both channels of distribution, including occasional post-sale warehousing, technical advice, and freight and delivery arrangement. *See* Union's June 6, 2001 Supplemental Response at 2. Therefore, based on Union's submissions, we preliminarily determine that there is one LOT in the U.S. market.

As discussed above, Union reports essentially identical sales related activities in the home market and U.S. As such, the Department preliminary determines that all sales in the home market and the U.S. market were made at the same level of trade. Consequently, all price comparisons are at the same level of trade and an adjustment pursuant to section 773(a)(7) is unwarranted.

Arm's Length Sales

Dongbu, the POSCO Group, and Union reported that they made sales in the home market to affiliated parties. To test whether these sales were made at ''arm's length'' (*i.e.*, at a price comparable to the price at which the exporter or producer sold the foreign like product to an unaffiliated purchaser), we compared the starting prices of sales to affiliated and unaffiliated customers net of all movement charges, direct selling expenses, discounts and packing. *See* 19 CFR 351.403(c) and section 773(a)(5) of the Act. Where prices to the affiliated party were, on average, 99.5 percent or more of the price to the unrelated party, we determined that sales made to the related party were at arm's length. Where no affiliated customer ratio could be calculated because identical merchandise was not sold to unaffiliated customers, we were unable to determine that these sales were made at arm's length and, therefore, excluded them from our analysis. *See e.g.*, Final Determination of Sales at Less Than Fair Value: Certain Cold-Rolled Carbon Steel Flat Products from Argentina, 58 FR 37062, 37077 (July 9, 1993). Where the exclusion of such sales eliminated all sales of the most appropriate comparison product, we made comparisons to the next most similar model.

Currency Conversion

For purposes of the preliminary results, we made currency conversions based on the exchange rates in effect on the dates of the U.S. sales as published by the Federal Reserve Bank of New York. Section 773A(a) of the Act directs the Department to use a daily exchange rate in effect on the date of sale of subject merchandise in order to convert foreign currencies into U.S. dollars, unless the daily rate involves a ''fluctuation.'' In accordance with the Department's practice, we have determined, as a general matter, that a fluctuation exists when the daily exchange rate differs from a benchmark by 2.25 percent. *See, e.g.*, Certain Stainless Steel Wire Rods from France: Preliminary Results of Antidumping Duty Administrative Review, 61 FR 8915, 8918 (March 6, 1996) and Policy Bulletin 96–1: Currency Conversions, 61 FR 9434, (March 8, 1996). The benchmark is defined as the rolling average of rates for the past 40 business days.

Preliminary Results of the Reviews

As a result of these reviews, we preliminarily determine that the following weighted-average dumping margins exist:

Producer/manufacturer/exporter	Weighted-average margin
Certain Cold-Rolled Carbon Steel Flat Products	
Dongbu	3.85
The POSCO Group	5.31
Union	1.15
Certain Corrosion-Resistant Carbon Steel Flat Products	
Dongbu	0.38
The POSCO Group	1.08
SeAH	0
Union	0.34

Pursuant to 19 CFR 351.224(b), the Department will disclose to parties to the proceeding any calculations performed in connection with these preliminary results within five days after the publication of this notice. Pursuant to 19 CFR 351.309, interested parties may submit written comments in response to these preliminary results. Case briefs must be submitted within 30 days after the date of publication of this notice, and rebuttal briefs, limited to arguments raised in case briefs, must be submitted no later than five days after the time limit for filing case briefs. Parties who submit argument in this proceeding are requested to submit with the argument: (1) A statement of the issue, and (2) a brief summary of the argument. Case and rebuttal briefs must be served on interested parties in accordance with 19 CFR 351.303(f). Also, pursuant to 19 CFR 351.310, within 30 days of the date of publication of this notice, interested parties may request a public hearing on arguments to be raised in the case and rebuttal briefs. Unless the Secretary specifies otherwise, the hearing, if requested, will be held two days after the date for submission of rebuttal briefs, that is, thirty-seven days after the date of publication of these preliminary results. The Department will publish the final results of this administrative review, including the results of its analysis of issues raised in any case or rebuttal brief or at a hearing not later than 120 days after the date of publication of these preliminary results.

Upon issuance of the final results of this review, the Department shall determine, and the U.S. Customs Service shall assess, antidumping duties on all appropriate entries. Exporter/importer-specific assessment rates shall be calculated in accordance with 19 CFR 351.212(b). This is done by dividing the total dumping margins for the reviewed sales by the total entered value of those reviewed sales for each importer. The U.S. Customs Service shall be directed, at the issuance of the final results of this review, to assess the resulting percentage margin against the entered customs values for the subject merchandise on each of that importer's entries under the relevant order during the review period.

Cash Deposit

The following deposit requirements will be effective upon publication of this notice of final results of administrative reviews only for corrosion-resistant products for all shipments of the subject merchandise from Korea entered, or withdrawn from warehouse, for consumption on or after the date of publication, as provided by section 751(a)(1) of the Act: (1) The cash deposit rates for the reviewed company will be the rate shown above; (2) for previously reviewed or investigated companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recent period; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recent period for the manufacturer of the merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 17.70 percent for certain corrosion-resistant carbon steel flat products, the ''all others'' rate established in the LTFV investigations. *See* Antidumping Duty Orders on Certain Cold-Rolled Carbon

Steel Flat Products and Certain Corrosion-Resistant Carbon Steel Flat Products from Korea, 58 FR 44159 (August 19, 1993). These deposit requirements shall remain in effect until publication of the final results of the next administrative review.

As a result of a Sunset Review, the Department has revoked the antidumping duty order for cold-rolled carbon steel products from Korea, effective January 1, 2001. *See* Revocation of Antidumping and Countervailing Duty Orders on Certain Carbon Steel Products From Canada, Germany, Korea, the Netherlands, and Sweden, 65 FR 78467 (Dec. 15, 2000). Therefore, we have instructed the Customs Service to terminate suspension of liquidation for all entries of cold-rolled carbon steel products made on or after January 1, 2000, and antidumping cash deposit requirements for this merchandise are no longer necessary.

Entries of subject merchandise made prior to January 1, 2000, will continue to be subject to suspension of liquidation and antidumping duty deposit requirements. The Department will complete any pending reviews of this order and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

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

These administrative reviews and notice are in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: August 31, 2001.

Bernard T. Carreau,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22781 Filed 9–10–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–588–857]

Notice of Final Determination of Sales at Less Than Fair Value: Welded Large Diameter Line Pipe from Japan

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

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: John Drury or Helen Kramer at (202) 482–0195 and (202) 482–0405, respectively; AD/CVD, Enforcement, Office 8, Group III, Import Administration, Room 7866, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2001).

Final Determination

We determine that certain welded large diameter line pipe from Japan is being, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the Suspension of Liquidation section of this notice.

Case History

The preliminary determination in this investigation was published on June 27, 2001. *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) (''Preliminary Determination''). No case briefs were filed.

Normally, when the Department issues a final determination, the **Federal Register** notice is accompanied by a separate Issues and Decision Memorandum. Since no briefs were filed in this case, a separate memorandum is not required.

Based on a request by petitioners, we have amended the scope of the investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Welded Large Diameter Line Pipe from Mexico,* 66 FR 42841 (August 15, 2001), where an additional product was excluded at petitioners' request.

Period of Investigation

The POI for this investigation is January 1, 2000 through December 31, 2000. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (i.e., January 2001).

Scope of the Investigation

The product covered by this investigation is certain welded carbon and alloy line pipe, of circular cross section and with an outside diameter greater than 16 inches, but less than 64 inches, in diameter, whether or not stencilled. 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 product currently is classified under U.S. Harmonized Tariff Schedule (HTSUS) item numbers 7305.11.10.30, 7305.11.10.60, 7305.11.50.00, 7305.12.10.30, 7305.12.10.60, 7305.12.50.00, 7305.19.10.30, 7305.19.10.60, and 7305.19.50.00. Although the HTSUS item numbers are provided for convenience and customs purposes, the written description of the scope is dispositive. Specifically not included within the scope of this investigation is American Water Works Association (AWWA) specification water and sewage pipe and the following size/grade combinations; of line pipe:

- Having an outside diameter greater than or equal to 18 inches and less than or equal to 22 inches, with a wall thickness measuring 0.750 inch or greater, regardless of grade.
- Having an outside diameter greater than or equal to 24 inches and less than 30 inches, with wall thickness measuring greater than 0.875 inches in grades A, B, and X42, with wall thickness measuring greater than 0.750 inches in grades X52 through X56, and with wall thickness measuring greater than 0.688 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 30 inches and less than 36 inches, with wall thickness measuring greater than 1.250 inches in grades A, B, and X42, with wall thickness measuring greater than 1.000 inches in grades X52 through X56, and with wall thickness measuring greater than 0.875 inches in grades X60 or greater.
- Having an outside diameter greater than or equal to 36 inches and less than 42 inches, with wall thickness

measuring greater than 1.375 inches in grades A, B, and X42, with wall thickness measuring greater than 1.250 inches in grades X52 through X56, and with wall thickness measuring greater than 1.125 inches in grades X60 or greater.

• Having an outside diameter greater than or equal to 42 inches and less than 64 inches, with a wall thickness measuring greater than 1.500 inches in grades A, B, and X42, with wall thickness measuring greater than 1.375 inches in grades X52 through X56, and with wall thickness measuring greater than 1.250 inches in grades X60 or greater.

• Having an outside diameter equal to 48 inches, with a wall thickness measuring 1.0 inch or greater, in grades X–80 or greater.

Facts Available

In the preliminary determination, the Department based the dumping margin for both Kawasaki Steel Corporation (''Kawasaki'') and Nippon Steel Corporation (''Nippon''), respondents, on facts otherwise available pursuant to section 776(a)(2)(A) of the Act. The use of facts otherwise available was warranted because both Kawasaki and Nippon failed to respond to the Department's questionnaire, and failed to provide any indication that they were unable to respond. Therefore, the Department found that both Kawasaki and Nippon failed to cooperate by not acting to the best of their ability. As a result, pursuant to section 776(b) of the Act, the Department used an adverse inference in selecting from the facts available. Specifically, the Department assigned both respondents the highest margin alleged in the petition. We continue to find this margin corroborated, pursuant to section 776(c) of the Act, for the reasons discussed in the Preliminary Determination. No interested parties have objected to the use of adverse facts available for either respondent in this investigation, nor to the Department's choice of the facts available margin. Accordingly, for the final determination, the Department is continuing to use, for both Kawasaki and Nippon, the highest margin alleged in the petition. *See* Preliminary Determination. In addition, the Department has left unchanged from the preliminary determination the ''All Others Rate'' in this investigation.

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend all entries of large diameter line pipe from Japan, that are entered, or withdrawn from warehouse, for consumption on or after June 27, 2001, the date of publication of our preliminary determination. The Customs Service shall require a cash deposit or bond equal to the dumping margin, as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice. The dumping margins are as follows:

Manufacturer/exporter	Margin (percent)
Nippon Steel Corporation (Nippon)	30.80
Kawasaki Steel Corporation (Kawasaki)	30.80
All Others	30.80

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

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

This determination is published pursuant to sections 733(f) and 777(i)(1) of the Act.

Dated: September 4, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22783 Filed 9–10–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–357–815]

Notice of Countervailing Duty Order: Certain Hot-Rolled Carbon Steel Flat Products From Argentina

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

EFFECTIVE DATE: September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds or Darla Brown, Office of AD/CVD Enforcement VI, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230; telephone (202) 482–2786.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (2000).

Scope of Order

The merchandise subject to this investigation is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as

columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this investigation, regardless of definitions in the *Harmonized Tariff Schedule of the United States* (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:
1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.*, ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon-quality steel covered by this investigation, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise subject to this proceeding is dispositive.

Countervailing Duty Order

In accordance with section 705(d) of the Act, on July 16, 2001, the Department published in the **Federal Register** its final affirmative determination in the countervailing duty investigation of certain hot-rolled carbon steel flat products from Argentina (66 FR 37007). On August 27, 2001, the International Trade Commission (ITC) notified the Department of its final determination, pursuant to section 705(b)(1)(A)(i) of the Act, that an industry in the United States is materially injured by reason of imports of hot-rolled steel products from Argentina.

Therefore, countervailing duties will be assessed on all unliquidated entries of certain hot-rolled carbon steel flat products from Argentina entered, or withdrawn from warehouse, for consumption on or after February 21, 2001, the date on which the Department published its preliminary countervailing duty determination in the **Federal Register**, and before June 21, 2001, the date the Department instructed the U.S. Customs Service to terminate the suspension of liquidation in accordance with section 703(d) of the Act, and on all entries and withdrawals on or after the date of publication of this countervailing duty order in the **Federal Register**. Section 703(d) of the Act states that the suspension of liquidation pursuant to a preliminary determination may not remain in effect for longer than four months. Entries of certain hot-rolled carbon steel flat products made on or after June 21, 2001, and prior to the date of publication of this order in the **Federal Register** are not liable for the assessment of countervailing duties due to the Department's termination, effective June 21, 2001, of suspension of liquidation.

In accordance with section 706 of the Act, the Department will direct U.S. Customs officers to reinstate the suspension of liquidation effective the date of publication of this notice in the **Federal Register** and to assess, upon further advice by the Department pursuant to section 706(a)(1) of the Act, countervailing duties for each entry of the subject merchandise in an amount based on the net countervailable subsidy rate for the subject merchandise.

On or after the date of publication of this notice in the **Federal Register**, U.S. Customs officers must require, at the same time as importers would normally deposit estimated duties on this merchandise, a cash deposit equal to the countervailable subsidy rates noted below. The All Others rate applies to all producers and exporters of certain hot-rolled carbon steel flat products from Argentina not specifically listed below. The cash deposit rates are as follows:

Producer/exporter	Net Subsidy Rate Ad Valorem
Siderar	41.69%
All Others	41.69%

This notice constitutes the countervailing duty order with respect to certain hot-rolled carbon steel flat products from Argentina, pursuant to section 706(a) of the Act. Interested parties may contact the Central Records Unit, for copies of an updated list of countervailing duty orders currently in effect.

This countervailing duty order is published in accordance with section 706(a) of the Act and 19 CFR 351.211.

Dated: September 5, 2001.

Richard W. Moreland,

Acting Assistant Secretary for Import Administration.

[FR Doc. 01–22782 Filed 9–10–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Technology Administration

Submission for OMB Review Under the Emergency Processing Provisions of the Paperwork Reduction Act; Comment Request

The Department of Commerce (DOC) submitted to the Office of Management and Budget (OMB) for clearance the following collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35). This request was submitted under the emergency processing provisions of the Paperwork Reduction Act.

Agency: Technology Administration.

Title: Review of Public and Private High-Tech Workforce Training Programs.

Agency Form Numbers (s): None.

OMB Approval Number: 0692–0008.

Type of Request: Emergency submission.

Burden: 750 hours.

Number of Respondents: 420.

Average Hours Per Respondents: Approximately 1 hour, 45 minutes.

Needs and Uses: This information collection is needed to fulfill the Secretary of Commerce's responsibilities mandated in Public Law 106–313. Section 115 (a) and (b) directs the Secretary of Commerce to conduct a review of existing public and private high-tech workforce training programs in the United States, and submit a report to Congress on the study findings no later than 18 months from the bill's enactment. This information is needed to analyze how high-tech workers obtain their training, and how well the skills provided by various high-tech training models meet employer needs. An analysis of what is learned from this information collection will be contained in the report to Congress. Comparable information is not available on a standardized basis.

Affected Public: Individuals, Employers, Education and Training Providers, State and Local Government Organizations Involved in High-Tech Workforce Training, Non-profit Partnerships Involved in High-Tech Workforce Training.

Frequency: One-Time.

Respondent's Obligation: Voluntary.

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

Copies of the above information collection can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 1401 Constitution Avenue, NW., Washington, DC, 20230 (or via the Internet at *MClayton@doc.gov).*

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

Dated: September 5, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–22682 Filed 9–10–01; 8:45 am]

BILLING CODE 3510–18–P

CONSUMER PRODUCT SAFETY COMMISSION

Meeting

AGENCY: Consumer Product Safety Commission, Washington, DC 20207

TIME AND DATE: Friday, September 14, 2001 2 p.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland

STATUS: Open to the public

MATTER TO BE CONSIDERED:

Mattresses/Bedding

The staff will brief the Commission on options to address open flame ignition of mattresses/bedding and issues related to Petitions FP 00–1 through FP 00–4, submitted by Whitney A. Davis, Director of Children's Coalition for Fire-Safe Mattresses, requesting various actions concerning mattress flammability.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Todd A. Stevenson, Office of the Secretary, 4330 East West Highway., Bethesda, MD 20207 (301) 504–0800.

Dated: September 5, 2001.

Todd A. Stevenson,

Acting Secretary.

[FR Doc. 01–22662 Filed 9–10–01; 8:45 am]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of Secretary

New Collection; Comment Request

AGENCY: Office of the Assistant Secretary of Defense for Health Affairs, DoD.

ACTION: Notice.

In accordance with section 3506 (c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Assistance Secretary of Defense (Health Affairs) announces the new collection of a public information collection and seeks public comment on the provisions thereof. Comments are invited on: (a) Whether the new 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received November 13, 2001.

ADDRESSES: Written comments and recommendations on the information collection should be sent to Office of the Assistant Secretary of Defense (Health Affairs) TRICARE Management Activity, Skyline Five, Suite 810, 5111 Leesburg Pike, Falls Church, Virginia 22041–3206, Attn: Mr. Duaine Goodno.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection, please write to the above address or call Duaine Goodno, Office of the Assistant Secretary of Defense (Health Affairs), TRICARE Management Activity at (703) 681–0039.

Title; Associated Form; and OMB Number: TRICARE Plus Enrollment Applicant and TRICARE Plus Disenrollment Request.

Needs and Uses: These collection instruments serve as an application for enrollment and disenrollment in the Department of Defense's TRICARE Plus Health Plan established in accordance with Title 10 U.S.C. Sections 1099 (which calls for a healthcare enrollment system) and 1086 (which authorizes TRICARE eligibility of Medicare Eligible Persons and has resulted in the development of a new enrollment option called TRICARE Plus) and the Assistant Secretary of Defense, Health

Affairs, Policy Memorandum to Establish the TRICARE Plus Program, June 22, 2001. The information collected hereby provides the TRICARE contractors with necessary data to determine beneficiary eligibility and to identify the selection of a health care option.

Affected Public: Individuals or household.

Annual Burden Hours: 2,933.

Number of Respondents: 25,065.

Response Per Respondent: 1.

Average Burden Per Response: .117 hours or 7 minutes.

Frequency: On occasion.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The Department of Defense established TRICARE Plus as an enrollment option for persons who are eligible for care in Military Treatment Facilities (MTF) and not enrolled in TRICARE Prime. TRICARE Plus provides an opportunity to enroll with a primary care provider at a specific MTF, to the extent capacity exists. This is a way to facilitate primary care appointments at an MTF when needed. TRICARE Plus enrollment will help MTFs maintain an adequate clinical case mix for Graduate Medical Education programs and support readiness-related medical skills sustainment activities. In order to carry out this program, it is necessary that a certain beneficiaries electing to enroll/disenroll in TRICARE Plus complete an enrollment application/disenrollment request. Completion of the enrollment forms is an essential element of the TRICARE program. There is no lock-in and no enrollment fee for TRICARE Plus.

Dated: September 5, 2001.

Patricia Toppings,

Alternative OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 01–22706 Filed 9–10–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

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

Title, Form Number, and OMB Number: End-Use Certificate; DLA Form 1822; OMB Number 0704–0382.

Type of Request: Extension.

Number of Respondents: 40,000.

Responses Per Respondent: 1.

Annual Responses: 40,000.

Average Burden Per Response: 20 minutes.

Annual Burden Hours: 13,200.

Needs and Uses: All individuals wishing to acquire government property identified as Munitions List Items (MLI) or Commerce Control List Items (CCLI) must complete this form each time they enter into a transaction. It is used to clear recipients to ensure their eligibility to conduct business with the Government: that they are not debarred bidders; Specially Designated Nationals (SDN) or Blocked Person; have not violated U.S. export laws; will not divert the property to denied/sanctioned countries, unauthorized destinations or sell to debarred/Bidder Experience List firms or individuals. The End-Use Certificate (EUC) informs the recipients that when this property is to be exported, they must comply with the International Traffic in Arms Regulations (ITAR), 22 CFR 120 et seq.; Export Administration Regulations (EAR), 15 CFR 730 et seq.; Office of Foreign Asset Controls (OFAC), 31 CFR 500 et seq.; and the United States Customs Service rules and regulations. The form is available electronically.

Affected Public: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On Occasion.

Respondents Obligation: Required to obtain or retain benefits.

OMB Desk Officer: Mr. Edward C. Springer.

Written comments and recommendations on the proposed information collection should be sent to Mr. Springer at the Office of Management and Budget, Desk Officer for DoD, Room 10246, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: September 5, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–22707 Filed 9–10–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–26]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of P.L. 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 01–26 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: August 31, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–08–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

24 AUG 2001
In reply refer to:
I-01/009331

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-26, concerning the Department of the Army's proposed Letter(s) of Offer and Acceptance (LOA) to Egypt for defense articles and services estimated to cost $354 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 01-26

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser**: Egypt

(ii) **Total Estimated Value**:

Major Defense Equipment*	$253 million
Other	$101 million
TOTAL	$354 million

(iii) **Description and Quantity or Quantities of Articles or Services under Consideration for Purchase**: Twenty-six Extended Range-Multiple Launch Rocket Systems (ER-MLRS) with fire control panels, 485 ER-MLRS rocket pods (six rockets per pod), 22 reduced range practice rocket pods (six rockets per pod), one MLRS fire control proficiency trainer, three M88A2 recovery vehicles, 30 M577A2 command post carriers, 29 AN/VRC-89E, 57 AN/VRC-90E, and 60 AN/VRC-92E SINCGARS radios, training and test devices, trucks, missile systems software, U.S. Government and contractor engineering and logistics services, a U.S. Government Quality Assurance Team, spare and repair parts, personnel training and training equipment, publications and technical data, a Cooperative Logistics Supply Support Arrangement, support equipment, maintenance support of repairable material and other related elements of program support.

(iv) **Military Department**: Army (UUH)

(v) **Prior Related Cases, if any**:
FMS case USN - $ 50 million - 28Jan01
FMS case JBM - $191 million - 18Mar98

(vi) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid**: None

(vii) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold**: See Annex attached

(viii) **Date Report Delivered to Congress**: 24 AUG 2001

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt - Extended Range-Multiple Launch Rocket Systems

The Government of Egypt has requested the possible sale of 26 Extended Range-Multiple Launch Rocket Systems (ER-MLRS) with fire control panels, 485 ER-MLRS rocket pods (six rockets per pod), 22 reduced range practice rocket pods (six rockets per pod), one MLRS fire control proficiency trainer, three M88A2 recovery vehicles, 30 M577A2 command post carriers, 29 AN/VRC-89E, 57 AN/VRC-90E, and 60 AN/VRC-92E SINCGARS radios, training and test devices, trucks, missile systems software, U.S. Government and contractor engineering and logistics services, a U.S. Government Quality Assurance Team, spare and repair parts, personnel training and training equipment, publications and technical data, a Cooperative Logistics Supply Support Arrangement, support equipment, maintenance support of repairable material and other related elements of program support. The estimated cost is $354 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in Middle East.

The proposed sale of the ER-MLRS will enable the Egypt Army to continue developing a defensive area fire capability to counter hostile long range artillery and rocket systems as well as enhance its interoperability with U.S. forces. Egypt needs the SINCGARS radios to fulfill its strategic commitments for complete communications interoperability and standardization of equipment and to be able to communicate with its various vehicles and the U.S. forces. Egypt will have no difficulty absorbing these surface-to-surface missiles in its armed forces.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Lockheed Martin Missile and Fire Control of Dallas, Texas. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of a Quality Assurance team and one contractor representative for two weeks to assist in the delivery and deployment of the ER-MLRS to Egypt.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 01-26

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The Extended Range-Multiple Launch Rocket System (ER-MLRS) is a free flight artillery rocket system designed to deliver counter-battery fire and suppress enemy air defense systems. The basic warhead carries a load of improved conventional sub-munitions (grenades) that are scattered over a wide area of the battlefield. The ER-MLRS consists of several unclassified sub-systems; the self-propelled launcher, the preloaded launcher pods and the fire control system. A major part of the fire control element is the Lightweight Computer Unit which receives digital firing data from a forward observer, computes range and deflection information and transmits this information to the rocket launcher crew.

2. The highest level of classified information required to be released for training, operation and maintenance of the ER-MLRS rocket pods is Confidential. The highest level of information which could be revealed through reverse engineering or testing of the end item is Secret. ER-MLRS technical data and information includes Confidential and Secret reports and data, as well as performance and capability data, classified Confidential/Secret. The hardware for ER-MLRS is Unclassified. Software is classified Secret for the Fire Direction Data manager, the Fire Direction System and the Improved Fire Control System. Software for the Communications Distribution Unit is classified Confidential.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 01–22704 Filed 9–10–01; 8:45 am]
BILLING CODE 5001–08–C

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Intelligence Agency, Science and Technology Advisory Board Closed Panel Meeting

AGENCY: Department of Defense, Defense Intelligence Agency.

ACTION: Notice.

SUMMARY: Pursuant to the provisions of Subsection (d) of Section 10 Public Law 92–463, as amended by Section 5 of Public Law 94–409, notice is hereby given that a closed meeting of the DIA Science and Technology Advisory Board has been scheduled as follows:

DATES: September 13, 2001 (0830 am to 1600 pm).

ADDRESSES: The Defense Intelligence Agency, 200 MacDill Blvd, Washington, D.C. 20340

FOR FURTHER INFORMATION CONTACT: VICTORIA J. PRESCOTT, Executive Secretary, DIA Science and Technology Advisory Board, Washington, DC 20340–1328 (202) 231–4930.

SUPPLEMENTARY INFORMATION: Due to administrative oversight the reporting of this meeting is less then the 15 day required reporting time. The entire meeting is devoted to the discussion of classified information as defined in Section 552b(c)(I), Title 5 of the U.S. Code, and therefore will be closed to the public. The Board will receive briefings on and discuss several current critical intelligence issues and advise the Director, DIA, on related scientific and technical matters.

Dated: September 4, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–22703 Filed 9–10–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Meeting of the Secretary of Defense's Historical Records Declassification Advisory Panel

AGENCY: The Secretary of Defense's Historical Records Declassification Advisory Panel (''HRDAP''), Department of Defense.

ACTION: Notice of open meeting.

SUMMARY: Notice is hereby given of the forthcoming meeting of the Historical Records Declassification Advisory Panel (HRDAP). The purpose of this meeting is to discuss and form recommendations to the Secretary of Defense on issues involving the declassification and management of DoD classified, historical documents. This is the second session held in 2001. The OSD Historian will chair this meeting.

DATES: Friday, September 21, 2001.

TIME: The meeting is scheduled 9 a.m. to 3 p.m.

ADDRESSES: 1777 Kent Street, Arlington (Rosslyn), VA, Room 005, 14th Floor, Penthouse Conference Area.

FOR FURTHER INFORMATION CONTACT: LCDR James R. Van de Velde, Office of the Deputy Assistant Secretary of Defense (Security and Information Operations), Office of the Assistant Secretary of Defense (Command, Control, Communications and Intelligence), 6000 Defense Pentagon, Washington, DC 20302–6000, telephone (703) 602–0980, ext. 175.

Dated: September 4, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–22702 Filed 9–10–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Army is amending four systems of records notices in its existing inventory of records systems subject to the Privacy Act of 1974, as amended. The ''Retention and disposal'' category within these notices are being revised to reflect the National Archives and Records Administration approved retention and disposal schedule for the records being maintained.

DATES: This proposed action will be effective without further notice on October 11, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: September 4, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0351 USAREUR

SYSTEM NAME:

Individual Academic Record Files (February 7, 2001, 66 FR 9298).

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Destroy after 40 years. Maintain in current file area until no longer needed for conducting business, then retire to records holding area, where they will be transferred to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5200.''

* * * * *

A0351 USAREUR

SYSTEM NAME:

Individual Academic Record Files.

SYSTEM LOCATION:

Commander, Combined Arms Training Center, Unit 28038, APO AE 09112–0100.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military or civilian personnel admitted as a student at a course of instruction conducted by the Combined Arms Training Center.

CATEGORIES OF RECORDS IN THE SYSTEM:

Student's name, Social Security Number, race, unit of assignment, course quota status, roster number, applicable Army Classification Battery Scores, eligibility for course attendance, academic achievements, awards, and similar relevant data.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army and E.O. 9397 (SSN).

PURPOSE(S):

To determine eligibility for enrollment/attendance, monitor student progress, and record accomplishments for management studies and reports.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

By student's Social Security Number, surname, course/class number.

SAFEGUARDS:

Records are maintained in locked rooms, accessible only to designated persons authorized to use in the performance of official duties.

RETENTION AND DISPOSAL:

Destroy after 40 years. Maintain in current file area until no longer needed for conducting business, then retire to records holding area, where they will be transferred to the National Personnel Records Center, 9700 Page Avenue, St. Louis, MO 63132–5200.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Europe and Seventh Army, Unit 29351, APO AE 09014–0100.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Commander, Combined Arms Training Center, Unit 28038, APO AE 09112–0100.

Individuals should provide their Social Security Number, full name, course and class dates of attendance, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Commander, Combined Arms Training Center, Unit 28038, APO AE 09112–0100.

Individuals should provide their Social Security Number, full name, course and class dates of attendance, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in the Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; his/her commander; instructors; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0360–5 SAPA

SYSTEM NAME:

Biography Files (August 30, 2000, 65 FR 52727).

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Destroy 2 years after retirement, transfer, separation, or death, of the person concerned, or on discontinuance, whichever is first.'

* * * * *

A0360–5 SAPA

SYSTEM NAME:

Biography Files.

SYSTEM LOCATION:

Military records are located at General Officer Management Office, Office to the Chief of Staff, Army, 200 Army Pentagon, Washington, DC 20310–0200.

Civilian records are located at U.S. Army, Senior Executive Service Office, 111 Army Pentagon, Washington, DC 20310–0111.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Senior Department of the Army military and civilian personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical material including name, position, rank, educational degrees/grade, summary of service, photographs, newspaper clippings, speeches, outstanding achievements may also be included and related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 360–5, Public Information; Army Regulation 690–900, Chapter 920, Civilian Personnel-Senior Executive Service.

PURPOSE(S):

To respond to queries from the news media, and Army agencies/commands relating to individuals concerned.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Records may be released to the news media to use for informational purposes.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic media and paper records in file folders.

RETRIEVABILITY:

By individual's surname.

SAFEGUARDS:

Records are accessed only by designated officials having need therefore in the performance of their assigned duties. Storage areas are locked during non-duty hours.

RETENTION AND DISPOSAL:

Destroy 2 years after retirement, transfer, separation, or death, of the person concerned, or on discontinuance, whichever is first.

SYSTEM MANAGER(S) AND ADDRESS:

Chief, General Officer Management Office, Office of the Chief of Staff, Army, 200 Army Pentagon, Washington, DC 20310–0200 for military records.

Chief, Office of the Secretary of the Army, U.S. Army Senior Executive Service Office, 111 Army Pentagon, Room 2C600 Washington, DC 20310–0111 for civilian records.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, General Officer Management Office, Office to the Chief of Staff, Army, 200 Army Pentagon, Washington, DC 20310–0200 for military records or to the Chief, U.S. Army, Senior Executive Service Office, 111 Army Pentagon,

Washington, DC 20310–0111 for civilian records.

For verification purposes, individual should provide full name, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in the system should address written inquiries to the Chief, General Officer Management Office, Office to the Chief of Staff, Army, 200 Army Pentagon, Washington, DC 20310–0200 for military records or to the Chief, U.S. Army, Senior Executive Service Office, 111 Army Pentagon, Washington, DC 20310–0111 for civilian records.

For verification purposes, individual should provide full name, current address and telephone number, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; clippings from published media; published biographical data from Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0600O TAPC

SYSTEM NAME:

Army Career and Alumni Program (ACAP XXI) (February 14, 2000, 65 FR 7365).

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Records are deleted after 90 days inactivity for individual personnel records.'

* * * * *

A0600O TAPC

SYSTEM NAME:

Army Career and Alumni Program (ACAP XXI).

SYSTEM LOCATION:

Primary location: Headquarters, U.S. Army Personnel Command, ATTN: TAPC–PDT–O, 200 Stovall Street, Alexandria, VA 22332–0476. Secondary locations: Army Career and Alumni Program Centers. A complete list of ACAP centers may be obtained by writing to the system manager.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Department of Defense military personnel (Active/reserve duty) and their spouses; U.S. Coast Guard personnel and their spouses; Department of Defense civilian employees and their spouses; U.S. Army National Guard personnel and their spouses; DoD personnel who retired no earlier than ninety (90) days prior to the date they requested ACAP services; and widows and widowers of deceased active duty military personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files contain individual's name, home address, Social Security Number, date of birth, job qualifications, DD Form 2648 (Pre-Separation Counseling Checklist), and similar or pre-separation/transition counseling related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C., Chapter 58; DoD Directive 1332.35; and E.O. 9397 (SSN).

PURPOSE(S):

To provide transition planning/counseling for individuals so that they may re-enter the civilian job market.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Information is stored electronically on computers and on paper in file folders.

RETRIEVABILITY:

By name or Social Security Number.

SAFEGUARDS:

All records are maintained in secured areas, accessible only to designated personnel whose official duties require they have access. The personal computer system can only be accessed through a system of passwords known only to the individual and the system administrator/supervisor. Paper files are secured in locked file cabinets. The areas where the personal computer and paper files are located are secured after duty hours in locked buildings.

RETENTION AND DISPOSAL:

Records are deleted after 90 days inactivity for individual personnel records

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Personnel Command, ATTN: TAPC–PDT–O, 200 Stovall Street, Alexandria, VA 22332–0476.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in the system should address written inquiries to the Director of the ACAP Center where transition assistance was obtained or contact the system manager. Requesting individual must submit full name and Social Security Number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system should address written inquiries to the Director of the ACAP Center where transition assistance was obtained or contact the system manager. Requesting individual must submit full name and Social Security Number.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army records and reports, and the U.S. Coast Guard records.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0614–100/200 USMA

SYSTEM NAME:

Evaluation/Assignment of Academic Instructors (January 8, 2001, 66 FR 1321).

CHANGES:

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with USMA files are maintained for 25 years in current file area, and are then destroyed.

All other offices, such as administrative offices, maintain the records in current file area for 10 years

after transfer or separation of instructor, and are then destroyed.

* * * * *

A0614–100/200 USMA

SYSTEM NAME:

Evaluation/Assignment of Academic Instructors.

SYSTEM LOCATION:

Associate Dean for Plans and Resources, Office of the Dean, U.S. Military Academy, Dean of Academic Board, West Point, NY 10996–5000.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian and military personnel who apply and/or serve on the Staff and Faculty, U.S. Military Academy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's application consisting of name, grade or position, Social Security Number, educational and professional qualifications such as the Graduate Record Examination (GRE) or Graduate Management Admission Test (GMAT); evaluations; Officer Record Briefs (military only); personnel actions; appointments; official photographs; curriculum vitae; letters of endorsement; award recommendations; assignment orders; application/acceptance for advanced civil schooling; correspondence between the U.S. Military Academy and the Total Army Personnel Command; and other relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 4334, Command and Supervision; 10 U.S.C. 4337, Civilian Faculty and E.O. 9397 (SSN).

PURPOSE(S):

Used by the U.S. Military Academy Dean of Academic Board and department heads to assess qualifications and suitability, and manage civilian and military personnel for assignment to the Staff and Faculty, U.S. Military Academy.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and electronic storage medium.

RETRIEVABILITY:

By individual's name and Social Security Number.

SAFEGUARDS:

Information is available only to designated people who have a need-to-know.

RETENTION AND DISPOSAL:

USMA files are maintained for 25 years in current file area, and are then destroyed.

All other offices, such as administrative offices, maintain the records in current file area for 10 years after transfer or separation of instructor, and are then destroyed

SYSTEM MANAGER(S) AND ADDRESS:

Associate Dean for Plans and Resources, Office of the Dean, Dean of Academic Board, West Point, NY 10996–5000.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Associate Dean for Plans and Resources, Office of the Dean, U.S. Military Academy, Dean of Academic Board, West Point, NY 10996–5000.

Individual should provide the full name, Social Security Number, sufficient details to locate records, current mailing address, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Associate Dean for Plans and Resources, Office of the Dean, U.S. Military Academy, Dean of Academic Board, West Point, NY 10996–5000.

Individual should provide the full name, Social Security Number, sufficient details to locate records, current mailing address, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual; official Army or other Service records; academic institutions; letters of endorsement from third parties; U.S. Army Military Personnel Center; similar relevant documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–22705 Filed 9–10–01; 8:45 am]

BILLING CODE 5001–08–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Ocean Research Advisory Panel

AGENCY: Department of the Navy, DOD.

ACTION: Notice of open meeting.

SUMMARY: The Ocean Research Advisory Panel (ORAP) will meet to discuss National Oceanographic Partnership Program (NOPP) activities. All sessions of the meeting will remain open to the public.

DATES: The meeting will be held on Tuesday, October 23, 2001, from 8:30 a.m. to 4:30 p.m. In order to maintain the meeting time schedule, members of the public will be limited in their time to speak to the Panel. Members of the public should submit their comments one week in advance of the meeting to the meeting Point of Contact.

ADDRESSES: The meeting will be held at Monterey Bay Aquarium Research Institute, 7700 Sandholdt Road, Moss Landing, CA, 95039–9644.

FOR FURTHER INFORMATION CONTACT: Dr. Steven E. Ramberg, Office of Naval Research, 800 North Quincy Street, Arlington, VA 22217–5660, telephone (703) 696–4358.

SUPPLEMENTARY INFORMATION: This notice of meeting is provided in accordance with the Federal Advisory Committee Act (5 U.S.C. App. 2). The purpose of this meeting is to discuss NOPP activities. The meeting will include discussions on ocean observations, current and future NOPP activities, and other current issues in the ocean sciences community.

Dated: August 27, 2001.

T. J. Welsh,

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

[FR Doc. 01–22680 Filed 9–10–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Availability for Donation of the Destroyer ex-FORREST SHERMAN (DD 931)

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of the availability for donation, under the authority of 10 U.S.C. section 7306, of the destroyer ex-FORREST SHERMAN (DD 931) located at the NAVSEA Inactive Ship Maintenance Office (NISMO), Philadelphia, PA. Eligible recipients include: (1) Any State, Commonwealth, or Possession of the United States or any municipal corporation or political subdivision thereof; (2) the District of Columbia; or (3) any organization incorporated as a non-profit entity under section 501 of the Internal Revenue Code. The transfer of a ship for donation under 10 U.S.C section 7306 shall be made at no cost to the United States Government. The transferee will be required to maintain the ship as a static museum/memorial in a condition that is satisfactory to the Secretary of the Navy. Prospective transferees must submit a comprehensive application that addresses the significant financial, technical, environmental and curatorial responsibilities associated with donated Navy ships.

Other ships that are currently available for donation include:

—Destroyer ex-CONOLLY (DD 979), Philadelphia, PA.

—Cruiser ex-STERETT (CG 31), Benecia, CA.

—Guided Missile Frigate ex-OLIVER HAZARD PERRY (FFG 7), Philadelphia, PA.

—Heavy Cruiser ex-DES MOINES (CA 134), Philadelphia, PA.

—Yard Tug ex-HOGA (YTM 146), Benecia, CA.

FOR FURTHER INFORMATION CONTACT: Commander, Naval Sea Systems Command, ATTN: Ms. Gloria Carvalho (PMS 333G), 1333 Isaac Hull Ave SE., Stop 2701, Washington Navy Yard, DC 20376–2701, telephone number (202) 781–0485.

Dated: August 21, 2001.

T.J. Welsh,

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

[FR Doc. 01–22681 Filed 9–10–01; 8:45 am]

BILLING CODE 3810–FF–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Privacy Act; Systems of Records

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of Systems of Records.

SUMMARY: Each Federal agency is required by the Privacy Act of 1974, 5 U.S.C. 552a, to publish a description of the systems of records containing personal information defined by the Act. In this notice the Board updates the descriptions of all seven systems it currently maintains.

FOR FURTHER INFORMATION CONTACT: Richard A. Azzaro, General Counsel, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW., Suite 700, Washington, D.C. 20004–2901, (202) 694–7000.

SUPPLEMENTARY INFORMATION: The Board currently maintains seven systems of records under the Privacy Act.

DNFSB–1

SYSTEM NAME:

Personnel Security Files.

SECURITY CLASSIFICATION: UNCLASSIFIED MATERIALS.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with DNFSB and DNFSB contractors; consultants; other individuals requiring access to classified materials and facilities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Personnel security folders and requests for security clearances, Forms SF 86, 86A, 87, 312, and DOE Forms 5631.18, 5631.29, 5631.20, and 5631.21. In addition, records containing the following information:

(1) Security clearance request information;

(2) Records of security education and foreign travel lectures;

(3) Records of any security infractions;

(4) Names of individuals visiting DNFSB;

(5) Employee identification files (including photographs) maintained for access purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286. Routine Uses of Records Maintained in the System, Including Categories of users and the Purpose of Such Uses:

DNFSB—to determine which individuals should have access to classified material and to be able to transfer clearances to other facilities for visitor control purposes. DOE—to determine eligibility for security clearances. Other Federal and State agencies—to determine eligibility for security clearances.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name, social security number, and numeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Paper records are stored in locked file cabinets, computer records are maintained on a desktop PC with password protection. The office of the system manager is locked when not in use.

RETENTION AND DISPOSAL:

Records retention and disposal requirements are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Security Management Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–1 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, Questionnaire for Sensitive Positions (SF–86), agency files, official visitor logs, contractors, and DOE Personnel Security Branch.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–2

SYSTEM NAME:

Administrative and Travel Files.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW, Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with DNFSB, including DNFSB contractors and consultants.

CATEGORES OF RECORDS IN THE SYSTEM:

Records containing the following information:

(1) Name, address, social security number, birth date, and passport number;

(2) Time and attendance;

(3) Payroll actions and deduction information requests;

(4) Authorizations for overtime and night differential;

(5) Credit card numbers;

(6) Official travel documents;

(7) Relocation records;

(8) Parking permit records;

(9) Public transit subsidy applications and issuance records;

(10) Miscellaneous reimbursements.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM: 42 U.S.C. § 2286. ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

GSA—To reimburse Board employees, applicants for employment and consultants for travel related expenses and miscellaneous reimbursements.

Bureau of the Public Debt—To maintain Official Personnel Folders (OPFs), payroll, time and attendance, for Board employees.

Treasury Department—To collect withheld taxes and issue savings bonds.

Internal Revenue Service—To process Federal income tax.

State and Local Governments—To process state and local income tax.

Office of Personnel Management—Retirement records and benefits.

Social Security Administration—Social Security records and benefits.

Department of Labor—To process Workmen's Compensation claims.

Department of Defense—Military Retired Pay Offices—To adjust Military retirement.

Savings Institutions—To credit accounts for savings made through payroll deductions.

Health Insurance Carriers—To process insurance claims.

General Accounting Office—Audit—To verify accuracy and legality of disbursement.

Veterans Administration—To evaluate veteran's benefits to which the individual may be entitled.

States' Departments of Employment Security—To determine entitlement to unemployment compensation or other state benefits.

Travel Agencies—To process travel itineraries.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSETM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name, social security number, travel dates, relocation dates, and alphanumeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Paper records are stored in locked file cabinets, computer records are maintained on a desktop PC with password protection.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGERS AND ADDRESS:

Director of Acquisition and Finance, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–2 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORDS ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals, timekeepers, BPD for official personnel records, accounting and payroll, OPM for official personnel records for separated employees, IRS and State officials for withholding and tax information, and travel agency contract.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–3

SYSTEM NAME:

Drug Testing Program Records.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Division of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Washington, DC 20004–2901. Duplicate systems may exist, in whole or in part, at contractor testing laboratories and collection/evaluation facilities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DNFSB employees and applicants for employment with the DNFSB.

CATEGORIES OF RECORDS IN THE SYSTEM:

These records contain information regarding results of the drug testing program; requests for and results of initial, confirmatory and follow-up testing, if appropriate; additional information supplied by DNFSB employees or employment applicants in challenge to positive test results; information supplied by individuals concerning alleged drug abuse by Board employees or contractors; and written statements or medical evaluations of attending physicians and/or information regarding prescription or nonprescription drugs.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Executive Order 12564, ''Drug-Free Federal Workplace,'' September 17, 1986, 51 FR 32889, codified at 5 U.S.C. § 7301, note (1987).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Information in these records may be used by the DNFSB management:

(1) To identify substance abusers within the agency;

(2) To initiate counseling and rehabilitation programs;

(3) To take personnel actions;

(4) To take personnel security actions; and

(5) For statistical purposes.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Test records are maintained on paper in file folders. Records used for initiating a random drug test are maintained on the Random Employee Selection Automation System. This is a stand-alone system resident on a desktop computer and is password-protected.

RETRIEVABILITY:

Records maintained in file folders are indexed and accessed by name and social security number. Records maintained for random drug testing are accessed by using a computer database which contains employees' names, social security numbers, and job titles. Employees are then selected from the available pool by the computer, and a list is given to the Drug Program Coordinator of employees and alternates selected for drug testing.

SAFEGUARDS:

Access to and use of these records is limited to those persons whose official duties require such access. Records in the Division of Human Resources are stored in a locked file cabinet. Records in laboratory/collection/evaluation facilities are stored under appropriate security measures so that access is limited and controlled.

RETENTION AND DISPOSAL:

(1) Test results, whether negative or positive, and other drug screening records filed in the Division of Human Resources, will be retained and retrieved as indicated above. When an individual terminates employment with the DNFSB, negative test results will be destroyed by shredding. Positive test results will be maintained through the conclusion of any administrative or judicial proceedings, at which time they will be destroyed by shredding.

(2) Test results, whether negative or positive, on file in contractor testing laboratories, ordinarily will be maintained for a minimum of two years in the laboratories. Upon instructions provided by the Division of Human Resources, the results will be transferred to the Division of Human Resources when the contract is terminated or whenever an individual, previously subjected to urinalysis by the laboratory, terminates employment with the DNFSB. Records received from the laboratories by the Division of Human Resources will be incorporated into other records in the system, or if the individual has terminated, those records reflecting negative test results will be destroyed by shredding. Positive test results will be maintained through the conclusion of any administrative or judicial proceedings, at which time they will be destroyed by shredding.

(3) Negative specimens will be destroyed according to laboratory/contractor procedures.

(4) Positive specimens will be maintained through the conclusion of administrative or judicial proceedings.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–3 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number.

RECORD ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver license or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

DNFSB employees and employment applicants who have been identified for drug testing, who have been tested, or who have admitted abusing drugs prior to being tested; physicians making statements regarding medical evaluations and/or authorized prescriptions for drugs; individuals providing information concerning alleged drug abuse by Board employees or contractors; DNFSB contractors for processing, including but not limited to, specimen collection, laboratories for analysis, and medical evaluations; and DNFSB staff administering the drug testing program to ensure the achievement of a drug-free workplace.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

Pursuant to 5 U.S.C. 552a(k)(5), the Board has exempted portions of this system of records from 5 U.S.C. 552a(c)(3), (d), (e)(1), (e)(4)(C), (H), and (J), and (f). The exemption is invoked for information in the system of records which would disclose the identity of a person who has supplied information on drug abuse by a Board employee or contractor.

DNFSB–4

SYSTEM NAME:

Personnel Files.

SYSTEM CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Ave., NW, Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Employees and applicants for employment with the DNFSB, including DNFSB consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records concerning the following information:

(1) Name, social security number, sex, date of birth, home address, grade level, and occupational code;

(2) Federal employment application materials;

(3) Records on suggestions, awards, and bonuses;

(4) Training requests, authorization data, and training course evaluations;

(5) Employee appraisals, appeals, grievances, and complaints;

(6) Employee disciplinary actions;

(7) Employee retirement records;

(8) Records on employment transfer.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Bureau of the Public Debt—Maintain official personnel records for DNFSB.

Office of Personnel Management—Transfer and retirement records and benefits, and collection of anonymous statistical reports.

Social Security Administration—Social Security records and benefits.

Federal, State, or Local government agencies—For the purpose of investigating individuals in connection with, security clearances, and administrative or judicial proceedings.

Private Organizations—For the purpose of verifying employees' employment status with the DNFSB.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name and social security number.

SAFEGUARDS:

Access is limited to employees having a need-to-know. Paper records are

stored in locked file cabinets, computer files are password-protected.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records within DNFSB are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER AND ADDRESS:

Director of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–4 contains information about him/her should be directed to Director of Human Resources, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedures above, except individual must show official photo identification, such as driver license or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Notification procedures above.

RECORD SOURCE CATEGORIES:

Subject individuals, official personnel records, OPM for official personnel records, State employment agencies, educational institutions, and supervisors.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–5

SYSTEM NAME:

Personnel Radiation and Beryllium Exposure Files.

SECURITY CLASSIFICATION:

Unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DNFSB employees, contractors, and consultants.

CATEGORIES OF RECORDS IN THE SYSTEM:

Radiation and beryllium exposure information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

DNFSB—to monitor radiation and beryllium exposure of its employees and contractors.

DOE—to monitor radiation and beryllium exposure of visitors to the various DOE facilities in the United States.

Other Federal and State Health Institutions—To monitor radiation and beryllium exposure of DNFSB personnel.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By name, social security number, and numeric code.

SAFEGUARDS:

Access is limited to employees having a need to know. Paper records are stored in locked file cabinets in a controlled access area. Individual employees can view their radiation exposure records by entering a name and password from the desktop.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Paper records within DNFSB are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Security Management Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–5 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records. Current employees can view their radiation exposure record using a name and password system from the desktop.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure for viewing paper records.

RECORD SOURCE CATEGORIES:

Subject individuals, previous employee records, DOE contractors' film badges, whole body counts, bioassays, dosimetry badges, and beryllium exposure surveys.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–6

SYSTEM NAME:

DNFSB Staff Resume Book.

SECURITY CLASSIFICATION:

Unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Board's technical and legal staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

A summary of each employee's educational background and work experience, with emphasis on areas relevant to the individual's work at the Board.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

The Resume Book may be distributed to representatives of the press, Congressional staff, representatives of Federal, State and local governments, and to any member of the public or any organization having a legitimate interest in understanding the technical and legal qualifications of the Board's staff.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Copies of the Resume Book are sequentially numbered and all copies

will be stored under the control of a Board employee. A record will be kept of each disclosure of the book by name of the receiving party and purpose for which the information is provided. The Resume Book will not be available via Internet nor will it be placed in the Board's Public Reading Room.

RETENTION AND DISPOSAL:

The Resume Book will be periodically updated, and out-of-date copies will be destroyed when updated copies are printed.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Information Technology and Security, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Board employees covered by the Resume Book may examine their entry in it at any time. They may also examine the list of disclosures maintained by the System Manager.

RECORD ACCESS PROCEDURE:

Same as Notification Procedure.

CONTESTING RECORD PROCEDURE:

Any Board employee covered by the Resume Book may request that corrections be made in his/her resume at any time.

RECORD SOURCE CATEGORIES:

Subject individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

DNFSB–7

SYSTEM NAME:

Supervisor Files.

SECURITY CLASSIFICATION:

Unclassified materials.

SYSTEM LOCATION:

Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Washington, DC 20004–2901.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Members of the Board's technical, legal and administrative staff.

CATEGORIES OF RECORDS IN THE SYSTEM:

Files maintained by supervisors, indexed by employee name, containing positive or negative information used primarily to write annual or mid-year performance appraisals or to propose awards and honors. The files may contain written correspondence, examples of an employee's work, printed versions of electronic communications, private notes by the supervisor, and other records bearing on the individual's performance.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 2286.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USES:

Records are used by supervisors to write annual or mid-year performance appraisals for their employees or to propose awards and honors. Records may also be used in connection with disciplinary and adverse actions. These records are not disclosed outside DNFSB and will not be accessed by persons other than the supervisor maintaining the record and administrative staff personnel assigned to file or retrieve records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records and computer files.

RETRIEVABILITY:

By employee name.

SAFEGUARDS:

Access is limited to the individual supervisor keeping the records and administrative personnel who may file or retrieve records. Paper records are stored in locked file cabinets or in locked desk drawers; computer files are password-protected.

RETENTION AND DISPOSAL:

Records retention and disposal authority are contained in the ''General Records Schedules'' published by National Archives and Records Administration, Washington, DC. Most files in DNFSB–7 are purged once per year following completion of appraisals. Paper records are destroyed by shredding, computer files by erasure.

SYSTEM MANAGER(S) AND ADDRESS:

Director, Division of Information Technology and Security, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901.

NOTIFICATION PROCEDURE:

Requests by an individual to determine if DNFSB–7 contains information about him/her should be directed to the Privacy Act Officer, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue, NW, Suite 700, Washington, DC 20004–2901. Required identifying information: Complete name, social security number, and date of birth.

RECORD ACCESS PROCEDURE:

Same as Notification procedure above, except individual must show official photo identification, such as driver's license, passport, or government identification before viewing records.

CONTESTING RECORD PROCEDURE:

Same as Record Access procedure.

RECORD SOURCE CATEGORIES:

Subject individuals.

SYSTEM EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Dated: September 5, 2001.

John T. Conway,

Chairman.

[FR Doc. 01–22802 Filed 9–10–01; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: proposed collection; comment request.

SUMMARY: The EIA is soliciting comments on the proposed revisions and three-year extension to Form EIA–417R, ''Electric Power System Emergency Report.''

DATES: Comments must be filed on or before November 13, 2001. If you anticipate difficulty in submitting comments within that period, contact the person listed below as soon as possible.

ADDRESSES: Send comments to John W. Makens, Electric Power Division (EI–53.1), Energy Information Administration, U.S. Department of Energy, 1000 Independence Ave. SW., Washington, D.C. 20585–0690. Alternatively, Mr. Makens may be contacted by telephone at (202) 287–1749, FAX at (202) 586–1934, or e-mail at John.Makens@eia.doe.gov.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of forms and instructions should be directed to Mr. Makens at the address listed above. Any comments will also be shared with the DOE Program Office and reviewed by Mr. James P. Mackey, Office of Emergency Operations (SO–413), Forrestal Building, U.S.

Department of Energy, Washington, DC 20585. Alternatively, Mr. Mackey may be contacted by FAX at (202) 586–3859, or e-mail at James.Mackey@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

I. Background
II. Current Actions
III. Request for Comments

I. Background

The Federal Energy Administration Act of 1974 (Pub. L. 93–275, 15 U.S.C. 761 *et seq.*) and the Department of Energy Organization Act (Pub. L. 95–91, 42 U.S.C. 7101 *et seq.*) require the EIA to carry out a centralized, comprehensive, and unified energy information program. This program collects, evaluates, assembles, analyzes, and disseminates information on energy resource reserves, production, demand, technology, and related economic and statistical information. This information is used to assess the adequacy of energy resources to meet near and longer term domestic demands.

The Federal Power Act (16 U.S.C. 791a *et seq.*) authorizes the DOE to collect information on the generation, distribution, and transmission of electric energy. The DOE collects information on emergency situations in electric energy supply systems so that appropriate Federal emergency response measures can be implemented in a timely and effective manner.

The EIA, as part of its effort to comply with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35), provides the general public and other Federal agencies with opportunities to comment on collections of energy information conducted by or in conjunction with the EIA. Any comments received help the EIA to prepare data requests that maximize the utility of the information collected, and to assess the impact of collection requirements on the public. Also, the EIA will later seek approval by the Office of Management and Budget (OMB) under Section 3507(a) of the Paperwork Reduction Act of 1995.

The purpose of this Notice is to seek public comment on the revised Form EIA–417R used for reporting to DOE by the electric industry on electric emergency incidents and disturbances. The Department's Office of Emergency Operations (OEO) will use this form to obtain current information regarding emergency situations on the electric energy supply systems in the United States [1] so that appropriate Federal emergency response and national security measures can be implemented in a timely and effective manner. EIA will also use the form to consolidate monthly statistical information about electric power emergency incidents and disturbances. Other potential data uses include the development of legislative recommendations; reports to the Congress; and coordination of Federal efforts regarding activities such as incidents/disturbances in critical infrastructure protection; continuity of electric industry operations; and the continuity of operations of the government.

The information submitted may also be used by the Department's Office of Energy Efficiency and Renewable Energy, the Office of Policy and International Affairs, Energy Information Administration, and Office of Emergency Operations to conduct after-action investigations on significant interruptions to the reliability of electric power. This would be in accordance with Departmental authorities for such investigations in the Federal Power Act.

The Form EIA–417R was initially developed in the 1980's. Since that time many changes have occurred in the electric power industry and Government. Today's trends in the electric power industry include deregulation, competition, open markets and enterprise management systems. The Nation's role in the world's digital economy demands improved power reliability and quality that Government has a responsibility to assure. This is substantially different from 5 or 10 years ago. Information technology has (1) changed the way the Nation's business is transacted, (2) the way government operates, and (3) the way national defense is conducted. These three functions now depend on interdependent networks of physical and information infrastructures, the key one of which is reliable electric power. The Form EIA–417R reports will enable the Department to monitor electric emergency incidents and disturbances so Government may help prevent the physical or virtual disruption of the operation of any critical infrastructure.

Currently, DOE uses Form EIA–417R, ''Electric Power System Emergency Report,'' to monitor major system incidents on electric power systems. The information is used to meet DOE national security responsibilities and requirements contained in the Federal Response Plan. The information may also be used in developing legislative recommendations and reports to Congress.

The existing Form EIA–417R was codified under 10 CFR part 205.350–353. Upon completion of the approval process for the new form, these regulations will no longer be necessary and it is the U.S. Department of Energy's intention to rescind the regulations at that time. The authority to conduct special investigations still applies under the Federal Power Act and allows such investigations. The Department of Energy Organization Act of 1977 and the Federal Energy Administration Act of 1974 also allow such investigations.

II. Current Actions

The DOE is proposing to revise the Form EIA–417R reporting requirements. The revisions include the following changes: (1) The name and number of the form; (2) what electric emergency incidents must be reported; (3) who must report incidents; (4) the entities with whom the form must be filed; (5) how soon after an incident must the form be submitted; and (6), the data to be reported. Each revision is discussed below.

(1) The ''Form EIA–417R'' report number will be changed to Form EIA–417. The new designation will clearly indicated that the Form is independent of the regulations and the title will change from, ''Electric Power System Emergency Report,'' to ''Electric Emergency Incident and Disturbance Report.'' The report will still monitor major incidents on electric power systems. The title change reflects that this report represents the initial notification to the Federal Government about potential impacts of incidents on electrical system operations. In addition, the form provides for reporting an alert describing actual events that have had an impact on electrical operations. The form will be divided into Parts A and B.

(2) The proposed Form EIA–417 will shift most reporting to a simple check-off that identifies known information about an incident. In the existing form, check-off boxes are not categorized. For the proposed form, the check-off boxes are now grouped by events that describe: Type of Emergency, Cause of Incident, and Actions Taken. The respondent will mark the form to indicate all known or suspected causes. In addition, a check-off box has been added to indicate the location of a disturbance, and another box was added for the respondent to provide its tracking identification number for the incident.

(3) The Department is also proposing to reduce the number of reporting entities from over 3,300 to approximately 200 reporting entities—NERC established Control Area

[1] This includes all 50 States, District of Columbia, Puerto Rico, U.S. Virgin Islands, and the U.S. Trust Territories.

Operators [2] (CAOs) or replacement entities, the Federal Energy Regulatory Commission established Independent System Operators (ISOs) and Regional Transmission Organizations [3] (RTOs) and the NERC established Security Coordinators [4]. However, there are special investigations of incidents affecting the electric power industry that will be initiated by DOE, which will involve more that just CAOs, ISOs/RTOs and Security Coordinators. Any utility, business entity, or energy concern that participates in the electric power industry could be notified by DOE that it needs to provide technical information concerning a particular incident.[5] These special investigations are infrequent and reports are released to the public.[6] Reporting coverage for the Form EIA–417 includes all 50 States, District of Columbia, Puerto Rico, U.S. Virgin Islands, and the U.S. Trust Territories.

(4) The data will still be filed with the U.S. Department of Energy's Emergency Operations Center. This DOE facility operates 24 hours a-day, 7-days a week. Electronic submission is the preferred method of notification. Fax, e-mail, and telephone contract are also accepted. The information will be shared in a timely fashion with the U.S. Department of Justice (cyber threat—sabotage) and the North American Electric Reliability Council (real-time reliability operations). The proposed report is intended to reduce duplicative reporting and establish a common reporting format.

(5) For routine events and/or expectations of a problem, the timing for filing the initial report is up to 1 hour after occurrence of the event. The time estimated to complete Part A of Form EIA–417 (the alert notice) should be less than 10 minutes. When the event is having a critical impact on operational events, industry must balance its operational requirements during the incident with this mandatory 1 hour reporting requirement to the DOE. In such instances, telephonic notification to the DOE 24x7 Emergency Operations Center within 1 hour is acceptable (202 586–8100) pending submission of the written Part A notification. In light of the DOE national security and emergency responsibilities, this one hour window to report such incidents will give a timely alert notice and allow DOE to start tracking this event.

(6) In Part A, the events in the Type of Emergency check-off box categories have been expanded to include major transmission system and distribution system interruption and inadequate generation supply. For the Cause category, boxes for weather or natural disaster, inadequate electric resources to serve load, equipment failure, malicious or intentional disruption of communications and/or computer support systems, system operator action, and unknown causes have been added. The Actions Taken category has added check-off boxes to identify: (1) If interruptible load was shed; (2) if a warning alert has been released or if the respondent has implemented its contingency plan; and (3) if the electrical system has been repaired or restored. In addition, the check-off box, ''Other'' was added to allow the respondent to identify that something is uncertain and is also intended to cover all other events, which are too unusual, abnormal, or unforeseeable to be listed as separate items. The use of the ''Other'' category provides an option to address uncertainties; thereby not delaying the report. The narrative filing submitted under the Form EIA–417, Part B provides the opportunity to clarify the meaning of the mark in the ''Other'' check-off box.

Confidentiality

DOE will consider the entire narrative on Form EIA–417, Part B, as confidential. The requested information will provide a brief description of the incident or expected system problem and actions taken to resolve it. If released, this could affect the economic operations of various electricity markets; cause competitive harm; and/or identify concerns that could be or are being reviewed by law enforcement agencies. It is proposed that the release of any narrative information be subject to a 6-month delay to mitigate market concerns. Other portions of the narrative description will be reviewed and may be released later as part of a national summary, in which the information provided does not disclose the identity of the respondent or geographical location.

The following is the provision for confidentiality of information for data in the possession of DOE that will be applied to the data submitted in the narrative in Part B. The information contained on this form may also be made available, upon request, to another component of the Department of Energy (DOE), to any Committee of Congress, the General Accounting Office, or other Congressional agencies authorized by law to receive such information. A court of competent jurisdiction may obtain this information in response to an order.

The information contained on this form will be kept confidential and not disclosed to the public to the extent that it satisfies the criteria for exemption in the Freedom of Information Act (FOIA), 5 U.S.C. 552, the DOE regulations 10 CFR 1004.11, implementing the FOIA, and the Trade Secrets Act, 18 U.S.C. 1905.

Upon receipt of a request for this information under the FOIA, the DOE shall make a final determination whether the information is exempt from disclosure in accordance with the procedures and criteria provided in the regulations. To assist us in this determination, respondents will be asked by DOE to demonstrate to the DOE that, for example, their information contains trade secrets or commercial or financial information, whose release would be likely to cause substantial harm to their company's competitive position. A respondent's letter accompanying the submission that explains (on an element-by-element basis) the reasons why the information would be likely to cause the respondent substantial competitive harm, if released to the public, would aid in this determination. A new justification does not need to be provided each time information is submitted on the form, if the company has previously submitted a justification for that information and the justification has not changed.

III. Request for Comments

Prospective respondents and other interested parties should comment on the actions discussed in item II. The following guidelines are provided to assist in the preparation of comments.

[2] There are less than 150 CAOs and with the restructuring of the Electric Power Industry the count is expected to drop. Their responsibilities for the various operations will be reassigned to a smaller count of scheduling centers and dispatch centers in the future under proposed new industry practices. This form will address these changes and the smaller number of future respondents.

[3] There are currently 5 operational ISOs and 1 approved for operations. These will become RTOs under FERC Order 2000. At this time the FERC has also taken jurisdictional actions to establish the number of future RTOs at 4. (These proposed RTOs will cover the Northeast, West, South, and Midwest of the contiguous U.S.)

[4] There are 23 Security Coordinators spread across the U.S. Many of the physical facility sites that operate or will operate the electric power industry, will handle one or more of the NERC established operational activities; so the total count of respondents will be lower.

[5] Current authority is 10 CFR part 205.350–353. However, this is under the Federal Power Act. The Federal Energy Administration Act of 1974 (Pub. L. 93–275) and the DOE Organization Act (Pub. L. No. 95–91) provide additional authorities.

[6] the Department of Energy has initiated three special studies about incidents that happened in the 1990s and none in the 1980s. The three studies are: The Cold Weather Snap of 1992; The Electric Power Outages in the Western United States, July 2–3, 1996 (DOE/PO–0050); and the Report of the U.S. Department of Energy's Power Outage Study Team (DOE/PO—March 2000 Final Report).

General Issues

A. Is the proposed collection of information necessary for the proper performance of the functions of the agency and does the information have practical utility? Practical utility is defined as the actual usefulness of information to or for an agency, taking into account its accuracy, adequacy, reliability, timeliness, and the agency's ability to process the information it collects.

B. What enhancements can be made to the quality, utility, and clarity of the information to be collected?

As a Potential Respondent to the Request for Information

A. Are the instructions and definitions clear and sufficient? If not, which instructions need clarification?

B. Can the information be submitted by the due date?

C. Public reporting burden for this collection is estimated to average 10 minutes for the initial report (Part A) and 2 hours to cover any detailed reporting (Part B) that would be filed later (up to 48 hours), if required because of the on-going tracking of a significant incident. In your opinion, how accurate is this estimate?

D. The agency estimates that the only cost to a respondent is for the time it will take to complete the collection. Will a respondent incur any start-up costs for reporting, or any recurring annual costs for operation, maintenance, and purchase of services associated with the information collection?

E. What additional actions could be taken to minimize the burden of this collection of information? Such actions may involve the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

F. Does any other Federal, State, or local agency collect similar information? If so, specify the agency, the data element(s), and the methods of collection.

H. Is the proposed treatment for narrative information as confidential appropriate? Is it appropriate for another data element? If so, then specify the data element(s) and provide an explanation for the proposed confidential status. Is the delayed release of information effective in addressing competitive market concerns?

As a Potential User of the Information to be Collected

A. Is the information useful at the levels of detail to be collected?

B. For what purpose(s) would the information be used? Be specific.

C. Are there alternate sources for the information and are they useful? If so, what are their weaknesses and/or strengths?

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

Statutory Authority: Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13, 44 U.S.C. Chapter 35).

Issued in Washington, D.C., September 5, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group, Energy Information Administration.

[FR Doc. 01–22700 Filed 9–10–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Energy Information Administration

Agency Information Collection Activities: Submission for OMB Review, Comment Request

AGENCY: Energy Information Administration (EIA), Department of Energy (DOE).

ACTION: Agency information collection activities: submission for OMB review, comment request.

SUMMARY: The EIA has submitted the energy information collections listed at the end of this notice to the Office of Management and Budget (OMB) for review and a three-year extension under section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13) (44 U.S.C. 3501 *et seq*).

DATES: Comments must be filed on or before October 11, 2001. If you anticipate that you will be submitting comments but find it difficult to do so within that period, you should contact the OMB Desk Officer for DOE listed below as soon as possible.

ADDRESSES: Send comments to the OMB Desk Officer for DOE, Office of Information and Regulatory Affairs, Office of Management and Budget, 726 Jackson Place NW., Washington, DC 20503. The OMB Desk Officer may be telephoned at (202) 395–7318. (A copy of your comments should also be provided to EIA's Statistics and Methods Group at the address below.)

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to Grace Sutherland, Statistics and Methods Group, (EI–70), Forrestal Building, U.S. Department of Energy, Washington, DC 20585–0670. Mrs. Sutherland may be contacted by telephone at (202) 287–1712, FAX at (202) 287–1705, or e-mail at Grace.Sutherland@eia.doe.gov.

SUPPLEMENTARY INFORMATION: This section contains the following information about the energy information collections submitted to OMB for review: (1) The collection numbers and title; (2) the sponsor (i.e., the Department of Energy component); (3) the OMB docket number; (4) the type of request (i.e., new, revision, extension, or reinstatement); (5) response obligation (i.e., mandatory, voluntary, or required to obtain or retain benefit); (6) a description of the need for and proposed use of the information; (7) a categorical description of the likely respondents; and (8) an estimate of the total annual reporting burden (i.e., the estimated number of likely respondents times the proposed frequency of response per year times the average hours per response).

1. Forms EIA–411, 412, 423, 767, 826, 860, 861, and 906, ''Electric Power Program''
2. Energy Information Administration
3. OMB Number 1905–0129
4. Three-year extension and revision
5. Mandatory (all forms except EIA–411) and voluntary (EIA–411)
6. The Electric Power Surveys collect electric power information including capacity, generation, fuel consumption, fuel receipts, fuel stocks, and prices, along with financial information. Respondents include both regulated and unregulated entities that comprise the U.S. electric power industry. Electric power data collected are used by the Department of Energy for analysis and forecasting. Data are published in various EIA reports.

EIA has modified the forms and confidentiality provisions from those described in the March 13, 2001, solicitation of public comments. For additional details, please visit EIA's Internet site at http://www.eia.doe.gov/fuelelectric.html or contact Ms. Sutherland for a copy of the materials submitted to OMB.

7. Business or other for profit; State, local or tribal government; Federal government
8. Approximately 174,000 hours of burden

Statutory Authority: Section 3607(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. 104–13).

Issued in Washington, D.C., September 6, 2001.

Jay H. Casselberry,

Agency Clearance Officer, Statistics and Methods Group; Energy Information Administration.

[FR Doc. 01–22701 Filed 9–10–01; 8:45 am]

BILLING CODE 6450–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–527–000]

OkTex Pipeline Company; Notice of Annual Charge Adjustment

September 5, 2001.

Take notice that on August 30, 2001, OkTex Pipeline Company (OkTex) tendered for filing its current Annual Charge Adjustment (ACA). OkTex states that the purpose of the filing is to reflect that there is a change in the currently effective ACA surcharge to OkTex's tariff rates for the period October 1, 2000 through September 30, 2002. The ACA surcharge is currently $0.0022 per Dth and will not change to $0.0021 until bills issued after September 30, 2001.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22733 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–323–001]

ANR Storage Company; Notice of Compliance Filing

September 5, 2001.

Take notice that on August 29, 2001, ANR Storage Company (ANR Storage), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, with an effective date of October 1, 2001:

Fourth Revised Sheet No. 1
Second Revised Sheet No. 15A
Fourth Revised Sheet No. 16
First Revised Sheet No. 57
Sheet Nos. 58–123
Third Revised Sheet No. 147
Eighth Revised Sheet No. 153
Second Revised Sheet No. 155
First Revised Sheet No. 155A
First Revised Sheet No. 155B
First Revised Sheet No. 155C
Original Sheet No. 155D
Original Sheet No. 155E
Original Sheet No. 155F
Original Sheet No. 155G

ANR Storage states that the tariff sheets are being filed in compliance with the Commission's July 30, 2001 order to modify the nomination process for prearranged releases, to remove the park and loan services and to remove the OFO penalty and crediting of penalty revenues provisions. This filing also incorporates the required language that Shippers will receive updated information related to issued OFOs, corrects various errors in references to sections of the tariff and implements a mechanism to credit the value of retained gas back to its customers under Rate Schedule IS.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22723 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–324–001]

Blue Lake Gas Storage Company; Notice of Compliance Filing

September 5, 2001.

Take notice that on August 29, 2001, Blue Lake Gas Storage Company (Blue Lake), tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets, with an effective date of October 1, 2001:

Third Revised Sheet No. 1
Second Revised Sheet No. 15B
Second Revised Sheet No. 15C
Third Revised Sheet No. 16
First Revised Sheet No. 57
Sheet Nos. 58–123
Eighth Revised Sheet No. 153
Third Revised Sheet No. 147
First Revised Sheet No. 155A
Original Sheet No. 155B
Original Sheet No. 155C
Original Sheet No. 155D
Original Sheet No. 155E

Blue Lake states that the tariff sheets are being filed in compliance with the Commission's July 30, 2001 order to modify the nomination process for prearranged releases, to remove the park and loan services and to remove the OFO penalty and crediting of penalty revenues provisions. This filing also incorporates the required language that Shippers will receive updated information related to issued OFOs, corrects various errors in references to sections of the tariff and implements a mechanism to credit the value of retained gas back to its customers under Rate Schedule IS.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are

on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22724 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–524–000]

Chandeleur Pipe Line Company; Notice of Tariff Filing and Annual Charge Adjustment

September 5, 2001.

Take notice that on August 28, 2001, Chandeleur Pipe Line Company (Chandeleur) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, Twelfth Revised Sheet No. 5, to become effective October 1, 2001.

Chandeleur asserts that this filing is tendered in order to adjust for changes in the ACA unit charge assessed by the Commission to Chandeleur under 18 CFR 382.202.

Chandeleur states that the purpose of this filing is to decrease, through this annual filing, the ACA unit charge collected by Chandeleur from its shippers from a rate of $0.0022 to $0.0021 as directed by the Commission and authorized by 18 CFR 154.402(c).

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 on or before September 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22730 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–525–000]

Discovery Gas Transmission LLC; Notice of Tariff Filing and Annual Charge Adjustment

September 5, 2001.

Take notice that on August 28, 2001, Discovery Gas Transmission LLC (Discovery) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, Second Revised Tariff Sheet No. 20 to become effective October 1, 2001.

Discovery states that the purpose of this filing is to implement the Commission's revision to the unit rate of the Annual Charge Adjustment (ACA) clause pursuant to Docket No. RM87–3–000, Order No. 472.

Discovery states that copies of this filing are being mailed to its customers, state commissions and other interested parties.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22731 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–033]

Dominion Transmission, Inc.; Notice of Negotiated Rate

September 5, 2001.

Take notice that on August 29, 2001, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, Substitute Third Revised Sheet No. 1404 and Fifth Revised Sheet No. 1300, to comply with the Commission's Letter Order issued on August 21, 2001, in Docket No. RP96–383–031.

DTI states that the Letter Order accepted for filing the tariff sheets describing DTI's negotiated rate transaction with Allegheny Energy Unit 1 and 2, LLC, subject to condition, and that its filing would comply with the conditions that the Commission placed on the acceptance of the filing. DTI also notes that the underlying service agreement has been permanently assigned to an affiliate of the original shipper and the revised tariff sheets reflect the change in shipper.

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the

instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22722 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–526–000]

Dominion Transmission, Inc.; Notice of Tariff Filing and Annual Charge Adjustment

September 5, 2001.

Take notice that on August 29, 2001, Dominion Transmission, Inc. (DTI) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets, with an effective date of October 1, 2001:

Sixth Revised Sheet No. 31
Ninth Revised Sheet No. 32
Fifth Revised Sheet No. 35

DTI states that the purpose of this filing is to update DTI's ACA unit surcharge, consistent with its ACA clause (General Terms and Conditions, Section 14).

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22732 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. RP00–405–001 and RP00–617–002]

Gulf States Transmission Corporation; Notice of Compliance Filing

September 5, 2001.

Take notice that on August 29, 2001, Gulf States Transmission Corporation (Gulf States), tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1 the revised tariff sheets listed in Appendix A to the filing. Gulf States requests that the foregoing tariff sheets be made effective October 1, 2001.

Gulf States states that these sheets are being filed to comply with the Federal Energy Regulatory Commission's July 30, 2001 Order regarding Gulf States' Order No. 637 compliance filing.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22725 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–246–001]

Natural Gas Pipeline Company of America; Notice of Compliance Filing

September 5, 2001.

Take notice that on August 15, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to be a part of its FERC Gas Tariff, Sixth Revised Volume No. 1, First Revised Sheet No. 196 and First Revised Sheet No. 240B, to be effective September 17, 2001.

Natural states that these tariff sheets were filed in compliance with the Commission's ''Order Following Technical Conference'' issued July 31, 2001 in Docket No. RP01–246–000.

Natural states that copies of the filing have been mailed to all parties set out on the Commission's official service list in Docket No. RP01–246.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22727 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–147–001]

Northern Natural Gas Company; Notice of Compliance Filing

September 5, 2001.

Take notice that on August 28, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, the following tariff sheets proposed to be effective on August 9, 2001:

Fifth Revised Volume No. 1
Seventh Revised Sheet No. 6
Original Volume No. 2
22 Revised Sheet No. 1A.1
First Revised Sheet No. 90

Northern states that the above sheets represent cancellation of Rate Schedule T–2 from Northern's Original Volume No. 2 FERC Gas Tariff, and its associated deletion from the Table of Contents in Northern's Volume Nos. 1 and 2 tariffs.

Northern states that copies of the filing were served upon the company's customers and interested state Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22715 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–408–001]

Ozark Gas Transmission, L.L.C.; Notice of Compliance Filing

September 5, 2001.

Take notice that on August 29, 2001, Ozark Gas Transmission, L.L.C. (Ozark) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the revised tariff sheets listed in Appendix A to the filing, to be effective October 1, 2001.

Ozark states that the purpose of its filing is to comply with the Commission's order issued July 30, 2001, in Docket No. RP00–408–000 regarding Ozark's compliance with Order No. 637 (Ozark Gas Transmission, 96 FERC ¶ 61,160 (2001)). In that order, the Commission directed Ozark to file actual tariff sheets within thirty days regarding previously filed pro forma tariff changes that the Commission found to satisfy the requirements of Order No. 637 and to make further tariff revisions to comply with other requirements of Order No. 637.

Ozark further states that it has served copies of this filing upon the company's jurisdictional customers and interested state commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22726 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–522–000]

Paiute Pipeline Company; Notice of Change in Annual Charge Adjustment and Tariff Filing

September 5, 2001.

Take notice that on August 28, 2001, Paiute Pipeline Company (Paiute) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1-A, the following tariff sheet, to become effective October 1, 2001:

Tenth Revised Sheet No. 10

Paiute states that the purpose of this filing is to revise its annual charge adjustment surcharge in order to recover the Commission's annual charges for the 2001 fiscal year.

Paiute states that copies of this filing have been mailed to all jurisdictional customers and affected state regulatory commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22728 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–200–074]

Reliant Energy Gas Transmission Company; Notice of Tariff Filing and Negotiated Rate

September 5, 2001.

Take notice that on August 31, 2001, Reliant Energy Gas Transmission Company (REGT) tendered for filing as part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets to be effective September 1, 2001:

First Revised Sheet No. 640
First Revised Sheet No. 641

REGT states that the purpose of this filing is to reflect the revision of an existing negotiated rate contract and the expiration of an existing negotiated rate contract.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22721 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. CP01–434–000, CP01–435–000, and CP01–436–000]

Seneca Lake Storage, Inc.; Notice of Application

September 5, 2001.

Take notice that on August 27, 2001, Seneca Lake Storage, Inc. (SLSI), 81 State Street, Binghamton, New York, 13901, filed an application in the above-referenced docket numbers pursuant to Section 7(c) of the Natural Gas Act, as amended, and Parts 157 and 284 of the Commission's Rules and Regulations, for: (1) a certificate of public convenience and necessity, pursuant to Part 157, Subpart A, authorizing SLSI to construct and operate, at market based rates, a natural gas storage facility capable of delivering 50,000 dekatherms/day, consisting of storage caverns and other associated and appurtenant facilities; (2) a blanket certificate authorizing SLSI to construct, acquire and operate additional facilities under Part 157, Subpart F following construction of the facilities for which authorization is being sought under Part 157, Subpart A; (3) a blanket certificate authorizing SLSI to provide storage services on the behalf of others under Part 284, Subpart G; and (4) a blanket certificate pursuant to Part 284, Subpart J authorizing SLSI to provide unbundled sales service for the limited purpose of disposing of gas in storage that shippers fail to remove. The application is 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#'' and follow the instructions (please call (202) 208–2222 for assistance).

SLSI further requests approval of its FERC Gas Tariff included in Exhibit P of the application. SLSI also requests that if its request for approval of market based rates is granted, the Commission (1) waive the requirements of section 284.8(d) of its regulations, which require that rates be designed using a straight fixed-variable rate design methodology; (2) waive the requirements of 157.14 of its regulations with respect to Exhibits K, L, N, and O of the application; (3) waive the accounting and reporting requirements under Parts 201 and 260.2 of its regulations; (4) waive the requirement to provide total gas supply information, pursuant to section 157.14(a)(10) of its regulations; and (5) waive all other regulations to the extent such waivers may be necessary to grant each of the authorizations requested in the application.

Further, SLSI requests the Commission grant confidential treatment to the Resource Report 6 and Exhibit M–1 that accompany the application, pursuant to 18 CFR 388.122, because these materials contain geological, technological, and financial information.

The storage facilities which SLSI seeks to construct and operate will be located in Schuyler County, New York. The storage facilities will consist of a gallery of two connected underground storage caverns (Gallery No. 2) and approximately 600 feet of 8.625 inch diameter interconnecting pipeline to connect the storage facilities to an existing compressor station owned by New York State Electric & Gas Corporation (NYSEG). The SLSI storage facilities will be integrated into the existing NYSEG control system. Daily operations and maintenance of the storage facilities will be performed by NYSEG under an Administrative Services Agreement. The gas stored in the SLSI facilities will be transported by existing interstate pipelines. With the exception of a limited amount of brine removal, Gallery No. 2 has been completely developed through a pre-existing salt mining operation, and has been previously used by others for propane storage. The proposed storage facilities have a maximum working gas volume of approximately 595.8 MMcf.

The storage services to be offered by SLSI will be available on a firm and interruptible basis, based upon the terms and conditions that are consistent with the requirements of Order No. 636. The proposed terms and conditions, as well as the rate schedules on which service will be offered, are included in the tariff attached to the application. SLSI requests that it be permitted to charge and collect market-based rates for the storage services.

Any questions regarding the application are to be directed to Mark A. Cole, Manager Gas Engineering & Project Management, New York State Electric & Gas Corporation, Corporate Drive, Kirkwood Industrial Park, Binghamton, New York 13902–5224, telephone (607) 762–4294, or fax to (607) 762–8045.

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 September 26, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426, a motion to intervene in accordance with

the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the NGA (18 CFR 157.10). A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies of all documents filed by the applicant and by all other parties. A party must submit 14 copies of filings made with the Commission and must mail a copy to the applicant and to every other party in the proceeding. Only parties to the proceeding can ask for court review of Commission orders in the proceeding.

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

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

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

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. 01–22717 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–112–000]

South Mississippi Electric Power Association Complainant, v. Entergy Services, Inc. Respondent; Notice of Complaint

September 5, 2001.

Take notice that on August 31, 2001, South Mississippi Electric Power Association (SMEPA) tendered for filing in the above-referenced docket a complaint under Section 206 of the Federal Power Act against Entergy Services, Inc. (Entergy Services) concerning Entergy Services' 2001 annual rate redetermination update filed by Entergy Services in accordance with its Open Access Transmission Tariff.

Any person desiring to be heard or to protest this 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 must be filed on or before September 20, 2001. 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. Answers to the complaint shall also be due on or before September 20, 2001. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22718 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–523–000]

Southwest Gas Transmission Company, A Limited Partnership; Notice of Tariff Filing and Change in Annual Charge Adjustment

September 5, 2001.

Take notice that on August 28, 2001, Southwest Gas Transmission Company, A Limited Partnership (SGTC) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 2, the following tariff sheet, to become effective October 1, 2001:

Second Revised Sheet No. 4

SGTC states that the purpose of this filing is to revise its annual charge adjustment surcharge in order to recover the Commission's annual charges for the 2001 fiscal year.

SGTC states that it has served copies of its filing on its affected customer and interested state regulatory commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed on or before September 12, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22729 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–370–001]

Williston Basin Interstate Pipeline Company, Frontier Gas Storage Company; Notice of Tariff Filing

September 5, 2001

Take notice that on August 14, 2001, Williston Basin Interstate Pipeline Company (Williston Basin) and Frontier Gas Storage Company (Frontier) tendered for filing the following tariff sheets:

Williston Basin Interstate Pipeline Company
Second Revised Volume No. 1
Effective July 30, 2001
Second Revised Sheet No. 227C
Fifth Revised Sheet No. 228
Tenth Revised Sheet No. 229
Third Revised Sheet No. 229A
Sixth Revised Sheet No. 230
Fourth Revised Sheet No. 230A
Third Revised Sheet No. 247
Sixth Revised Sheet No. 252
Fifth Revised Sheet No. 376
Original Volume No. 2
Effective July 30, 2001
Ninth Revised Sheet No. 2
1st Rev 85th Revised Sheet No. 11B
Sheet Nos. 216–221
Sheet Nos. 272–290
Williston Basin Interstate Pipeline Company
Original Volume No. 2
Effective August 1, 2001
Sub Eighty-Sixth Revised Sheet No. 11B
Frontier Gas Storage Company
Original Volume No. 1
Effective July 30, 2001
First Revised Sheet No. 1
Original Volume No. 2
Effective July 30, 2001
Second Revised Sheet No. 1

Williston Basin and Frontier state that on May 18, 2001, they filed in the above-referenced docket, pursuant to Section 7(b) of the Natural Gas Act and the Commission's Regulations thereunder, a Joint Abbreviated Application requesting the Commission to issue an order authorizing Williston Basin to abandon transportation and storage services it provided for Frontier under Rate Schedules X–9 and X–11 of Williston Basin's FERC Gas Tariff, Original Volume No. 2 and authorizing Frontier to abandon sales of gas under its FERC Gas Tariff, Original Volume Nos. 1 and 2 (including most specifically Rate Schedule LVS–1).

As part of its Application, Williston Basin filed revised pro forma tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 1 and Original Volume No. 2 and Frontier filed pro forma tariff sheets to its FERC Gas Tariff, original Volume Nos. 1 and 2. On July 30, 2001, the Commission issued its ''Order Granting Abandonment'' which authorized Williston Basin and Frontier to abandon the services described above and requiring Williston Basin and Frontier to file tariff sheets in compliance with Part 154 of the Commission's Regulations.

Williston Basin and Frontier state that the referenced tariff sheets are being filed to reflect the abandonment authorized by the Commission in its July 30, 2001 order.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22716 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–2953.000, et al.]

Allegheny Energy Supply Company, LLC, et al.; Electric Rate and Corporate Regulation Filings

September 5, 2001.

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

1. Allegheny Energy Supply Company, LLC

[Docket No. ER01–2953–000]

Take notice that on August 29, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC (Allegheny Energy Supply) filed Service Agreement No. 148 to add one (1) new Customer to the Market Rate Tariff under which Allegheny Energy Supply offers generation services.

Allegheny Energy Supply proposes to make service available as of August 1, 2001 to Wisconsin Electric Power Company.

Copies of the filing have been provided to all parties of record.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Duke Energy Vermillion, LLC

[Docket No. ER01–2954–000]

Take notice that on August 29, 2001, Duke Energy Vermillion, LLC (Duke Vermillion) filed proposed revisions to its market-based rate tariff, FERC Electric Tariff No. 1, with changes clarifying the affiliate restrictions contained in its code of conduct. The revised rate tariff will go into effect upon the dissolution of VMC Generating Company and the transfer of the limited liability company membership interests in Duke Vermillion to Duke Energy Trenton, LLC.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. PSEG Energy Resources & Trade LLC

[Docket No. ER01–2955–000]

Take notice that on August 29, 2001, PSEG Energy Resources & Trade LLC (PSEG) of Newark, New Jersey tendered for filing an agreement for the sale of capacity and energy to MIECO Inc. (MIECO) pursuant to the PSEG Wholesale Power Market-Based Sales Tariff, presently on file with the Commission.

PSEG requests that the agreement be made effective as of July 30, 2001.

Copies of the filing have been served upon MIECO and the New Jersey Board of Public Utilities.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Portland General Electric Company

[Docket No. ER01–2956–000]

Take notice that on August 29, 2001, Portland General Electric Company (PGE) tendered for filing with the Federal Energy Regulatory Commission (Commission) under PGE's FERC Electric Tariff Original Volume No. 12, an executed Service Agreement for Sale, Assignment, or Transfer of Transmission Rights with PacifiCorp Power Marketing, Inc.

PGE respectfully requests that the Service Agreement become effective August 8, 2001.

A copy of this filing was caused to be served on PacifiCorp Power Marketing, Inc. and Public Utility Commission of Oregon, as noted in the filing letter.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Florida Power Corporation

[Docket No. ER01–2957–000]

Take notice that on August 29, 2001, Florida Power Corporation (FPC) tendered for filing an executed Netting Agreement between FPC and The Energy Authority.

FPC is requesting an effective date of June 15, 2001 for this Rate Schedule.

A copy of the filing was served upon the Florida Public Service Commission.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. California Independent System Operator Corporation

[Docket No. ER01–2958–000]

Take notice that on August 29, 2001, the California Independent System Operator Corporation, (ISO), tendered for filing with the Federal Energy Regulatory Commission (Commission) a Participating Generator Agreement between the ISO and GWF Energy LLC for acceptance by the Commission.

The ISO states that this filing has been served on GWF Energy LLC and the California Public Utilities Commission.

The ISO is requesting that the Participating Generator Agreement be made effective August 22, 2001.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. California Independent System Operator Corporation

[Docket No. ER01–2959–000]

Take notice that the on August 29, 2001, California Independent System Operator Corporation (ISO) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Meter Service Agreement for ISO Metered Entities between the ISO and GWF Energy LLC.

The ISO states that this filing has been served on GWF Energy LLC and the California Public Utilities Commission.

The ISO is requesting that the Service Agreement for ISO Metered Entities be made effective August 22, 2001.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. California Independent System Operator Corporation

[Docket No. ER01–2960–000]

Take notice that on August 29, 2001, California Independent System Operator Corporation (ISO) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Meter Service Agreement for ISO Metered Entities between the ISO and County Sanitation District No. 2 of Los Angeles County.

The ISO states that this filing has been served on County Sanitation District No. 2 of Los Angeles County and the California Public Utilities Commission.

The ISO is requesting that the Meter Service Agreement for ISO Metered Entities be made effective August 22, 2001.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Southern Company Services, Inc.

[Docket No. ER01–2961–000]

Take notice that on August 29, 2001, Southern Company Services, Inc., as agent for Georgia Power Company (Georgia Power), tendered for filing the Interconnection Agreement between Georgia Power and Southern Power Company (Southern Power) for Plant Dahlberg (the Agreement), as a service agreement under Southern Operating Companies' Open Access Transmission Tariff (FERC Electric Tariff, Fourth Revised Volume No. 5) and is designated as Service Agreement No. 405. The Agreement provides the general terms and conditions for the interconnection and parallel operation of Southern Power's electric generating facility located in Jackson County, Georgia. The Agreement terminates forty (40) years from the effective date unless terminated earlier by mutual written agreement.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. California Independent System Operator Corporation

[Docket No. ER01–2962–000]

Take notice that on August 29, 2001, California Independent System Operator Corporation (ISO) tendered for filing with the Federal Energy Regulatory Commission (Commission), a Participating Generator Agreement between the ISO and County Sanitation District No. 2 of Los Angeles County.

The ISO states that this filing has been served on County Sanitation District No. 2 of Los Angeles County and the California Public Utilities Commission.

The ISO is requesting that the Participating Generator Agreement be made effective August 22, 2001.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Tampa Electric Company

[Docket No. ER01–2963–000]

Take notice that on August 29, 2001, Tampa Electric Company (Tampa Electric) tendered for filing with the Federal Energy Regulatory Commission (Commission), service agreements with Exelon Generation Company, LLC (Exelon) for firm point-to-point transmission service and non-firm point-to-point transmission service under Tampa Electric's open access transmission tariff.

Tampa Electric proposes an effective date of August 1, 2001, for the tendered service agreements.

Copies of the filing have been served on Exelon and the Florida Public Service Commission.

Comment date: September 19, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Midwest Independent Transmission System Operator, Inc.

[Docket No. RT01–87–001]

Take notice that on August 31, 2001, the Midwest ISO submitted its compliance filing pursuant to Section 35.34(h) of the Commission's regulations, 18 CFR 35.34(h), and the Commission's directive in Illinois Power Company, et al. to supplement its Order No. 2000 RTO Compliance Filing to reflect the effect that the events since the time of its original filing have had on the Midwest ISO's scope and configuration. Illinois Power Company, et al., 95 FERC ¶ 61,183 at 61,647 (2001).

Copies of the Midwest ISO's filing were electronically served upon Midwest ISO Members, Member representatives of Transmission Owners and Non-Transmission Owners, the Midwest ISO Advisory Committee participants, Policy Subcommittee participants, as well as all state commissions within the region.

Comment date: September 19, 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 this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (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 under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–22714 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Tendered for Filing With the Commission, Establishing Procedures for Relicensing and Deadlines for Commenting on Alternative Procedures, and Submission of Final Amendments

September 5, 2001.

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

a. *Type of Application:* New Major License.

b. *Project No.:* 346–037.

c. *Date Filed:* August 23, 2001.

d. *Applicant:* Minnesota Power Inc.

e. *Name of Project:* Blanchard Hydroelectric Project.

f. *Location:* On the Mississippi River near the City of Little Falls, in Morrison County, MN. The project occupies federal lands of the Bureau of Land Management.

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

h. *Applicant Contact:* Bob Bohm, Minnesota Power, Inc., P.O. Box 60, Little Falls, MN 56345, *rbohm@mnpower.com* 320–632–2318, ext. 5042.

i. *FERC Contact:* Tom Dean, *thomas.dean@ferc.fed.us,* 202–219–2778.

j. *Deadline for filing comments:* 30 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 Commissions, 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 under the ''e-Filing'' link.

k. The existing Blanchard Project consists of: (1) A 750-foot-long, 62-foot-high concrete gravity dam comprising: (a) a 190-foot-long non-overflow section; (b) a 437-foot-long gated spillway section; (c) eight 44-foot-wide by 14.7-foot-high Taintor gates; and (d) a 124-foot-wide integral powerhouse; (2) approximately 3,540-foot-long earth dikes extending from both sides of the concrete dam; (3) a 1,152-acre reservoir at normal water surface elevation of 1,081.7 feet NGVD; (4) a powerhouse containing three generating units with a total installed capacity of 18,000 kW; and (5) other appurtenances.

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. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). A copy is also available for inspection and reproduction by contacting the applicant identified in item h above.

m. Alternative procedures schedule and final amendments: The Commission staff proposes to issue one Environmental Assessment (EA) rather than issuing a draft and final EA. Staff intends to allow at least 30 days for entities to comment on the EA before final action is taken on the license application. If any person or organization objects to the staff proposed alternative procedure, they should file comments as stipulated in item j above, briefly explaining the basis for their objection. The application will be processed according to the following milestones, some of which may be combined to expedite processing:

Notice of application has been accepted for filing

Notice soliciting final terms and conditions

Notice of the availability of the NEPA document

Order issuing the Commission's decision on the application

Final amendments to the application must be filed with the Commission no later than 45 days from the issuance date of the notice soliciting final terms and conditions.

David P. Boergers,

Secretary.

[FR Doc. 01–22719 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

September 5, 2001.

a. *Type of Application:* Application to Convey 6 Parcels totaling 13.66 Acres of Project Land for Residential Development.

b. *Project No.:* 516–354, 516–355, 516–356, 516–357, 516–358 and 516–359.

c. *Date Filed:* August 22, 2001.

d. *Applicant:* South Carolina Electric & Gas Company.

e. *Name of Project:* Saluda.

f. *Location:* The project is located in Saluda, Lexington, Newberry and Richland Counties, SC.

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

h. *Applicant contact:* Thomas G. Eppink, Esquire, Senior Attorney, South Carolina Electric & Gas Company, Legal Department—130, Columbia, SC 29218, (803) 217–9448 or, Beth Trump, Real Estate Coordinator, (803) 217–7912.

i. *FERC Contact:* Questions about this notice can be answered by Jack Hannula at (202) 219–0116. The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below:

j. *Deadline for filing comments and/or motions:* 30 days from the issuance 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, terms and conditions, motions to intervene, and protests 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 (*http://www.ferc.gov*) under the ''e-Filing'' link.

The Commission's Rules of Practice and Procedure require all interveners filing documents with the Commissions to serve a copy of that document on each person whose name appears on 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 the resource agency. Please include the project number (P–516–354, etc.) on any comments or motions filed.

k. *Description of the Application:* South Carolina Electric & Gas Company requests Commission approval to sell 6 parcels of project fringeland totaling 13.66 acres for residential development to:

Sub-docket number	Buyer's name	Size in acres +/–	Location
–354 ..	Phil Hamby	1.64	Near Lands End Point (Harbor Heights), Lexington County.
–355 ..	Sam Wessinger	1.92	Near Bundrick Island (Beech Road), Lexington County.
–356 ..	Kirk Rumph	2.39	Near Harbor Watch Development, Lexington County.
–357 ..	Randy and Myra Moore	0.59	Near Newberry Shores Subdivision (Key Plantation Drive), Newberry County.
–358 ..	Scott Lominick	0.57	Near Newberry Shores Subdivision (Key Plantation Drive), Newberry County.
–359 ..	Cheryse Tapp	6.55	Near Saluda Shoals Subdivision (Riverbend Point Road), Saluda 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, or by calling (202) 208–1371. This filing may also be viewed on *http://www.ferc.gov* using the ''RIMS'' link-select ''Docket#'' and follow the instructions (call (202) 208–2222 for assistance).

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

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 date for the particular application.

Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATION FOR TERMS AND CONDITIONS'', ''PROTESTS'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

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. 01–22720 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Sunshine Act Meeting

September 5, 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: September 12, 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.

773rd—Meeting September 12, 2001, Regular Meeting, 10:00 A.M.

Administrative

A–1.
Docket# AD01–1, 000, Strategic and 2002 Business Plans

A–2.
Docket# AD01–2, 000, Infrastructure Adequacy

A–3.
Docket# AD01–3, 000, California Infrastructure Update

A–4.
Docket# AD01–4, 000, Building Update

A–5.
Docket# AD01–5, 000, Delegations of Authority

Markets, Tariffs and Rates—Electric

E–1.
Excess Generation Capacity Discussion

E–2.
Significant National Transmission Constraints Discussion

E–3.
Docket# ER01–2609, 000, Southern California Edison Company

E–4.
Docket# ER01–2633, 000, PPL Montana, LLC

E–5.

Docket# ER01–2658, 000, American Electric Power Service Corporation
E–6.
Docket# ER01–2529, 000, Sierra Pacific Power Company and Nevada Power Company
Other#s ER00–3188, 001, Sierra Pacific Power Company and Nevada Power Company
ER00–3188, 002, Sierra Pacific Power Company and Nevada Power Company
E–7.
Docket# RT01–35, 002, Avista Corporation, The Bonneville Power Administration, Idaho Power Company, The Montana Power Company, Nevada Power Company, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Inc. and Sierra Pacific Power Company
Other#s RT01–35, 003, Avista Corporation, The Bonneville Power Administration, Idaho Power Company, The Montana Power Company, Nevada Power Company, PacifiCorp, Portland General Electric Company, Puget Sound Energy, Inc. and Sierra Pacific Power Company
E–8.
Docket# ER01–1695, 002, Cambridge Electric Light Company
Other#s ER01–1705, 002, Boston Edison Company
ER01–1782, 002, Commonwealth Electric Company
E–9.
Omitted
E–10.
Docket# ER01–315, 000, Southern California Edison Company
E–11.
Docket# ER01–316, 000, ISO New England Inc.
E–12.
Docket# ER01–312, 000, Alliant Energy Corporate Services, Inc.
Other#s ER01–312, 001, Alliant Energy Corporate Services, Inc.
E–13.
Docket# ER01–745, 000, New England Power Company
Other#s ER01–745, 001, New England Power Company
E–14.
Docket# ER00–2366, 000, Ameren Services Company
E–15.
Docket# ER01–1740, 002, New York Independent System Operator, Inc.
E–16.
Docket# EL00–105, 004 City of Vernon, California
E–17.
Omitted
E–18.
Docket# ER00–771, 004, Tucson Electric Power Company
Other#s ER00–771, 005, Tucson Electric Power Company
E–19.
Docket# OA96–39, 004, Florida Power & Light Company
Other#s OA96–39, 000, Florida Power & Light Company
ER93–465, 027, Florida Power & Light Company
ER93–922, 014, Florida Power & Light Company
EL94–12, 009, Florida Power & Light Company
ER96–2381, 002, Florida Power & Light Company
E–20.
Docket# EL93–10, 000, Boston Edison Company
Other#s EL93–10, 010, Boston Edison Company
ER93–150, 000, Boston Edison Company
ER93–150, 017, Boston Edison Company
E–21.
Docket# EC00–46, 000, Vermont Yankee Nuclear Power Corporation
Other#s EC00–46, 001, Vermont Yankee Nuclear Power Corporation
EL00–86, 000, Vermont Yankee Nuclear Power Corporation
ER00–1027, 000, Vermont Yankee Nuclear Power Corporation
ER00–1027, 001, Vermont Yankee Nuclear Power Corporation
ER00–1027, 002, Vermont Yankee Nuclear Power Corporation
ER00–1028, 000, Vermont Yankee Nuclear Power Corporation
ER00–1028, 001, Vermont Yankee Nuclear Power Corporation
ER00–1029, 000, Vermont Yankee Nuclear Power Corporation
ER00–1029, 001, Vermont Yankee Nuclear Power Corporation
E–22.
Docket# EC01–97, 000, Energy East Corporation and RGS Energy Group, Inc.
E–23.
Docket# ER01–1928, 001, Central Maine Power Company
E–24.
Docket# ER00–2309, 003, Allegheny Energy Supply Company, L.L.C., The Potomac Edison Company and West Penn Power Company
E–25.
Docket# OA96–81, 001, Indianapolis Power & Light Company
E–26.
Omitted
E–27.
Docket# ER00–3295, 002, International Transmission Company
E–28.
Docket# ER01–1810, 003, Ameren Energy Marketing Company
E–29.
Docket# EL01–51, 004, Detroit Edison Company
Other#s ER01–1649, 004, Detroit Edison Company
E–30.
Docket# ER01–1807, 002, Carolina Power & Light Company and Florida Power & Light Company
Other#s ER01–2020, 001, Carolina Power & Light Company and Florida Power & Light Company
E–31.
Docket# ER01–2021, 002, Entergy Services, Inc.
Other#s ER01–2106, 002, Entergy Services, Inc.
E–32.
Docket# RT01–34, 003, Southwest Power Pool, Inc.
Other#s EC99–101, 005, Northern States Power Company (Minnesota) and New Century Energies, Inc.
RT01–75, 004, Entergy Services, Inc.
E–33.
Docket# ER01–1989, 002, Southwest Power Pool, Inc.
E–34.
Docket# ER00–3577, 004, New England Power Pool
E–35.
Docket# EL01–97, 000, Mirant Chalk Point, LLC, Mirant Mid-Atlantic, LLC, Mirant Peaker, LLC and Mirant Potomac River, LLC
Other#s ER01–2634, 000, Mirant Americas Energy Marketing, L.P. and Potomac Electric Power Company
E–36.
Docket# EL01–73, 000, Northeast Texas Electric Cooperative, Inc., Rusk County Electric Cooperative, Inc., Upshur-Rural Electric Cooperative, Inc. and Wood County Electric Cooperative, Inc.
E–37.
Docket# EL01–104, 000, Dynegy Power Marketing, Inc. v. Southwest Power Pool, Inc.
E–38.
Docket# NJ01–4, 000, Tri-State Generation and Transmission Association, Inc.
E–39.
Omitted
E–40.
Docket# EL01–98, 000, American Ref-Fuel Company of Niagara, L.P. v. Niagara Mohawk Power Corporation
E–41.
Omitted
E–42.
Omitted
E–43.
Docket# AC99–45, 000, The Detroit Edison Company
Other#s AC99–45, 001, The Detroit Edison Company
E–44.
Docket# ER01–889, 007, California Independent System Operator Corporation
Other#s EL00–95, 041, 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
EL00–98, 039, 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
EL00–104, 006, 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
EL00–107, 007, 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
EL01–1, 007, 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

ER01–902, 004, California Power Exchange Corporation
E–45.
Docket# ER01–1771, 003, Idaho Power Company
E–46.
Docket# ER01–2115, 002, New England Power Pool
Other#s ER01–2192, 001, ISO New England, Inc.
EL01–85, 001, ISO New England, Inc.
ER01–2223, 001, New England Power Pool
ER01–2329, 001, New England Power Pool and ISO New England, Inc.
RT01–99, 002, Regional Transmission Organizations

Markets, Tariffs and Rates—Gas

G–1.
Docket# RP01–350, 000, Colorado Interstate Gas Company
Other#s RP01–200, 002, Colorado Interstate Gas Company
RP01–350, 001, Colorado Interstate Gas Company
G–2.
Docket# RP01–196, 000, Venice Gathering System, L.L.C.
G–3.
Docket# RP99–518, 019, PG&E Gas Transmission, Northwest Corporation
Other#s RP99–518, 020, PG&E Gas Transmission, Northwest Corporation
RP99–518, 021, PG&E Gas Transmission, Northwest Corporation
RP99–518, 022, PG&E Gas Transmission, Northwest Corporation
G–4.
Docket# RP00–632, 003, Dominion Transmission, Inc.
G–5.
Docket# RP00–328, 000, Algonquin LNG, Inc.
G–6.
Docket# RP98–40, 028, Panhandle Eastern Pipe Line Company
Other#s RP98–40, 024, Panhandle Eastern Pipe Line Company
G–7.
Omitted
G–8.
Docket# RP00–390, 001, Granite State Gas Transmission, Inc.
G–9.
Docket# RP00–485, 001, Steuben Gas Storage Company
G–10.
Docket# OR00–1, 000, Marathon Ashland Pipe Line LLC
G–11.
Docket# RP01–278, 000, Texas Gas Transmission Corporation
G–12.
Docket# MG01–24, 000, Columbia Gas Transmission Corporation
G–13.
Docket# MG01–25, 000, Crossroads Pipeline Company
G–14.
Docket# MG01–26, 000, Granite State Gas Transmission, Inc.
G–15.
Docket# MG01–27, 000, Columbia Gulf Transmission Company
G–16.
Docket# MG01–23, 000, Florida Gas Transmission Company
G–17.
Docket# RP00–344, 001, Dominion Transmission, Inc.
Other#s RP00–601, 000, Dominion Transmission, Inc.
G–18.
Docket# RP00–514, 003, Southern Natural Gas Company
G–19.
Omitted
G–20.
Docket# OR92–8, 010, SFPP, L.P.
Other#s OR92–8, 000, SFPP, L.P.
OR93–5, 000, SFPP, L.P.
OR93–5, 007, SFPP, L.P.
OR94–3, 000, SFPP, L.P.
OR94–4, 000, SFPP, L.P.
OR94–4, 007, SFPP, L.P.
OR95–5, 000, Mobil Oil Corporation v. SFPP, L.P.
OR95–5, 006, Mobil Oil Corporation v. SFPP, L.P.
OR95–34, 000, Tosco Corporation v. SFPP, L.P.
IS99–144, 000, SFPP, L.P.
IS99–144, 001, SFPP, L.P.
IS99–144, 002, SFPP, L.P.
IS00–379, 000, SFPP, L.P.

Energy Projects—Hydro

H–1.
Docket# P–739, 013, Appalachian Power Company
Other#s P–77, 115, Pacific Gas and Electric Company
P–96, 030, Pacific Gas and Electric Company
P–175, 017, Pacific Gas and Electric Company
P–178, 014, Pacific Gas and Electric Company
P–233, 080, Pacific Gas and Electric Company
P–401, 026, Indiana Michigan Power Company
P–487, 031, PP&L, Inc.
P–606, 019, Pacific Gas and Electric Company
P–619, 092, Pacific Gas and Electric Company
P–803, 054, Pacific Gas and Electric Company
P–1025, 047, Safe Harbor Water Power Corporation
P–1061, 054, Pacific Gas and Electric Company
P–1121, 057, Pacific Gas and Electric Company
P–1175, 010, Appalachian Power Company
P–1267, 048, Greenwood County, South Carolina
P–1290, 009, Appalachian Power Company
P–1333, 036, Pacific Gas and Electric Company
P–1354, 028, Pacific Gas and Electric Company
P–1403, 041, Pacific Gas and Electric Company
P–1835, 214, Nebraska Public Power District
P–1855, 025, USGen New England, Inc.
P–1881, 036, PP&L, Inc.
P–1892, 015, USGen New England, Inc.
P–1904, 034, USGen New England, Inc.
P–1962, 037, Pacific Gas and Electric Company
P–1982, 024, Northern States Power Company
P–1988, 027, Pacific Gas and Electric Company
P–2047, 014, Erie Boulevard Hydropower, L.P.
P–2056, 024, Northern States Power Company
P–2058, 018, Avista Corporation
P–2075, 016, Avista Corporation
P–2077, 020, USGen New England, Inc.
P–2084, 029, Erie Boulevard Hydropower, L.P.
P–2105, 086, Pacific Gas and Electric Company
P–2106, 037, Pacific Gas and Electric Company
P–2107, 009, Pacific Gas and Electric Company
P–2114, 095, Public Utility District No. 2 of Grant County, Washington
P–2130, 028, Pacific Gas and Electric Company
P–2155, 021, Pacific Gas and Electric Company
P–2181, 012, Northern States Power Company
P–2210, 068, Appalachian Power Company
P–2232, 429, Duke Power, Division of Duke Energy Corporation
P–2310, 117, Pacific Gas and Electric Company
P–2318, 014, Erie Boulevard Hydropower, L.P.
P–2320, 027, Erie Boulevard Hydropower, L.P.
P–2323, 095, USGen New England, Inc.
P–2330, 045, Erie Boulevard Hydropower, L.P.
P–2331, 019, Duke Power, Division of Duke Energy Corporation
P–2332, 028, Duke Power, Division of Duke Energy Corporation
P–2376, 032, Appalachian Power Company
P–2440, 043, Northern States Power Company
P–2466, 025, Appalachian Power Company
P–2467, 015, Pacific Gas and Electric Company
P–2474, 015, Erie Boulevard Hydropower, L.P.
P–2482, 034, Erie Boulevard Hydropower, L.P.
P–2491, 028, Northern States Power Company
P–2503, 063, Duke Power, Division of Duke Energy Corporation
P–2514, 068, Appalachian Power Company
P–2538, 058, Erie Boulevard Hydropower, L.P.
P–2539, 018, Erie Boulevard Hydropower, L.P.
P–2545, 072, Avista Corporation
P–2551, 035, Indiana Michigan Power Company
P–2554, 015, Erie Boulevard Hydropower, L.P.
P–2567, 012, Northern States Power Company
P–2569, 084, Erie Boulevard Hydropower, L.P.
P–2570, 028, Ohio Power Company
P–2579, 042, Indiana Michigan Power Company
P–2616, 021, Erie Boulevard Hydropower, L.P.

P–2619, 008, Nantahala Power & Light Company
P–2639, 011, Wisconsin Electric Power Company
P–2645, 104, Erie Boulevard Hydropower, L.P.
P–2651, 019, Indiana Michigan Power Company
P–2661, 014, Pacific Gas and Electric Company
P–2669, 027, USGen New England, Inc.
P–2670, 017, Northern States Power Company
P–2686, 026, Nantahala Power & Light Company
P–2687, 020, Pacific Gas and Electric Company
P–2692, 027, Nantahala Power & Light Company
P–2696, 016, Erie Boulevard Hydropower, L.P.
P–2697, 012, Northern States Power Company
P–2698, 027, Nantahala Power & Light Company
P–2701, 041, Erie Boulevard Hydropower, L.P.
P–2713, 060, Erie Boulevard Hydropower, L.P.
P–2735, 069, Pacific Gas and Electric Company
P–2740, 045, Duke Power, a Division of Duke Energy Corporation
P–2837, 017, Erie Boulevard Hydropower, L.P.
P–4472, 022, Erie Boulevard Hydropower, L.P.
P–5984, 038, Erie Boulevard Hydropower, L.P.
P–7320, 022, Erie Boulevard Hydropower, L.P.
P–7387, 015, Erie Boulevard Hydropower, L.P.
P–11408, 036, Erie Boulevard Hydropower, L.P.

H–2.
Docket# P–18, 064, Idaho Power Company

H–3.
Docket# P–2899, 102, Idaho Power Company and Milner Dam, Inc.

H–4.
Docket# P–4515, 010, Eric R. Jacobson
Other#s P–4515, 014, Eric R. Jacobson

H–5.
Omitted

H–6.
Docket# P–2145, 041, Public Utility District No. 1 of Chelan County, Washington

H–7.
Docket# P–2114, 091, Public Utility District No. 2 of Grant County, Washington

H–8.
Docket# P–11907, 000, Town of Bristol, New Hampshire

H–9.
Docket# P–11901, 000, Town of Bristol, New Hampshire

Energy Projects—Certificates

C–1.
Omitted

C–2.
Docket# CP98–200, 004, National Fuel Gas Supply Corporation

C–3.
Docket# RM99–5, 003, Regulations Under the Outer Continental Shelf Lands Act Governing the Movement of Natural Gas and Facilities on the Outer Continental Shelf

C–4.
Docket# CP01–90, 001, El Paso Natural Gas Company
Other#s RP00–336, 004, El Paso Natural Gas Company

C–5.
Docket# CP00–387, 001, PNM Gas Services, a Division of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.
Other#s CP00–388, 001, PNM Gas Services, a Division of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.
CP00–397, 001, PNM Gas Services, a Division of Public Service Company of New Mexico and PNM Electric and Gas Services, Inc.

Miscellaneous

M–1.
Docket# RM01–10, 000, Standards of Conduct for Transmission Providers

M–2.
Docket# RM01–11, 000, Electronic Service

David P. Boergers,
Secretary.

[FR Doc. 01–22831 Filed 9–10–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Southwestern Power Administration

Robert Douglas Willis Power Rate Schedule

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of rate increase.

SUMMARY: Pursuant to Delegation Order No. 0204–172, November 24, 1999, the Deputy Secretary of Energy has approved and placed into effect on an interim basis Rate Order No. SWPA–46 which increases the power rate for the Robert Douglas Willis Hydropower (Robert D. Willis) Project pursuant to the following Robert D. Willis Rate Schedule:

Rate Schedule RDW–01, Wholesale Rates for Hydro Power and Energy Sold to Sam Rayburn Municipal Power Agency (Contract No. DE–PM75–85SW00117)

FOR FURTHER INFORMATION CONTACT: Mr. Forrest E. Reeves, Assistant Administrator, Office of Corporate Operations, Southwestern Power Administration, Department of Energy, One West Third Street, Tulsa, OK 74103–3519, (918) 595–6696, *reeves@swpa.gov.*

SUPPLEMENTARY INFORMATION: The existing hydroelectric power rate for the Robert D. Willis project is $337,932 per year. The rate was approved on a final basis by the Federal Energy Regulatory Commission on January 20, 2000, for the period ending September 30, 2003. The FY 2001 Robert D. Willis Power Repayment Studies indicates the need for an increase in the annual rate by $15,768 or 4.7 percent beginning October 1, 2001.

The Administrator, Southwestern Power Administration (Southwestern) has followed Title 10, Part 903 Subpart A, of the Code of Federal Regulations, ''Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions'' (Part 903) in connection with the proposed rate schedule. On May 11, 2001, Southwestern published notice in the **Federal Register**, 66 FR 24132, of a 90-day comment period, together with a Public Information Forum and a Public Comment Form, to provide an opportunity for customers and other interested members of the public to review and comment on a proposed rate increase for the Robert D. Willis project. Both public forums were canceled when no one expressed an intention to participate. Written comments were accepted through August 9, 2001. One comment was received from Gillis & Angley, Counsellors at Law, on behalf of Sam Rayburn Municipal Power Agency (SRMPA), which stated that SRMPA (the sole customer) had no objection to the proposed rate adjustment.

Information regarding this rate proposal, including studies and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, Suite 1400, One West Third Street, Tulsa, Oklahoma 74103.

Following review of Southwestern's proposal within the Department of Energy, I approved Rate Order No. SWPA–46, which increases the existing Robert D. Willis rate to $353,700 per year for the period October 1, 2001, through September 30, 2005.

Dated: August 29, 2001.

Francis S. Blake,
Deputy Secretary.

Order Confirming, Approving and Placing Increased Power Rate Schedule in Effect on an Interim Basis

[Rate Order No. SWPA–46]

Pursuant to sections 301(b) and 302(a) of the Department of Energy Organization Act, Public Law 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under section 5 of the Flood Control Act of 1944,16 U.S.C. 825s, for the Southwestern Power Administration

(Southwestern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–108, effective December 14, 1983, 48 FR 55664, the Secretary of Energy delegated to the Deputy Secretary of Energy on a non-exclusive basis the authority to confirm, approve and place power and transmission rates into effect on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) on an exclusive basis the authority to confirm, approve and place in effect on a final basis, or to disapprove power and transmission rates. Amendment No. 1 to Delegation Order No. 0204–108, effective May 30, 1986, 51 FR 19744, revised the delegation of authority to confirm, approve and place power and transmission rates into effect on an interim basis by delegating such authority to the Under Secretary of Energy. This delegation was reassigned to the Deputy Secretary of Energy by Department of Energy (DOE) Notice 1110.29, dated October 27, 1988, and clarified by Secretary of Energy Notice SEN–10–89, dated August 3, 1989, and subsequent revisions. By Amendment No. 2 to Delegation Order No. 0204–108, effective August 23, 1991, 56 FR 41835, the Secretary of the Department of Energy delegated to the Assistant Secretary, Conservation and Renewable Energy, the authority which was previously delegated to the Deputy Secretary in that Delegation Order. By Amendment No. 3 to Delegation Order No. 0204–108, effective November 10, 1993, the Secretary of Energy re-delegated to the Deputy Secretary of Energy, the authority to confirm, approve and place power and transmission rates of the Power Marketing Administrations into effect on an interim basis. By notice, dated April 15, 1999, the Secretary of Energy rescinded the authority of the Deputy Secretary of Energy under Delegation Order No. 0204–108. By Delegation Order No. 0204–172, effective November 24, 1999, the Secretary of Energy again provided interim rate approval authority to the Deputy Secretary of Energy.

Background

Dam B (Town Bluff Dam), located on the Neches River in eastern Texas downstream from the Sam Rayburn Dam, was originally constructed in 1951 by the U.S. Army Corps of Engineers (Corps) and provides streamflow regulation of releases from the Sam Rayburn Dam. The Lower Neches Valley Authority contributed funds toward construction of both projects and makes established annual payments for the right to withdraw up to 2000 cubic feet of water per second from Town Bluff Dam for its own use. Power was legislatively authorized at the project, but installation of hydroelectric facilities was deferred until justified by economic conditions. A determination of feasibility was made in a 1982 Corps study. In 1983, the Sam Rayburn Municipal Power Agency (SRMPA) proposed to sponsor and finance the development at Town Bluff Dam in return for the output of the project to be delivered to its member municipalities and participating member cooperatives of the Sam Rayburn Dam Electric Cooperative. Since the hydroelectric facilities at the Town Bluff Dam have been completed, the facilities have been renamed the Robert Douglas Willis Hydropower Project (Robert D. Willis).

The Robert D. Willis rate is unique in that it excludes the costs associated with the hydropower design and construction performed by the Corps, because all funds for these costs were provided by SRMPA. Under the Southwestern/SRMPA power sales Contract No. DE–PM75–85SW00117, SRMPA will continue to pay all annual operating and marketing costs, as well as expected capital replacement costs, through the rate paid to Southwestern, and will receive all power and energy produced at the project for a period of 50 years.

The existing rate for the Robert D. Willis project was approved by the Federal Energy Regulatory Commission (FERC) on January 20, 2000, for the period October 1, 1999, through September 30, 2003.

Discussion

The 2001 Current Robert D. Willis PRS tests the adequacy of the existing rate, based on the latest cost evaluation period extending from FY 2001 through FY 2005, to cover annual expenses for marketing, operation and maintenance, and to amortize additions to plant and major replacements of the generating facilities. The Current PRS for the Robert D. Willis project, using the existing annual rate of $337,932, indicates that the legal requirements to repay all costs will not be met without additional revenue. This shortfall is primarily a result of increased operations and maintenance expenses estimated by the Corps. The Revised PRS shows that an additional $15,768 (4.7 percent) annually is needed to satisfy repayment criteria. Accordingly, Southwestern developed a rate schedule with a proposed annual rate of $353,700 that would satisfy repayment criteria.

Pursuant to Title 10, Part 903, Subpart A of the Code of Federal Regulations (10 CFR 903.21), ''Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions'', 50 FR 37837, the Administrator, published notice in the **Federal Register** on May 11, 2001, 66 FR 24132, announcing a 90-day period for public review and comment concerning the proposed interim rate increase. Southwestern provided notice of the **Federal Register**, together with supporting data, to the customer and interested parties for review and comment during the formal period of public participation. In addition, prior to the formal 90-day public participation process, Southwestern met with the customer and their representative to discuss with them preliminary information on the proposed rate adjustment. As there was no request for public forums, none were held. One formal comment was received on behalf of the sole customer SRMPA, that expressed no objection to the proposed rate.

Upon conclusion of the comment period, Southwestern finalized the Power Repayment Studies and rate schedule for the proposed annual rate of $353,700 which is the lowest possible rate needed to satisfy repayment criteria. This rate represents an increase of 4.7 percent over the existing rate.

Information regarding this rate increase, including studies and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, One West Third Street, Tulsa, Oklahoma 74103–3519.

Comments and Responses

Southwestern received one written comment in which the customer representative expressed no objection to the proposed rate adjustment.

Other Issues

There were no other issues raised during the informal meeting or during the formal public participation period.

Administrator's Certification

The FY 2001 Revised Robert D. Willis PRS indicates that the annual power rate of $353,700 will repay all costs of the project, including amortization of additions to plant and major replacements of the generating facilities consistent with provisions of the Department of Energy (DOE) Order No. RA 6120.2. In accordance with Delegation Order No. 0204–172, November 24, 1999, and Section 5 of the Flood Control Act of 1944, the Administrator has determined that the proposed Robert D. Willis power rate is consistent with applicable law and the

lowest possible rate consistent with sound business principles.

Environment

The environmental impact of the rate increase proposal was evaluated in consideration of DOE's guidelines for implementing the procedural provisions of the National Environmental Policy Act, 10 CFR 1021, and was determined to fall within the class of actions that are categorically excluded from the requirements of preparing either an Environmental Impact Statement or an Environmental Assessment.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, for the period October 1, 2001, through September 30, 2005, the annual Robert D. Willis rate of $353,700 for the sale of power and energy from Robert D. Willis project to the Sam Rayburn Municipal Power Agency, under Contract No. DE–PM75–85SW00117, as amended. This rate shall remain in effect on an interim basis through September 30, 2005, or until the FERC confirms and approves the rate on a final basis.

Dated: August 29, 2001.

Francis S. Blake,

Deputy Secretary.

[FR Doc. 01–22698 Filed 9–10–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Southwestern Power Administration

Sam Rayburn Dam Power Rate Schedules

AGENCY: Southwestern Power Administration, DOE.

ACTION: Notice of rate decrease.

SUMMARY: Pursuant to Delegation Order No. 0204–172, November 24, 1999, the Deputy Secretary of Energy has approved and placed into effect on an interim basis Rate Order No. SWPA–47 which decreases the power rate for the Sam Rayburn Dam Hydropower Project (Rayburn) pursuant to the following Sam Rayburn Dam Rate Schedule:

Rate Schedule SRD–01, Wholesale Rates for Hydro Power and EnergySold to Sam Rayburn Dam Electric Cooperative, Inc., (Contract No. DE–PM75–92SW00215)

FOR FURTHER INFORMATION CONTACT: Mr. Forrest E. Reeves, Assistant Administrator, Office of Corporate Operations, Southwestern Power Administration, Department of Energy, One West Third Street, Tulsa, OK 74103–3519, (918) 595–6696, *reeves@swpa.gov.*

SUPPLEMENTARY INFORMATION: The existing hydroelectric power rate for the Rayburn project is $2,168,136 per year. The rate was approved on a final basis by the Federal Energy Regulatory Commission on December 7, 1994, for the period ending September 30, 1998. The rate was extended for three years, in one-year intervals, with the most recent effective October 1, 2000, through September 30, 2001, in accordance with the Secretary of Energy's interim approval, dated September 15, 2000, 65 FR 55953. The FY 2001 Rayburn Power Repayment Studies indicate the need for a decrease in the annual rate of $90,504, or 4.2 percent beginning October 1, 2001.

The Administrator, Southwestern Power Administration (Southwestern) has followed Title 10, Part 903 Subpart A, of the Code of Federal Regulations, ''Procedures for Public Participation in Power and Transmission Rate Adjustments and Extensions'' (Part 903) in connection with the proposed rate schedule. On May 11, 2001, Southwestern published notice in the **Federal Register**, 66 FR 24132, of a 90-day comment period, together with a Public Information Forum and a Public Comment Forum, to provide an opportunity for customers and other interested members of the public to review and comment on a proposed rate decrease for the Rayburn project. Both public forums were canceled when no one expressed an intention to participate. Written comments were accepted through August 9, 2001. Only one comment was received from Gillis & Angley, Counsellors at Law, on behalf of Sam Rayburn Dam Electric Cooperative, Inc. (SRDEC), which stated that SRDEC (the sole customer) had no objection to the proposed rate adjustment.

Information regarding this rate proposal, including studies and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, Suite 1400, One West Third Street, Tulsa, Oklahoma 74103.

Following review of Southwestern's proposal within the Department of Energy, I approved Rate Order No. SWPA–47, which decreases the existing Rayburn rate to $2,077,632 per year for the period October 1, 2001, through September 30, 2005.

Dated: August 29, 2001.

Francis S. Blake,

Deputy Secretary.

Order Confirming, Approving and Placing Decreased Power Rate Schedule in Effect on an Interim Basis

[Rate Order No. SWPA–47]

Pursuant to sections 301(b) and 302(a) of the Department of Energy Organization Act, Public Law 95–91, the functions of the Secretary of the Interior and the Federal Power Commission under section 5 of the Flood Control Act of 1944, 16 U.S.C. 825s, for the Southwestern Power Administration (Southwestern) were transferred to and vested in the Secretary of Energy. By Delegation Order No. 0204–108, effective December 14, 1983, 48 FR 55664, the Secretary of Energy delegated to the Deputy Secretary of Energy on a non-exclusive basis the authority to confirm, approve and place power and transmission rates into effect on an interim basis, and delegated to the Federal Energy Regulatory Commission (FERC) on an exclusive basis the authority to confirm, approve and place in effect on a final basis, or to disapprove power and transmission rates. Amendment No. 1 to Delegation Order No. 0204–108, effective May 30, 1986, 51 FR 19744, revised the delegation of authority to confirm, approve and place into effect on an interim basis power and transmission rates by delegating such authority to the Under Secretary of Energy. This delegation was reassigned to the Deputy Secretary of Energy by Department of Energy (DOE) Notice 1110.29, dated October 27, 1988, and clarified by Secretary of Energy Notice SEN–10–89, dated August 3, 1989, and subsequent revisions. By Amendment No. 2 to Delegation Order No. 0204–108, effective August 23, 1991, 56 FR 41835, the Secretary of the Department of Energy delegated to the Assistant Secretary, Conservation and Renewable Energy, the authority which was previously delegated to the Deputy Secretary in that Delegation Order. By Amendment No. 3 to Delegation Order No. 0204–108, effective November 10, 1993, the Secretary of Energy re-delegated to the Deputy Secretary of Energy, the authority to confirm, approve and place into effect on an interim basis power and transmission rates of the Power Marketing Administrations. By notice, dated April 15, 1999, the Secretary of Energy rescinded the authority of the Deputy Secretary of Energy under Delegation Order No. 0204–108. By Delegation Order No. 0204–172, effective

November 24, 1999, the Secretary of Energy again provided interim rate approval authority to the Deputy Secretary of Energy.

Background

The Sam Rayburn Hydropower Project (Rayburn) is located on the Angelina River in the State of Texas in the Neches River Basin. Since the beginning of its operation in 1965, it has been marketed as an isolated project, under contract with Sam Rayburn Dam Electric Cooperative, Inc. (Contract No. DE–PM75–92SW00215).

In the Federal Energy Regulatory Commission (FERC) Docket No. EF94–4021–000, issued December 7, 1994, for the period October 1, 1994, through September 30, 1998, the FERC confirmed and approved the current annual Sam Rayburn Dam rate of $2,168,135. This rate was subsequently extended for three years, in one year intervals on an interim basis by the Deputy Secretary of Energy or Secretary of Energy under the Rate Order and for the periods listed below:

Rate Order SWPA–38, October 1, 1998—September 30, 1999
Rate Order SWPA–40, October 1, 1999—September 30, 2000
Rate Order SWPA–42, October 1, 2000—September 30, 2001

Discussion

Southwestern's FY 2001 Current Power Repayment Study (PRS) indicates that the existing annual power rate of $2,168,135 did not represent the lowest possible rate needed to meet cost recovery criteria. The reduced revenue requirement is due to a decrease in the Corps of Engineers (Corps) future replacement estimates. The Revised PRS indicates that a decrease in annual revenues of $90,504 beginning in FY 2002 is sufficient to accomplish repayment of the Federal investment in the required number of years. Accordingly, Southwestern developed a proposed rate schedule based on that decreased revenue requirement.

Title 10, Part 903, Subpart A of the Code of Federal Regulations, ''Procedures for Public Participation in Power and Transmission Rate Adjustment,'' has been followed in connection with the proposed rate adjustment. More specifically, opportunities for public review and comment during a 90-day period on the proposed Rayburn power rate were announced by notice published in the **Federal Register**, May 11, 2001, 66 FR 24132. A Public Information Forum was to be held June 14, 2001, in Tulsa, Oklahoma, and a Public Comment Forum was to be held July 18, 2001, also in Tulsa. Both forums were canceled as no one expressed an intention to participate. Written comments were due by August 9, 2001. Southwestern provided notice of the **Federal Register**, together with supporting data, to the customer and interested parties for review and comment during the formal period of public participation. In addition, prior to the formal 90-day public participation process, Southwestern met with the customer and their representative to discuss with them preliminary information on the proposed rate adjustment. Only one formal comment was received from Gillis & Angley, Counsellors at Law, on behalf of Sam Rayburn Dam Electric Cooperative, Inc. (SRDEC), which stated that SRDEC (the sole customer) had no objection to the proposed rate adjustment.

Upon conclusion of the comment period in August 2001, Southwestern finalized the Power Repayment Study and rate schedule for the proposed annual rate of $2,077,632 which is the lowest possible rate needed to satisfy repayment criteria. This rate represents an annual decrease of 4.2 percent.

Information regarding this rate decrease, including studies and other supporting material, is available for public review and comment in the offices of Southwestern Power Administration, One West Third Street, Tulsa, Oklahoma 74103–3519.

Comments and Responses

Southwestern received one written comment in which the customer representative expressed no objection to the proposed rate adjustment.

Other Issues

There were no other issues raised during the informal meeting or during the formal public participation period.

Administrator's Certification

The FY 2001 Revised Rayburn PRS indicates that the annual power rate of $2,077,632 will repay all costs of the project, including amortization of the power investment consistent with provisions of the Department of Energy (DOE) Order No. RA 6120.2. In accordance with Delegation Order No. 0204–172, November 24, 1999, and Section 5 of the Flood Control Act of 1944, the Administrator has determined that the proposed Rayburn power rate is consistent with applicable law and the lowest possible rate consistent with sound business principles.

Environment

The environmental impact of the rate decrease proposal was evaluated in consideration of DOE's guidelines for implementing the procedural provisions of the National Environmental Policy Act, 10 CFR 1021, and was determined to fall within the class of actions that are categorically excluded from the requirements of preparing either an Environmental Impact Statement or an Environmental Assessment.

Order

In view of the foregoing and pursuant to the authority delegated to me by the Secretary of Energy, I hereby confirm, approve and place in effect on an interim basis, for the period October 1, 2001, through September 30, 2005, the annual Sam Rayburn Dam Rate of $2,077,632 for the sale of power and energy from Sam Rayburn Dam to the Sam Rayburn Electric Cooperative, Inc., under Contract No. DE–PM75–92SW00215, dated October 7, 1992.

Dated: August 29, 2001.

Francis S. Blake,

Deputy Secretary.

[FR Doc. 01–22699 Filed 9–10–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Western Area Power Administration

Boulder Canyon Project—Base Charge and Rates

AGENCY: Western Area Power Administration, DOE.

ACTION: Notice of base charge and rates.

SUMMARY: The Deputy Secretary of the Department of Energy (DOE) has confirmed and approved the FY 2002 Base Charge and Rates (Rates) for the Boulder Canyon Project (BCP) electric service provided by the Western Area Power Administration (Western). The Rates will provide sufficient revenue to pay all annual costs, including interest expense, and repay required investment within the allowable period.

DATES: The Rates will be effective the first day of the first full billing period beginning on or after October 1, 2001. These Rates will stay in effect through September 30, 2002, or until other Rates replace them.

FOR FURTHER INFORMATION CONTACT: Mr. Maher Nasir, Rates Team Lead, Western Area Power Administration, Desert Southwest Customer Service Region, 615 South 43rd Avenue, Phoenix, AZ 85009, telephone (602) 352–2768, e-mail nasir@wapa.gov.

SUPPLEMENTARY INFORMATION: The Deputy Secretary of Energy approved the existing Rate Schedule BCP–F6 for BCP electric service on September 18,

2000 (Rate Order No. WAPA–94, 65 FR 60933, October 13, 2000), on an interim basis, effective on October 1, 2000, through September 30, 2005, and allowed for an annual recalculation of the Rates. On July 31, 2001, the Federal Energy Regulatory Commission (FERC) approved Rate Order No. WAPA–94 on a final basis.

Under Rate Schedule BCP–F6, the existing composite rate, effective on October 1, 2000, is 9.75 mills per kilowatthour (mills/kWh), the base charge is $47,788,574, the forecasted energy rate is 5.04 mills/kWh, and the forecasted capacity rate is $0.99 per kilowattmonth (kWmonth). The newly calculated Rates for BCP electric service to be effective October 1, 2001, will result in an overall composite rate of 10.32 mills/kWh. This is an increase of approximately 6 percent when compared with the existing BCP electric service composite rate. The increase is due to a slight increase in the annual revenue requirement and lower projected energy sales. The FY 2002 base charge is increasing slightly to $48,039,988. The slight increase is due mainly to higher operation and maintenance expenses and replacement costs. The FY 2002 forecasted energy rate of 5.33 mills/kWh is approximately a 6-percent increase from the existing forecasted energy rate of 5.04 mills/kWh. The slight increase is due mainly from a projected lower water year that results in reduced projected energy sales. The FY 2002 forecasted capacity rate of $0.99/kWmonth remains the same as the existing forecasted capacity rate.

The following summarizes the steps taken by Western to ensure involvement of all interested parties in determining the Rates:

1. On February 8, 2001, a letter was mailed from Western's Desert Southwest Customer Service Region to the BCP Contractors and other interested parties announcing the informal customer meeting, and the public information and public comment forums.

2. A **Federal Register** notice (FRN) was published on February 13, 2001 (66 FR 10018), announcing the proposed rate adjustment process, initiating the public consultation and comment period, announcing the public information and public comment forums, and presenting procedures for public participation.

3. Discussion of the proposed Rates was initiated at an informal BCP Contractor meeting held March 21, 2001, in Phoenix, Arizona. At this informal meeting, representatives from Western and the Bureau of Reclamation (Reclamation) explained the basis for estimates used to calculate the Rates. A question and answer session was held.

4. At the public information forum held on April 4, 2001, in Phoenix, Arizona, Western and Reclamation representatives explained the proposed Rates for FY 2002 in greater detail. A question and answer session was held.

5. A public comment forum was held on April 25, 2001, in Phoenix, Arizona, to give the public an opportunity to comment for the record. Two persons representing customers made oral comments.

6. Three comment letters were received during the 90-day consultation and comment period. The consultation and comment period ended May 14, 2001. All comments were considered in developing the Rates for FY 2002. Written comments were received from:

Arizona Power Authority
Irrigation & Electrical Districts Association of Arizona
Metropolitan Water District of Southern California

Comments and responses, paraphrased for brevity, are presented below.

Civil Service Retirement Costs

Comment: A Contractor requested that Western and Reclamation cease from including the civil service retirement costs in the BCP Rates until FERC has made its final ruling on the reimbursability of these costs. The Contractor argued that Western cannot use its power revenues to augment the appropriations from outside sources without specific statutory authority. The Contractor also challenged Western's authority to fund any civil service retirement costs for employees of agencies other than Western such as Reclamation, the Corps of Engineers (Corps), and the International Boundary and Water Commission (IBWC). A Contractor stated that neither the Boulder Canyon Project Act nor the Colorado River Storage Project Act allow for the removal of money from the Colorado River Dam Fund (CRDF) to specifically satisfy the liability for the civil service retirement costs. Therefore, the BCP Contractors have concerns with the authority to collect these dollars in the CRDF. A Contractor also requested a copy of the accounting for those costs collected into the CRDF, including interest, be sent to all BCP Contractors and what has already been collected from the Contractors be refunded accordingly.

Response: On July 31, 2001, FERC issued an Order approving Rate Order No. WAPA–94, including the BCP rates for capacity and energy for FY 2001. In the Order, FERC expressly approved Western's recovery of the full civil service retirement costs in these rates, finding that such recovery was not an unlawful augmentation of appropriations, was not prohibited by the pertinent BCP legislation, and was consistent with FERC's previous approval of the collection of these costs for Western's Pacific Northwest-Pacific Southwest Intertie Project rates, 87 FERC 61,346 (June 22, 1999) and for Southeastern Power Administration's rates, 90 FERC 61,266 (March 17, 2000) and 86 FERC 61,195 (February 26, 1999). Therefore, Western will continue to collect these costs in the BCP rates. As for the Contractors' challenge to Western's authority to fund any civil service retirement costs for employees of agencies other than Western, the rates for the Desert Southwest Customer Service Region's projects do not include costs from the Corps or IBWC agencies. A copy of the accounting records to date for the collection of the civil service retirement costs was provided to the BCP Contractors prior to the close of the comment period.

Allocation of Specific Costs

Comment: A Contractor requested that Western continue to determine a fair and equitable allocation of costs for (1) the potable water and fire systems at Mead Substation, (2) the Buchanan Boulevard Project at Mead Substation, and (3) the Arizona/Nevada Switchyard.

Response: Western is committed to continue working with the Contractors in developing a fair and equitable allocation of costs for these items.

Visitor Services Expense

Comment: A Contractor requested explanation of why both the revenues and expenses for the visitor services are decreasing for FY 2003 and FY 2004.

Response: The Contractor's understanding is incorrect, as both the revenues and expenses for the visitor services are increasing for FY 2003 and FY 2004 due to indexing for inflation. It should be recognized that the estimated figures for FY 2003 and FY 2004 do not impact these Rates, as the Rates are based on FY 2002 data.

Comment: An interested party raised concerns about a $1.5 million increase in the visitor center costs, a $1.2 million increase in Reclamation's administrative and general expenses, and a $0.5 million increase in Western's system operations and dispatch costs.

Response: Western and Reclamation have explained in great detail the amount of the increases, and why the increases have incurred. Visitor service costs have increased $1.6 million to provide more security, customer service,

and backlogged maintenance and repair items. Reclamation's administrative and general expenses have increased $1.2 million due mainly to transfers of personnel from operations to administrative and general expense. During the public forum presentations, Western specified in detail why its system operations and load dispatching costs were increasing approximately $450,000 in the proposed base charge from the existing base charge. The majority of the increase was due to the staffing of two additional full time positions, mandatory travel, training requirements, and additional costs incurred in keeping up with the pace of the utility industry changes. Since the closing of the comment and consultation period, Western has implemented a new cost distribution methodology for the operations' scheduling and dispatcher staff. The new charging methodology decreased the total operation and maintenance budget for FY 2002 by approximately $1.0 million in the proposed base charge from the existing base charge. Western has been reallocating its budget to cover costs where they are anticipated to occur.

Uprating Credit Program Process

Comment: A Contractor requested Western identify methods to ensure the BCP Uprating Credit process is being performed properly beginning in FY 2002, and the interest rate calculated for cash-funded Contractors is being determined in accordance with the BCP Implementation Agreement and associated resolutions.

Response: Western is administering the uprating credit process in accordance with the June 1996 uprating credits program written procedures and practices document. Western received a request in July 2000 to review the uprating credit process and ensure the interest rate is being calculated correctly for the cash-funded Contractors. On August 31, 2000, Western met with a working group of the BCP Contractors to address the discrepancies that were discovered in the review. Western's goal was to complete this review and recalculation process and implement any revisions to the uprating credit program by February or March 2001. Due to delays in receiving Contractors' revisions to their schedules and Western's workload constraints, completion of this task has been delayed. In the upcoming months Western will meet with the Contractors again to discuss the impacts of the discrepancies. Provided Western and the Contractors can meet and come to an agreement on the impacts and preferred method of resolution, the process would be properly in place beginning in FY 2002.

BCP Electric Service Rates

BCP electric service Rates are designed to recover an annual revenue requirement that includes the operation and maintenance expenses, payments to States, visitor services, uprating program, replacements, investment repayment, and interest expense. Western's power repayment study (PRS) allocates the projected annual revenue requirement for electric service between capacity and energy, 50 percent to capacity and 50 percent to energy.

Procedural Requirements

BCP electric service Rates are developed under the Department of Energy Organization Act (42 U.S.C. 7101–7352), through which the power marketing functions of the Secretary of the Interior and the Bureau of Reclamation under the Reclamation Act of 1902 (ch. 1093, 32 Stat. 388), as amended and supplemented by subsequent enactments, particularly section 9(c) of the Reclamation Project Act of 1939 (43 U.S.C. 485h(c)), and other acts that specifically apply to the project involved, were transferred to and vested in the Secretary of Energy.

By Amendment No. 3 to Delegation Order No. 0204–108, published November 10, 1993 (58 FR 59716), the Secretary of Energy delegated (1) the authority to develop long-term power and transmission rates on a nonexclusive basis to Western's Administrator; and (2) the authority to confirm, approve, and place into effect on a final basis, to remand, or to disapprove such rates to the FERC. In Delegation Order No. 0204–172, effective November 24, 1999, the Secretary of Energy delegated the authority to confirm, approve, and place such rates into effect on an interim basis to the Deputy Secretary. Existing DOE procedures for public participation in electric service rate adjustments are located at 10 CFR part 903, effective September 18, 1985 (50 FR 37835). DOE procedures have been followed by Western in developing these Rates.

The Boulder Canyon Project Implementation Agreement Contract No. 95–PAO–10616 requires Western, prior to October 1 of each rate year, to determine the annual Rates for the next fiscal year. The Rates for the first rate year and each fifth rate year thereafter, shall become effective provisionally upon approval by the Deputy Secretary of Energy subject to final approval by FERC. For all other rate years, the Rates shall become effective on a final basis upon approval by the Deputy Secretary of Energy.

Western will continue to provide the Contractors annual Rates by October 1 of each year using the same rate setting formula. The Rates are reviewed annually and adjusted upward or downward to assure sufficient revenues to achieve payment of all costs and financial obligations associated with the project. Each fiscal year, Western prepares a PRS that updates actual revenues and expenses and includes future estimates of annual revenues and expenses for the BCP including interest and capitalized costs.

Western's BCP electric service rate setting formula was submitted to FERC for confirmation and approval on October 31, 1995. On April 19, 1996, in Docket No. EF96–5091–000 at 75 FERC 62,050, FERC issued an order confirming, approving, and placing into effect on a final basis the electric service rate setting formula for BCP. The rate setting formula set forth in Rate Order No. WAPA–70 was approved for a period beginning November 1, 1995, and ending September 30, 2000. Rate Order No. WAPA–94 extends the existing rate setting formula beginning on October 1, 2000, and ending September 30, 2005.

Western proposes the FY 2002 base charge of $48,039,988, the forecasted energy rate of 5.33 mills/kilowatthour, and the forecasted capacity rate of $0.99/kilowattmonth be approved on a final basis.

In accordance with 10 CFR part 903, Western held a consultation and comment period. The notice of the proposed FY 2002 Rates for electric service was published in the **Federal Register** on February 13, 2001.

Following review of Western's proposal within DOE, I approve the FY 2002 Rates, on a final basis, for BCP electric service, under Rate Schedule BCP–F6, through September 30, 2002.

Dated: August 29, 2001.

Francis S. Blake,

Deputy Secretary.

[FR Doc. 01–22697 Filed 9–10–01; 8:45 am]

BILLING CODE 6450–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7053–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request, NSPS for Coal Preparation Plants.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: ICR for 40 CFR Part 60 Subpart Y—NSPS for Coal Preparation Plants; OMB Control Number 2060–0122; expiration date is September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 11, 2001.

ADDRESSES: Send comments, referencing EPA ICR No.1062.07 and, OMB Control No. 2060–0122, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by email at Auby.susan@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1062.07. For technical questions about the ICR contact Dan Chadwick at (202) 564–7054.

SUPPLEMENTARY INFORMATION:

Title: Standards of Performance for Coal Preparation Plants, NSPS Subpart Y, (OMB Control Number 2060–0122; EPA ICR No.1062.07); expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: Owners or operators of the affected facilities described must make the following one-time-only reports: notification of the date of construction or reconstruction; notification of the actual dates of start-up; and notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate.

Owners or operators are also required to maintain records of the occurrence and duration of any start-up, shutdown, or malfunction in the operation of an affected facility. These notifications, reports, and records are required, in general for all sources subject to NSPS. There are no additional recordkeeping or reporting requirements specific to coal preparation plants.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on September 15, 2000; (65 FR 55955); no comments were received.

Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average 69 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners and operators of coal preparation plants.

Estimated Number of Respondents: 390.

Frequency of Response: Occasionally.

Estimated Total Annual Hour Burden: 15463.

Estimated Total Annualized Capital, O&M Cost Burden: $15,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses listed above.

Please refer to EPA ICR No. 1062.07 and OMB Control No. 2060–0122 in any correspondence.

Dated: August 29, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–22746 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7053–7]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Survey on Environmental Management of Asthma

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Title: National Survey on Environmental Management of Asthma. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data-collection instrument.

DATES: Comments must be submitted on or before October 11, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1996.01 to the following addresses: Sandy Farmer, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR, contact Susan Auby at EPA by phone at (202) 260–4901, by E-Mail at *Auby.susan@epamail.epa.gov* or download off the internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1996.01. For technical questions about the ICR, contact Dr. Susan Conrath at EPA by phone at (202) 564–9389.

SUPPLEMENTARY INFORMATION:

Title: National Survey on Environmental Management of Asthma, EPA ICR 1996.01.

Abstract: EPA is working to integrate the management of environmental factors with the medical treatment of asthma, particularly among children and low-income populations. To evaluate the effectiveness of its current outreach efforts, EPA proposes to collect data from individual U.S. households through a telephone survey. This survey will be used to gain information regarding the number of individuals with asthma who have taken steps to

improve the quality of their indoor environment as part of their approach to managing the disease, as well as any barriers they may have encountered while attempting to do so. EPA will compare the data gained from this survey to the Agency's established Government Performance and Results Act of 1993 (GPRA) goal. Specifically, EPA's goal is that 2.5 million people with asthma, including one million children and 200,000 low-income adults, will have taken steps to reduce their exposure to indoor environmental asthma triggers by 2005.

EPA will conduct this survey in two phases. In the first phase, EPA will contact 52,591 people who will participate in a screening survey. These individuals will be chosen randomly from U.S. households with a publicly listed telephone number. EPA expects that 10 percent, or 5,259 individuals, will either have asthma or live in a household with someone who does. After responding to several screening questions, adult asthmatics and parents of children with asthma will be invited to participate in a longer, more in-depth telephone survey. In this second phase, EPA expects to obtain completed survey responses from 3,308 individuals. This sample size will allow the Agency to draw statistically valid conclusions regarding the number of people with asthma who are taking action to reduce their exposure to environmental triggers.

EPA intends to over sample in communities known to have a high percentage of low-income households to ensure that the Agency is able to evaluate the effectiveness of its outreach efforts to this target population.

The National Survey on Environmental Management of Asthma is voluntary. EPA does not expect to receive confidential information from the individuals voluntarily participating in the Survey. However, if a respondent does consider the information submitted to be of a proprietary nature, EPA will assure its confidentiality based on the provisions of 40 CFR Part 2, Subpart B, ''Confidentiality of Business Information.''

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 04/17/01(FLR–6962–2); No comments were received.

Burden Statement

The annual public reporting and record-keeping burden for this collection of information is estimated to range from between 1.5 minutes and 16 minutes per response, depending on whether or not the survey respondent has asthma or lives with someone who has asthma. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to: review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: All individuals throughout the United States with publicly listed residential telephone numbers.

Estimated Number of Respondents: 52,591.

Frequency of Response: Once.

Estimated Total Annual Hour Burden: 726 hours.

Estimated Total Annualized Capital and O&M Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques, to the addresses listed above. Please refer to EPA ICR No. 1996.01 in any correspondence.

Dated: August 30, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–22747 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7053–8]

Information Collection Activities: Submission for OMB Review; Comment Request; NESHAP for the Secondary Lead Smelter Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: NESHAP for the Secondary Lead Smelter Industry, OMB No. 2060–0296, expiration date September 30, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 11, 2001.

ADDRESSES: Send comments, reference EPA ICR No. 1686.06 and OMB Control No. 2060–0296, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by E-mail at Auby.susan@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR Number 1686.04. For technical questions about the ICR contact Maria Malavé in the Office of Compliance at (202) 564–7027 or via E-mail to *Malave.Maria@epamail.epa.gov.*

SUPPLEMENTARY INFORMATION:

Title: NESHAP for the Secondary Lead Smelter Industry, OMB Control No. 2060–0296, EPA ICR No.1686.04, expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: The National Emission Standards for Hazardous Air Pollutants (NESHAP) for Secondary Lead Smelting (40 CFR part 63, Subpart X) were proposed on June 9, 1994 (59 FR 29750) and promulgated on June 23, 1995 (60 FR 32587). In response to industry petitions to reconsider, the final rule was amended on June 13, 1997 (62 FR 32209). Entities potentially affected by this rule are owners or operators of secondary lead smelters that operate furnaces to reduce scrap lead metal and lead compounds to elemental lead. The rule applies to secondary lead smelters that use blast, reverberatory, rotary, or electric smelting furnaces to recover lead metal from scrap lead, primarily from used lead-acid automotive-type batteries. These sources are emitters of

several chemicals identified as hazardous air pollutants, including but not limited to lead compounds, arsenic compounds, and 1,3-butadiene. The rule provides protection to the public by requiring all secondary lead smelters to meet emission standards reflecting the application of the maximum achievable control technology (MACT). This information is being collected to assure compliance with 40 CFR part 63, Subpart X.

Owners or operators of the affected facilities described must make one-time-only notifications including: notification of any physical or operational change to an existing facility which may increase the regulated pollutant emission rate, notification of the initial performance test, including information necessary to determine the conditions of the performance test, and performance test measurements and results. All reports are sent to the delegated State or local authority. In the event that there is no such delegated authority, the reports are sent directly to the EPA Regional Office. Owners or operators must maintain records of initial and subsequent compliance tests for lead compounds, and identify the date, time, cause and corrective actions taken for all bag leak detection alarms. Records of continuous monitoring devices, including parametric monitoring, must be maintained and reported semiannually. Owners or operators are also required to maintain records of the occurrence and duration of any startup, shutdown, or malfunction in the operation of an affected facility, or any period during which the monitoring system is inoperative. Any owner or operator subject to the provisions of this part shall maintain a file of these measurements, and retain the records for at least five years following the date of such measurements and records. At a minimum, records of the previous two years must be maintained on site.

Industry and EPA records indicate that 23 sources are subject to the standard, and no additional sources are expected to become subject to the standard over the next three years. However, we assume that one furnace will be rebuilt per year and that each facility will make a major adjustment once per year which will required revising it's operational plan. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on February 1, 2001. No comments were received.

Burden Statement

The annual public reporting and record keeping burden for this collection of information is estimated to average 229 hours per response (includes time for recordkeeping activities). Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owners or operators of secondary lead smelters.

Estimated Number of Respondents: 23.

Frequency of Response: Semiannual reports and one-time only notifications.

Estimated Total Annual Hour Burden: 16,033 person-hours.

Estimated Total Annualized Capital, O&M Cost Burden: $150,000.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1686.04 and OMB Control No. 2060–0296 in any correspondence.

Dated: August 29, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–22748 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7054–1]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; National Emission Standards for Hazardous Air Pollutants for Beryllium Rocket Motor Firing

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: National Emission Standards for Hazardous Air Pollutants for Beryllium Rocket Motor Firing (40 CFR part 61, subpart D), EPA ICR Number 1125.03, OMB Control Number 2060–0394, expiring October 31, 2001. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 11, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1125.03 and OMB Control No. 2060–0394, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division, (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR, contact Susan Auby at EPA by phone at (202) 260–4901, by E-Mail at Auby.Susan@epa.gov, or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1125.03. For technical questions about the ICR, contact Elson Lim at EPA by phone at (202) 564–7006, by E-Mail at Lim.Elson@epa.gov.

SUPPLEMENTARY INFORMATION:

Title: National Emission Standards for Hazardous Air Pollutants for Beryllium Rocket Motor Firing (40 CFR part 61 subpart D), OMB Control Number 2060–0394; EPA ICR No. 1125.03 expiration date October 31, 2001. This is a request for extension of a currently approved collection.

Abstract: Beryllium rocket motor firing operations result in emissions of beryllium. In the Administrator's judgment, emissions from these sources are in sufficient quantity to cause or contribute to air pollution that may endanger public health and welfare. The National Emission Standards for Hazardous Air Pollutants (NESHAP) 40 CFR part 61 subpart D establishes limits for beryllium.

In order to ensure compliance with the standards, adequate recordkeeping and reporting is necessary. This information enables the Agency to: (1) Identify the sources subject to the standard; (2) ensure initial compliance with emission limits; and (3) verify continuous compliance with the standard. Specifically, the rule requires subject test sites to test ambient air for beryllium during and after firing of a rocket motor. Samples are analyzed within 30 days and results are reported to the EPA Region by registered letter by the business day following the determination. In addition, stack sampling requires sampling of beryllium combustion products, analysis and reporting within 30 days. The results are reported to EPA by the day following the determination and calculation.

An Agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control number for EPA's regulations are listed in 40 CFR part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on May 23, 2001, (66 FR 28462). No comments were received.

Burden Statement

The annual public reporting and record keeping burden for this collection of information is estimated to average 8 hours per response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to: review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Owner/Operators of Beryllium Rocket Motor Firing Plants.

Estimated Number of Respondents: 1.

Frequency of Response: Once per test firing in 3 years (1/3).

Estimated Total Annual Hour Burden: 8 hours.

Estimated Total Annualized Cost Burden: $453.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1125.03 and OMB Control No. 2060–0394 in any correspondence.

Dated: August 29, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–22749 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7054–2]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Clean Water Act State Revolving Fund Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Clean Water Act State Revolving Fund Program, OMB Control Number 2040–0118, and expiration date of 09/30/01. The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 11, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1391.06 and OMB Control No. 2040–0118, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (Mail Code 2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Susan Auby at EPA by phone at (202) 260–4901, by email at Auby.susan@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1391.06. For technical questions about the ICR contact Nelson L. Price at (202) 564–0602.

SUPPLEMENTARY INFORMATION:

Title: Clean Water Act State Revolving Fund Program; OMB Control No. 2040–0118; EPA ICR No. 1391.06; expiring on 09/30/01. This is a request for an extension of a currently approved collection.

Abstract: The Clean Water Act, as amended by ''The Water Quality Act of 1987'' (U.S.C. 1381–1387 *et seq.*), created a Title VI which authorizes grants to States for the establishment of State Water Pollution Control Revolving Funds (SRFs). The information activities are pursuant to Section 606 of the Act, and SRF Interim Final Rule (March 1990).

The 1987 Act declares that water pollution control revolving loan funds shall be administered by an instrumentality of the State subject to the requirements of the Act. This means that each State has a general responsibility for administering its revolving fund and must take on certain specific responsibilities in carrying out its administrative duties. The information collection activities will occur primarily at the program level through the Capitalization Grant Application and Agreement/Intended Use Plan, Annual Report, State Audit, and Financial Assistance Application Review.

The State must prepare a Capitalization Grant Application and Agreement that includes an Intended Use Plan (IUP) outlining in detail how it will use the program funds. The agreement is an instrument by which the State commits to manage its revolving fund program.

The State must agree to complete and submit an Annual Report on the uses of the fund. The report will indicate how activities financed will contribute toward meeting the goals and objectives and provides information on loan recipients, loan amounts, loan terms and project categories of eligible costs.

The State will conduct or have conducted a financial audit of its CWSRF program. The audit report will contain an opinion on the financial

statements of the CWSRF, a report on its internal controls, and a report on whether the compliance requirements have been met.

Since the States provide assistance to local applicants, the States will review completed loan applications and verify that proposed projects meet all applicable Federal and State requirement.

EPA will use the Capitalization Grant Agreement and Application / Intended Use Plan, Annual Report, and Annual Audit to conduct its oversight responsibilities as mandated by the CWA.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 04/03/01 (FRL–6960–6); no comments were received.

Burden Statement

The annual public reporting and record keeping burden for this collection of information is estimated to average 2,515 hours per State response and 60 hours per local community response. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Fifty states, Puerto Rico, and the recipients of assistance in these jurisdictions.

Estimated Number of Respondents: 2,295.

Frequency of Response: Annually.

Estimated Total Annual Hour Burden: 262,905 hours.

Estimated Total Annualized Capital, O&M Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No. 1391.06 and OMB Control No. 2040–0118 in any correspondence.

Dated: August 30, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–22750 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7053–6]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Great Lakes Water Quality Guidance Reporting Requirements

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Great Lakes Water Quality Guidance Reporting Requirements (EPA ICR Number 1639.04; OMB Control Number 2040–0180; expiration date September 30, 2001). The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before October 11, 2001.

ADDRESSES: Send comments, referencing EPA ICR No. 1639.04 and OMB Control Number 2040–0180, to the following addresses: Susan Auby, U.S. Environmental Protection Agency, Collection Strategies Division (mail code 2822), 1200 Pennsylvania Avenue, N.W., Washington, DC 20460–0001; and to Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Desk Officer for EPA, 725 17th Street, N.W., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Contact Susan Auby at EPA by phone at (202) 260–4901, by e-mail at auby.susan@epamail.epa.gov, or download off the Internet at http://www.epa.gov/icr and refer to EPA ICR No. 1639.04. For technical questions about the ICR contact Mark Morris, Office of Water, 202–260–0312.

SUPPLEMENTARY INFORMATION:

Title: Great Lakes Water Quality Guidance Reporting Requirements (OMB Control No. 2040–0180; EPA ICR No.1639.04) expiring September 30, 2001. This is a request for extension of a currently approved collection.

Abstract: The Clean Water Act (CWA) section 402 establishes the National Pollutant Discharge Elimination System (NPDES) permit program to regulate the discharge of any pollutant or combination of pollutants from point sources into the waters of the United States. CWA section 402(a), as amended, authorizes the EPA Administrator to issue permits for the discharge of pollutants if those discharges meet all applicable requirements of CWA sections 301, 302, 306, 307, 308, and 403 and any conditions the Administrator determines are necessary to carry out the provisions and objectives of the CWA.

Section 101 of the Great Lakes Critical Programs Act (CPA) amends section 118 of the CWA and directs EPA to publish water quality guidance for the Great Lakes System. Provisions of the Guidance are codified in 40 CFR part 132. The Guidance establishes minimum water quality criteria, implementation procedures, and antidegradation provisions for the Great Lakes System. This ICR calculates the burden and costs associated with the implementation of the Great Lakes Water Quality Guidance (hereafter referred to as the Guidance).

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR part 9 and 48 CFR chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on April 24, 2001, (66 FR 20654–20655); one comment was received.

Burden Statement

The annual public reporting and recordkeeping burden for this collection of information is estimated to average about 35 hours per response (in actuality, the burden will vary among dischargers and states and, depending on effluent quality, according to the requirements of the Guidance provisions). Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install,

and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Industries and local governments, as POTWs, discharging toxic pollutants to waters in the Great Lakes System as defined in 40 CFR 132.2; the governments of the eight Great Lakes States (Illinois, Indiana, Michigan, Minnesota, New York, Ohio, Pennsylvania, Wisconsin); and the Federal government.

Estimated Number of Respondents: 588 major industrial and POTW dischargers, and 3,207 minor dischargers.

Frequency of Response: varies depending on dischargers effluent characteristics.

Estimated Total Annual Hour Burden: 43,395 hours.

Estimated Total Annualized Operating and Maintenance Cost Burden: $2,776,407 Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the addresses listed above. Please refer to EPA ICR No.1639.04 and OMB Control No. 2040–0180 in any correspondence.

Dated: August 29, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–22751 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7051–5]

Underground Injection Control Program; Hazardous Waste Injection Restrictions; Petition for Exemption—Class I Hazardous Waste Injection; Ticona Polymers, Inc.

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final decision on no migration petition reissuance.

SUMMARY: Notice is hereby given that an exemption to the land disposal restrictions under the 1984 Hazardous and Solid Waste Amendments to the Resource Conservation and Recovery Act has been granted to Ticona Polymers, Inc. (Ticona) for three Class I injection wells located at Bishop, Texas. As required by 40 CFR part 148, the company has adequately demonstrated to the satisfaction of the Environmental Protection Agency by the petition and supporting documentation that, to a reasonable degree of certainty, there will be no migration of hazardous constituents from the injection zone for as long as the waste remains hazardous. This final decision allows the underground injection by Ticona, of the specific restricted hazardous wastes identified in the exemption, into Class I hazardous waste injection wells Nos. WDW–210, WDW–211, and WDW–212 at the Bishop, Texas facility, until December 31, 2020. As required by 40 CFR 148.22(b) and 124.10, a public notice of the proposed no migration exemption decision was issued June 28, 2001. The public comment period began on June 28, 2001 and closed on August 13, 2001. No comments were received. This decision constitutes final Agency action and there is no Administrative appeal. This decision may be judicially reviewed under the Federal Administrative Procedure Act, 5 U.S.C. 704.

DATES: This action is effective as of August 28, 2001.

ADDRESSES: Copies of the petition and all pertinent information relating thereto are on file at the following location: Environmental Protection Agency, Region 6, Water Quality Protection Division, Source Water Protection Branch (6WQ–S), 1445 Ross Avenue, Dallas, Texas 75202–2733.

FOR FURTHER INFORMATION CONTACT: Philip Dellinger, Chief Ground Water/UIC Section, EPA—Region 6, telephone (214) 665–7165.

Sam Becker,

Acting Division Director, Water Quality Protection Division.

[FR Doc. 01–22745 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7054–3]

Workgroup and Study Assembly Meetings for the Longitudinal Cohort Study of Environmental Effects on Children

AGENCY: Environmental Protection Agency.

ACTION: Notice of public meeting: Workgroup and Study Assembly Meetings regarding a longitudinal cohort study of environmental effects on mothers and children.

SUMMARY: The Environmental Protection Agency (EPA) is announcing a two-day meeting co-sponsored by the Department of Health and Human Services (DHHS). IQ Solutions, Inc., a government contractor, is coordinating the logistics of the meetings. Members of Workgroups focusing on various issues related to study planning will meet on the first day, and the second day will be a meeting of the Study Assembly. The purpose of the Study Assembly meeting is to discuss the status of planning a longitudinal cohort study of environmental effects on the health and well-being of children. Content of the meeting will include development of planning for the study thus far, and reports on specific issues including, for example, proposed hypotheses for the study, issues of longitudinal cohort design, information technology, and ethical issues.

The Study Assembly is made up of all stakeholders interested in this study. Its purpose is to disseminate information to members and to serve as a conduit for bringing information and views from individuals and various organizations to the study organization. The Study Assembly is open to anyone who indicates an interest in the study, and includes representatives of all stakeholders, both inside and outside of government, advocacy groups, industry, academic institutions, state and local governments, and community groups. To become a member of the Study Assembly, interested persons should send an email to nichdcohort@mail.nih.gov, and indicate whether they would like to participate in a Workgroup and area(s) of interest or expertise. Those who are not currently members of a Workgroup are welcome as observers during the workgroup meetings on Monday, October 15.

DATES: The meeting convenes from 8:30 a.m.–5:30 p.m. each day. Workgroups meet on Monday, October 15, 2001, and the entire Study Assembly meets Tuesday, October 16, 2001. Registration opens on Sunday, October 14, 2001, from 2–7 p.m. and begins at 7:00 a.m. each day of the meeting.

ADDRESSES: The meeting site is the Sheraton Premiere Hotel, 8661 Leesburg Pike, Vienna, VA. Interested individuals can register for the Study Assembly meeting and/or to observe the Workgroup meetings. Space is limited. Advance registration is required. Those

planning to attend must register no later than September 28, 2001.

FOR FURTHER INFORMATION CONTACT: To register to attend the Study Assembly meeting and/or to observe the Workgroup meetings, visit the registration website, http://lcs.iqsolutions.com, or call IQ Solutions at 301–984–1471, ext. 353, and ask for Longitudinal Registration. All meetings will take place at the Sheraton Premiere Hotel at Tysons Corner, in Vienna, Virginia, October 15–16, 2001. Discounted sleeping rooms are available. Information on hotel reservations is available on the website.

For further information about the details of the meeting itself, contact Dr. Peter Scheidt, National Institute of Child Health and Human Development, National Institutes of Health, U.S. Department of Health and Human Services, Room 7B05, 6100 Executive Blvd., Bethesda, MD 20892; telephone: 301–451–6421; facsimile: 301–402–2084; e-mail: *nichdcohort@mail.nih.gov.*

Dated: August 31, 2001.

Art Payne,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01–22752 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPP–64058; FRL–6791–6]

Notice of Receipt of Requests for Label Amendments to Delete Certain Uses in Some Pesticide Registrations Containing Dimethoate

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with Section 6(f)(1) of the Federal Insecticide, Fungicide and Rodenticide Act (FIFRA), as amended, EPA is issuing a notice of receipt of request for amendment by registrants to delete uses on cabbage, Chinese (bok choy) and kohlrabi in certain pesticide registrations containing dimethoate.

DATE: These deletions will be approved by the Agency and become effective on September 11, 2001.

FOR FURTHER INFORMATION CONTACT: By mail: Suku Oonnithan, Registration Division (7505C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Avenue, N.W. Washington, DC 20460–0001; telephone number: (703) 605–0368. Office location for commercial courier delivery: Room 266A, Crystal Mall No. 2, 1921 Jefferson Davis Highway, Arlington, VA 22202–4501.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does This Action Apply to Me?

This action is directed to the public in general. Although this action may be of particular interest to persons who produce or use these pesticide formulations, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the information in this notice, consult the person listed in the **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information or Copies of Support Documents?

1. *Electronically.* You may obtain electronic copies of this document and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov. To access this document, on the Home page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listing at http://www.epa.gov/fedrgstr/.

2. *In person.* Contact Suku Oonnithan at 1921 Jefferson Davis Highway, Crystal Mall #2, Rm. 209, Arlington, VA, telephone number: 703–605–0368, e-mail: oonnithan.suku@epa.gov. Available from 8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays.

II. What Action is the Agency Taking?

This notice announces receipt by the Agency of applications from registrants to delete certain uses in three pesticide registrations containing the active ingredient dimethoate. These registrations are listed in the following Table 1 by registration number, product name and specific uses deleted.

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN DIMETHOATE PESTICIDE REGISTRATIONS

Registration No.	Product Name	Deleted Uses
051036–110	Dimethoate 4E	cabbage, Chinese (bok choy), Kohlrabi

TABLE 1.—REGISTRATIONS WITH REQUESTS FOR AMENDMENTS TO DELETE USES IN DIMETHOATE PESTICIDE REGISTRATIONS—Continued

Registration No.	Product Name	Deleted Uses
051036–198	Cymate 267	do
067760–36	Chemathoate 267 EC Systemic Insecticide.	do

Although other uses of dimethoate on broccoli, Brussel sprouts, cabbage, cauliflower, collards, kale and mustard greens have been registered sites for residues of dimethoate under the Federal Food, Drug and Cosmetic Act (FFDCA), FIFRA Section 2(z)(bb), the use on cabbage, Chinese (bok choy) and kohlrabi represent an unreasonable adverse effect on the environment, as they could result in human dietary risk from the residues resulting from the use of dimethoate in or on food consistent with the standard under Section 408 of FIFRA. As such the Agency is hereby waving the 180–day comment period normally given for the deletion of a minor agricultural use in accordance with FIFRA section 6(f)(1)(c). The Agency has determined that, while these actions require publication for the purpose of announcement, a comment period is not warranted. The following Table 2 includes the names and addresses of record for the registrants of the products listed in Table 1.

TABLE 2.—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA Company No.	Company Name and Address
051036	Micro-Flo Company, P.O. Box 772099, Memphis, TN 38117–2099
067760	Cheminova Inc., 1700 Route 23, Suite 300, Wayne, NJ. 07470

III. What is the Agency Authority for Taking This Action?

Section 6(f)(1) of FIFRA provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be amended to delete one or more uses. The Act further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. Thereafter, the Administrator may approve such a request.

IV. Provisions for Disposition of Existing Stocks

The Agency has authorized the registrants to sell or distribute product under the previously approved labeling for a period of 18 months after the date of use deletions.

List of Subjects

Environmental protection, Pesticides and Product Registrations.

Dated: August 27, 2001.

Richard D. Schmitt,

Acting Director, Information Resources and Services Division, Office of Pesticide Programs.

[FR Doc. 01–22758 Filed 9–10–01; 8:45 a.m.]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–50875B; FRL–6798–1]

Experimental Use Permit; Receipt of Application

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: This notice announces receipt of an application to amend 524–EUP–93 from Monsanto Company requesting an experimental use permit (EUP) for the plant-pesticide *Bacillus thuringiensis* Cry3Bb protein and the genetic material necessary for its production (Vector ZMIR13L) in corn plants. The Agency has determined that the application may be of regional and national significance. Therefore, in accordance with 40 CFR 172.11(a), the Agency is soliciting comments on this application.

DATES: Comments, identified by docket control number OPP–50875B, must be received on or before October 11, 2001.

ADDRESSES: Comments and data may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50875B in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: By mail: Mike Mendelsohn, Biopesticides and Pollution Prevention Division (7511C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8715; e-mail address: mendelsohn.mike@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. This action may, however, be of interest to those persons who are interested in agricultural biotechnology or may be required to conduct testing of chemical substances under the Federal Food, Drug, and Cosmetic Act (FFDCA) or the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA). Since other entities may also be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. To access this document, on the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person.* The Agency has established an official record for this action under docket control number OPP–50875B. The official record consists of the documents specifically referenced in this action, and other information related to this action, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–50875B in the subject line on the first page of your response.

1. *By mail.* Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier.* Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically.* You may submit your comments electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic submissions will be accepted in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPP–50875B. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI That I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about

CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Background

Monsanto Company has applied to amend their recently approved EUP number 524–EUP–93 amendment/extension in order to allow livestock feeding studies and a lifting of the crop destruct provisions. The recently approved EUP published in the **Federal Register** on July 27, 2001 (66 FR 39163) (FRL–6791–5). A tolerance exemption was established for *Bacillus thuringiensis* Cry3Bb1 protein and the genetic material necessary for its production in corn on May 11, 2001. The tolerance exemption published in the **Federal Register** on May 11, 2001 (66 FR 24061) (FRL–6781–6).

III. What Action is the Agency Taking?

Following the review of the Monsanto Company application and any comments and data received in response to this notice, EPA will decide whether to issue or deny the EUP request for this EUP program, and if issued, the conditions under which it is to be conducted. Any issuance of an EUP will be announced in the **Federal Register**.

IV. What is the Agency's Authority for Taking this Action?

The Agency's authority for taking this action is under 40 CFR part 172.

List of Subjects

Environmental protection, Experimental use permits.

Dated: August 29, 2001.

Janet L. Andersen,

Director, Biopesticides and Pollution Prevention Division, Office of Pesticide Programs.

[FR Doc. 01–22757 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[OPP–34246; FRL–6796–3]

Butylate; Notice of Pesticide Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision

AGENCY: Environmental Protection Agency (EPA)

ACTION: Notice.

SUMMARY: This notice constitutes the Agency's report on the Food Quality Protection Act (FQPA) tolerance reassessment progress and interim risk management decision for butylate, announces the Agency's decision, and releases the human health risk assessment and related documents supporting this decision to the public. The Agency's reassessment of dietary risk, including public exposure through food and drinking water as required by the Federal Food, Drug, and Cosmetic Act (FFDCA) as amended by FQPA, indicates that butylate, by itself, poses no risk concerns within the limits of the existing tolerances; therefore, no risk mitigation is needed, and no further actions are warranted at this time. The existing butylate tolerances remain in effect, until such time as a determination of whether a full reassessment of the cumulative risk from thiocarbamate pesticides, including butylate, may be needed and is considered.

DATES: Comments submitted on or before October 11, 2001 are most likely to be considered and will be included in the public docket.

FOR FURTHER INFORMATION CONTACT: Gary Mullins, Special Review and Reregistration Division (7508C), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (703) 308–8044; e-mail address: mullins.gary@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general, nevertheless, a wide range of stakeholders will be interested in obtaining information on the Agency's interim risk management and tolerance reassessment decision for butylate, including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the use of pesticides on food. Since other entities also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically.* You may obtain electronic copies of this document, and certain other related documents that might be available electronically, from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations,'' ''Regulations and Proposed Rules,'' and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/. In addition, copies of documents related to the Agency's report on FQPA tolerance reassessment progress and interim risk management decision for butylate released to the public may also be accessed at: http://www.epa.gov/pesticides/reregistration/status.htm.

2. *In person.* The Agency has established an official record for this action under docket control numbers OPP–34246. The official record consists of the documents specifically referenced in this action, and other related information, including any information claimed as Confidential Business Information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record is available for inspection in the Public Information and Records Integrity Branch (PIRIB), Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA, from 8:30 a.m. to 4 p.m., Monday through Friday,

excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

II. How Can I Respond to this Action?

A. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPP–34246 in the subject line on the first page of your correspondence.

1. *By mail*. Submit your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: Public Information and Records Integrity Branch (PIRIB), Information Resources and Services Division (7502C), Office of Pesticide Programs (OPP), Environmental Protection Agency, Rm. 119, Crystal Mall #2, 1921 Jefferson Davis Hwy., Arlington, VA. The PIRIB is open from 8:30 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The PIRIB telephone number is (703) 305–5805.

3. *Electronically*. You may submit your comments and/or data electronically by e-mail to: opp-docket@epa.gov, or you can submit a computer disk as described in Units II.A.1. and 2 above. Do not submit any information electronically that you consider to be CBI. Avoid the use of special characters and any form of encryption. Electronic comments may also be filed online at many Federal Depository Libraries.

B. How Should I Handle CBI That I Want To Submit to the Agency?

Do not submit any information electronically that you would consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person identified under **FOR FURTHER INFORMATION CONTACT**.

III. Report on FQPA Tolerance Reassessment Progress and Interim Risk Management Decision

The Agency has completed its assessment of the dietary risk of butylate alone, and has determined that the level of dietary risk from exposure as a result of currently registered uses of butylate is not of concern. Therefore, no mitigation measures are needed and no further actions are warranted at this time. The Agency may find, however, that further action is necessary if it is determined that thiocarbamate pesticides, such as butylate, share a common mechanism of toxicity. Such an incremental approach to the tolerance reassessment process is consistent with the Agency's goal of improving transparency in implementing FFDCA, as amended. This interim tolerance reassessment and risk management decision does not specifically address the reassessment of the existing butylate food residue tolerances as called for by FFDCA, as amended, because the Agency has not yet determined that thiocarbamate pesticides have a common mechanism of toxicity, nor considered the cumulative risk for the thiocarbamates, if so warranted. When the Agency has determined whether the thiocarbamate group of pesticides have a common mechanism of toxicity and has considered the appropriate cumulative risks, the butylate tolerances will be reassessed in that light. At this time, the established tolerances for butylate remain in effect, until such time as a full reassessment of the cumulative risk from thiocarbamate pesticides, such as butylate, may be needed and is considered.

IV. Background

FFDCA, as amended requires EPA to review all the tolerances for registered chemicals in effect on or before the date of the enactment of FQPA. In reviewing these tolerances, the Agency must consider, among other things, aggregate risks from non-occupational sources of pesticide exposure, whether there is increased susceptibility to infants and children, and the cumulative effects of pesticides with a common mechanism of toxicity. The tolerances are considered reassessed once the safety finding has been made or a revocation occurs. A reregistration eligibility decision (RED) for butylate was completed in September 1993, prior to FQPA enactment, therefore, it needed to be updated to consider the provisions of the Act.

FFDCA, as amended, requires that the Agency, when considering whether to establish, modify, or revoke a tolerance, consider ''available information'' concerning the cumulative effects of a particular pesticide's residues and ''other substances that have a common mechanism of toxicity.'' The Agency is currently examining whether and to what extent thiocarbamate pesticides may share a common mechanism of toxicity. Preliminary determinations indicate that the potential to produce a common toxic effect, neuropathy (e.g., degeneration and demylination of the sciatic nerve), and the similarities in structure and metabolism, may support grouping of the thiocarbamates based on their ability to produce a common effect by a common mechanism. Assuming these assertions are correct, preliminary screening-level chronic cumulative dietary food risk analyses do not provide evidence that cumulative exposure of the human population, including infants and children, to the neuropathic thiocarbamates would raise concern of adversely affecting human health.

The preliminary determination of whether and to what extent thiocarbamates pesticides may share a common mechanism of toxicity, and accompanying screening-level cumulative dietary analyses are to be presented to the FIFRA Science Advisory Panel for peer review on September 7, 2001. Pending their review of the information, the Agency expects to complete the cumulative risk assessment for thiocarbamate pesticides, at which time, provided the risk analyses concludes chronic cumulative dietary risks are not of concern to the Agency, the butylate tolerances will be considered reassessed, in accordance with FFDCA, as amended.

The Agency's human health findings for the thiocarbamate pesticide butylate, dicussed below, are presented fully in the documents: Butylate-HED Revised Human Health Assessment, February 26, 2001; and: GENEEC and SCI-GROW2 EEC's for the Current Use of Butylate on Corn for the Purpose of Tolerance Reassessment, August 20, 1998. These risk assessments and other documents pertaining to the butylate tolerance reassessment decision are available on the Internet at: http://www.epa.gov/pesticides/reregistration/status.htm and the public docket for viewing (see Unit I.B.2).

V. Use Summary

Butylate (S-ethyl diisobutylthiocarbamate) is a soil incorporated herbicide registered for use on corn (field, sweet, and popcorn) for control of grassy and broadleaf weeds and nutsedge. There are no registered non-food/non-feed uses, and no existing or proposed residential uses of butylate products. Butylate is formulated as a liquid emulsifiable concentrate (85.1% active ingredient), and may be applied preplant, at plant, postplant, and after harvest (fall) at a maximum single and annual application rate of 6.3 pounds of active ingredient per acre (lb a.i./acre). Because butylate is highly volatile, applications are made by ground equipment, either broadcast or band, and are immediately incorporated into the soil. The type of equipment used to apply butylate include, boom sprayer; soil injection equipment; and center pivot irrigation. Usage of butylate has declined from approximately 15 million lb a.i. in 1991 to an estimated 950,000 lb a.i. in 1998. Butylate was not produced in 1998, and both usage and production are expected to continue to decline.

VI. Dietary Food Risks

Acute dietary risk from food is calculated considering what is eaten in one day (in this instance, the full range of consumption values as well as the range of residue values in food). A risk estimate that is less than 100% of the acute Population Adjusted Dose (PAD) (the dose at which an individual could be exposed on any given day and no adverse health effects would be expected) is not of concern to the Agency. Chronic dietary risk from food is calculated by using the average consumption values for food and average residue values for those foods over a 70–year lifetime. A risk estimate that is less than 100% of the chronic PAD (the dose at which an individual could be exposed over the course of a lifetime and no adverse health effects would be expected) is not of concern to the Agency.

For the general population, the acute no observed adverse effects level (NOAEL) of 600 milligrams/kilogram/day (mg/kg/day) was established, based on clinical signs and acute neurotoxic effects (i.e., neuronal cell necrosis in the brain and degeneration of sciatic nerve) in the acute rat neurotoxicity study at the lowest observed adverse effects level (LOAEL) of 2,000 mg/kg/day. For the females (13–50 years) population subgroup, the acute NOAEL of 40 mg/kg/day was established, based on decreased fetal weights and increased incidences of misaligned sterebrae in the rat developmental study at the LOAEL of 400 mg/kg/day. In this study, both maternal and developmental toxicity were observed at the same dose (400 mg/kg/day); therefore, no increased susceptibility to offspring was observed. The chronic NOAEL of 5 mg/kg/day was established, based on decreased body weight gain (not statistically significant) and increased relative liver weight in male dogs from a 12–month dog feeding study at the LOAEL of 25 mg/kg/day. Based on available data, butylate is not carcinogenic, and has been classified as a Group E ''not likely'' carcinogen; therefore, no chronic (cancer) dietary risk assessment was conducted.

An uncertainty factor of 100 was applied to risk assessments to account for interspecies extrapolation (10X) and intraspecies variability (10X). The FQPA safety factor to account for enhanced sensitivity of infants and children was removed (reduced to 1X) since: The toxicology data base is complete; the developmental and reproductive toxicity data did not indicate increased sensitivity or susceptibility of rats or rabbits to *in utero* and/or postnatal exposure; unrefined dietary exposure estimates (assuming all commodities contain tolerance level residues) will overestimate dietary exposure; modeling data are used for ground and surface source drinking water exposure assessments resulting in estimates considered to be upper-bound concentrations; and there are currently no registered residential uses for butylate. Additionally, there is no evidence to support a recommendation for a developmental neurotoxicity study.

The acute and chronic dietary exposure analyses are based on the Dietary Exposure Evaluation Model (DEEM™). The DEEM™ analysis evaluated the individual food consumption as reported by respondents in the USDA 1989–1992 nationwide Continuing Surveys for Food Intake by Individuals (CSFII) and accumulated exposure to the chemical for each commodity.

The acute dietary (food) assessment for butylate is a Tier I deterministic analysis at the 95th percentile, and was conducted using tolerance level residues (0.1 ppm) and 100% crop treated. Tier I analysis was also conducted for chronic assessments using tolerance level residues and 100% crop treated. The estimated acute and chronic dietary (food) exposure consumed less than 1% of the respective acute and chronic PADs for all population subgroups; therefore, dietary (food) risk is not of concern to the Agency and no risk mitigation measures are necessary.

VII. Dietary Drinking Water Risks

Drinking water exposure to pesticides can occur through surface and/or ground water contamination. EPA considers acute (1–day) and chronic (lifetime) drinking water risks and uses either modeling or actual monitoring data, if available, to estimate those risks. Modeling is carried out in tiers of further refinement, and is designed to provide a high-end estimate of exposure.

Based on environmental fate data, butylate is mobile to slightly mobile in soil. However, significant residues of butylate are not expected to reach surface water under most conditions, because it is incorporated and partitions from soil to air readily. Although, soil incorporation favors downward movement to ground water over surface runoff, significant ground water contamination is still not expected under most conditions. Drinking water concentrations were estimated using GENEEC (Tier I-surface water) and SCI-GROW (Tier I-ground water) computer models. The drinking water assessment for butylate was conducted on parent butylate only, since no degradates of concern were identified. While limited monitoring data from surface and ground water sources are available on butylate and were lower than levels predicted by models, Tier I modeling estimates were used to assess exposure from both surface and ground water sources. These estimates were low and no further refinement was needed.

For acute drinking water risk, the potential (peak) concentrations of butylate in surface water sources is 33.1 parts per billion (ppb), and in ground water sources is 0.41 ppb. For chronic drinking water risk, potential (average) concentrations of butylate in surface water sources is 10 ppb, and in ground water sources is 0.41 ppb. Neither GENEEC nor SCI-GROW Tier I drinking water models take into account volatility from soil or water. Because butylate dissipates primarily by volatility from soil, actual butylate concentrations in drinking water predicted from either model are likely lower.

VIII. Aggregate Risks

Aggregate risk looks at the combined risk from exposure through food, drinking water, and residential uses. Generally, all risks from these exposures must be less than 100% of the acute and chronic PADs. For butylate, the aggregate risks are limited to food and

water exposure, because there are no residential uses.

To determine the maximum allowable contribution from water allowed in the diet, EPA first looks at how much of the overall allowable risk is contributed by food and then determines a ''drinking water level of comparison'' (DWLOC) to ascertain whether modeled or monitored concentrations in drinking water exceed this level. Drinking water concentrations that are above the corresponding DWLOC are of concern to the Agency. When the acute and chronic DWLOCs are compared with the estimated concentrations of butylate in drinking water using conservative modeling, surface and ground water concentrations are substantially lower than the DWLOCs for all populations. To assess aggregate risk, the acute and chronic dietary (food) risk estimates are combined with the corresponding surface and ground water (drinking water) estimated concentrations. For butylate, both the acute and chronic aggregate (food + drinking water) risks are less than 100% of the respective acute and chronic PADs, and therefore, are not of concern to the Agency, nor do they warrant risk mitigation measures.

IX. Residential, Occupational, and Ecological Risk

Residential risks were not assessed for butylate. Butylate is not registered for home use nor is it used in and around schools, or parks. Thus, there is no residential exposure to assess nor aggregate with the dietary exposure. Additionally, worker and ecological risks were not assessed for butylate, because butylate is under review for tolerance reassessment only. Occupational and ecological risk management decisions were made as part of the 1993 Butylate RED and have been implemented.

X. Tolerance Reassessment Summary

Tolerances are established for residues of butylate (S-ethyl diisobutylthiocarbamate) in/on raw agricultural commodities as defined in 40 CFR 180.232. Because there is no reasonable expectation of finite residues in meat, milk, poultry, and eggs; tolerances for residues of butylate in meat, milk, poultry, and eggs are not required. Further, no change in the 0.1 ppb commodity tolerance expression is required; however, the Agency intends to revise the commodity definitions. These tolerance commodity name revisions are given in the table below, and will be the subject of rulemaking. Based on a review of the residue data submitted, the established tolerances of butylate remain in effect at 0.1 ppm for all registered commodities, until such time as a determination of whether a full reassessment of the cumulative risk from thiocarbamate pesticides, such as butylate, may be needed and is considered. Tolerance commodity name revisions are given in the table below in accordance with current Agency administrative practice.

BUTYLATE TOLERANCES

Commodity	Current Tolerance (ppm)	Reassessed Tolerance (ppm)	Corrected Commodity Definition
Corn, field, grain	0.1	0.1	
Corn, pop, grain	0.1	0.1	
Corn, sweet (kernels, plus cob with husk removed)	0.1	0.1	Corn, sweet, kernel plus cob with husks removed
Corn, field, fodder	0.1	0.1	Corn, field, stover
Corn, field, forage	0.1	0.1	
Corn, pop, forage	0.1	0.1	Corn, pop, stover
Corn, sweet, forage	0.1	0.1	

List of Subjects

Environmental protection, Chemicals, Pesticides and pests.

Dated: August 29, 2001.

Lois A. Rossi,

Director, Special Review and Reregistration Division, Office of Pesticide Programs.

[FR Doc. 01–22754 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–S

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7051–7]

National Smelting and Refining Superfund Site/Atlanta, GA; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under sections 104, 106(a), 107 and 122 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), NL Industries, Inc. and Norfolk Southern Railway Company (Respondents) entered into an Administrative Order on Consent (AOC) with the Environmental Protection Agency (EPA), whereby the Respondents agreed to perform response activities at the National Smelting and Refining Superfund Site (Site) located in Atlanta, Georgia. Section VII of the AOC provides for the reimbursement of EPA's past and future response costs by the Respondents. Under the terms of the AOC, section VII is subject to section 122(i) of CERCLA, which requires EPA to publish notice of the proposed settlement in the Federal Register for a thirty (30) day public comment period. EPA will consider public comments on section VII of the AOC for thirty days. EPA may withhold consent to all or part of section VII of the AOC if comments received disclose facts or considerations which indicate that section VII of the AOC is inappropriate, improper, or inadequate.

Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, CERCLA Program Services Branch, Waste Management Division, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562–8887.

Written comment may be submitted to Mr. Greg Armstrong at the above address within 30 days of the date of publication.

Dated: August 20, 2001.

Anita Davis, Acting Chief,

CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–22743 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7051–6]

Valley Chemical Superfund Site/ Greenville, MS; Notice of Proposed Settlement

AGENCY: Environmental Protection Agency.

ACTION: Notice of proposed settlement.

SUMMARY: Under section 122(h)(1) of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA), the Environmental Protection Agency (EPA) has proposed to settle claims for response costs at the Valley Chemical Superfund Site (Site) located in Greenville, Mississippi, with Valley Chemical Company. EPA will consider public comments on the proposed settlement for thirty days. EPA may withdraw from or modify the proposed settlement should such comments disclose facts or considerations which indicate the proposed settlement is inappropriate, improper, or inadequate. Copies of the proposed settlement are available from: Ms. Paula V. Batchelor, U.S. Environmental Protection Agency, Region IV, CERCLA Program Services Branch, Waste Management Division, 61 Forsyth Street, S.W., Atlanta, Georgia 30303, (404) 562–8887.

Written comment may be submitted to Mr. Greg Armstrong at the above address within 30 days of the date of publication.

Dated: August 20, 2001.

Anita Davis,

Acting Chief, CERCLA Program Services Branch, Waste Management Division.

[FR Doc. 01–22744 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[OPPTS–51976; FRL–6800–7]

Certain New Chemicals; Receipt and Status Information

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: Section 5 of the Toxic Substances Control Act (TSCA) requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory) to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a premanufacture notice (PMN) or an application for a test marketing exemption (TME), and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 23, 2001 to August 10, 2001, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

DATES: Comments identified by the docket control number OPPTS–51976 and the specific PMN number, must be received on or before October 11, 2001.

ADDRESSES: Comments may be submitted by mail, electronically, or in person. Please follow the detailed instructions for each method as provided in Unit I. of the **SUPPLEMENTARY INFORMATION.** To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51976 and the specific PMN number in the subject line on the first page of your response.

FOR FURTHER INFORMATION CONTACT: Barbara Cunningham, Director, Office of Program Management and Evaluation, Office of Pollution Prevention and Toxics (7401), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460; telephone number: (202) 554–1404; e-mail address: TSCA-Hotline@epa.gov.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this Action Apply to Me?

This action is directed to the public in general. As such, the Agency has not attempted to describe the specific entities that this action may apply to. Although others may be affected, this action applies directly to the submitter of the premanufacture notices addressed in the action. If you have any questions regarding the applicability of this action to a particular entity, consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

B. How Can I Get Additional Information, Including Copies of this Document and Other Related Documents?

1. *Electronically*. You may obtain copies of this document and certain other available documents from the EPA Internet Home Page at http://www.epa.gov/. On the Home Page select ''Laws and Regulations'','' Regulations and Proposed Rules, and then look up the entry for this document under the ''**Federal Register**—Environmental Documents.'' You can also go directly to the **Federal Register** listings at http://www.epa.gov/fedrgstr/.

2. *In person*. The Agency has established an official record for this action under docket control number OPPTS–51976. The official record consists of the documents specifically referenced in this action, any public comments received during an applicable comment period, and other information related to this action, including any information claimed as confidential business information (CBI). This official record includes the documents that are physically located in the docket, as well as the documents that are referenced in those documents. The public version of the official record does not include any information claimed as CBI. The public version of the official record, which includes printed, paper versions of any electronic comments submitted during an applicable comment period, any test data submitted by the Manufacturer/Importer is available for inspection in the TSCA Nonconfidential Information Center, North East Mall Rm. B– 607, Waterside Mall, 401 M St., SW., Washington, DC. The Center is open from noon to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number of the Center is (202) 260–7099.

C. How and to Whom Do I Submit Comments?

You may submit comments through the mail, in person, or electronically. To ensure proper receipt by EPA, it is imperative that you identify docket control number OPPTS–51976 and the specific PMN number in the subject line on the first page of your response.

1. *By mail*. Submit your comments to: Document Control Office (7407), Office of Pollution Prevention and Toxics (OPPT), Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460.

2. *In person or by courier*. Deliver your comments to: OPPT Document Control Office (DCO) in East Tower Rm. G–099, Waterside Mall, 401 M St., SW., Washington, DC. The DCO is open from

8 a.m. to 4 p.m., Monday through Friday, excluding legal holidays. The telephone number for the DCO is (202) 260–7093.

3. *Electronically*. You may submit your comments electronically by e-mail to: ''oppt.ncic@epa.gov,'' or mail your computer disk to the address identified in this unit. Do not submit any information electronically that you consider to be CBI. Electronic comments must be submitted as an ASCII file avoiding the use of special characters and any form of encryption. Comments and data will also be accepted on standard disks in WordPerfect 6.1/8.0 or ASCII file format. All comments in electronic form must be identified by docket control number OPPTS–51976 and the specific PMN number. Electronic comments may also be filed online at many Federal Depository Libraries.

D. How Should I Handle CBI that I Want to Submit to the Agency?

Do not submit any information electronically that you consider to be CBI. You may claim information that you submit to EPA in response to this document as CBI by marking any part or all of that information as CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2. In addition to one complete version of the comment that includes any information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public version of the official record. Information not marked confidential will be included in the public version of the official record without prior notice. If you have any questions about CBI or the procedures for claiming CBI, please consult the person listed under **FOR FURTHER INFORMATION CONTACT.**

E. What Should I Consider as I Prepare My Comments for EPA?

You may find the following suggestions helpful for preparing your comments:

1. Explain your views as clearly as possible.
2. Describe any assumptions that you used.
3. Provide copies of any technical information and/or data you used that support your views.
4. If you estimate potential burden or costs, explain how you arrived at the estimate that you provide.
5. Provide specific examples to illustrate your concerns.
6. Offer alternative ways to improve the notice or collection activity.
7. Make sure to submit your comments by the deadline in this document.
8. To ensure proper receipt by EPA, be sure to identify the docket control number assigned to this action in the subject line on the first page of your response. You may also provide the name, date, and **Federal Register** citation.

II. Why is EPA Taking this Action?

Section 5 of TSCA requires any person who intends to manufacture (defined by statute to include import) a new chemical (i.e., a chemical not on the TSCA Inventory to notify EPA and comply with the statutory provisions pertaining to the manufacture of new chemicals. Under sections 5(d)(2) and 5(d)(3) of TSCA, EPA is required to publish a notice of receipt of a PMN or an application for a TME and to publish periodic status reports on the chemicals under review and the receipt of notices of commencement to manufacture those chemicals. This status report, which covers the period from July 23, 2001 to August 10, 2001, consists of the PMNs pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period.

III. Receipt and Status Report for PMNs

This status report identifies the PMNs, both pending or expired, and the notices of commencement to manufacture a new chemical that the Agency has received under TSCA section 5 during this time period. If you are interested in information that is not included in the following tables, you may contact EPA as described in Unit II. to access additional non-CBI information that may be available. The ''S'' and ''G'' that precede the chemical names denote whether the chemical idenity is specific or generic.

In table I, EPA provides the following information (to the extent that such information is not claimed as CBI) on the PMNs received by EPA during this period: the EPA case number assigned to the PMN; the date the PMN was received by EPA; the projected end date for EPA's review of the PMN; the submitting manufacturer; the potential uses identified by the manufacturer in the PMN; and the chemical identity.

I. 49 PREMANUFACTURE NOTICES RECEIVED FROM: 07/23/01 TO 08/10/01

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0747	07/23/01	10/21/01	3M Company	(G) Coating	(G) Silicone polymer
P–01–0749	07/23/01	10/21/01	CBI	(G) Destructive use	(G) Supported methyl aluminoxane
P–01–0750	07/23/01	10/21/01	CBI	(G) Destructive use	(G) Supported methyl aluminoxane
P–01–0751	07/27/01	10/25/01	CBI	(G) Destructive use	(G) Supported metallocene catalyst
P–01–0752	07/23/01	10/21/01	CBI	(G) Destructive use	(G) Supported metallocene catalyst
P–01–0753	07/23/01	10/21/01	CBI	(G) Destructive use	(G) Methyl aluminoxanes
P–01–0754	07/23/01	10/21/01	CBI	(S) Polyurethane elastomers; polyurethane adhesives; polyurethane foams	(G) Polyol
P–01–0755	07/23/01	10/21/01	CBI	(G) Polymer for coatings	(G) Amine salted polyurethane
P–01–0756	07/23/01	10/21/01	CBI	(G) Polymer for coatings	(G) Amine salted polyurethane
P–01–0757	07/24/01	10/22/01	CBI	(G) Fuel additive	(G) Alkyl carboxylic acid amine salt
P–01–0758	07/24/01	10/22/01	CBI	(S) Additive for rubber compositions	(G) Organo silane ester
P–01–0759	07/23/01	10/21/01	Charkit Chemical Corporation	(G) Raw material for coating and sealants	(S) Dodecanedioic acid, dihydrazide
P–01–0760	07/25/01	10/23/01	CBI	(G) Adhesion promoter	(G) Tetraisopropyl titanate, polymer with ketone resin and amyl acid phosphate
P–01–0761	07/25/01	10/23/01	CBI	(S) Polyurethane elastomers; polyurethane adhesives; polyurethane foams;	(G) Polyol

I. 49 PREMANUFACTURE NOTICES RECEIVED FROM: 07/23/01 TO 08/10/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0762	07/24/01	10/22/01	Haarmann and Reimer	(G) Open, non-dispersive use with limited employee exposure	(S) 1,9-cyclohexadecadiene
P–01–0763	07/25/01	10/23/01	CBI	(G) Anti-dye transfer agent in detergent formulation	(G) Functionalized amine polymer
P–01–0764	07/25/01	10/23/01	Itochu Specialty Chemicals, Inc.	(G) Physical characteristics modifier for industrial use in certain solid composite articles	(S) Magnesium potassium titanium oxide
P–01–0765	07/26/01	10/24/01	CBI	(S) Additive for water-borne adhesives	(G) Polyester of alkane polycarboxylic acid, alkene polycarboxylic acid, aromatic polycarboxylic acid and cycloalkane diols, neutralized with aminoalkanol
P–01–0766	07/26/01	10/24/01	CBI	(G) Open, non-dispersive use	(G) Substituted carbopolycycle heteropolycycle substituted sulfo heteropolycycle, amine salt
P–01–0767	07/26/01	10/24/01	CBI	(G) Paper coatings	(G) Acryric resin
P–01–0768	07/27/01	10/25/01	Shin-etsu Silicones of America, Inc	(S) Ingredient for rubber compounds	(G) Polyfluoroalkylether
P–01–0769	07/26/01	10/24/01	CIBA Specialty Chemicals Corporation	(S) Antioxidant for lubricating oils	(G) Alkylated phenothiazine/ diphenylamine mixture
P–01–0770	07/26/01	10/24/01	CIBA Specialty Chemicals Corporation	(S) Antioxidant for lubricating oils	(G) Alkylated phenothiazine/ diphenylamine mixture
P–01–0771	07/26/01	10/24/01	CIBA Specialty Chemicals Corporation	(S) Antioxidant for lubricating oils	(G) Alkylated phenothiazine/ diphenylamine mixture
P–01–0772	07/26/01	10/24/01	CIBA Specialty Chemicals Corporation	(S) Antioxidant for lubricating oils	(G) Alkylated phenothiazine/ diphenylamine mixture
P–01–0773	07/30/01	10/28/01	Solutia Inc.	(S) Resin for industrial coatings	(G) Hydroxyalkyl substituted phenols
P–01–0774	07/30/01	10/28/01	CBI	(G) Open, non-dispersive	(G) Unsaturated epoxy acrylate resin
P–01–0775	07/27/01	10/25/01	CBI	(G) Chemical intermediate	(G) Organic zirconium compound
P–01–0776	07/27/01	10/25/01	CBI	(G) Open, non-dispersive(paper coating component)	(G) Aralkyl arly carbamate
P–01–0777	07/26/01	10/24/01	CBI	(G) Additive to electrolyte solutions for short life high capacity batteries	(G) Ammonium fluoroborate
P–01–0778	07/30/01	10/28/01	CBI	(G) Toner binder for copiers or printers	(G) Polyester resin
P–01–0779	07/30/01	10/28/01	CBI	(G) Toner binder for copiers or printers	(G) Polyester resin
P–01–0780	07/31/01	10/29/01	AOC, LLC	(S) A) polyester component for sheet molding compound for fiberglass plastic parts b)polyester component for bulk molding compound for fiberglass plastic parts	(S) 2,5-furandione (9ci) polymer with alpha-hydro-omega-hydroxypoly(oxy(methyl-1,2-ethanediyl)) and 1,2-propanediol
P–01–0781	07/31/01	10/29/01	Degussa Corporation	(G) The pmn substance is used to modify the surface properties of hydroxylated surfaces	(S) Silane, (3-(2,3-epoxypropoxy)propyl)triethoxy-
P–01–0782	07/31/01	10/29/01	Guertin Bros. USA Inc.	(S) 1. binder for industrial coatings cured through a michael addition reaction 2. binder for industrial coatings cured through reaction with aminoplasts	(S) Butanoic acid, 3-oxo-, 2-[(2-methyl-1-oxo-2-propenyl)oxy]ethyl ester, polymer with ethenylbenzene, 2-ethylhexyl 2-methyl-2-propenoate, 2-hydroxyethyl 2-methyl-2-propenoate and rel-(1r,2r,4r)-1,7,7-trimethyl bicyclo[2.2.1]hept-2-yl 2-methyl-2-propenoate, bis(1,1-dimethylpropyl) peroxide-initiated
P–01–0783	08/01/01	10/30/01	Solutia Inc.	(S) Scale inhibition, downhole use in oil fields, oil production	(G) Aminophosphonate
P–01–0784	08/01/01	10/30/01	CBI	(G) Open, non-dispersive(additive)	(G) Aqueous polyurethane dispersion
P–01–0785	08/01/01	10/30/01	CBI	(S) Dispersant for reactive dyestuffs	(G) Alkyldioic acid polymer with carboxy-alkyl-carbocycle-alkanoic acid, alkenedioic anhydride, and 3-oxapentane-1,5-diol
P–01–0786	08/02/01	10/31/01	CBI	(G) Cleaner additive	(G) Acrylic polymer
P–01–0787	08/02/01	10/31/01	CBI	(G) Chemical intermediate	(G) Modified tall-oil pitch intermediate
P–01–0788	08/02/01	10/31/01	CBI	(G) Chemical intermediate	(G) Modified tall-oil pitch intermediate
P–01–0789	08/02/01	10/31/01	CBI	(G) Dust suppressant or emulsifier	(G) Modified tall-oil pitch
P–01–0790	08/02/01	10/31/01	CBI	(G) Resin solution additive	(G) Aluminum alkoxide complex
P–01–0791	08/02/01	10/31/01	CBI	(G) Resin solution additive	(G) Aluminum alkoxide complex
P–01–0792	08/06/01	11/04/01	CBI	(G) Destructive use - plastics additive	(G) Surface modified magnesium hydroxide

I. 49 PREMANUFACTURE NOTICES RECEIVED FROM: 07/23/01 TO 08/10/01—Continued

Case No.	Received Date	Projected Notice End Date	Manufacturer/Importer	Use	Chemical
P–01–0793	08/06/01	11/04/01	CBI	(G) Destructive use - plastics additive	(G) Surface modified magnesium hydroxide
P–01–0794	08/07/01	11/05/01	CBI	(G) Monomer	(G) Acrylate ester
P–01–0795	08/07/01	11/05/01	Solutia Inc.	(S) Resin of industrial coatings	(G) Acrylate modified polyether
P–01–0796	08/07/01	11/05/01	CBI	(G) Chemical process intermediate (a destructive use)	(G) Substituted pyridinedicarboxylate
P–01–0797	08/07/01	11/05/01	CBI	(G) Chemical process intermediate (a destructive use)	(G) Substituted pyridinedicarboxylate
P–01–0798	08/07/01	11/05/01	CBI	(G) Chemical process intermediate (a destructive use)	(G) Substituted pyridinedicarboxylate
P–01–0799	08/07/01	11/05/01	CBI	(G) Chemical process intermediate (a destructive use)	(G) Substituted pyridinedicarboxylate
P–01–0800	07/31/01	10/29/01	Guertin Bros. USA Inc.	(S) 1. binder for industrial coatings cured through a michael addition reaction 2. binder for industrial coatings cured through reaction with aminoplasts	(S) 1,3-benzenedicarboxylic acid, polymer with 2,2-bis(hydroxymethyl)-1,3-propanediol, 2-butyl-2-ethyl-1,3-propanediol, 1,3-isobenzofurandione and oxirenylmethyl neodecanoate, 3-oxobutanoate
P–01–0801	08/08/01	11/06/01	CBI	(S) Base fluid for hydraulic fluids; base fluid for engine lubricants	(G) Mixed polyol - glycerol fatty acid ester
P–01–0802	08/08/01	11/06/01	CIBA Specialty Chemicals Corporation	(S) Photoselective additive for mulch and greenhouse films	(G) Pyrimidinetrione derivative
P–01–0803	08/09/01	11/07/01	The Goodyear Tire and Rubber Company	(S) Polymerization catalyst	(G) Neodymium ziegler-natta catalyst
P–01–0804	08/09/01	11/07/01	CBI	(S) Pigment for polymers (polyethylene)	(G) Substituted carbocyle
P–01–0805	08/10/01	11/08/01	The Dow Chemical Company	(G) Manufacture of polyalkoxylate, alkylamine initiated	(G) Alkylamine, alkoxylated
P–01–0806	08/10/01	11/08/01	The Cow Chemical Company	(G) Polyurethane foam	(G) Alkylamine initiated, alkylene oxide polymer
P–01–0807	08/10/01	11/08/01	CBI	(G) Open, non-dispersive	(G) Aceto acetate functional polymer
P–01–0808	08/10/01	11/08/01	Solutia Inc.	(S) Resin for industrial coatings	(G) Substituted alkanoic acid ester

In table II, EPA provides the following information (to the extent that such information is not claimed as CBI) on the Notices of Commencement to manufacture received:

II. 20 NOTICES OF COMMENCEMENT FROM: 07/23/01 TO 08/10/01

Case No.	Received Date	Commencement/ Import Date	Chemical
P–00–0009	08/03/01	06/22/01	(G) Copolymer of acrylic esters, acrylic acid and dibromostyrene
P–00–0629	08/02/01	07/27/01	(S) Benzoic acid, isooctadecyl ester*
P–00–0833	08/10/01	08/06/01	(G) Polyether modified polysiloxane, acrylated
P–00–1176	07/31/01	07/10/01	(G) Polyester polyol
P–00–1177	07/31/01	07/11/01	(G) Functionalized polyether
P–01–0241	07/24/01	05/18/01	(G) Polyether polyol
P–01–0300	07/25/01	07/03/01	(G) Maleinized polybutadiene
P–01–0374	07/24/01	06/27/01	(G) Polyurethane prepolymer;polyurethane adhesive
P–01–0378	07/25/01	06/26/01	(G) Substituted salicic acid ester, polymer with alkanediol, substituted polyalkanediyl, tetrasubstituted diisocyanotocyclohexane, and trisubstituted isocyanato alkysilane
P–01–0379	08/02/01	07/05/01	(G) Modified polyurethane resin
P–01–0389	08/08/01	07/18/01	(G) Modified phenolic resin
P–01–0463	08/09/01	07/24/01	(G) Polyester acrylate
P–01–0468	07/30/01	07/23/01	(G) Aliphatic dicarboxylic acid, polymer with aliphatic diamine and cycloaliphatic amide
P–01–0488	08/03/01	07/13/01	(G) Alkyl substituted heterocycle
P–01–0550	08/02/01	07/26/01	(G) Polycarbonate-polyurethane resin
P–98–0552	07/31/01	07/12/01	(G) Substance (2) polyether succinate, compd. with triethanolamine
P–98–1107	08/02/01	07/11/01	(S) 1-propanamine, n,n - dimethyl
P–99–0716	08/07/01	08/01/01	(G) Acrylic emulsion polymer
P–99–0907	07/31/01	06/28/01	(G) Alkyl aryl phenol polymer
P–99–1233	07/23/01	06/28/01	(S) 1,3-dioxol-2-one

List of Subjects

Environmental protection, Chemicals, Premanufacturer notices.

Dated: August 27, 2001.

Deborah A. Williams,

Acting Director, Information Management Division, Office of Pollution Prevention and Toxics.

[FR Doc. 01–22762 Filed 9–10–01; 8:45 am]

BILLING CODE 6560–50–S

EXPORT–IMPORT BANK OF THE UNITED STATES

Sunshine Act Meeting; Notice of Open Special Meeting of the Board of Directors of the Export-Import Bank of the United States

TIME AND PLACE: Wednesday, September 12, 2001 at 8:00 AM. The meeting will be held at Ex-Im Bank in Room 1141, 811 Vermont Avenue, NW., Washington, DC 20571

AGENDA: Revised Economic Impact Procedures

PUBLIC PARTICIPATION: The meeting will be open to public participation.

FURTHER INFORMATION: For further information, contact: Office of the Secretary, 811 Vermont Avenue, NW., Washington, DC 20571, (Telephone No. 202–565–3957 or 3336).

Peter B. Saba,

General Counsel.

[FR Doc. 01–22845 Filed 9–07–01; 11:09 am]

BILLING CODE 6690–01–M

FARM CREDIT ADMINISTRATION

Farm Credit Administration Board; Regular Meeting

AGENCY: Farm Credit Administration.

SUMMARY: Notice is hereby given, pursuant to the Government in the Sunshine Act (5 U.S.C. 552b(e)(3)), of the forthcoming regular meeting of the Farm Credit Administration Board (Board).

DATE AND TIME: The regular meeting of the Board will be held at the offices of the Farm Credit Administration in McLean, Virginia, on September 13, 2001, from 9:00 a.m. until such time as the Board concludes its business.

FOR FURTHER INFORMATION CONTACT: Kelly Mikel Williams, Secretary to the Farm Credit Administration Board, (703) 883–4025, TDD (703) 883–4444.

ADDRESSES: Farm Credit Administration, 1501 Farm Credit Drive, McLean, Virginia 22102–5090.

SUPPLEMENTARY INFORMATION: This meeting of the Board will be open to the public (limited space available). In order to increase the accessibility to Board meetings, persons requiring assistance should make arrangements in advance. The matters to be considered at the meeting are:

Open Session

1. Approval of Minutes

—August 7, 2001 (Closed)
—August 9, 2001 (Open and Closed)

2. Reports

—FCS Building Association's Quarterly Report
—Corporate Approvals Report

3. New Business

A. Regulation

—Electronic Commerce—12 CFR Parts 609 and 620 (Proposed Rule)

B. Other

—Unified Agenda

Dated: September 6, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01–22823 Filed 9–6–01; 8:45 am]

BILLING CODE 6705–01–M

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

September 6, 2001.

Open Commission Meeting, Thursday, September 13, 2001

The Federal Communications Commission will hold an Open Meeting on the subjects listed below on Thursday, September 13, 2001, which is scheduled to commerce at 9:30 a.m. in Room TW–C305, at 445 12th Street, SW., Washington, DC.

Item No., Bureau and Subject

1. Common Carrier—*Title:* 2000 Biennial Regulatory Review; Separate Affiliate Requirements of Section 64.1903 of the Commission's Rules (CC Docket No. 00–175). *Summary:* The Commission will consider a Notice Proposal Rule Making to reexamine the Commission's rule that establishes safeguards for the provision of in-region, interexchange services by incumbent independent local exchange carriers.
2. Mass Media—*Title:* Cross-Ownership of Broadcast Stations and Newspapers; and Newspaper/Radio Cross-Ownership Waiver Policy (MM Docket No. 96–197). *Summary:* The Commission will consider a Notice of Proposed Rule Making to modify its rule and/or waiver policies relating to common ownership of broadcast stations and newspaper in the same geographic area.
3. Cable Services—*Title:* Implementation of Section 11 of the Cable Television Consumer Protection and Competition Act of 1992 (CS Docket No. 98–82); Implementation of Cable Act Reform Provisions of the Telecommunications Act of 1996 (CS Docket No. 96–85); and The Commission's Cable Horizontal and Vertical Ownership Limits and Attribution Rules (MM Docket No. 92–246). *Summary:* The Commission will consider a Further Notice of Proposed Rule Making concerning its cable horizontal and vertical ownership limits and certain aspects of its attribution rules as affected by the recent DC, Circuit decision in *Time Warner Entertainment Co.* v. *FCC.*
4. Office of Engineering and Technology—*Title:* Authorization and Use of Software Defined Radios (ET Docket No. 00–47). Summary: The Commission will consider a First Report and Order to streamline the equipment authorization procedures for software defined radios.

Additional information concerning this meeting may be obtained from Maureen Peratino or David Fiske, Office of Media Relations, telephone number (202) 418–0500; TTY 1–888–835–5322.

Copies of materials adopted at this meeting can be purchased from the FCC's duplicating contractor, Qualex International at (202) 863–2893; fax (202) 863–2898; TTY (202) 863–2897. These copies are available in paper format and alternative media, including large print/type, digital disk, and audio tape. Qualex International may be reached by e-mail at qualexint@aol.com

This meeting can be viewed over George Mason University's Capitol Connection. The Capitol Connection also will carry the meeting live via the Internet. For information on these services call (703) 993–3100. The audio portion of the meeting will be broadcast live on the Internet via the FCC's Internet audio broadcast page at http://www.fcc.gov/realaudio/. The meeting can also be heard via telephone, for a fee, from National Narrowcast Network, telephone (202) 966–2211 or fax (202) 966–1770. Audio and video tapes of this meeting can be purchased from Infocus, 341 Victory Drive, Herndon, VA 20170,

telephone (703) 834–0100; fax number (703) 834–0111.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–22939 Filed 9–7–01; 3:53 pm]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Partially Open Meeting, Board of Visitors for the National Fire Academy

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of partially open meeting.

SUMMARY: In accordance with section 10 (a) (2) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, FEMA announces the following committee meeting:

Name: Board of Visitors for the National Fire Academy.

Dates of Meeting: October 4–6, 2001.

Place: Building J, Room 102, National Emergency Training Center, Emmitsburg, Maryland.

Time: October 4, 2001, 8:30 a.m.–10:30 a.m. (Closed Meeting); October 4, 2001, 10:30 a.m.–5 p.m. (Open Meeting); October 5, 2001, 8:30 a.m.–9 p.m. (Open Meeting); October 6, 2001, 8:30 a.m.–12 noon (Open Meeting).

Proposed Agenda: October 4, (Closed Meeting from 8:30 a.m. to 10:30 a.m., to review budget and personnel information.) October 4–6, Review National Fire Academy Program Activities.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public (except as noted above) with seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact the Office of the Superintendent, National Fire Academy, U.S. Fire Administration, 16825 South Seton Avenue, Emmitsburg, MD 21727, (301) 447–1117, on or before October 1, 2001.

Minutes of the meeting will be prepared and will be available for public viewing in the Office of the Chief Operating Officer, U.S. Fire Administration, Federal Emergency Management Agency, Emmitsburg, Maryland 21727. Copies of the minutes will be available upon request within 60 days after the meeting.

Dated: September 4, 2001.

Kenneth O. Burris, Jr.,

Acting U.S. Fire Administrator.

[FR Doc. 01–22711 Filed 9–10–01; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Privacy Act of 1974: Proposed New Routine Use of Existing System of Records

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of a proposed new routine use to an existing system of records.

SUMMARY: Under the Privacy Act of 1974, 5 U.S.C. 552a, we, the Federal Insurance and Mitigation Administration (FIMA) of FEMA, give notice of a proposed new routine use to be added to an existing system of records entitled FEMA/FIA–2, National Flood Insurance Application and Related Documents Files.

EFFECTIVE DATE: The proposed routine use is effective, without further notice, September 26, 2001, unless comments necessitate otherwise.

ADDRESSES: We invite your comments on this new routine use. Please send them to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, room 840, 500 C Street, SW., Washington, DC 20472; (telefax) (202) 646–4536, or (email) *rules@fema.gov.*

FOR FURTHER INFORMATION CONTACT: Eileen Leshan, FOIA/Privacy Act Specialist, Federal Emergency Management Agency, room 840, 500 C Street, SW., Washington, DC 20472, (telephone) (202) 646–4115, (telefax) (202) 646–4536, or (email) *Eileen.Leshan@fema.gov.*

SUPPLEMENTARY INFORMATION: We last published our notice of systems of records on January 5, 1987, 52 FR 324; February 3, 1987, 52 FR 3344; March 5, 1987, 52 FR 6875; September 7, 1990, 55 FR 37182; and June 7, 1991, 56 FR 26415. We previously published the system identified as FEMA/FIA–2, National Flood Insurance Application and Related Documents Files, on November 26, 1982, 47 FR 53492, which was amended on October 25, 1983, 48 FR 49376; February 17, 1984, 49 FR 6168; May 13, 1985, 50 FR 20007; January 5, 1987, 52 FR 324; July 28, 1988, 53 FR 28437; and August 9, 1988, 53 FR 29947.

We have established the Repetitive Loss Target Group (RLTG) as part of an initiative to reduce claims under the National Flood Insurance Program (NFIP) with respect to properties that have experienced multiple losses. Generally, we have defined repetitive loss properties as those that have had at least two losses of $1,000 or more within any 10-year period. The RLTG is a subset of these properties that include currently insured properties that have either:

1. Two or more losses that, in the aggregate, equal or exceed the current value of the insured property; or

2.Four or more losses.

The RLTG includes approximately 11,000 properties. Inclusion of a property in the RLTG results in the transfer of the flood insurance policy to a central facility designed to oversee claims and to coordinate and facilitate insurance mitigative actions. Owners of properties identified as RLTG properties may appeal this determination. To do so, however, may require access to the properties' loss histories under previous owners. We propose, accordingly, a new routine use to permit release of certain loss history information to a current property owner considering appealing the designation of his/her property as a RLTG property, subject to inclusion in the Repetitive Loss initiative.

Dated: September 5, 2001.

Michael D. Brown,

General Counsel.

FEMA/FIA–2

SYSTEM NAME:

National Flood Insurance Application and Related Documents Files.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Various offices of a servicing agent under contract to the Federal Insurance and Mitigation Administration, Federal Emergency Management Agency, Washington, DC 20472. Copies of some of the files are also provided to the FEMA Regional offices when their respective offices request additional information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for individual flood insurance and individuals insured.

CATEGORIES OF RECORDS IN THE SYSTEM:

Flood insurance, policy issuances and administration records and claims adjustment records, including:

Form	Title of form
FEMA Form 81–64	Applications for Participation in the National Flood Insurance Program
FEMA Form 81–16	Flood Insurance Application
FEMA Form 81–18	Flood Insurance General Change Endorsements
FEMA Form 81–23	Request for Policy Processing and Renewal Information
FEMA Form 81–17	Flood Insurance Cancellation/Nullification Request Form
FEMA Form 81–67	Flood Insurance Preferred Risk Policy Application
FEMA Form 81–31	National Flood Insurance Program Elevation Certificate
FEMA Form 81–65	National Flood Insurance Program Floodproofing Certificate
FEMA Form 81–25	V Zone Risk Factor Rating Form
FEMA Form 81–40	National Flood Insurance Program Worksheet—Contents
FEMA Form 81–41	National Flood Insurance Program Worksheet—Building
FEMA Form 41a	National Flood Insurance Program Worksheet—Building (Continuation)
FEMA Form 81–42	National Flood Insurance Proof of Loss
FEMA Form 81–43	National Flood Insurance Program Notice of Loss
FEMA 81–44	Statement as to full cost of repair or replacement under the replacement cost coverage, subject to the terms and conditions of the Standard Flood Insurance Policy
FEMA Form 81–45	Adjuster's Short Form Report
FEMA Form 81–57	National Flood Insurance Program Preliminary Report
FEMA Form 81–58	National Flood Insurance Program Final Report
FEMA Form 81–59	National Flood Insurance Program Narrative Report
FEMA Form 81–63	National Flood Insurance Program Cause of Loss/Subrogation Report

This system may also contain information regarding the name of the bank/lender, date of mortgage, address of bank/lender and if available, information on every loan placed on the property during the current owner's tenure. This system contains the taxpayer's identification number (which may be the social security number).

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

National Flood Insurance Act of 1968 and Flood Disaster Protection Act of 1973, 42 U.S.C. 4001—4129; 5 U.S.C. 301; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; and E.O. 12127, 3 CFR, 1979 Comp, p. 376.

PURPOSE(S):

To carry out the National Flood Insurance Program and verify nonduplication of benefits.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Category of users	Purposes
To property loss reporting bureaus, State insurance departments, and insurance companies.	investigating fraud or potential fraud in connection with claims, subject to the approval of the Office of Inspector General, FEMA.
To insurance agents, brokers, adjusters, and lending institutions	for carrying out the purposes of the National Flood Insurance Program.
To the Small Business Administration, the American Red Cross, the Farm Service Agency of USDA, State and local government individual and family grant and assistance agencies.	for determining eligibility for benefits and for verification of nonduplication of benefits following a flooding event or disaster.
To Write-Your-Own companies as authorized in 44 CFR 62.23	to avoid duplication of benefits following a flooding event or disaster and for carrying out the purposes of the National Flood Insurance Program.
To State and local government individual and family grant agencies	to permit such agencies to assess the degree of financial burdens toward residents such as States and local governments might reasonably expect to assume in the event of a flooding disaster and to further the flood insurance marketing activities of the National Flood Insurance Program.
To State and local government agencies that provide the names and addresses of policyholders and a brief general description of their plan for acquiring and relocating their flood prone properties.	for review by the Federal Insurance and Mitigation Administrator to ensure that their State or local government agency is engaged in flood plain management, improved real property acquisitions, and relocation projects that are consistent with the National Flood Insurance Program and, upon the approval by the Federal Insurance and Mitigation Administrator, that the use furthers flood plain management and hazard mitigation goals of the Agency.
To State and local government agencies and municipalities	to review National Flood Insurance Program policy claim files to assist them in hazard mitigation and flood plain management activities and in monitoring compliance with the flood plain management measures duly adopted by the community.
To State governments, federal agencies, and federal financial instrumentalities responsible for the supervision, approval, regulation or insuring of banks, savings and loan associations or similar institutions.	for carrying out the purposes of the National Flood Insurance Program.
To private companies engaged in or planning to engage in activities to market or assist lenders and mortgage servicing companies.	the property address, flood zone identifier, date of policy issue, and value of policy, solely for the purpose of geocoding the flood insurance policy addresses, may be released to aid efforts of lenders and mortgage servicing companies to comply with the requirements of the Flood Disaster Protection Act of 1973 and to market the sale of flood insurance policies under the National Flood Insurance Program.

Category of users	Purposes
To lending institutions, mortgage servicing companies and others servicing mortgage loan portfolios.	the policy numbers of NFIP policy-holders may be released to secure flood insurance protection for those properties that are a part of a lending institution's mortgage portfolio and to assure lender compliance with the flood insurance purchase requirements of the Flood Disaster Protection Act of 1973.
To current owners of properties designated under the National Flood Insurance Program as Repetitive Loss Target Group properties.	the dates and dollar amounts of loss payments made to prior owners may be released so that owners may evaluate whether that designation is appropriate and may, if they believe the designation is not appropriate, use the information to appeal that designation.

Routine uses may include Nos. 1, 5, 6, and 8 of Appendix A.

DISCLOSURE TO CONSUMER REPORTING AGENCIES:

Disclosures under 5 U.S.C. 552a(b)(12): Disclosures may be made from this system to ''consumer reporting agencies'' as defined in the Fair Credit Reporting Act, 15 U.S.C. 1681a(f), or the Federal Claims Collection Act of 1966, 31 U.S.C. 3701(a)(3).

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN SYSTEM:

STORAGE:

Magnetic Tape/disc/drum and paper files.

RETRIEVABILITY:

By name of the policyholders and policy number.

SAFEGUARDS:

Personnel screening, hardware and software computer security measures; paper records are maintained in locked containers, locked rooms, or both. All records are maintained in areas that are secured by building guards during non-business hours. Records are retained in areas accessible only to authorized personnel who are properly screened, cleared and trained.

RETENTION AND DISPOSAL:

Policy records are kept as long as insurance is desired and premiums paid, and for an appropriate time thereafter and claim records are kept for 6 years and 3 months after final action, unless litigation exists. Disposition of records will accord with FEMA Records Schedule N1–311–86–1, 2a12 and 2a13.

SYSTEM MANAGER(S) AND ADDRESS:

Federal Insurance Administrator, Federal Emergency Management Agency, Washington, DC 20472.

NOTIFICATION PROCEDURES:

If you wish to inquire whether this system of records contains information about you, please contact the Federal Insurance Administrator, as immediately above. Please clearly mark written requests ''Privacy Act Request'' on the envelope and letter, and include your full name, some type of appropriate personal identification, and your current address. For personal visits, you must provide some acceptable identification, such as, driver's license, employing organization's identification card, or other identification card.

RECORD ACCESS PROCEDURES:

Same as Notification procedures above.

CONTESTING RECORD PROCEDURES:

Same as Notification procedures above. The letter should state clearly and concisely what information you are contesting, the reasons for contesting it, and the proposed amendment to the information that you seek.

FEMA Privacy Act Regulations are published in 44 CFR part 6.

RECORD SOURCE CATEGORIES:

Individuals who apply for flood insurance under the National Flood Insurance Program and individuals who are insured under the program.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

Appendix A

Introduction to Routine Uses: We have identified certain routine uses as being applicable to many of the FEMA systems of record notices. We list the specific routine uses applicable to an individual system of record notice under the ''Routine Use'' section of the notice itself, which correspond to the numbering of the routine uses published below. We are publishing these uses only once in the interest of simplicity, economy and to avoid redundancy, rather than repeating them in every individual system notice.

1. *Routine Use—Law Enforcement:* A record from any FEMA system of records, which indicates either by itself or in combination with other information within FEMA's possession, a violation or potential violation of law, whether civil, criminal or regulatory in nature, and whether arising by general statute, or by regulation, rule or order issued pursuant thereto, and which we may disclose as a routine use to the appropriate agency whether Federal, State, territorial, local or foreign, or foreign agency or professional organization, charged with the responsibility of enforcing, implementing, investigating, or prosecuting such violation or charged with implementing the statute, rule, regulation or order issued pursuant thereto.

2. *Routine Use—Disclosure When Requesting Information:* We may disclose as a routine use a record from a FEMA system of records to a Federal, State, or local agency maintaining civil, criminal, regulatory, licensing or other enforcement information or other pertinent information, such as current licenses, if necessary, to obtain information relevant to an agency decision concerning the hiring or retention of an employee, the issuance of a security clearance, the letting of a contract, or the issuance of a license, grant, or other benefit.

3. *Routine Use—Disclosure of Requested Information:* We may disclose as a routine use a record from a FEMA system of records to a Federal agency, in response to a written request in connection with the hiring or retention of an employee, the issuance 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.

4. *Routine Use—Grievance, Complaint, Appeal:* We may disclose as a routine use a record from a FEMA system of records to an authorized appeal or grievance examiner, formal complaints examiner, equal employment opportunity investigator, arbitrator, mediator, or other duly authorized official engaged in investigation or settlement of a grievance, complaint, or appeal filed by an employee. We may disclose a record from this system of records to the Office of Personnel Management in accordance with that agency's responsibility for evaluation of Federal personnel management.

To the extent that official personnel records in the custody of FEMA are covered within systems of records published by the Office of Personnel Management as government-wide records, we will consider those records as a part of that government wide system. We may transfer as a routine use other official personnel records covered by notices published by FEMA and considered to be separate systems of records to the Office of Personnel Management in accordance with official personnel programs and activities.

5. *Routine Use—Congressional Inquiries:* We may disclose as a routine use a record

from a FEMA system of records to a Member of Congress or to a Congressional staff member in response to an inquiry of the Congressional office made at the request of the individual about whom the record is maintained.

6. *Routine Use—Private Relief Legislation:* We may disclose as a routine use the information contained in a FEMA system of records to the Office of Management and Budget in connection with the review of private relief legislation as set forth in OMB Circular No. A–19 at any stage of the legislative coordination and clearance process as set forth in that circular.

7. *Routine Use—Disclosure to the Office of Personnel Management:* We may disclose as a routine use a record from a FEMA system of records to the Office of Personnel Management concerning information on pay and leave benefits, retirement deductions, and any other information concerning personnel actions.

8. *Routine Use—Disclosure to National Archives and Records Administration:* We may disclose as a routine use a record from a FEMA system of records to the National Archives and Records Administration in records management inspections conducted under authority of 44 U.S.C. 2904 and 12906.

9. *Routine Use—Grand Jury:* We may disclose as a routine use a record from any system of records to a grand jury agent pursuant to a Federal or State grand jury subpoena or to a prosecution request that such record be released for the purpose of its introduction to a grand jury.

[FR Doc. 01–22710 Filed 9–10–01; 8:45 am]

BILLING CODE 6718–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare and Medicaid Services

[Document Identifier: CMS–R–268]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare and Medicaid Services, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Centers for Medicare and Medicaid Services (CMS) (formerly known as the Health Care Financing Administration (HCFA)), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* MS Interactive Survey Tool for www.medicare.gov; *Form Nos.:* HCFA–R–268 (OMB No. 0938–0756); *Use:* HHS has developed a survey tool using MSInteractive to obtain feedback from users accessing www.medicare.gov to guide future improvements; *Frequency:* Users will have the opportunity to complete the bounceback form twice a year; *Affected Public:* Individuals or Households, Business or other for-profit, and Not-for-profit institutions; *Number of Respondents:* 7,000; *Total Annual Responses:* 7,000; *Total Annual Hours:* 2,916.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access CMS's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the CMS Paperwork Clearance Officer designated at the following address: CMS, Office of Information Services, Security and Standards Group, Division of CMS Enterprise Standards, Attention: Julie Brown, Attn., Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: August 22, 2001.

John P. Burke III,

Reports Clearance Officer Security and Standards Group Division of CMS Enterprise Standards.

[FR Doc. 01–22712 Filed 9–10–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Indian Health Service, HHS.

ACTION: Information collection activity: proposed collection: IHS Scholarship Program Application; request for public comment: 30-day notice.

SUMMARY: In compliance with Section 3507(a)(1)(D) of the Paperwork Reduction Act of 1995, for opportunity for public comment on proposed information collection projects, the Indian Health Service (IHS) has submitted to the Office of Management and Budget (OMB) a request to review and approve the information collection listed below. This proposed information collection project was previously published in the **Federal Register** on December 7, 2000 (65 FR 76648), and allowed 60 days for public comment. No public comment was received in response to the notice. The purpose of this notice is to allow 30 days for public comment to be submitted to OMB.

Proposed Collection

Title: 0917–0006, ''IHS Scholarship Program Application.'' This collection known formerly as, ''Application for Participation in the IHS Scholarship Program.'' *Type of Information Collection Request:* 3-year reinstatement, with change, of previously approved information collection, 0917–0006. *Form Number(s)*: IHS–856, 856–2, through 856–8, D–02, F–02, F–04, G–02, G–04, H–07, H–08, J–04, J–05, K–03, K–04, and L–03. Reporting formats are contained in the student handbook and the applicant booklet. *Need and Use of Information Collection:* The IHS Scholarship Program needs this information for program administration and uses the information to solicit, process and award IHS Pre-graduate, Preparatory and/or Health Professions Scholarship grantees and monitor the academic performance of awardees, to place awardees at payback sites, and for awardees to request additional program. The IHS Scholarship Program's plans to streamline the application to reduce the time needed by applicants to complete and provide the information and to use information technology to make the application electronically available on the Internet have been delayed until the 2003–2004 academic year. *Affected Public*: Individuals, not-for-profit institutions and State, local or Tribal Government. *Type of Respondents*: Students pursuing health care professions.

TABLE OF TOTAL ANNUAL BURDEN HOUR(S)

Data Collection Instrument(s)	Number of respondents	Responses per respondent	Total annual response	Burden hour per response *	Annual burden hours
Scholarship Application (IHS–856)	1500	1	1500	1.00 (60 min)	1,500
Checklist (856–2)	1500	1	1500	0.13 (8 min)	195
Course Verification (856–3)	1500	1	1500	0.70 (42 min)	1050
Faculty/Employer Application (856–4)	3000	1	3000	0.83 (50 min)	2490
Justication (8567–5)	1500	1	1500	0.75 (45 min)	1125
Federal Debt (856–6)	1500	1	1500	0.13 (8 min)	195
MPH only (856–7)	25	1	25	0.83 (50 min)	21
Accept/Decline (856–8)	650	1	650	0.13 (8 min)	84
Stipend Checks (D–02)	100	1	100	0.13 (8 min)	13
Enrollment (F–02)	1,300	1	1,300	0.13 (8 min)	169
Academic Problem/Change (F–04)	50	1	50	0.13 (8 min)	6
Request Assistance (G–02)	217	1	217	0.13 (8 min)	28
Summer School (G–04)	193	1	193	0.10 (6 min)	19
Placement (H–07)	250	1	250	0.18 (11 min)	45
Graduation (H–08)	250	1	250	0.17 (10 min)	43
Site Preference (J–04)	150	1	150	0.13 (8 min)	20
Travel Reimb (J–05)	150	1	150	0.10 (6 min)	15
Status Report (K–03)	250	1	250	0.25 (15 min)	63
Preferred Assignment (K–04)	200	1	200	0.75 (45 min)	150
Deferment (L–03)	20	1	20	0.13 (8 min)	3
Total	14,305				7,234

* For ease of understanding, burden hours are also provided in actual minutes.

The annual burden hour increase from 5,390 to 7,234 hours is due to the ever increasing number of applications being received for the scholarship program. There are no capital costs, operating costs and/or maintenance costs to report for this collection of information.

Comments

Requests for Comments: Your written comments and/or suggestions are invited on one or more of the following points: (a) Whether the information collection activity is necessary to carry out an agency function; (b) whether the agency processes the information collected in a useful and timely fashion; (c) the accuracy of public burden estimate (the estimated amount of time needed for individual respondents to provide the requested information); (d) whether the methodology and assumptions used to determine the estimate are logical; (e) ways to enhance the quality, utility, and clarity of the information being collected; and (f) ways to minimize the public burden through the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Direct Comments to OMB: Send your written comments and suggestions regarding the proposed information collection contained in this notice, especially regarding the estimated public burden and associated response time, to: Office of Management and Budget, Office of Regulatory Affairs, New Executive Office Building, Room 10235, Washington, DC 20503, Attention: Desk Officer for IHS.

To request more information on the proposed collection or to obtain a copy of the data collection instrument(s) and/or instruction(s), contact: Mr. Lance Hodahkwen, Sr., M.P.H., IHS Reports Clearance Office, 12300 Twinbrook Parkway, Suite 450, Rockville, MD 20852–1601, or call non-toll free (301) 433–5938 or send via facsimile to (301) 443–2316, or send your E-mail requests, comments, and return address to: lhodahkw@hqe.ihs.gov.

Comment Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before October 11, 2001.

Dated: August 31, 2001.

Michael H. Trujillo,

Assistant Surgeon General, Director, Indian Health Service.

[FR Doc. 01–22667 Filed 9–10–01; 8:45 am]

BILLING CODE 4160–16–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute: Development of Inhibitors of the Hypoxia Inducible Factor (HIF–1) Transcriptional Activation Pathway

An opportunity is available for a Cooperative Research and Development Agreement (CRADA) for the purpose of collaborating with the National Cancer Institute (NCI), Division of Cancer Treatment and Diagnosis (DCTD), Developmental Therapeutics Program (DTP), Screening Technologies Branch (STB), on further research and development of small molecule inhibitors of the Hypoxia Inducible Factor 1 (HIF–1) transcriptional activation pathway.

AGENCY: National Cancer Institute, National Institutes of Health, PHS, DHHS.

ACTION: Notice of opportunities for cooperative research and development.

SUMMARY: Pursuant to the Federal Technology Transfer Act of 1986 (FTTA, 15 U.S.C. 3710, as amended; and Executive Order 12591 of April 10, 1987), the National Cancer Institute (NCI) of the National Institutes of Health (NIH) of the Public Health Service (PHS) of the Department of Health and Human Services (DHHS) seeks a Cooperative Research and Development Agreement (CRADA) with a pharmaceutical or biotechnology company to develop novel small molecule inhibitors of the Hypoxia Inducible Factor 1 (HIF–1) transcriptional activation pathway. Any CRADA for the biomedical use of this technology will be considered. The CRADA would have an expected duration of one (1) to five (5) years. The goals of the CRADA include the rapid publication of research results and timely commercialization of products, diagnostics and treatments that result from the research. The CRADA

Collaborator will have an option to elect a non-exclusive or exclusive commercialization license to subject inventions arising under the CRADA and which are subject of the CRADA Research Plan.

ADDRESSES: Proposals and questions about this CRADA opportunity may be addressed to Dr. Bjarne Gabrielsen, Technology Transfer Branch, National Cancer Institute-Frederick, Fairview Center, Room 502, Frederick, MD 21701 (phone: 301–846–5465, fax: 301–846–6820).

Scientific inquiries should be directed to: Giovanni Melillo, M.D., DTP-Tumor Hypoxia Laboratory, Bldg 432, Rm 218, National Cancer Institute, Frederick, MD 21702 (phone 301–846–5050; FAX 301–846–6081; e-mail: *melillo@dtpax2.ncifcrf.gov*) or Robert H. Shoemaker, Ph.D., Screening Technologies Branch, Bldg 440, National Cancer Institute, Frederick, MD 21702.

EFFECTIVE DATE: Inquiries regarding CRADA proposals and scientific matters may be forwarded at any time. Confidential CRADA proposals, preferably two pages or less, must be submitted to the NCI on or before October 11, 2001. Guidelines for preparing full CRADA proposals will be communicated shortly thereafter to all respondents with whom initial confidential discussions will have established sufficient mutual interest.

SUPPLEMENTARY INFORMATION:

Technology Available

DHHS scientists within the DTP–STB Tumor Hypoxia Laboratory have developed a number of human tumor cell lines engineered to express the luciferase reporter gene in an HIF–1 dependent fashion. These engineered cell lines express high levels of luciferase when cultured under hypoxic conditions and can be used as a tool for discovering small molecules that inhibit HIF–1 transcriptional activity.

Technology Sought

Accordingly, DHHS now seeks collaborative arrangements for the joint elucidation, evaluation and development of small molecules that inhibit the HIF–1 pathway. The successful Collaborator should possess experience in the following areas at a minimum: preclinical research and drug development of HIF–1 inhibitors, performance of *in vitro* assays targeting HIF–1 transcriptional activity, development of *in vitro* and *in vivo* models targeting hypoxia induced angiogenesis. For collaborations with the commercial sector, a Cooperative Research and Development Agreement (CRADA) will be established to provide equitable distribution of intellectual property rights developed under the CRADA. CRADA aims will include rapid publication of research results as well as development of the technology toward commercialization.

The role of the National Cancer Institute-Screening Technologies Branch (STB) in this CRADA will include, but not be limited to:

1. Providing intellectual, scientific, and technical expertise and experience to the research project.

2. Providing the Collaborator with pertinent available reagents for investigation/evaluation.

3. Planning research studies and interpreting research results.

4. Publishing research results.

The role of the CRADA Collaborator may include, but not be limited to:

1. Providing significant intellectual, scientific, and technical expertise or experience to the research project.

2. Planning research studies and interpreting research results.

3. Providing technical expertise and/or financial support (*e.g.* facilities, personnel and expertise) for CRADA-related research as outlined in the CRADA Research Plan.

4. Accomplishing objectives according to an appropriate timetable to be outlined in the CRADA Collaborator's proposal.

5. The willingness to commit best effort and demonstrated resources to the research, development and commercialization of this technology.

6. The demonstration of expertise in the commercial development, production, marketing and sales of products related to this area of technology.

8. The willingness to cooperate with the National Cancer Institute in the timely publication of research results.

9. The agreement to be bound by the appropriate DHHS regulations relating to human subjects, and all PHS policies relating to the use and care of laboratory animals.

10. The willingness to accept the legal provisions and language of the CRADA with only minor modifications, if any. These provisions govern patent rights to CRADA inventions.

Dated: August 24, 2001.

Kathleen Sybert,

Chief, Technology Transfer Branch, National Cancer Institute, National Institutes of Health.

[FR Doc. 01–22793 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

New Isoform of Tyrosinase-Related Protein (TRP–2) that Contains an HLA–A2 Restricted Epitope

Hung T. Khong and Steven A. Rosenberg (NCI)
DHHS Reference No. E–033–01/0 filed 19 Mar 2001
Licensing Contact: Elaine White; 301/496–7056 ext. 282; e-mail: gesee@od.nih.gov

The current invention embodies the identification of a novel mRNA splice variant of the tumor-associated antigen Tyrosinase-Related Protein 2 (TRP–2), which is expressed in most melanoma cell lines tested. The cDNA encoding this novel TRP–2 isoform is identical to a variant of TRP–2 which was previously identified by Rong-fu Wang and Steven A. Rosenberg of the NIH (DHHS Reference No. E–183–96; also available for licensing for certain fields of use) with the exception that the novel isoform contains a 99 base pair insert between exons 6 and 7, which in turn encodes a 33 amino acid sequence. Specific peptides within this 33 amino acid sequence have been identified as melanoma antigens by the inventors. These peptides elicit a cytotoxic T lymphocyte (CTL) response against melanoma cells in the context of HLA–

A2, which is widely distributed among patients having malignant melanoma. The peptides therefore represent potential vaccines/immunotherapeutic agents for use against malignant melanoma in HLA–A2-positive patients.

Genes Related to the Development of Refractory Cancer

S. Mousses, O. Kallioniemi, L. Bubendorf (NHGRI)
DHHS Reference No. E–205–00/0 filed 13 Oct 2000
Licensing Contact: Catherine M. Joyce; 301/496–7056 ext. 258; e-mail: joycec@od.nih.gov

This application relates to the identification of nucleic acid molecules that show temporal expression changes in prostate cancer during hormone withdrawal therapy and concomitant tumor regression and in the subsequent development of hormone-refractory prostate cancer (HPRC). More particularly, the invention relates to methods of diagnosing or prognosing the development or progression of prostate cancer by detecting abnormalities in from one to several HPRC-related genes.

This work has appeared, in part in Bubendorf et al., 2001, J. of the National Cancer Institute 91(20):1758.

Dated: September 4, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–22791 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Fogarty International Center; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of a meeting of the Fogarty International Center Advisory Board.

The meeting will be open to the public as indicated below, with attendance limited to space available. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and/or contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications and/or contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Fogarty International Center Advisory Board.

Date: September 18, 2001.

Open: 8:30 am to 12:00 pm.

Agenda: Report of the Director and a presentation on the overview of the International programs of the Centers for Disease Control and Prevention. In addition, a presentation on Scientific Capacity Building to Improve Population Health: Knowledge as a Global Public Good.

Place: Lawton Chiles International House, 16 Center Drive, (Building 16), Bethesda, MD 20892.

Closed: 1:00 pm to Adjournment.

Agenda: To review and evaluate grant applications.

Place: Lawton Chiles International House, 16 Center Drive, (Building 16), Bethesda, MD 20892.

Contact Person: Irene W. Edwards, Information Officer, Fogarty International Center, National Institutes of Health, Building 31, Room B2C08, 31 Center Drive MSC 2220, Bethesda, MD 20892, 301–496–2075.

Information is also available on the Institute's/Center's home page: www.nih.gov/fic/about/advisory.html, where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.106, Minority International Research Training Grant in the Biomedical and Behavioral Sciences; 93.154, Special International Postdoctoral Research Program in Acquired Immunodeficiency Syndrome; 93.168, International Cooperative Biodiversity Groups Program; 93.934, Fogarty International Research Collaboration Award; 93.989, Senior International Fellowship Awards Program, National Institutes of Health, HHS)

Dated: August 31, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–22788 Filed 9–10–01; 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: September 20, 2001.

Time: 1:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: 6700B Rockledge Drive, Bethesda, MD 20892–2616, (Telephone Conference Call).

Contact Person: Nasrin Nabavi, PHD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2156, 6700B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, *nn30t@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 31, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–22784 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Diabetes and Digestive and Kidney Diseases Advisory Council, September 20, 2001, 1:00 p.m. to September 21, 2001, 10:00 a.m., National Institutes of Health, 9000 Rockville Pike, Building 31, Conference Room 9A51, Bethesda, MD, 20892 which was published in the **Federal Register** on August 27, 2001, 66FR166.

Digestive Diseases and Nutrition Subcommittee's open session on Sept. 20th will be from 1:30 p.m.–4:00 p.m.; closed session will be from 4:00 p.m. to adjournment. On September 21, open

session will be 8:00 a.m. until 9:30 a.m. The meeting is partially closed to the public.

Dated: August 31, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–22785 Filed 9–10–01; 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 552(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: September 21, 2001.

Time: 1:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: 6700B Rockledge Drive, Bethesda, MD 20892–2616, (Telephone Conference Call).

Contact Person: Nasrin Nabavi, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2156, 6700B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301 496–2550, nn301@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 31, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–22786 Filed 9–10–01; 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: September 21, 2001.

Time: 9:00 am to 11:00 am.

Agenda: To review and evaluate grant applications.

Place: 6700B Rockledge Drive, Bethesda, MD 20892–2616, (Telephone Conference Call).

Contact Person: Nasrin Nabavi, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2156, 6700B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, nn30t@nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: August 31, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–22787 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Virus-Like Particles for the Induction of Autoantibodies

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the invention embodied in: United States Patent Application 09/835,124 and its foreign equivalents entitled ''Virus-Like Particles for the Induction of Autoantibodies'' filed on April 13, 2001, with priority back to U.S. S/N 60/105,132, filed October 21, 1998 to Cytos Biotechnology AG, having a place of business in Zurich, Switzerland. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before November 13, 2001 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Peter Soukas, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Email: ps193c@nih.gov; Telephone: (301) 496–7056, ext. 268; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: This invention claims compositions and methods for producing antibodies to tolerogens (self-antigens normally exposed to B cells that fail to induce an antibody response.) The compositions of the invention comprise multiple copies of a tolerogen (or at least one B cell epitope of a tolerogen) chimerized to viral virus-like particle in an orderly manner. This invention could potentially replace any treatment utilizing chronic administration of a monoclonal antibody that reacts with a self-antigen.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to alphavirus virus-like particle (VLP), Hepatitis B Virus (HBV)-capsid protein VLP, and bacteriophage Qβ VLP, and Ty VLP vaccines.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments

and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: September 4, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 01–22790 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Veterinary Vaccine Against Escherichia Coli O157 Infection Composed of Detoxified LPS Conjugated to Proteins

AGENCY: National Institutes of Health, Public Health Service, HHS.

ACTION: Notice.

SUMMARY: This is notice, in accordance with 35 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i), that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive license to practice the invention embodied in: United States Patent Application 09/744,289 and its foreign equivalents entitled ''Vaccine Against Escherichia Coli O157 Infection Composed of Detoxified LPS Conjugated to Proteins'' filed January 22, 2001, with priority back to PCT/US98/14976, filed July 20, 1998 to Fort Dodge Animal Health, a Division of American Home Products, having a place of business in Overland Park, Kansas. The patent rights in this invention have been assigned to the United States of America.

DATES: Only written comments and/or application for a license which are received by the NIH Office of Technology Transfer on or before November 13, 2001 will be considered.

ADDRESSES: Requests for a copy of the patent application, inquiries, comments and other materials relating to the contemplated license should be directed to: Peter Soukas, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, MD 20852–3804; Email: ps193c@nih.gov; Telephone: (301) 496–7056, ext. 268; Facsimile: (301) 402–0220.

SUPPLEMENTARY INFORMATION: This invention comprises the O-specific polysaccharide of Shiga toxin-producing bacteria, particularly *E. coli* O157, conjugated to a carrier protein such as *Pseudomonas aeruginosa* recombinant exoprotein A or hepatitis B surface or core antigen. This vaccine is suitable for use in humans and animals. Cattle are carriers of *E. coli* O157, and are the primary reservoir of *E. coli* O157 by shedding the bacteria into the environment. Fifty percent (50%) of cattle are estimated to be carriers of *E. coli* O157. Use of this vaccine in cattle could eliminate *E. coli* O157 and prevent contamination of meat in slaughterhouses.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. The prospective exclusive license may be granted unless, within 60 days from the date of this published Notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

The field of use may be limited to *E. coli* conjugate vaccines for veterinary use.

Properly filed competing applications for a license filed in response to this notice will be treated as objections to the contemplated license. Comments and objections submitted in response to this notice will not be made available for public inspection, and, to the extent permitted by law, will not be released under the Freedom of Information Act, 5 U.S.C. 552.

Dated: September 4, 2001.

Jack Spiegel, Ph.D.,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 01–22792 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Prospective Grant of Exclusive License: Adeno-Associated Virus with Inverted Terminal Repeat Sequence as Promoter

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: This is notice in accordance with 15 U.S.C. 209(c)(1) and 37 CFR 404.7(a)(1)(i) that the National Institutes of Health (NIH), Department of Health and Human Services, is contemplating the grant of an exclusive world-wide license to practice the inventions embodied in any U.S. patents 5,587,308 (12/24/1996); 5,989,540 (11/23/1999); 5,866,696 (02/02/1999), and 6,165,781 (12/26/2000) or foreign applications corresponding to PCT Patent Application PCT/US93/05310, entitled ''Modified Adeno-Associated Virus Vector Capable of Expression from a Novel Promoter'' published as WO 93/24641 (12/09/1993) to Targeted Genetics Corporation of Seattle, Washington. The prospective exclusive license may be limited to the development of compositions and methods utilizing Adeno-Associated Viral Vectors which are useful in the treatment and prophylaxis of human and animal diseases.

DATES: Only written comments and/or applications for a license which are received by NIH on or before November 13, 2001, will be considered.

ADDRESSES: Requests for a copy of these patent applications, inquiries, comment and other materials relating to the contemplated license should be directed to Susan S. Rucker, J.D., Patent and Licensing Specialist, Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext 245; fax: 301/402–0220. A signed Confidentiality Agreement will be required to receive copies of the patent applications.

SUPPLEMENTARY INFORMATION: The patents describe and claim compositions and methods utilizing adeno-associated viral (AAV) vectors. In particular, these vectors utilize the AAV Inverted Terminal Repeat (ITR) as the promoter element to control expression of the nucleic acid encoding the heterologous protein to be delivered to the patient. The ability of these vectors to utilize the AAV ITR as the promoter increases the capacity of the AAV vector with respect to the size of the heterologous protein which can be encoded and delivered via the vector. The methods of the patent can be used to deliver and produce therapeutic or prophylactic products which are particularly useful in the field of gene therapy.

The prospective exclusive license will be royalty bearing and will comply with the terms and conditions of 35 U.S.C. 209 and 37 CFR 404.7. This prospective exclusive license may be granted unless within sixty (60) days from the date of this published notice, NIH receives written evidence and argument that establishes that the grant of the license would not be consistent with the requirements of 35 U.S.C. 209 and 37 CFR 404.7.

Applications for a license (i.e., a completed ''Application for License to Public Health Service Inventions'') in the indicated exclusive field of use filed in response to this notice will be treated as objections to the grant of the contemplated license. Comments and objections will not be made available for public inspection and, to the extent permitted by law, will not be subject to disclosure under the Freedom of Information Act 35 U.S.C. 552.

Dated: September 5, 2001.

Jack Spiegel,

Director, Division of Technology Development and Transfer, Office of Technology Transfer.

[FR Doc. 01–22794 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

National Toxicology Program (NTP) Board of Scientific Counselors Technical Reports Review Subcommittee Meeting; Review of Draft NTP Technical Reports

Pursuant to Public Law 92–463, notice is hereby given of the next meeting of the NTP Board of Scientific Counselors Technical Reports Review Subcommittee on October 18, 2001 in the Rodbell Auditorium, Rall Building, South Campus, National Institute of Environmental Health Sciences (NIEHS), 111 Alexander Drive, Research Triangle Park, North Carolina. The meeting will begin at 8:30 a.m. on October 18, and is open to the public. The primary agenda topic is the peer review of draft Technical Reports of rodent toxicology and carcinogenesis studies conducted by the NTP.

Agenda

Tentatively scheduled for review on October 18, are draft Technical Reports of three 2-year studies and a draft Toxicity Report of toxicity and metabolism studies. The reports are listed alphabetically in the attached table and the tentative order of review is given in the far right column.

The agenda and roster of subcommittee members will be available prior to the meeting on the NTP web homepage at http://ntp-server.niehs.nih.gov and upon request to the Executive Secretary at the address given below. Following the meeting, summary minutes will be available electronically on the NTP web homepage and in hardcopy upon request to the Executive Secretary.

Attendance at this meeting is limited only by the space available. Individuals who plan to attend and need special assistance are asked to notify the Executive Secretary in advance of the meeting.

Draft Reports Available for Public Review and Comment

Approximately one month prior to the meeting, the draft reports will be available for public review, free of charge, through the Environmental Health Information Service (EHIS) at http://ehis.niehs.nih.gov. Printed copies can be obtained, as available, from: Central Data Management (CDM), NIEHS, P.O. Box 12233, MD E1–02, Research Triangle Park, NC 27709, T: 919–541–3419, Fax: 919–541–3687, e-mail: CDM@niehs.nih.gov.

The NTP Board of Scientific Counselors Technical Reports Review Subcommittee meeting is open to the public and public comment on any of the Technical Reports is welcome. Time will be provided at the meeting for public comment on each of the Reports under review. In order to facilitate planning for the meeting, persons requesting time for an oral presentation on a particular Report are asked to notify the Executive Secretary, Dr. Mary S. Wolfe, at P.O. Box 12233, MD A3–07, Research Triangle Park, NC 27709, T: 919–541–3971, Fax: 919–541–0295, e-mail: wolfe@niehs.nih.gov. Persons registering to make comments are asked to provide, if possible, a written copy of their statement by October 11, to enable review by the Subcommittee and NTP staff prior to the meeting. Written statements can supplement and may expand the oral presentation. Each speaker is asked to provide his/her name, affiliation, mailing address, phone, fax, e-mail, and supporting organization (if any). At least seven minutes will be allotted to each speaker, and if time permits, may be extended to ten minutes. Each organization is allowed one time slot per Report being reviewed. Registration for making public comments will also be available on-site. If registering on-site to speak and reading comments from printed copy, the speaker is asked to provide 25 copies of the statement. These copies will be distributed to the Subcommittee and NTP staff and will supplement the record.

Written comments, in lieu of an oral presentation, are also welcome. The comments should include name, affiliation, mailing address, phone, fax, e-mail, and sponsoring organization (if any) and preferably be received by October 11, to enable review by the Subcommittee and NTP staff prior to the meeting as well as to supplement the record.

Request for Additional Information

The NTP would welcome receiving toxicology and carcinogenesis information from completed, ongoing or planned studies as well as current production data, human exposure information, and use patterns for any of the chemicals listed in this announcement. Please forward this information to CDM at the address given above. CDM will forward the information to the appropriate staff scientist.

NTP Technical and Toxicity Report Series

The NTP conducts toxicology and carcinogenesis studies of agents of public health concern. Any scientist, organization, or member of the public may nominate a chemical for NTP testing. Details about the nomination process are available on the NTP web site (http://ntp-server.niehs.nih.gov). The results of short-term rodent toxicology studies are published in the NTP Toxicity Report series. Longer-term studies, generally, two-year rodent studies, are published in the NTP Technical Report series. Study abstracts for all reports are available at the NTP web site under NTP Study Information. Hardcopies and PDF files of published reports can be obtained through subscription to the EHIS (http://ehis.niehs.nih.gov or 1–800–315–3010).

NTP Board of Scientific Counselors

The Board is a technical advisory body composed of scientists from the public and private sectors who provide primary scientific oversight and peer review to the overall Program. Specifically, the Board advises the NTP on matters of scientific program content, both present and future, and conducts periodic review of the Program for the purposes of determining and advising on the scientific merit of its activities and their overall scientific quality. The Technical Reports Review Subcommittee of the Board provides scientific peer review of the findings and conclusions of NTP Technical Reports. The Report on Carcinogens Subcommittee of the Board provides scientific peer review of nominations to the Report on Carcinogens, a Congressionally mandated listing of agents known or reasonably anticipated to be human carcinogens.

The Board's members are selected from recognized authorities knowledgeable in fields such as toxicology, pharmacology, pathology, biochemistry, epidemiology, risk

assessment, carcinogenesis, mutagenesis, molecular biology, behavioral and neurotoxicology, immunotoxicology, reproductive toxicology or teratology, and biostatistics. The NTP strives for equitable geographic distribution and minority and female representation on the Board.

Dated:

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

TECHNICAL AND TOXICITY REPORTS TENTATIVELY SCHEDULED FOR REVIEW BY THE NTP BOARD OF SCIENTIFIC COUNSELORS TECHNICAL REPORTS REVIEW SUBCOMMITTEE ON OCTOBER 18, 2001

Chemical CAS number	Report number	Primary uses	Route & exposure levels	Review order
Diazoaminobenzene 136–35–6	TOX–73	Used as a laboratory reagent; occurs as a contaminant in some cosmetics.	17-day dermal exposure toxicity study. Rats & Mice: 12.5, 25, 50, 100, or 200 mg/kg. Intravenous, intragastric and dermal metabolism studies in rats and mice.	4
2,4-Hexadienal 142–83–6	TR–509	Occurs naturally as a peroxidation product of fatty acids; used as a flavoring agent and preservative.	Gavage (corn oil vehicle) Rats: 0, 22.5, 45, or 90 mg/kg Mice: 30, 60 or 120 mg/kg	3
Riddelliine 23246–96–0	TR–508	Plant alkaloid occurring in a range of plants in western states.	Gavage (phosphate buffer vehicle) Male Rats: mg/kg; Female Rats: 0.01, 0.033, 0.1, 0.33, or 1 mg/kg Male Mice: 0.1, 0.3, 1, or 3 mg/kg; Female Mice: 3 mg/kg	1
Vanadium Pentoxide 1314–62–1	TR–507	Used as a catalyst and in alloys; primary human exposure comes from cleaning oil-fired furnaces.	Inhalation of particulates Rats: 0.5, 1, or 2 mg/m^3 Mice: 1, 2, or 4 mg/m^3	2

[FR Doc. 01–22789 Filed 9–10–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Change to a Fiscal Year (FY) 2001 Funding Opportunities Notice

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), Center for Mental Health Services (CMHS), DHHS.

ACTION: Change of notice in funding availability regarding the Substance Abuse and Mental Health Services Administration, Center for Mental Health Services Cooperative Agreement to Provide Minority Community Based HIV/AIDS Related Mental Health Treatment and Education Services.

SUMMARY: Public notice of funding availability for a cooperative agreement was given in the **Federal Register** on March 20, 2001 (Vol. 66, No. 54, pages 15731–15733). The Guidance for Applicants (GFA) No. SM–01–012, Cooperative Agreement to Provide Minority Community Based HIV/AIDS Related Mental Health Treatment and Education Services—short title, Minority HIV/AIDS Mental Health Services, contained 3 Initiatives. The main purpose or objective of the first Initiative was to expand service capacity targeted to meet unmet mental health treatment needs of individuals living with HIV/AIDS who are African American, Hispanic/Latino and/or from other racial/ethnic minority communities. The second Initiative focused on conducting HIV/AIDS and mental health education and training to African American, Hispanic/Latino and or other racial/ethnic minority communities who provide mental health care and emotional support in traditional and/or non-traditional settings. Selection of a coordinating center to assure the collection and analysis of process and descriptive information/data pertaining to common measures across the sites was the third purpose of the announcement.

In response to this GFA SAMHSA received a larger number of services applications that received high scores in peer review than had been anticipated. Since the intent of the overall GFA is primarily services, SAMHSA will be funding more of the services applications than originally planned and did not peer review or fund the training component, Initiative 2 of the announcement.

Dated: September 4, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–22810 Filed 9–10–01; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–17]

Announcement of OMB Approval Number for Disaster Recovery Grant Reporting System

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB Approval Number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Disaster Recovery Grant Reporting System.

FOR FURTHER INFORMATION CONTACT: Mr. Jan Opper, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–3587. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Disaster Recovery Grant Reporting System. The OMB approval number for this information collection is 2506–0165, which expires on July 31, 2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information,

unless it displays a currently valid OMB control number.

Dated: September 4, 2001.

Donna M. Abenante,

General Deputy, Assistant Secretary for Community Planning and Development.

[FR Doc. 01–22664 Filed 9–10–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–18]

Announcement of OMB Approval Number for Economic Development Initiative (EDI) and Brownfields Economic Development Initiative (BEDI) Grant Programs

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB approval number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to Economic Development Initiative (EDI) & Brownfields Economic Development Initiative (BEDI) Grant Programs.

FOR FURTHER INFORMATION CONTACT: Mr. Paul Webster, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1871. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to Economic Development Initiative (EDI) and Brownfields Economic Development Initiative (BEDI) Grant Programs. The OMB approval number for this information collection is 2506–0153, which expire on August 31, 2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: September 4, 2001.

Donna M. Abbenante,

General Deputy, Assistant Secretary for Community Planning and Development.

[FR Doc. 01–22665 Filed 9–10–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4649–N–19]

Announcement of OMB Approval Number for 24 CFR Part 55, Floodplain Management

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Announcement of OMB approval number.

SUMMARY: The purpose of this notice is to announce the OMB approval number for the collection of information pertaining to 24 CFR Part 55, Floodplain Management.

FOR FURTHER INFORMATION CONTACT: Mr. Walter Prybyla, Department of Housing and Urban Development, 451 7th Street, Southwest, Washington, DC 20410, telephone (202) 708–1201. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice advises that OMB has responded to the Department's request for approval of the information collection pertaining to 24 CFR Part 55, Floodplain Management. The OMB approval number for this information collection is 2506–0151, which expires on August 31, 2004.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information, unless it displays a currently valid OMB control number.

Dated: September 4, 2001.

Donna M. Abbenante,

General Deputy Assistant Secretary for Community Planning and Development.

[FR Doc. 01–22666 Filed 9–10–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Amendment to Santa Ana Pueblo Liquor Code

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: This notice publishes the amendment to the Santa Ana Pueblo Liquor Code. The Santa Ana Pueblo Liquor Code, originally published in the **Federal Register** on August 7, 1996, regulates the control, possession, and sale of liquor on the Santa Ana Pueblo trust lands, in conformity with the laws of the State of New Mexico, where applicable and necessary. Although the amendment to the Santa Ana Pueblo Liquor Code was adopted on May 31, 2001, it does not become effective until published in the **Federal Register** because the failure to comply with the Code may result in criminal charges.

DATES: This amendment is effective on September 11, 2001.

FOR FURTHER INFORMATION CONTACT: Kaye Armstrong, Office of Tribal Services, 1849 C Street, NW., MS 4660–MIB, Washington, DC 20240–4001; telephone (202) 208–4400.

SUPPLEMENTARY INFORMATION: Pursuant to the Act of August 15, 1953, Pub. L. 277, 67 Stat. 586, 18 U.S.C. 1161, as interpreted by the Supreme Court in *Rice* v. *Rehner,* 463 U.S. 713 (1983), the Secretary of the Interior shall certify and publish in the **Federal Register** notice of adopted liquor ordinances for the purpose of regulating liquor transactions in Indian country. The Santa Ana Pueblo Liquor Code, as originally published in the **Federal Register** on August 7, 1996 (61 FR 41172), is amended by Resolution No. 01–R–16, to read as follows:

Section 128: Hours and Days of Sale

A. Alcoholic beverages may be sold, offered for sale, delivered, or consumed on licensed premises within the Santa Ana Indian Reservation during the following days and hours:

1. On Mondays through Sundays, between the hours of 7 a.m. and 2 a.m. the following day.

This notice is being published in accordance with the authority delegated by the Secretary of the Interior to the Assistant Secretary—Indian Affairs by 209 Departmental Manual 8.1.

I certify that by Resolution No. 01–R–16, the amendment to the Santa Ana Pueblo Liquor Code was duly adopted by the Tribal Council on May 31, 2001.

Dated: August 24, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–22673 Filed 9–10–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved amendments to a Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988

(IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Amendments between the Crow Creek Sioux Tribe and the State of South Dakota, which was executed on June 18, 2001.

DATES: This action is effective September 11, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: August 17, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–22672 Filed 9–10–01; 8:45 am]

BILLING CODE 4310–02–M

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

Agency Information Collection Activities: Comment Request

ACTION: Notice of Information Collection Under Review; Medical Certification for Disability Exceptions.

The Department of Justice, Immigration and Naturalization Service has submitted the following information collection request for review and clearance in accordance with the Paperwork Reduction Act of 1995. The proposed information collection is published to obtain comments from the public and affected agencies. Comments are encouraged and will be accepted for sixty days until November 13, 2001.

Written comments and suggestions from the public and affected agencies concerning the proposed collection of information should address one or more of the following four points:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agencies estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

Overview of this information collection:

(1) *Type of Information Collection:* Revision of currently approved collection.

(2) *Title of the Form/Collection:* Medical Certification for Disability Exceptions.

(3) *Agency form number, if any, and the applicable component of the Department of Justice sponsoring the collection:* Form N–648. Adjudications Division, Immigration and Naturalization Service.

(4) *Affected public who will be asked or required to respond, as well as a brief abstract:* Primary: Individuals or households. The Service uses the Form N–648 medical certification issued by the licensed medical professional to substantiate a claim for an exception to the requirements of section 312(a) of the Immigration and Nationality Act. This certification is needed to support the applicant's claim of an exception to this naturalization requirements.

(5) *An estimate of the total number of respondents and the amount of time estimated for an average respondent to respond:* 20,000 responses at 2 hour per response.

(6) *An estimate of the total public burden (in hours) associated with the collection:* 40,000 annual burden hours.

If you have additional comments, suggestions, or need a copy of the proposed information collection instrument with instructions, or additional information, please contact Richard A. Sloan 202–514–3291, Director, Policy Directives and Instructions Branch, Immigration and Naturalization Service, U.S. Department of Justice, Room 4034, 425 I Street, NW., Washington, DC 20536. Additionally, comments and/or suggestions regarding the item(s) contained in this notice, especially regarding the estimated public burden and associated response time may also be directed to Mr. Richard A. Sloan.

If additional information is required contact: Mr. Robert B. Briggs, Clearance Officer, United States Department of Justice, Information Management and Security Staff, Justice Management Division, Patrick Henry Building, 601 D Street, NW., Suite 1600, Washington, DC 20530.

Dated: September 6, 2001.

Richard A. Sloan,

Department Clearance Officer, United States Department of Justice, Immigration and Naturalization Service.

[FR Doc. 01–22805 Filed 9–10–01; 8:45 am]

BILLING CODE 4410–10–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of August, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of Section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated.

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,779; Albany Chicago Co., Pleasant Prairie, WI

TA–W–38,562; Babcock Borsig Power, Inc., Erie, PA

TA–W–39,345; Tri-State Plastic, Inc., Gastonia, NC

TA–W–38,970; Superior Lumber Co., Plywood and Veneer, Glendale, OR

TA–W–39,037; Clinton Industries, Inc., Carlstadt, NJ

TA–W–39,740; House Glass Corp., Point Marion, PA

TA–W–39,524; Tex Tech Industries, Tempe, AZ
TA–W–547; Ross Simmons Hardwood, Longview, WA
TA–W–38,889; Elk Creek Raycarl Products, Div. Of Textron Fastening Systems, Elk Creek, VA
TA–W–38,272; Technimark, Inc., Asheboro, NC
TA–W–39,117; Powder Metal Products Co., Powder Metal Products Div., St. Marys, PA
TA–W–39,437A; Agere Systems, Optoelectonics Div., Reading, PA
TA–W–39,449A; Agere Systems, Optoelectronics Div., Breinigsville, PA

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,568; Alcatel Submarine Networks, Inc., Portland, OR
TA–W–39,057; Kolb-Lena Bresse Bleu, Watertown, WI
TA–W–39,017; Federal Mogul Ignition Products, Cambridge, OH
TA–W–39,156; CMS Hartzell Manufacturing, St. Paul, MN
TA–W–39,787; Sheldahl, Inc., Flexible Interconnect Div., Britton, SD
TA–W–39,603; Coleman Cable, Inc., McAllen, TX

The investigation revealed that criteria (2) has not been met. Sales or production did not deline during the relevant period as required for certification.

TA–W–39,476; KIP, Inc., Long Island City, NY

The workers firm does not produce an article as required for certification under Section 222 of the Trade Act of 1974.

TA–W–39,916; Steco and Company, Birmingham, AL
TA–W–39,928; Henderson Sewing Machine Co., Inc., Andalusia, GA
TA–W–39,675; Fruit Distributing Co., Mobile, AL

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–39,437; Agere Systems, Integrated Circuits, Reading, PA: June 1, 2000.
TA–W–39,449 Agere Systems, Integrated Circuits Div., Allentown, PA: June 5, 2001.
TA–W–39,764; Oxford Industries, Inc., Oxford of Columbia, Columbia, SC: August 27, 2001.
TA–W–39,560; ISB Fashion, Inc., New York, NY: June 21, 2001.
TA–W–39,261; Gunite Corp., EMI Plant, Erie, PA: May 1, 2000.
TA–W–39,780; Huntsman Polymers Corp., Odessa, TX: July 16, 2002.
TA–W–39,362; Henerson Leisurewear, Inc., A Subsidiary of I. Appel, Inc., Henderson, TN: May 21, 2000.
TA–W–39,441; Mrs. Allison's Cookie Company, A Division of Parmalot, St. Louis, MO: May 25, 2000.
TA–W–39,184; Electro Technology, Muscle Shoals, AL: April 18, 2000.
TA–W–39,299; Mowad Apparel, Inc., El Paso, TX: May 5, 2001.
TA–W–39,558; Phantom/Glendale, Inc., Seamless Division, Wilkesboro, NC: June 20, 2000.
TA–W–39,759; Delta Apparel, Washington, GA: September 4, 2000.
TA–W–39,032; Pinson Mining Company, Winnemucca, NV: May 1, 2001.
TA–W–39,763; The West Bend Company, West Bend, WI: April 1, 2001.
TA–W–39,266; TDK Ferrites Corp., Shawnee, OK: ''ALL workers engaged in the production of EU core ferrites who became totally or partially separated from employment on or after April 25, 2000.

''All workers engaged in the production of CR core ferrites and micro-section ferrites are denied.

TA–W–39,538; Rich Products Corp., Winchester, VA: June 15, 2000.
TA–W–39,413; Sportswear USA, Wallace, NC: May 29, 2000.
TA–W–39,573; Cooper Wiring Devices, Assembly Department, Georgetown, SC: June 27, 2000.
TA–W–39,509; Trans Apparel Group, Michigan City, IN: June 12, 2000.
TA–W–38,870; American Bag Corp., a/k/a Sylvan Chemical, Winfield, TN: March 8, 2000.

Also, pursuant to Title V of the North American Free Trade Agreement Implementation Act (Pub.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with Section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of August, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of Section 250 of the Trade Act must be met:

(1) That a significant number of proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such worker' firm or subdivision to Mexico and Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–04704; Superior Lumber Company, Plywood and Veneer, Glendale, OR
NAFTA–TAA–05173; Albany-Chicago Co., Pleasant Prairie, WI
NAFTA–TAA–04983; Flextronics Enclosures, Chambersburg, PA
NAFTA–TAA–05113; C.T. Gamble Acquisition Corp., Delanco, NJ
NAFTA–TAA–05025; Coleman Cable, Inc., McAllen, TX
NAFTA–TAA–04436; Babcock Borsig Power, Inc., Erie, PA
NAFTA–TAA–04908; Gunite Corp., EMI Plant, Erie, PA
NAFTA–TAA–05109; Safari Motor Coach Corp., Hines, OR
NAFTA–TAA–04889; Quebecor World, Salem, IL.
NAFTA–TAA–05135; House Glass Corp., Point Marion, PA
NAFTA–TAA–04906; Savannah Luggage Works, Vidalia, GA

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05127; Evenflo Company, Inc., Jasper, AL: July 10, 2000.

NAFTA–TAA–05021; Rich Products Corp., Winchester, VA: June 25, 2000.

NAFTA–TAA–05144; Manitowoc Boom Trucks, Inc., York, PA: July 24, 2000.

NAFTA–TAA–05129; Rugged Sportswear, LaGrange, NC: July 18, 2000.

NAFTA–TAA–05110; O'Bryan Brothers, Inc., Leon, IA: July 19, 2000.

NAFTA–TAA–05130; Delta Apparel, Washington, GA: July 17, 2000.

NAFTA–TAA–05147; Square D Corp., Cedar Rapids, IA: July 16, 2000.

NAFTA–TAA–05116; 3Com Corporation, Santa Clara Manufacturing Operations, Santa Clara, CA: July 13, 2000.

NAFTA–TAA–05043; Cooper Wiring Devices, Assembly Department, Georgetown, SC: June 26, 2000.

NAFTA–TAA–05111; SMTC Manufacturing Corp of Wisconsin, Appleton, WI: July 12, 2000.

NAFTA–TAA–05015; Phanton/ Glendale, Inc., Seamless Division, Wilkesboro, NC: June 20, 2000.

NAFTA–TAA–05074; Plaid Clothing Company, Inc., Somerset, KY: June 4, 2001.

NAFTA–TAA–05171; Huntsman Polymers Corp., Odessa, TX: July 16, 2000.

NAFTA–TAA–04936; Sportswear USA, Wallace, NC: May 29, 2001.

NAFTA–TAA–05079; Neles Automation USA, Inc., Houston Delivery Center, Houston, TX: July 13, 2000.

NAFTA–TAA–05006; Weyerhaeuser, Fine Paper Division, Longview, WA: June 18, 2000.

NAFTA–TAA–04967; Mrs. Allison's Cookie Company, A Division of Parmalot, St. Louis, MO: May 25, 2000.

I hereby certify that the aforementioned determinations were issued during the month of August, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: September 4, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance

[FR Doc. 01–22683 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of August, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for worker adjustment assistance to be issued, each of the group eligibility requirements of section 222 of the Act must be met.

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, have become totally or partially separated,

(2) That sales or production, or both, of the firm or subdivision have decreased absolutely, and

(3) That increases of imports of articles like or directly competitive with articles produced by the firm or appropriate subdivision have contributed importantly to the separations, or threat thereof, and to the absolute decline in sales or production.

Negative Determinations for Worker Adjustment Assistance

In each of the following cases the investigation revealed that criterion (3) has not been met. A survey of customers indicated that increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,632, A,B,C; JPS Apparel Fabrics Corp., Greenville, SC, South Boston, VA, New York, NY and Laurens, SC

TA–W–39,197; Alken Ziegler Novi L.L.C., Novi, MI

TA–W–38,653; TRW Automotive Electronic Group, Auburn, NY

TA–W–38,380; Spinmaker Coating Maine, Inc., Westbrook, ME

TA–W–39,036; Nooter Fabricators, Inc., St. Louis, MO

TA–W–39–002; Ohio Moulding Corp., Wickliffe, OH

In the following cases, the investigation revealed that the criteria for eligibility have not been met for the reasons specified.

Increased imports did not contribute importantly to worker separations at the firm.

TA–W–39,551; Rohm and Haas, Speciality Chemical Div., Patterson, NJ

TA–W–39,559; Delong Sportswear, Inc., Mt. Jefferson Woolens Div., Jefferson, OR

TA–W–39,278; Honeywell International, Inc., Consumer Products Group, Nevada, MO

TA–W–39,706; Thermo King Corp., Div. of Ingersoll Rand, Bloomington, MN

TA–W–38,862; Pacific Tube Co., Los Angeles, CA

TA–W–39,388; Carolina Mills, Inc., Lincolnton, NC

TA–W–38,940 & A; Mayfair Mills, Ind., Lincolnton Plant, Lincolnton, GA and Starr Plant, Starr, SC

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

TA–W–39,385, AMI Semiconductor, Inc., Pocatello, ID

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–39,730; Neles Automation USA, Inc., Houston Delivery Center, Houston, TX: July 13, 2000.

TA–W–38,895; P.J.K., Inc., Vernon, CA: March 9, 2000.

TA–W–39,061; SOLA Optical USA, Petaluma, CA: March 30, 2000.

TA–W–39,379; Savannah Luggage Works, Vidalia, GA: May 14, 2000.

TA–W–38,940B & C, D, E; Mayfair Mills, Inc., Mayfair Plant, Arcadia, SC, Bailey Plant, Arcadia, SC, Glenwood Plant, Easley, SC and Pickens Plant, Pickens, SC: March 19, 2000.

TA–W–39,756; Kimberly Clark, Conway, AR: July 24, 2000.

TA–W–39,596; Quilt Gallery, Easley, SC: June 20, 2000.

TA–W–39,494; Empire Wood Carving Co., Inc., Chicago, IL: June 1, 2000.

TA–W–39,817; AMI Doduco, Inc., Cedar Knolls, NJ: August 3, 2001.

TA–W–39,774; Meridian Beartrack Co., Formerly Beartrack Mine Meridian Gold, Salmon, ID: July 23, 2001.

TA–W–39,668; Hawley Products, Inc., Paducah, KY: July 5, 2000.

TA–W–39,550; Pasco Beverage Co., Pasco Processing LLC, Bartow, FL: June 15, 2000.

TA–W–39,754; Kellwood Co., Intimate Apparel Group, Fernwood, MS

TA–W–39,679; J and L Structural, Inc., Ambridge Div., Ambridge, PA: June 22, 2000.

TA–W–39,701 & A; Merry Maid Novelties, Bangor, PA and Tatamy, PA: July 13, 2000.
TA–W–39,295; Robinson Manufacturing Co., Pikesville, TN: May 1, 2000.
TA–W–39,224; Centis, Inc., Brea, CA: April 25, 2000.
TA–W–38,913; Littelfuse, Inc., Centralia, IL: March 11, 2000.
TA–W–39,377; Niagara Falls Bakery, Nabisco Biscuit Div., Kraft Foods North America, Niagara Falls, NY: May 28, 2000.
TA–W–39,046; Deferiet Paper Co., Deferiet, NY: March 23, 2000.
TA–W–39,090; Strandflex, Div. of Maryland Specialty Wire, Inc., Oriskany, NY: April 4, 2000.
TA–W–39,585; Bike Athletic Co., Mountain City, TN: June 28, 2000.
TA–W–39,227; Roche Diagnostics Corp., Freemont, CA: April 16, 2000.
TA–W–39,705; Lincoln Automotive Co., Jonesboro, AR: July 15, 2001.

Also, pursuant to title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of August, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of section 250 of the Trade Act must be met:

(1) That a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) That sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) That imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) That there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determination NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–04729; Nooter Fabricators, Inc., St. Louis, MO
NAFTA–TAA–04842; Technimark, Inc., Asheboro, NC
NAFTA–TAA–05059 & A, B, C; JPS Apparel Fabrics Corp., Greenville, SC, South Boston, VA, New York, NY and Laurens, SC
NAFTA–TAA–05004; Delong Sportswear, Inc., Mt. Jefferson Woolens Div., Jefferson, OR
NAFTA–TAA–04700; Alken Ziegler Novi, L.L.C., Novi, MI
NAFTA–TAA–04502; TRW Automotive Electronics Group, Auburn, NY
NAFTA–TAA–05035; Excel Group, Inc., Murray, KY
NAFTA–TAA–04954; Agere Systems, Integrated Circuits and Optoelectronics Div., Reading, PA
NAFTA–TAA–04670A, NAFTA–TAA–04670C and NAFTA–TAA–04670D; Mayfair Mills, Inc., Mayfair Plant, Arcadia, SC, Bailey Plant, Arcadia, SC and Glenwood Plant, Easley, SC.
NAFTA–TAA–04955 & A; Agrere Systems, Integrated Circuits Div., Allentown, PA and Optoelectronics Div., Breinigsville, PA
NAFTA–TAA–05188; Cooper-Standard Automotive, Rock Mount, NC

The investigation revealed that criteria (2) has not been met. Sales or production did not decline during the relevant period as required for certification.

NAFTA–TAA05118; AMI Semiconductor, Inc., Pocatello, ID

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–04670, NAFTA–TAA–04670B & NAFTA–TAA–04670E; Mayfair Mills, Inc., Starr Plant, Starr, SC, Lincolnton Plant, Lincolnton, GA and Pickens Plant, Pickens, SC: March 19, 2000.
NAFTA–TAA–05091; Technotrim, Maysville, KY: July 17, 2000.
NAFTA–TAA–04745; Deferiet Paper Co., Deferiet, NY: March 28, 2000.
NAFTA–TAA–05009; Quaker Oats Co., St. Joseph, MO: May 2, 2000.
NAFTA–TAA–04867; GE Harris Harmon Railway Technology, Jacksonville, FL: March 7, 2000.
NAFTA–TAA–05101; Niagara Falls Bakery, Nabisco Biscuit Div., Kraft Foods North America, Niagara Falls, NY: June 13, 2000.
NAFTA–TAA–05092; Parker Hannifin Corp., Pneumatic Div., North America, Wake Forest, NC: July 19, 2000.
NAFTA–TAA–05040; Sheldahl, Inc., Flexible Interconnect Div., Britton, SD: June 22, 2000.
NAFTA–TAA–04743; SMTC Manufacturing, Thornton, CO: April 6, 2000.
NAFTA–TAA–04653; P.J.K., Inc., Vernon, CA: March 8, 2000.

I hereby certify that the aforementioned determinations were issued during the month of August, 2001. Copies of these determinations are available for inspection in Room C–5311, U.S. Department of Labor, 200 Constitution Avenue, NW., Washington, DC 20210 during normal business hours or will be mailed to persons who write to the above address.

Dated: August 27, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–22691 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,373]

The Carbide/Graphite Group, Inc. St. Marys, PA; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 U.S.C. 2273) the Department of Labor issued a Notice of Certification Regarding Eligibility to Apply for Worker Adjustment Assistance on July 26, 2001, applicable to workers of The Carbide/Graphite Group, Inc., St. Marys, Pennsylvania. The notice was published in the **Federal Register** on August 15, 2001 (FR 66 42880).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers are engaged in the production of graphite electrodes.

New findings show that there was a previous certification, TA–W–35,296, issued on February 5, 1999, for workers of The Carbide/Graphite Group, Inc., St. Marys, Pennsylvania who were engaged in employment related to the production of graphite electrodes. That

certification expired February 5, 2001. To avoid an overlap in worker group coverage, this certification is being amended to change the impact date from May 18, 2000 to February 6, 2001, for workers of the subject firm.

The amended notice applicable to TA–W–39,373 is hereby issued as follows:

All workers of The Carbide/Graphite Group, St. Marys, Pennsylvania who became totally or partially separated from employment on or after February 6, 2001, through July 26, 2003, are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 23rd day of August, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22693 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,509A]

E-Town Sportswear Elizabethtown, KY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on June 25, 2001, in response to a petition filed on behalf of workers at E-Town Sportswear, Elizabethtown, Kentucky.

An active petition covering these workers remains in effect (TA–W–37,230). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 29th day of August, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22689 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,355]

KCS Mountain Resources, Inc. Worland, WY; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on May 29, 2001, in response to a worker petition which was filed by the company on behalf of workers at KCS Mountain Resources, Inc., Worland, Wyoming.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 29th day of August, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22684 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

TA–W–39,060

Ludlow Coated Products, Ludlow Building Products Adrian, MI; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on April 16, 2001, in response to a worker petition which was filed on behalf of workers at Ludlow Coated Products, a/k/a Ludlow Building Products, Adrian, Michigan.

Workers at the subject firm were denied eligibility under TA–W–39,059, issued on April 20, 2001. The TA–W–39,060 investigation was inadvertently assigned to exactly the same petition and is thus a duplicate. Conducting a duplicate, and thus redundant, investigation would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 29th day of August, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22685 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,660]

Rosti (Minden) Inc. Coushatta, LA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on July 16, 2001 in response to a petition which was filed by the company on behalf of workers at Rosti (Minden) Inc., Coushatta Annex, Coushatta, Louisiana.

The company has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 29th day of August, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22688 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitions or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than September 21, 2001.

Interested persons are invited to submit written comments regarding the subject matter of the investigations to the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than September 21, 2001.

The petitions filed in this case are available for inspection at the Office of the Director, Division of Trade Adjustment Assistance, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue, NW., Washington, DC 20210.

Signed at Washington, DC this 30th day of July, 2001.

Edward A Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 07/30/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
39,699	Sterling Packaging Co. (Co.)	Jeannett, PA	07/13/2001	Paperboard Boxes.
39,700	Priority Finishing Corp. (Wkrs)	Fall River, MA	07/26/2001	Dye and Finishing Apparel.
39,701	Merry Maid Novelties (UNITE)	Bangor, PA	07/13/2001	Knit Slacks, Tops and Skirts.
39,702	Southern Furniture (Wkrs)	Elizabethtown, NC	07/12/2001	Wooden Bedroom Furniture.
39,703	Echo Bay Minerals (Co.)	Battle Mountain, NV	07/11/2001	Gold and Silver.
39,704	Trico Products Corp. (UAW)	Buffalo, NY	07/12/2001	Windshield Wiper System.
39,705	Lincoln Automotive (Co.)	Jonesboro, AR	07/13/2001	Lifting Equipment.
39,706	Thermo King/Ingersol Rand (Wkrs)	Bloomington, MN	07/16/2001	Refrigeration Coils.
39,707	Pillowtex Corporation (Wkrs)	Phenix City, AL	07/17/2001	Unpack & Redistribution Kitchen Items.
39,708	Globe Mettalurgical (Wkrs)	Springfield, OR	07/02/2001	Silicon Metal.
39,709	Gemtron Corporation (Co.)	Clarksville, TN	07/17/2001	Decorative Flat Glass.
39,710	Ogden Manufacturing (Co.)	Albany, WI	07/12/2001	Industrial Electrical Heating Elements.
39,711	Metallurgic Products (GMP)	Ellwood City, PA	07/18/2001	Thermocouple.
39,712	Signet Armorlite (Co.)	San Marcos, CA	07/17/2001	Ophthalmic Lenses.
39,713	J.M. Huber (Wkrs)	Houston, TX	07/18/2001	Oil and Gas.
39,714	American Drilbox (Co.)	Carathersville, MO	07/18/2001	Metal Index Box.
39,715	Ansell Healthcare (Co.)	Red Bank, NJ	07/20/2001	Latex Surgeons' Gloves.
39,716	Michigan Rag (Co.)	Grand Haven, MI	07/23/2001	Men and Women's Apparel.
39,717	Trio Tool and Die (Co.)	Meadville, PA	07/17/2001	Tools, Dyes, Molds & Machine Parts.
39,718	JTR Patterns (Wkrs)	Fall River, MA	07/13/2001	Men's, Women's & Children's Sportwear.
39,719	Philips Enabling Tech (Wkrs)	So. Plainfield, NJ	07/13/2001	Light Bulbs.
39,720	Waukesha Cherry Burrell (Co.)	Louisville, KY	07/13/2001	Ice Cream Freezers.
39,721	Parker Hannifin (USWA)	Goshen, TN	07/13/2001	Rubber O-Ring Sealing.
39,722	Rexnord Corporation (USWA)	Indianapolis, IN	07/17/2001	Roller Chain Products.
39,723	Spring Ford Industries (Co.)	Spring City, PA	07/19/2001	T-Shirt and Underwear.
39,724	L.E. Smith Glass (AFGW)	Mt. Pleasant, PA	07/08/2001	Lighting Shades.
39,725	General Mills (Wkrs)	Carlisle, PA	07/14/2001	Juice Beverage.
39,726	Act Manufacturing (Wkrs)	Corinth, MS	07/12/2001	Telephone Products.
39,727	Malbon, Inc. (Co.)	Hiram, GA	07/16/2001	Uniforms.
39,728	Graphic Controls (Co.)	Cherry Hill, NJ	07/19/2001	Catherers.
39,729	Evenflo Company (Co.)	Jasper, AL	07/10/2001	Car Seat Pads, Booster Seat Pads.
39,730	Neles Automotive USA (Co.)	Houston, TX	07/13/2001	Industrial Valves.
39,731	Matsushita Refrigeration (Co.)	Vonore, TN	07/16/2001	Refrigeration Compressors.
39,732	Innovative Home Products (Co.)	Covington, OH	07/18/2001	Garage Door Openers.

[FR Doc. 01–22690 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5115]

Hunt Forest Products, Inc. Castor Sawmill Castor, LA; Notice of Termination of Investigation

Pursuant to title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on July 17, 2001, in response to a petition filed on behalf of workers at Hunt Forest Products, Inc., Castor Sawmill, Castor, Louisiana.

This case is being terminated because there is a petition pending which covers the workers of the subject company of the immediate investigation, NAFTA–5086. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of August 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22694 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5039]

Louisiana Pacific Corporation Rogue River, OR; Notice of Termination of Investigation

Pursuant to title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on June 22, 2001 in response to a petition filed on behalf of workers at Louisiana Pacific Corporation, Rogue River, Oregon.

This case is being terminated because there is a petition investigation in process for this worker group, NAFTA–5001. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 20th day of August 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22692 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5068]

Rosti (Minden) Inc. Coushatta Annex Coushatta, LA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on July 9, 2001 in response to a worker petition which was filed by the company on June 27, 2001, on behalf of workers at Rosti (Minden) Inc., Coushatta Annex, Coushatta, Louisiana.

A company official at the subject firm has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 29th day of August, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–22686 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–5029]

Winona, Inc. Nashville, IN; Notice of Termination of Investigation

Pursuant to title V of the North American Free Trade Agreement Implementation Act (Pub. L. 103–182) concerning transitional adjustment assistance, hereinafter called (NAFTA–TAA), and in accordance with section 250(a), subchapter D, chapter 2, title II, of the Trade Act of 1974, as amended (19 U.S.C. 2273), an investigation was initiated on June 6, 2001 in response to a petition filed on behalf of workers at Winona, Inc., Nashville, Indiana.

This case is being terminated because there is a petition pending which covers the workers of the subject company of the immediate investigation, NAFTA–4985. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 30th day of August 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–22687 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. ICR 1218–0209 2001]

Proposed Information Collection Request Submitted for Public Comment and Recommendations; OSHA Data Initiative (1218–0209)

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. Currently, the Occupational Safety and Health Administration (OSHA) is soliciting comments concerning the proposed extension of the information collection request for the OSHA Data Initiative. A copy of the proposed information collection request (ICR) can be obtained by contacting the office listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addressee section below on or before November 13, 2001. The Department of Labor is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

ADDRESSES: Comments are to be submitted to the Docket Office, Docket No. ICR 1218–0209 2001, U.S. Department of Labor, Room N–2625, 200 Constitution Ave., NW., Washington, DC 20210, telephone (202) 693–2350. Written comments limited to 10 pages or less in length may be transmitted by facsimile to (202) 693–1648.

FOR FURTHER INFORMATION: Dave Schmidt, Directorate of Information Technology, Office of Statistics, Occupational Safety and Health Administration, U.S. Department of Labor, Room N3644, 200 Constitution Avenue, NW., Washington, DC 20210, telephone: (202) 693–1886. Copies of the referenced information collection request are available for inspection and copying in the Docket Office and will be mailed to persons who request copies by telephoning Dave Schmidt at (202) 693–1886 or Todd Owen at (202) 693–2444. For electronic copies of the OSHA Data Initiative information collection request, contact OSHA's WebPage on the Internet at *http://www.osha-slc.gov/OCIS/Info__coll.html.*

SUPPLEMENTARY INFORMATION:

I. Background:

To meet many of OSHA's program needs, OSHA is proposing to continue its data initiative to collect occupational injury and illness data and information on the number of workers employed and the number of hours worked from establishments in portions of the private sector and from some state and local government agencies. OSHA will collect calendar year 2001 data from up to 139,000 employers already required to create and maintain records pursuant to 29 CFR Part 1904. These data will allow OSHA to calculate occupational injury and illness rates and to focus its efforts on individual workplaces with ongoing series safety and health problems. Successful implementation of the data collection initiative is critical to OSHA's outreach and enforcement efforts and the data requirements tied to the Government Performance and Results Act (GPRA).

II. Current Actions

This notice requests public comment on an extension of the current OMB approval of the paperwork requirements for the OSHA Data Initiative system.

Type of Review: Extension of currently approved collection.

Agency: Occupational Safety and Health Administration.

Title: OSHA Data Initiative.

OMB Number: 1218–0209.

Agency Number: ICR 1218–0209 2001.

Affected Public: Business or other for-profit, Farms, and State, Local or Tribal Government.

Cite/Reference/Form/etc: OSHA Form 196A and OSHA Form 196B.

Total Respondents: 139,000.

Frequency: Annually.

Average Time per Response: 30 minutes.

Estimated Total Burden Hours: 66,720 hours.

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

Dated: September 5, 2001.

John L. Henshaw,

Assistant Secretary.

[FR Doc. 01–22795 Filed 9–10–01; 8:45 am]

BILLING CODE 4510–26–M

NATIONAL CREDIT UNION ADMINISTRATION

Sunshine Act Meeting

TIME AND DATE: 10:00 a.m., Thursday, September 13, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Requests from Three (3) Federal Credit Unions to Convert to Community Charters.
2. Requests from Three (3) Federal Credit Unions to Expand their Community Charters.
3. Proposed Rule: Amendment to Part 704, NCUA's Rules and Regulations, Corporate Credit Unions.
4. Final Rule: Amendments to Section 701.31(d), NCUA's Rules and Regulations, Nondiscrimination in Advertising.
5. Interim Final Rule: Amendment to Part 707, NCUA's Rules and Regulations, Truth in Savings.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, September 13, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Section 206 of the Federal Credit Union Act. Closed pursuant to exemptions (8), (9)(A)(ii), and (9)(B).
2. Two (2) Administrative Actions under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
3. Corporate Examination Review Task Force Report and Recommendations. Closed pursuant to exemption (8).
4. One (1) Personnel Matter. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703–518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–22811 Filed 9–6–01; 8:45 am]

BILLING CODE 7535–01–M

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND PLACE: 9:30 a.m., Tuesday, September 18, 2001

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW., Washington, DC 20594.

STATUS: The two items are Open to the Public.

MATTERS TO BE CONSIDERED:

7385—Railroad Accident Report: Collision of Amtrak Train 304–26 with a Highway Vehicle at a Highway-Rail Grade Crossing in McLean, Illinois, on September 26, 1999

7392A—Marine Accident Report: Fire On Board the U.S. Passenger Ferry Columbia, Chatham Strait, about 30 nautical miles Southwest of Juneau, Alaska, on June 6, 2000

NEWS MEDIA CONTACT: Telephone: (202) 314–6100.

Individuals requesting specific accommodations should contact Ms. Carolyn Dargan at (202) 314–6305 by Friday, September 14, 2001.

FOR FURTHER INFORMATION CONTACT: Vicky D'Onofrio, (202) 314–6410.

September 7, 2001.

Vicky D'Onofrio,

Federal Register Liaison Officer.

[FR Doc. 01–22938 Filed 9–7–01; 3:44 pm]

BILLING CODE 7533–01–M

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the Subcommittee on Plant License Renewal; Notice of Meeting

The ACRS Subcommittee on Plant License Renewal will hold a meeting on September 25, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Tuesday, September 25, 2001—8:30 a.m. until the conclusion of business*

The Subcommittee will discuss the draft Safety Evaluation Report, with open items, concerning the license renewal application for Turkey Point Nuclear Plant, Units 3 and 4; and the associated Westinghouse Topical Reports. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff, the Florida Power and Light Company, and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Noel F. Dudley (telephone 301/415–

6888) between 7:00 a.m. and 3:45 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: August 30, 2001.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–22763 Filed 9–10–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Meeting of the ACRS Subcommittee on Materials and Metallurgy; Notice of Meeting

The ACRS Subcommittee on Materials and Metallurgy will hold a meeting on September 26, 2001, Room T–2B3, 11545 Rockville Pike, Rockville, Maryland.

The entire meeting will be open to public attendance.

The agenda for the subject meeting shall be as follows: *Wednesday, September 26, 2001—8:30 a.m. until the conclusion of business*

The Subcommittee will discuss the status of the Steam Generator Action Plan and the South Texas Project, Unit 2, tube integrity issues. The purpose of this meeting is to gather information, analyze relevant issues and facts, and to formulate proposed positions and actions, as appropriate, for deliberation by the full Committee.

Oral statements may be presented by members of the public with the concurrence of the Subcommittee Chairman; written statements will be accepted and made available to the Committee. Electronic recordings will be permitted only during those portions of the meeting that are open to the public, and questions may be asked only by members of the Subcommittee, its consultants, and staff. Persons desiring to make oral statements should notify the cognizant ACRS staff engineer named below five days prior to the meeting, if possible, so that appropriate arrangements can be made.

During the initial portion of the meeting, the Subcommittee, along with any of its consultants who may be present, may exchange preliminary views regarding matters to be considered during the balance of the meeting.

The Subcommittee will then hear presentations by and hold discussions with representatives of the NRC staff and other interested persons regarding this review.

Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, and the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefor, can be obtained by contacting the cognizant ACRS staff engineer, Mr. Noel F. Dudley (telephone 301/415–6888) between 7:00 a.m. and 3:45 p.m. (EDT). Persons planning to attend this meeting are urged to contact the above named individual one or two working days prior to the meeting to be advised of any potential changes to the agenda, etc., that may have occurred.

Dated: August 30, 2001.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–22764 Filed 9–10–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

DATE: Weeks of September 10, 17, 24, October 1, 8, 15 2001

PLACE: Commissioners' Conference Room, 11555 Rockville Pike, Rockville, Maryland

STATUS: Public and Closed

MATTERS TO BE CONSIDERED:

Week of September 10, 2001

There are no meetings scheduled for the Week of September 10, 2001.

Week of September 17, 2001—Tentative

There are no meetings scheduled for the Week of September 17, 2001.

Week of September 24, 2001—Tentative

Friday, September 28, 2001

9:25 a.m. Affirmation Session (Public Meeting) (if needed)

9:30 a.m. Briefing on Decommissioning Activities and Status (Public Meeting) (Contact: John Buckley, 301–415–6607)

1:30 p.m. Briefing on Threat Environment Assessment (Closed-Ex. 1)

Week of October 1, 2001—Tentative

Thursday, October 4, 2001

9:25 a.m. Affirmation Session (Public Meeting) (if needed)

Week of October 8, 2001—Tentative

There are no meetings scheduled for the Week of October 8, 2001.

Week of October 15, 2001—Tentative

Thursday, October 18, 2001

9:00 a.m. meeting with NRC Stakeholders—Progress of Regulatory Reform (Public Meeting) (Location—Two White Flint North Auditorium)

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECU/smj/schedule.htm

This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC, 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: September 6, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–22852 Filed 9–7–01; 11:50 am]

BILLING CODE 7590–01–M

OFFICE OF MANAGEMENT AND BUDGET

Cumulative Report on Rescissions and Deferrals

August 1, 2001.

Section 1014(e) of the Congressional Budget and Impoundment Control Act of 1974 (Public Law 93–344) requires a monthly report listing all budget authority for the current fiscal year for which, as of the first day of the month, a special message had been transmitted to Congress.

This report gives the status, as of August 1, 2001, of two deferrals contained in one special message for FY 2001. The message was transmitted to Congress on January 18, 2001.

Deferrals (Attachments A and B)

As of July 1, 2001, $1.4 billion in budget authority was being deferred from obligation. Attachment B shows the status of each deferral reported during FY 2001.

Information From Special Message

The special message containing information on the deferrals that are

covered by this cumulative report is printed in the edition of the **Federal Register** cited below: 66 FR 8985, Monday, February 5, 2001.

Mitchell E. Daniels, Jr.,

Director.

BILLING CODE 3110–01–P

Attachment A

STATUS OF FY 2001 DEFERRALS

[In millions of dollars]

	Budgetary resources
Deferrals proposed by the President	1,946.7
Routine executive releases through August 1, 2001	−559.2
Overturned by the Congress	.....
Currently before the Congress	1,387.5

ATTACHMENT B

Status of FY 2001 Deferrals - As of August 1, 2001

(In thousands of dollars)

Agency/Bureau/Account	Deferral Number	Amounts Transmitted: Original Request	Amounts Transmitted: Subsequent Change (+)	Date of Special Message	Releases (-): Cumulative OMB/ Agency	Releases (-): Congressionally Required	Congressional Action	Cumulative Adjustments	Amount Deferred as of 8/1/01
DEPARTMENT OF STATE									
Other									
United States Emergency Refugee and Migration Assistance Fund	D01-1	145,310		1/18/01	40,033				105,277
INTERNATIONAL ASSISTANCE PROGRAMS									
International Security Assistance									
Economic Support Fund	D01-2	1,801,382		1/18/01	519,149				1,282,234
TOTAL, DEFERRALS		**1,946,692**			**559,182**				**1,387,510**

Note: Detail may not add to totals due to rounding.

[FR Doc. 01–22675 Filed 9–10–01; 8:45 am]

BILLING CODE 3110–01–C

SECURITIES AND EXCHANGE COMMISSION

Sunshine Act Meeting

Notice is hereby given, pursuant to the provisions of the Government in the Sunshine Act, Pub. L. 94–409, that the Securities and Exchange Commission will hold the following meetings during the week of September 10, 2001:

Closed meetings will be held on Tuesday, September 11, 2001, at 10:00 a.m. and Friday, September 14, 2001, at 11:30 a.m.

Commissioner Hunt, as duty officer, determined that no earlier notice thereof was possible.

Commissioners, Counsel to the Commissioners, the Secretary to the Commission, and recording secretaries will attend the closed meeting. Certain staff members who have an interest in the matters may also be present.

The General Counsel of the Commission, or his designee, has certified that, in his opinion, one or more of the exemptions set forth in 5 U.S.C. 552b(c)(5), (7), (8), (9)(A), 9(B), and (10) and 17 CFR 200.402(a)(5), (7), (8), (9)(i), 9(ii) and (10), permit consideration of the scheduled matters at the closed meeting.

The subject matters of the closed meeting scheduled for Tuesday, September 11, 2001, and Friday, September 14, 2001, will be:

- Institution and settlement of injunctive actions;
- Institution and settlement of administrative proceedings of an enforcement nature;
- Formal orders; and an
- Inspection report.

At times, changes in Commission priorities require alterations in the scheduling of meeting items. For further information and to ascertain what, if any, matters have been added, deleted or postponed, please contact the Office of the Secretary at (202) 942–7070.

Dated: September 6, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–22818 Filed 9–6–01; 4:46 pm]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44766; File No. SR–GSCC–2001–03]

Self-Regulatory Organizations; Government Securities Clearing Corporation; Notice of Filing of Proposed Rule Change to Establish a Cross-Margining Agreement with the Board of Trade Clearing Corporation

September 5, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] notice is hereby given that on April 4, 2001, the Government Securities Clearing Corporation (''GSCC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which items have been prepared primarily by GSCC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested parties.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

GSCC is seeking to establish a cross-margining arrangement with the Board of Trade Clearing Corporation (''BOTCC'').

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, GSCC included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. GSCC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.[2]

(A) Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

On August 19, 1999, the Commission approved GSCC's proposed rule filing to establish a cross-margining program with other clearing organizations and to begin its program with the New York Clearing Corporation (''NYCC'').[3] More recently, the Commission approved GSCC's proposed rule filing to establish a similar cross-margining program with the Chicago Mercantile Exchange (''CME'').[4] GSCC is now seeking to establish a similar cross-margining arrangement with the Board of Trade Clearing Corporation.[5]

This development is significant because the Chicago Board of Trade, for which BOTCC clears, is by far the largest Treasury futures exchange market, and certain of its products, such as the 10-Year Note futures contract, which will be cross-margined with GSCC products, continue to experience growth in volume. Thus, establishing the cross-margining program between GSCC and BOTCC has the potential to provide significant collateral savings to the industry in general and to GSCC's and BOTCC's common members in particular. From each clearing organization's perspective, the cross-margining program will provide important risk management benefits. These benefits include such things as providing the clearing organizations with more data concerning members' intermarket positions to enable them to make more accurate decisions regarding the true risk of the positions to the clearing organizations and encouraging coordinated liquidation processes for a joint participant, or a participant and its affiliate, in the event of an insolvency.[6]

(i) GSCC's Cross-Margining Program

GSCC believes that the most efficient and appropriate approach for establishing cross-margining programs for fixed-income and other interest rate products is to do on a multilateral basis with GSCC as the ''hub.'' Each clearing organization that participates in a cross-margining program with GSCC (hereinafter a ''Participating CO'') enters into a separate cross-margining agreement between itself and GSCC, as

[1] 15 U.S.C. 78s(b)(1).

[2] The Commission has modified the text of the summaries prepared by GSCC.

[3] Securities Exchange Act Release No. 41766 (August 19, 1999), 64 FR 46737 (August 26, 1999) [File No. SR–GSCC–98–04]. The requisite rule changes necessary for GSCC to engage in cross-margining programs with other clearing organizations were made in the NYCC cross-margining rule filing.

[4] Securities Exchange Act Release No. 44301 (May 11, 2001), 66 FR 28207 (May 22, 2001) [File No. SR–GSCC–00–13]. In addition to approving GSCC's cross-margining program with the CME, the order granted approval to change GSCC Rule 22, Section 4, to clarify that before GSCC credits an insolvent member for any profit realized on the liquidation of the member's final net settlement positions, GSCC will fulfill its obligations with respect to that member under cross-margining agreements.

[5] BOTCC is a Delaware corporation that acts as the clearing organization for certain futures contracts and options on futures contracts that are traded on the Chicago Board of Trade and that are regulated by the Commodity Futures Trading Commission.

[6] The GSCC–BOTCC cross-margining agreement requires ownership of 50 percent or more of the common stock of an entity to indicate control of the entity for purposes of the definition of ''affiliate''.

in the case of NYCC, CME, and now BOTCC. Each of the agreements will have similar terms and no preference will be given by GSCC to one Participating CO over another.

Cross-margining is available to any GSCC netting member (with the exception of interdealer broker netting members) that is, or that has an affiliate that is, a member of a Participating CO. Any such member (or pair of affiliated members) may elect to have its margin requirements at both clearing organizations calculated based upon the net risk of its cash and repo positions at GSCC and of its offsetting and correlated positions in related contracts carried at the Participating CO. Cross-margining is intended to lower the cross-margining participant's (or pair of affiliated members') overall margin requirement. The GSCC member (and its affiliate, if applicable) will sign an agreement under which it (or they) agree to be bound by the cross-margining agreement between GSCC and the Participating CO and which allows GSCC or the Participating CO to apply the member's (or its affiliate's) margin collateral to satisfy any obligation of GSCC to the Participating CO (or vice versa) that results from a default of the member (or its affiliate).

Margining based on the net combined risk of correlated positions is based on an arrangement under which GSCC and each Participating CO agree to accept the correlated positions in lieu of supporting collateral. Under this arrangement, each clearing organization holds and manages its own positions and collateral and independently determines the amount of margin that it will make available for cross-margining, referred to as the ''residual margin amount.''

GSCC computes the amount by which the cross-margining participant's margin requirement can be reduced at each clearing organization (*i.e.*, the ''cross margin reduction'') by comparing the participant's positions and the related margin requirements at GSCC as against those at each Participating CO. GSCC offsets each cross-margining participant's residual margin amount at GSCC against the offsetting residual margin amounts of the participant (or its affiliate) at each Participating CO. If, within a given pair of offset classes, the margin that GSCC has available for a participant is greater than the combined margin submitted by the Participating COs, GSCC will allocate a portion of its margin equal to the combined margin at the Participating COs. If, within a given pair of offset classes, the combined margin submitted by the Participating COs is greater than the margin that GSCC has available for that participant, GSCC will first allocate its margin to the Participating CO with the most highly correlated position.[7] If, within a given pair of offset classes, the positions are equally correlated, GSCC will allocate pro rata based upon the residual margin amount available at each Participating CO. GSCC and each Participating CO may then reduce the amount of collateral that they collect to reflect the offsets between the cross-margining participant's positions at GSCC and its (or its affiliate's) positions at the Participating CO.[8] In the event of the default and liquidation of a cross-margining participant, the loss sharing between GSCC and each of the Participating COs will be based upon the foregoing allocations and the cross-margin reduction.

GSCC will guarantee the cross-margining participant's (or its affiliate's) performance to each Participating CO up to a specified maximum amount which relates back to the cross-margin reduction, and each Participating CO will provide the same guaranty up to the same specified maximum amount to GSCC. The guaranty represents a contractual commitment that each clearing organization has to the other. There will always be a cap on the amount that one clearing organization is required to pay to the other clearing organization.

(ii) Information Specific to the Current Agreement between GSCC and BOTCC

(a) *Participation in the cross-margining program:* Any netting member of GSCC other than an inter-dealer broker will be eligible to participate. Any clearing member of BOTCC will be eligible to participate.

(b) *Products subject to cross-margining:* The products that will be eligible for the GSCC–BOTCC cross-margining arrangement are the Treasury securities of certain remaining maturities that fall into GSCC's Offset Classes C, E, F, and G as defined in GSCC's Rules that are cleared by GSCC and the 2–Year Note, 5–Year Note, 10–Year Note and the U.S. Treasury Bond futures contracts and options on these futures contracts that are cleared by BOTCC.[9] Initially, as a conservative measure, residual margin amounts will be applied only within the same offset class (*e.g.*, the 2–Year Note against the 2–Year Note future). Appropriate disallowance factors based on correlation studies will be applied, as well as a minimum margin factor. All eligible positions maintained by a cross-margining participant in its account at GSCC and in its (or its affiliate's) proprietary account at BOTCC will be eligible for cross-margining.[10]

(c) *Margin Rates:* GSCC and BOTCC currently use different margin rates to establish margin requirements for their respective products. Margin reductions in the GSCC–BOTCC cross-margining arrangement will always be computed based on the lower of the applicable margin rates. This methodology results in a potentially lesser benefit to the participant but ensures a more conservative result (*i.e.*, more collateral held at the clearing organization) for both GSCC and the Participating COs.

(d) *Daily Procedures:* On each business day, it is expected that BOTCC will inform GSCC of the residual margin amounts it is making available for cross-margining by approximately 11:00 p.m. New York time. GSCC will inform BOTCC by approximately 1:00 a.m. New York time how much of these residual margin amounts it will use. Reductions as computed will be reflected in the daily clearing fund calculation.

(iii) Benefits of Cross-Margining

GSCC believes that its cross-margining program enhances the safety and soundness of the settlement process for the Government securities marketplace by: (1) Providing clearing organizations with more data concerning members' intermarket positions (which is especially valuable during stressed market conditions) to enable them to make more accurate decisions regarding the true risk of such positions to the clearing organizations; (2) allowing for enhanced sharing of collateral resources; and (3) encouraging coordinated liquidation processes for a joint participant, or a participant and its affiliate, in the event of an insolvency. GSCC further believes that cross-margining benefits participating clearing

[7] GSCC has computed and tested disallowance factors that will be applicable to each potential pair of positions being offset.

[8] GSCC and each Participating CO unilaterally have the right not to reduce a participant's margin requirement by the cross-margin reduction or to reduce it by less than the cross-margin reduction. However, the clearing organizations may not reduce a participant's margin requirement by more than the cross-margin reduction.

[9] Non-mortgage backed agency securities will be added at a later date. GCF Repo products will not be included in the arrangement.

[10] At least initially, the GSCC–BOTCC cross-margining arrangement will be applicable, on the futures side, only to positions in a proprietary account of a cross-margining participant at BOTCC. The arrangement will not apply to positions in a customer account at BOTCC that would be subject to segregation requirements under the Commodity Exchange Act. This is also the case with respect to the arrangements with NYCC and the CME.

members by providing members with the opportunity to more efficiently use their collateral. More important from a regulatory perspective, however, is that cross-margining programs have long been recognized as enhancing the safety and soundness of the clearing system itself. Studies of the October, 1987 market crash gave support to the concept of cross-margining. For example, The Report of the President's Task Force on Market Mechanisms (January 1988) noted that the absence of a cross-margining system for futures and securities options markets contributed to payment strains in October, 1987. The Interim Report of the President's Working Group on Financial Markets (May 1988) also recommended that the SEC and CFTC facilitate cross-margining programs among clearing organizations. This resulted in the first cross-margining arrangement between clearing organizations which was approved in 1988.[11]

GSCC believes that the proposed rule change is consistent with the requirements of section 17A of the Act[12] and the rules and regulations thereunder applicable to GSCC because it will provide members with significant benefits such as greater liquidity and more efficient use of collateral in a prudent manner and will enhance GSCC's overall risk management process.

(B) Self-Regulatory Organization's Statement on Burden on Competition

GSCC does not believe that the proposed rule change will have any impact or impose any burden on competition.

(C) Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments relating to the proposed rule change have not yet been solicited or received. GSCC will notify the Commission of any written comments received by GSCC.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within thirty-five days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to ninety days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) By order approve such proposed rule change or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 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 also will be available for inspection and copying at the principal office of GSCC.

All submissions should refer to File No. SR–GSCC–2001–03 and should be submitted by September 26, 2001.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[13]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–22713 Filed 9–10–01; 8:45 am]

BILLING CODE 8010–01–M

[11] Securities Exchange Act Release No. 26153 (October 3, 1988), 53 FR 39567 (October 7, 1988) [File No. SR–OCC–86–17] (order approving cross-margining program between The Options Clearing Corporation and The Intermarket Clearing Corporation).

[12] 15 U.S.C. 78q–1.

[13] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44760; File No. SR–Phlx–2001–79]

Self Regulatory Organizations; Notice of Filing and Order Granting Accelerated Approval of Proposed Rule Change by the Philadelphia Stock Exchange, Inc. To Increase the Number of Options Included in Its Pilot Program To Disengage Its Automatic Execution System (''AUTO–X'') for a Period of Thirty Seconds After the Number of Contracts Automatically Executed in a Given Option Meets the AUTO–X Minimum Guarantees for That Option

August 31, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on August 21, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons and to approve the proposal on an accelerated basis, for the duration of the six-month pilot, which expires on November 30, 2001.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to expand the number of options eligible for inclusion in its pilot effecting a system change to the Exchange's Automated Options Market (''AUTOM'') System,[3] whereby AUTO–X is disengaged for a period of thirty seconds after the number of contracts automatically executed in a given option meets the AUTO–X minimum guarantee for that option. The pilot currently includes up to 100 option classes, subject to the approval of the Options Committee. The Phlx

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] AUTOM is the Exchange's electronic order delivery and reporting system, which provides for the automatic entry and routing of equity option and index option orders to the Exchange trading floor. Orders delivered through AUTOM may be executed manually, or certain orders are eligible for AUTOM's automatic execution feature, AUTO–X. Equity option and index option specialists are required by the Exchange to participate in AUTOM and its features and enhancements. Option orders entered by Exchange members into AUTOM are routed to the appropriate specialist unit on the Exchange trading floor.

proposes to expand the amount of options eligible for the pilot to include all Exchange-traded options on a floor-wide basis,[4] subject to the approval of the Options Committee.[5]

The pilot program was originally approved by the Commission on December 1, 2000 on a six-month pilot basis,[6] and the approval was subsequently renewed on May 29, 2001 for an additional six-month period.[7]

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange 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. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to expand the number of options eligible for inclusion in the pilot from the current amount of up to 100 options to include all Exchange-traded options on a floor-wide basis, subject to the approval of the Options Committee, for the duration of the pilot, which is scheduled to expire on November 30, 2001.

The pilot program includes the following features:

- Once an automatic execution occurs via AUTO–X in an option, the system would begin a ''counting'' program, which would count the number of contracts executed automatically for that option, up to the AUTO–X guarantee, regardless of the number of executions.
- When the number of contracts executed automatically for that option meets the AUTO–X guarantee within a fifteen second time frame, the system would cease to automatically execute for that option, and would drop all AUTO–X eligible orders in that option for manual handling by the specialist for a period of thirty seconds to enable the specialist to refresh quotes in that option.[8]
- Upon the expiration of thirty seconds, automatic executions would resume and the ''counting'' program would be set to zero and begin counting the number of contracts executed automatically within a fifteen second time frame again, up to the AUTO–X guarantee.
- Again, when the number of contracts automatically executed meets the AUTO–X guarantee within a fifteen second time frame, the system would drop all subsequent AUTO–X eligible orders for manual handling by the specialist for a period of thirty seconds.

A significant purpose of this pilot is to enable the Exchange to move towards the dissemination of options quotations with size.[9] The ''counting'' feature of the pilot functions to disengage AUTO–X for a period of thirty seconds in a given option once the number of contracts automatically executed meets the AUTO–X guarantee for that option within a fifteen-second time frame. A similar ''counting'' mechanism is expected to be utilized upon the implementation of the systems necessary for the dissemination of options quotations with size. Thus, the pilot should allow the Exchange to continue its efforts in the process of moving towards the implementation of quotations with size.

The Exchange believes that the pilot will enable specialists in the options included in the pilot to continue to provide fair and orderly markets during peak market activity by manually executing orders at correct market prices and refreshing quotations to reflect market demand. The Exchange proposes to expand the number of options eligible for inclusion in the pilot to all Exchange traded options on a floor-wide basis to further enable the Exchange to prepare for, and ascertain the readiness of its systems for, the eventual floor-wide dissemination of options quotations with size. The Exchange represents that any option(s) approved for inclusion in the pilot will be posted on the Exchange's web site.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6 of the Act[10] in general, and with section 6(b)(5) in particular,[11] in that it is designed to perfect the mechanism of a free and open market and a national market system, protect investors and the public interest and promote just and equitable principles of trade by enabling the Exchange to prepare for the dissemination of option quotes with size and by enabling Exchange specialists to maintain fair and orderly markets during periods of peak market activity.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange did not receive or solicit any written comments on the proposed rule change.

III. 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

[4] According to the Exchange, this would include all index, equity, and foreign currency options. Telephone conversation between Richard S. Rudolph, Counsel, Phlx, and Deborah L. Flynn, Assistant Director, Division of Market Regulation (''Division''), Commission, on August 31, 2001.

[5] The Exchange notes that participation in the pilot is not mandatory. Specialists may request inclusion of a particular option or options in the pilot program, subject to the approval of the Options Committee. The instant proposal would simply expand the list of options eligible for the pilot to include all Exchange-traded options.

[6] *See* Securities Exchange Act Release No. 43652 (December 1, 2000), 65 FR 77059 (December 8, 2000) (SR–Phlx–00–96) (''Initial Pilot Program'').

[7] *See* Securities Exchange Act Release No. 44362 (May 29, 2000), 66 FR 30037 (June 4, 2000) (SR–Phlx–2001–56).

[8] Any orders delivered in excess of the maximum AUTO–X guarantee will be executed to the guaranteed amount and the excess will be kicked out of the system for manual handling by the specialist. *See* Initial Pilot Program, *supra* note 6.

[9] Currently, the size of any disseminated bid or offer by the Exchange is equal to the AUTO–X guarantee for the quoted option, except that the disseminated size of bids and offers of limit orders on the book is ten contracts and must be firm regardless of the actual size of such orders. *See* Exchange Options Floor Procedure Advice F–7. The Exchange has established this rule setting forth the size for which its quotes are firm, and periodically publishes that size in accordance with recently amended Rule 11Ac1–1 under the Act (''Quote Rule''). *See* Securities Exchange Act Release No. 44145 (April 2, 2001), 66 FR 18662 (April 10, 2001) (File No. SR–Phlx–2001–37).

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(5).

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 at the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–Phlx–2001–79 and should be submitted by October 2, 2001.

IV. Commission's Findings and Order Granting Accelerated Approval of Proposed Rule Change

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[12] In particular, the Commission finds that the proposed rule change is consistent with section 6(b)(5) of the Act, which requires that the rules of an exchange be designed to promote just and equitable principles of trade, remove impediments to and perfect the mechanism of a free and open market and a national securities system, and protect investors and the public interest.[13] The Commission believes that increasing the number of options included in the pilot to all Exchange-traded options floor-wide, subject to approval of the Options Committee, should help the Exchange to test its systems in preparing for the dissemination of its options quotes with size. In addition, the Commission believes that the proposal may assist specialists in maintaining fair and orderly markets during periods of peak market activity.

The Commission notes that during the six months of the Initial Pilot Program and since the pilot's renewal for an additional six-month period, the Phlx has received no complaints from customers, floor traders, or member firms. The Exchange also clarified that orders will not be executed at an inferior price simply because they are routed to the specialist for manual handling. Rather, the orders will be handled in a manner consistent with the Exchange's rules on priority, parity, and precedence and in compliance with the SEC's Quote Rule and Phlx Rule 1082 (''Firm Quotations'').

The Commission notes that the Exchange has represented that it will continue to evaluate the pilot by reviewing specialists' performance in the selected options, and by monitoring any complaints relating to the pilot program.[14] Furthermore, the Commission notes that the Exchange has represented that it will continue to post on its website a list of options included in the pilot, as well as issue a circular to this effect to members, member organizations, participants, and participant organizations explaining the pilot program and the circumstances in which the Auto-X system will not be available for customer orders.[15]

Finally, the Commission finds good cause, pursuant to section 19(b)(2) of the Act,[16] for approving the proposed rule change prior to the thirtieth day after the date of publication of notice thereof in the **Federal Register**. The Commission believes that granting accelerated approval will enable the Exchange to increase the number of options included in its pilot, for the duration of the six-month period commencing on May 29, 2001, without undue delay and without interrupting the existing operation of its Auto-X system.

V. Conclusion

It is therefore ordered, pursuant to section 19(b)(2) of the Act,[17] that the proposed rule change (SR–Phlx–2001–79) is hereby approved on an accelerated basis, for the duration of the six-month pilot, scheduled to expire on November 30, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[18]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–22674 Filed 9–10–01; 8:45 am]

BILLING CODE 8010–01–M

[12] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[13] 15 U.S.C. 78f(b)(5).

[14] Telephone conversation between Richard S. Rudolph, Counsel, Phlx, and Sonia Patton, Attorney, Division, Commission, on August 31, 2001.

[15] *Id.* Phlx also represented that it would include language in its circular clarifying that Auto-X will not be re-engaged until the expiration of the thirty-second period, even after a quote is revised, and that the Exchange is considering revising that practice prior to seeking permanent approval of the pilot program. Telephone conversation between Richard S. Rudolph, Counsel, Phlx, and Sonia Patton, Attorney, Division, Commission, on August 31, 2001.

[16] 15 U.S.C. 78s(b)(2).

[17] *Id.*

[18] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice 3773]

Culturally Significant Objects Imported for Exhibition Determinations: ''Cleopatra of Egypt: From History to Myth''

DEPARTMENT: United States 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), Delegation of Authority No. 236 of October 19, 1999 (64 FR 57920), as amended by Delegation of Authority No. 236–3 of August 28, 2000 (65 FR 53795), and Delegation of Authority dated June 29, 2001, I hereby determine that the objects to be included in the exhibit, ''Cleopatra of Egypt: From History to Myth,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at The Field Museum, Chicago, Illinois, from on or about October 20, 2001, to on or about March 3, 2002, and other possible 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 Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: August 30, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22768 Filed 9–10–01; 8:45 am]

BILLING CODE 4710–08–U

DEPARTMENT OF STATE

[Public Notice 3772]

Culturally Significant Objects Imported for Exhibition; Determinations ''Matta in America: Paintings and Drawings of the 1940s''

DEPARTMENT: United States 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), Delegation of Authority No. 236 of October 19, 1999 (64 FR 57920), as amended by Delegation of Authority No. 236–3 of August 28, 2000 (65 FR 53795), and Delegation of Authority dated June 29, 2001, I hereby determine that the objects to be included in the exhibit, ''Matta in America: Paintings and Drawings of the 1940s,'' imported from abroad for the temporary exhibition without profit within the United States, are of cultural significance. These objects are imported pursuant to loan agreements with foreign lenders. I also determine that the temporary exhibition or display of the exhibit objects at the Los Angeles Museum of Contemporary Art, Los Angeles, California, from on or about September 30, 2001, to on or about January 6, 2002, the Miami Art Museum, Miami, Florida, from on or about March 22, 2002, to on or about June 2, 2002, the Museum of Contemporary Art, Chicago, Illinois from on or about July 13, 2002, to on or about October 20, 2002, and other possible 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 Paul W. Manning, Attorney-Adviser, Office of the Legal Adviser, 202/619–5997, and the address is United States Department of State, SA–44, Room 700, 301 4th Street, SW., Washington, DC 20547–0001.

Dated: August 30, 2001.

Helena Kane Finn,

Acting Assistant Secretary for Educational and Cultural Affairs, Department of State.

[FR Doc. 01–22767 Filed 9–10–01; 8:45 am]

BILLING CODE 4710–08–P

DEPARTMENT OF STATE

[Public Notice 3774]

Bureau of Nonproliferation; Imposition of Missile Proliferation Sanctions Against a Chinese Entity and a Pakistani Entity

AGENCY: Bureau of Nonproliferation, Department of State.

ACTION: Notice.

SUMMARY: A determination has been made that a Chinese entity and a Pakistani entity have engaged in activities that require the imposition of measures pursuant to the Arms Export Control Act, and the Export Administration Act of 1979, as amended (as carried out under Executive Order 13222 of August 17, 2001).

EFFECTIVE DATE: September 1, 2001.

FOR FURTHER INFORMATION CONTACT: Pamela K. Roe, Office of Chemical, Biological and Missile Nonproliferation, Bureau of Nonproliferation, Department of State (202–647–4931).

SUPPLEMENTARY INFORMATION: Pursuant to section 73(a)(1) of the Arms Export Control Act (22 U.S.C. 2797b(a)(1)); section 11B(b)(1) of the Export Administration Act of 1979 (50 U.S.C. app. 2401b(b)(1)), as carried out under Executive Order 13222 of August 17, 2001 (hereinafter cited as the ''Export Administration Act of 1979''); and Executive Order 12851 of June 11, 1993; the U.S. Government determined on September 1, 2001 that the following foreign persons have engaged in missile technology proliferation activities that require the imposition of the sanctions described in section 73(a)(2)(A) of the Arms Export Control Act (22 U.S.C. 2797b(a)(2)(A)) and section 11B(b)(1)(B)(i) of the Export Administration Act of 1979 (50 U.S.C. app. 2410b(b)(1)(B)(i)) on these entities:

1. National Development Complex (Pakistan) and its sub-units and successors.

2. China Metallurgical Equipment Corporation (a/k/a CMEC, a/k/a MECC) (China) and its sub-units and successors.

Accordingly, the following sanctions are being imposed on these entities:

(A) New individual licenses for exports to the entities described above of MTCR Annex-controlled equipment or technology controlled pursuant to the Export Administration Act of 1979 will be denied for two years;

(B) New licenses for export to the entities described above of MTCR Annex-controlled equipment or technology controlled pursuant to the Arms Export Control Act will be denied for two years; and

(C) No new United States Government contracts relating to MTCR Annex-controlled equipment or technology involving the entities described above will be entered into for two years.

With respect to items controlled pursuant to the Export Administration Act of 1979, the export sanctions only apply to exports made pursuant to individual export licenses.

Additionally, because China is a country with a non-market economy that is not a former member of the Warsaw Pact (as referenced in the definition of ''person'' in section 74(8)(B) of the Arms Export Control Act, the following sanctions shall be applied to all activities of the Chinese government relating to the development or production of missile equipment or technology and all activities of the Chinese government affecting the development or production of electronics, space systems or equipment, and military aircraft:

(A) New licenses for export to the government activities described above of MTCR Annex-controlled equipment or technology controlled pursuant to the Arms Export Control Act will be denied for two years; and

(B) No new U.S. Government contracts relating to MTCR Annex-controlled equipment or technology involving the government activities described above will be entered into for two years.

These measures shall be implemented by the responsible departments and agencies of the United States Government as provided in Executive Order 12851 of June 11, 1993.

Dated: September 4, 2001.

Vann H. Van Diepen,

Acting Assistant Secretary of State for Nonproliferation, Department of State.

[FR Doc. 01–22769 Filed 9–10–01; 8:45 am]

BILLING CODE 4710–25–U

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

[Docket No. OST–95–246]

North American Free Trade Agreement's Land Transportation Standards Subcommittee and Transportation Consultative Group: Annual Plenary Session

AGENCY: Office of the Secretary, DOT.

ACTION: Notice.

SUMMARY: This notice announces the eighth annual plenary session of the North American Free Trade Agreement's (NAFTA) Land Transportation

Standards Subcommittee (LTSS) and the Transportation Consultative Group (TCG) and other related meetings; and invites representatives of non-governmental entities with an interest in land transportation issues to participate in these proceedings and to attend a briefing at a later date. With the exceptions noted below, only U.S., Canadian, and Mexican government officials may attend the plenary and working group meetings.

Background

The Land Transportation Standards Subcommittee (LTSS) was established by the North American Free Trade Agreement's (NAFTA) Committee on Standards-Related Measures to examine the land transportation regulatory regimes in the United States, Canada, and Mexico, and to seek to make certain standards more compatible. The Transportation Consultative Group (TCG) was formed by the three countries' departments of transportation to address non-standards-related issues that affect cross-border movements among the countries, but that are not included in the NAFTA's LTSS work program (Annex 913.5.a–1).

Meetings and Deadlines

The eighth annual LTSS/TCG plenary session will be held from October 15 to 17, 2001, at the Chateau Laurier Hotel, Ottawa, Ontario, Canada. The following LTSS working groups are expected to meet during the same week and at the same location: (1) Compliance and Driver and Vehicle Standards; (2) Vehicle Weights and Dimensions; and (3) Hazardous Materials Transportation Standards. The following TCG working groups are expected to meet: (1) Cross-Border Operations and Facilitation; (2) Rail Safety and Operational Issues; (3) Automated Data Exchange; (4) Science and Technology; and (5) Maritime and Ports Policy. In addition, the occasion of the LTSS plenary session will also be used to convene bilateral meetings among the three parties to discuss a range of transportation issues.

During the plenary session, from 2 p.m. to 5:30 p.m. on October 15, 2001, representatives of the truck, bus, and rail industries, transportation labor unions, brokers and shippers, chemical manufacturers, insurance industry, public safety advocates, and other non-governmental organizations (NGO) who have notified us of their interest to attend by October 1, 2001, will have an opportunity to meet individually with the heads of the U.S., Canadian, and Mexican delegations. This is an opportunity for interested parties to voice their concerns, provide technical information, and offer suggestions relevant to achieving greater standards compatibility and improving cross-border trade. While written statements of any length may be submitted to the delegation heads, oral presentations will be limited to 10 minutes per presenter. After October 1, written statements may be submitted for the record, and requests to present oral comments at the meeting with the delegation heads will be accommodated only on a time-available basis.

The same interested parties also will have the opportunity to meet with the individual working groups for the purpose of making more technical presentations oriented specifically to the subjects addressed by each group. Working group sessions following these NGO presentations will be closed to all but government officials. The Working Group meeting schedule is tentatively set as follows:

Monday, October 15, 2001

10:00–11:45 a.m.: LTSS working groups on Compliance and Driver and Vehicle Standards; Vehicle Weights and Dimensions; and Hazardous Materials Transportation Standards; TCG working groups on Cross-Border Operations and Facilitation; Automated Data Exchange; and Maritime and Port Policy.

2:00–5:30 p.m.: Same working groups as morning session, except TCG Automated Data Exchange group will not meet; TCG working group on Science and Technology also will meet at this time. The working group addressing Rail Safety and Operational Issues may also meet at this time.

Tuesday, October 16, 2001

9:00 a.m.–12:15 p.m.: LTSS working groups on Compliance and Driver and Vehicle Standards; and Vehicle Weights and Dimensions; TCG working group on Cross-Border Operations and Facilitation.

2:00–6:00 p.m.: LTSS working group on Hazardous Materials Transportation; TCG working groups on Automated Data Exchange; and Science and Technology.

To make a presentation to a specific working group interested parties should directly contact the U.S. working group chair for that group, indicate the nature of the presentation to be made, and arrange a specific time for the presentation. Times will be subject to coordination among the three working group co-chairs from the United States, Canada, and Mexico. U.S. co-chairs for the LTSS and TCG working groups are as follows:

LTSS

Compliance and Driver and Vehicle Standards—Tom Kozlowski (202–366–4049)

Vehicle Weights and Dimensions—James March (202–366–9237)

Hazardous Materials Transportation Standards—Bob Richard (202–366–0586)

TCG

Cross-Border Operations and Facilitation—Maria Lameiro (202–366–2892)

Rail Safety and Operational Issues—Jane Bachner (202–493–6405)

Automated Data Exchange—Tom Kozlowski (202–366–4049)

Science and Technology—Rita Freeman-Kelly (202–366–5443)

Maritime and Ports Policy—Gregory Hall (202–366–5773)

Hotel reservations may be arranged with the Fairmont Chateau Laurier by telephoning 800–441–1414 or 613–241–1414. The hotel can be reached by fax at 613–562–7031 or by email at *clh.reservations@fairmont.com.* Reservations should be made no later than September 20, 2001. Due to a very busy conference period in Ottawa during the month of October, the hotel cannot hold rooms at conference rates beyond September 20, 2001. When making reservations, callers must identify the conference (NAFTA LTSS Plenary) in order to obtain the special rates for conference attendees. A credit card is required to guarantee payment for all rooms.

A briefing to report on the outcome of the Ottawa meetings will be conducted at DOT at the address below, on November 15, 2001, from 10:00 a.m. to noon in room 10234. Interested parties may notify DOT of their interest to attend this briefing by calling (202) 366–2892 by November 1.

SUPPLEMENTARY INFORMATION: LTSS-related documents, including past working group reports and statements received by DOT from industry associations, transportation labor unions, public safety advocates, and others are available for review in Docket No. OST–95–246, at the address below, Room PL–401, between 9:00 a.m. and 5:00 p.m., e.s.t., Monday through Friday, except national holidays. The Docket, which is updated periodically, may also be accessed electronically at *http://dms.dot.gov.*

Address and Phone Numbers

Individuals and organizations interested in participating in the LTSS and TCG sessions must send notice of their interest and copies of their

presentations by October 1 to Allen Wiener, U.S. Department of Transportation, OST/X–20, Room 10300, 400 Seventh Street, SW., Washington, DC 20590. Respondents may also send information by fax at (202) 366–7417 or email to allen.wiener@ost.dot.gov. For additional information, call (202) 366–2892.

Dated: September 5, 2001.

Bernestine Allen,

Director, Office of International Transportation and Trade.

Louise M. Pearson,

Alternate Certifying Officer.

[FR Doc. 01–22709 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Public Notice for a Change in Use of Aeronautical Property at Portland International Jetport, Portland, ME

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Request for Public Comments. Notice of intent of waiver with respect to land.

SUMMARY: The FAA is requesting public comment on the City of Portland, Maine's request to dispose of a portion of airport property (approximately 4.95 acres located in between Johnson Road and the Maine Turnpike in both Portland and South Portland, Maine. The land is no longer needed for aeronautical use, as shown on the Airport Layout Plan. The property requested for disposition is approach land in the Runaway 11 Runway Protection Zone. Upon disposition the property will be transferred to the State of Maine Turnpike Authority for construction of a Jetport interchange. There appear to be no impacts to the airport by allowing the disposal of the property. The property is a portion of several parcels of land acquired under FAA Project No. 9–17–001–507 in 1955.

The disposal of airport property will be in accordance with FAA's Policy and Procedures Concerning the Use of Airport Revenue, published in the **Federal Register** on February 16, 1999.

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

ADDRESSES: Documents are available for review by appointment by contacting Jeff Schultes, Airport Manager at Portland International Jetport, 1001 Westbrook Street, Portland, Maine, Telephone 207–791–8035 and be reviewed in person by contacting Donna R. Witte, Telephone 781–238–7624 at the Federal Aviation Administration, 16 New England Executive Park, Burlington, Massachusetts.

FOR FURTHER INFORMATION CONTACT: Donna R. Witte, Airports Division, Federal Aviation Administration, 12 New England Executive Park, Burlington, Massachusetts 01803, Telephone 781–238–7624.

SUPPLEMENTARY INFORMATION: Section 125 of the Wendell H. Ford Aviation Investment and Reform Act for the 21st Century (AIR 21) requires the FAA to provide an opportunity for public notice and comment to the ''waiver'' or ''modification'' of a sponsor's Federal obligation to use certain airport property for aeronautical purposes.

Issued in Burlington, Massachusetts on August 24, 2001.

Vincent A. Scarano,

Manager, Airports Division, New England Region.

[FR Doc. 01–22776 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Meeting

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Notice.

SUMMARY: The FAA is issuing this notice to advise the public of the fourth meeting of the FAA Aircraft Repair and Maintenance Advisory Committee. The purpose of the meeting is for the Committee to continue working towards accomplishing the goals and objectives pursuant to its congressional mandate.

DATES: The meeting will be held Tuesday, September 18, 2001, 9:00 a.m. to 4:00 p.m.

ADDRESSES: The meeting will be held at the U.S. Department of Transportation, 400 7th St., SW., Rooms 6200–6204, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Ellen Bowie, Federal Aviation Administration (AFS–300), 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 September 18, at the Department of Transportation, 400 7th Street, SW., Rooms 6200–6204, Washington, DC 20590.

The agenda will include:

- Introduction of any new designated alternate members
- Committee administration
- Reading and approval of minutes
- Review of open/additional action items
- Working group status review
- Statements of members of the public
- Review of Committee workscope vs. mandate
- Review desire for Committee extension
- Plan/discuss next steps/agenda and timeline
- 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. These copies may be provided to the audience at the discretion of the submitter.

Issued in Washington, D.C. on September 5, 2001.

James J. Ballough,

Acting Manager, Continuous Airworthiness Maintenance Division.

[FR Doc. 01–22774 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Automatic Dependent Surveillance-Broadcast (ADS–B) Link Decision

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of FAA Public Meetings on ADS–B Link Decision.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting to: (1) provide an update on the progress that has been made toward making a decision on the link architecture to be used for enabling Automatic Dependent Surveillance-Broadcast (ADS–B) as a surveillance technology within the National Airspace System; and (2) to share with industry the results of the

technical assessments that will be used by the FAA as the basis for making the decision on the ADS–B link architecture.

DATES: The meeting will be held on October 19, 2001, from 9:00 am to 2:20 pm.

ADDRESSES: The meeting will be held in conference rooms 6244–6248 on the sixth floor of the Department of Transportation Headquarters Building, 400 7th Street, SW., Washington, DC. *Meeting participants should use the entrance at the southeast corner of the building.*

FOR FURTHER INFORMATION CONTACT: (1) Ron Jones, CNS Systems Branch, ADS–140, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 358–5345; e-mail *ronnie.jones@faa.gov;* Ms. Kelly Weathers, Management Assistant, ADS–140, Federal Aviation Administration, 800 Independence Avenue SW., Washington, DC 20591; telephone (202) 358–5271; fax (202) 358–4922; e-mail *kelly.weathers@faa.gov.*

SUPPLEMENTARY INFORMATION: This will be the third public meeting held by the FAA on the subject of the ADS–B link architecture decision. The first meeting was held on June 6, 2001, and the second on June 25–26, 2001. The briefing materials from these prior ADS–B link decision meetings are available on the following website: *http://adsb.tc.faa.gov/ADS-B/186-subf.htm.* The purpose of the October 19, 2001, meeting is to: (1) review the most recent results of the evaluations of the alternative ADS–B link technologies and architectures versus the required functional, performance and operational capabilities; (2) review the results of the economic assessments of the core set of alternate ADS–B link architecture scenarios. The meeting outcome will be to provide the aviation industry better insight into the factors that are expected to be the basis for the future FAA decision on the ADS-B link architecture. The agenda for the meeting will include:

- *Introductions and Objectives*
- Baseline ADS–B Requirements
- ADS–B Link Architecture Alternatives
- Overview of the Results of the Assessment of the Funcational/Performance/Operational Capabilities of the ADS–B Link Architecture Alternatives
- Overview of the Cost Benefit Analysis of Alternative ADS–B Link Architecture Scenarios
- Summary and Plans for Moving Forward with an ADS–B Link Architecture Decision

Attendance is open to the interested public but limited to space availability. Persons wishing to attend or obtain information should contact the (2) person listed in the **FOR FURTHER INFORMATION CONTACT** section, and provide their name, company or organization, address, phone number, fax number and e-mail address.

Issued in Washington, DC, on August 31, 2001.

John A. Scardina,

Director, FAA Office of System Architecture and Investment Analysis.

[FR Doc. 01–22775 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Notice of Meeting; Aviation Security Advisory Committee

AGENCY: Federal Aviation Administration, DOT.

SUMMARY: Notice is hereby given of a meeting of the Aviation Security Advisory Committee.

DATES: The meeting will be held September 20, 2001, from 10:00 a.m. to 1:00 p.m.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Avenue, SW., 10th floor, MacCracken Room, Washington, D.C. 20591, telephone 202–267–7622.

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. 11), notice is hereby given of a meeting of the Aviation Security Advisory Committee to be held September 20, 2001, at the Federal Aviation Administration, 800 Independence Avenue, SW., 10th floor, MacCracken Room, Washington, DC. The agenda for the meeting will include: Federal Government Resources for Weapons of Mass Destruction Response at Domestic Airports, the Nunn-Lugar Legislation on First Responders and a Review of Rulemaking Activities. The meeting is open to the public but attendance is limited to space available. Members of the public may address the committee only with the written permission of the chair, which should be arranged in advance. The chair may entertain public comment if, in its judgment, doing so will not disrupt the orderly progress of the meeting and will not be unfair to any other person. Members of the public are welcome to present written material to the committee at any time. Persons wishing to present statements or obtain information should contact the Office of the Associate Administrator for Civil Aviation Security, 800 Independence Avenue, SW., Washington, DC 20591, telephone 202–267–7622.

Issued in Washington, D.C., on September 5, 2001.

Michael A. Canavan,

Associate Administrator for Civil Aviation Security.

[FR Doc. 01–22772 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–10572]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel BELUGA.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before October 11, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–10572. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is

available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement:

(1) *Name of vessel and owner for which waiver is requested:* Name of vessel: BELUGA. Owner: University of California (Berkeley) Fleet Services.

(2) *Size, capacity and tonnage of vessel:* According to the applicant: ''The vessel is a 39-foot sailing vessel with auxiliary power. The beam measures 13′4″ with a draft of 9′3″. The net tonnage is estimated to be 21 as determined using Coast Guard formula of 90% of 50LBD/100.''

(3) *Intended use for vessel, including geographic region of intended operation and trade:* According to the applicant: ''The intended use of this vessel is sailing instruction, charter and recreational. The geographic region of use will be limited to San Francisco Bay, California Coast and the Sacramento River Delta.''

(4) *Date and Place of construction and (if applicable) rebuilding:* Date of construction: 1982. Place of construction: Unknown.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators.* According to the applicant: ''Other commercial passenger operators in the area are: Horn Blower Yachts and the Olympic Circle Sailing Club. Horn Blower operates dinner dance cruises, and brunch cruises for up to 500 people. Olympic Circle operates 30 boats, primarily for instructional purposes with very few charters available. Granting of this waiver will have absolutely no impact on Horn Blower Yachts and a very minimal, if not negligible, impact on the Olympic Circle Sailing Club. To the best of the applicant's knowledge there are no other charter operators in the area.''

(6) *A statement on the impact this waiver will have on U.S. shipyards:* According to the applicant: ''This wavier will have no impact, adverse or otherwise on U.S. Shipyards.''

Dated: September 5, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–22677 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–10571]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel HAWAIIAN WARRIOR.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before October 11, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–10571. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., E.T., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement:

(1) *Name of vessel and owner for which waiver is requested:* Name of vessel: HAWAIIAN WARRIOR. Owner: Morning Star Cruises, Inc.

(2) *Size, capacity and tonnage of vessel:* According to the applicant: ''Overall Length (L)=45ft; Overall Breadth (B)=14ft; Overall Depth (D)=4ft.''

(3) *Intended use for vessel, including geographic region of intended operation and trade:* According to the applicant:

The vessel is being used as a platform barge to conduct scuba diving and snorkeling activities.'' We plan to operate on the south-west shore of Oahu, Hawaii, not more than 1000 yards off shore.

(4) *Date and Place of construction and (if applicable) rebuilding:* Date of

construction: 1955. Place of construction: (owner thinks) Honolulu, Hawaii (but can't verify).

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators:* According to the applicant: ''This wavier will have no impact on other commercial operators as there are no other commercial operators within a 5 mile radius.''

(6) *A statement on the impact this waiver will have on U.S. shipyards:* According to the applicant: ''This wavier will have no impact on U.S. Shipyards. We do utilize Hawaii shipyards to do our dry docks.''

Dated: September 5, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–22678 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket Number: MARAD–2001–10573]

Requested Administrative Waiver of the Coastwise Trade Laws

AGENCY: Maritime Administration, Department of Transportation.

ACTION: Invitation for public comments on a requested administrative waiver of the Coastwise Trade Laws for the vessel MAÑANA.

SUMMARY: As authorized by Pub. L. 105–383, the Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to grant waivers of the U.S.-build requirement of the coastwise laws under certain circumstances. A request for such a waiver has been received by MARAD. The vessel, and a description of the proposed service, is listed below. Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines that in accordance with Pub. L. 105–383 and MARAD's regulations at 46 CFR Part 388 (65 FR 6905; February 11, 2000) that the issuance of the waiver will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels, a waiver will not be granted.

DATES: Submit comments on or before October 11, 2001.

ADDRESSES: Comments should refer to docket number MARAD–2001–10573. Written comments may be submitted by hand or by mail to the Docket Clerk, U.S. DOT Dockets, Room PL–401, Department of Transportation, 400 7th St., SW., Washington, DC 20590–0001. You may also send comments electronically via the Internet at http://dmses.dot.gov/submit/. All comments will become part of this docket and will be available for inspection and copying at the above address between 10 a.m. and 5 p.m., e.t., Monday through Friday, except federal holidays. An electronic version of this document and all documents entered into this docket is available on the World Wide Web at http://dms.dot.gov.

FOR FURTHER INFORMATION CONTACT: Kathleen Dunn, U.S. Department of Transportation, Maritime Administration, MAR–832 Room 7201, 400 Seventh Street, SW., Washington, DC 20590. Telephone 202–366–2307.

SUPPLEMENTARY INFORMATION: Title V of Pub. L. 105–383 provides authority to the Secretary of Transportation to administratively waive the U.S.-build requirements of the Jones Act, and other statutes, for small commercial passenger vessels (no more than 12 passengers). This authority has been delegated to the Maritime Administration per 49 CFR § 1.66, Delegations to the Maritime Administrator, as amended. By this notice, MARAD is publishing information on a vessel for which a request for a U.S.-build waiver has been received, and for which MARAD requests comments from interested parties. Comments should refer to the docket number of this notice and the vessel name in order for MARAD to properly consider the comments. Comments should also state the commenter's interest in the waiver application, and address the waiver criteria given in § 388.4 of MARAD'S regulations at 46 CFR Part 388.

Vessel Proposed for Waiver of the U.S.-build Requirement:

(1) *Name of vessel and owner for which waiver is requested:*

Name of vessel: MAÑANA. Owner: Mañana Services Inc.

(2) *Size, capacity and tonnage of vessel:* According to the applicant: ''Documented Length 41.8, Breadth 13.7, Depth 6.5: Gross Tons (per Certificate of Documentation): 24; Net Tons (per Certificate of Documentation: 19.

(3) *Intended use for vessel, including geographic region of intended operation and trade:* According to the applicant: ''Small boat handling training platform for use in the coastal waters of the Gulf of Mexico and Atlantic Ocean.''

(4) *Date and Place of construction and (if applicable) rebuilding:* Date of construction: 1985. Place of construction: Kaohsiung, Taiwan, ROC.

(5) *A statement on the impact this waiver will have on other commercial passenger vessel operators:* According to the applicant: ''As there are no other operators offering live aboard small boat handling training in our home waters, there is no known impact on other commercial operators.''

(6) *A statement on the impact this waiver will have on U.S. shipyards:* According to the applicant: ''The narrow appeal of our training classes (focused on professional people desirous of a cruising style retirement but who are lacking in sufficient boating experience to do so) makes the impact of our training classes on US shipyards negligible.''

Dated: September 5, 2001.

By Order of the Maritime Administrator.

Joel C. Richard,

Secretary, Maritime Administration.

[FR Doc. 01–22676 Filed 9–10–01; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

Release of Waybill Data

The Surface Transportation Board has received a request from Sidley Austin Brown & Wood on behalf of NCR Corporation and Appleton Papers Inc. (WB592—8/21/2001), for permission to use certain data from the Board's Carload Waybill Samples. A copy of the requests may be obtained from the Office of Economics, Environmental Analysis, and Administration.

The waybill sample contains confidential railroad and shipper data; therefore, if any parties object to these requests, they should file their objections with the Director of the Board's Office of Economics, Environmental Analysis, and Administration within 14 calendar days of the date of this notice. The rules for release of waybill data are codified at 49 CFR 1244.9.

For more information contact: James A. Nash, (202) 565–1542

Vernon A. Williams,

Secretary.

[FR Doc. 01–22636 Filed 9–10–01; 8:45 am]

BILLING CODE 4915–00–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34089]

Saginaw Valley Railway Company; Joint Relocation Project Exemption; Huron and Eastern Railway Company

On August 23, 2001, Saginaw Valley Railway Company, Inc. (Saginaw Valley) filed a notice of exemption under 49 CFR 1180.2(d)(5) to participate in a joint relocation project with the Huron and Eastern Railway Company, Inc. (Huron and Eastern). The transaction was scheduled to be consummated on or after August 30, 2001.

Saginaw Valley owns and operates over 55 miles of railroad in the State of Michigan (1) between Traveler, milepost 4.5, and Brown City, milepost 55.8, and (2) between Harger, milepost 4.6, and Richville, milepost 14.1 (Harger Line).

Huron and Eastern, owns and operates about 171 miles of railroad in the State of Michigan including (1) the main line between Saginaw, milepost 0.0, and the end of track at Croswell, milepost 108.3 (including Buena Vista, at milepost 3.0); and (2) branch lines between (a) Harger, milepost 4.6, and Denmark Junction, milepost 15, (b) Munger, milepost 100.6, and Millington, milepost 79.6, (c) Vassar, milepost 0.0, and Colling, milepost 22.1 (Vassar Sub), (d) Bad Axe, milepost 0.0, and Kinde, milepost 9.4, (e) Palms, milepost 82.4, and the end of the line via Ruth, milepost 8.69, and (f) Sandusky, milepost 0.66, and the main line between Deckerville and Carsonville.

According to Saginaw Valley, the sole purpose of its Harger Line has been to access the Central Michigan Railway Company (Central Michigan) interchange at Harger, at milepost 4.6. Saginaw Valley maintains that it has no customers on its Harger Line between milepost 4.6 and milepost 13.2 but that there is an active customer east of milepost 13.2 in Richville. Saginaw Valley points out that, because of the Harger Line's poor track condition, traffic routed west from Richville to Harger moves at speeds below 10 miles per hour. Further, Saginaw Valley states that some of its Central Michigan bound traffic originates on Saginaw Valley lines and some originates on Huron and Eastern lines. Much of this traffic currently has to move via the Vassar Sub from Reese, MI, to Denmark Junction, to Harger, and return to Reese, a trip that takes up to 5 hours due to the poor track conditions of the Harger Line.[1]

A new interchange with the Central Michigan has been established at Buena Vista.[2] Under the joint relocation project, Huron and Eastern will grant Saginaw Valley haulage rights over its line. The Saginaw Valley traffic that was interchanged to the Central Michigan via Harger will be rerouted east to Denmark Junction, then onto the Saginaw Valley, north to Reese, and west to the new Buena Vista interchange. Under the relocation project, Saginaw Valley originated traffic is expected to reach the interchange point with Central Michigan at least 2 hours faster and Huron and Eastern originated traffic is expected to reach the interchange point with Central Michigan up to 5 hours faster. Upon commencing hauling operations over the Huron and Eastern, Saginaw Valley will abandon service over its Harger Line between milepost 4.6 and milepost 13.2.

The proposed joint relocation project will not disrupt service to shippers. Saginaw Valley seeks to serve its customers more efficiently and at a lower cost and Huron and Eastern seeks to increase traffic density over the line that Saginaw Valley will use and revenue from the contribution to be made from the usage fees to be paid by Saginaw Valley.

The Board will exercise jurisdiction over the abandonment or construction components of a relocation project, and require separate approval or exemption, only where the removal of track affects service to shippers or the construction of new track involves expansion into new territory. *See City of Detroit* v. *Canadian National Ry. Co., et al.,* 9 I.C.C.2d 1208 (1993), *aff'd sub nom. Detroit/Wayne County Port Authority* v. *ICC,* 59 F.3d 1314 (D.C. Cir. 1995). Line relocation projects may embrace trackage rights transactions such as the one involved here. *See D.T.&I.R.—Trackage Rights,* 363 I.C.C. 878 (1981). Under these standards, the incidental abandonment, construction, and trackage rights components require no separate approval or exemption when the relocation project, as here, will not disrupt service to shippers and thus qualifies for the class exemption at 49 CFR 1180.2(d)(5).

As a condition to this exemption, any employees affected by the trackage rights will be protected by the conditions imposed in *Norfolk and Western Ry. Co.—Trackage Rights—BN,* 354 I.C.C. 605 (1978), as modified in *Mendocino Coast Ry., Inc.—Lease and Operate,* 360 I.C.C. 653 (1980).

If the notice contains false or misleading information, the exemption is void *ab initio.* Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring STB Finance Docket No. 34089, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Louis E. Gitomer, Esq., BALL JANIK LLP, 1455 F Street, NW., Suite 225, Washington, DC 20005.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: August 31, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–22634 Filed 9–10–01; 8:45 am]

BILLING CODE 4915–00–P

[1] Saginaw Valley notes that the majority of its traffic moving via Harger to the Central Michigan originates on the Huron and Eastern.

[2] According to the verified notice of exemption, Huron and Eastern also interchanges traffic to the Central Michigan. Huron and Eastern traffic that was previously interchanged at Harger to the Central Michigan will be interchanged to Central Michigan at Buena Vista.

DEPARTMENT OF THE TREASURY

Office of the Assistant Secretary for International Affairs

Survey of U.S. Ownership of Foreign Securities as of December 31, 2001

AGENCY: Departmental Offices, Department of the Treasury.

ACTION: Notice of reporting requirements.

SUMMARY: By this Notice, the Department of the Treasury is informing the public that it is conducting a mandatory survey of ownership of foreign securities by U.S. residents as of December 31, 2001. This Notice constitutes legal notification to all United States persons (defined below) who meet the reporting requirements set forth in this Notice that they must respond to, and comply with, this survey. United States persons who meet the reporting requirements but who do not receive a set of the survey forms and instructions should contact the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the

Treasury, at (212) 720–6300 to obtain a copy. Additional copies of the reporting forms and instructions may be printed from the Internet at: *http://www.treas.gov/tic/forms.htm*

Definition: A U.S. person is any individual, branch, partnership, associated group, association, estate, trust, corporation, or other organization (whether or not organized under the laws of any State), and any government (including a foreign government, the United States Government, a state, provincial, or local government, and any agency, corporation, financial institution, or other entity or instrumentality thereof, including a government-sponsored agency), who resides in the United States or is subject to the jurisdiction of the United States.

Who Must Report: The following U.S. persons must report on this survey:

- U.S. persons who manage, as custodians, the safekeeping of foreign securities for U.S. persons. These U.S. persons, who include the affiliates in the United States of foreign entities, must report on this survey if the total market value of the foreign securities whose safekeeping they manage on behalf of U.S. persons—aggregated over all accounts and for all branches and affiliates of their firm—is $100 million or more as of the close of business on December 31, 2001.
- U.S. persons who own foreign securities. These U.S. persons, who include the affiliates in the United States of foreign entities, must report on this survey if the total market value of these foreign securities—aggregated over all accounts and for all branches and affiliates of their firm—is $100 million or more as of the close of business on December 31, 2001.

What to Report: This report will collect information on U.S. resident holdings of foreign securities, including foreign equities, short-term debt securities (including selected money market instruments), and long-term debt securities.

How to Report: Copies of the survey forms and instructions, which contain complete information on reporting procedures, can be obtained by contacting the survey staff of the Federal Reserve Bank of New York at (212) 720–6300, e-mail: SHC.help@ny.frb.org. The mailing address is: Federal Reserve Bank of New York, Statistics Function, 4th Floor, 33 Liberty Street, New York, NY 10045–0001.

When to Report: Data should be submitted to the Federal Reserve Bank of New York, acting as fiscal agent for the Department of the Treasury, by February 15, 2002.

Paperwork Reduction Act Notice: This data collection has been approved by the Office of Management and Budget (OMB) in accordance with the Paperwork Reduction Act and assigned control number 1505–0146. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid control number assigned by OMB. The estimated average annual burden associated with this collection of information is 16 hours per respondent for exempt reporters, 40 hours per respondent reporting U.S. resident custodian information on Schedule 3, 120 hours per U.S. resident investor providing detailed information on Schedule 2, and 360 hours per U.S. resident custodian reporting detailed information on Schedule 2. Comments concerning the accuracy of this burden estimate and suggestions for reducing this burden should be directed to the Department of the Treasury, Attention Administrator, International Portfolio Investment Data Systems, Room 5205 MT, Washington, D.C. 20220, and to OMB, Attention Desk Officer for the Department of the Treasury, Office of Information and Regulatory Affairs, Washington, D.C. 20503.

Dated: September 6, 2001.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Reporting Systems (202) 622–1276; e-mail: dwight,wolkow@do.treas.gov.

[FR Doc. 01–22804 Filed 9–10–01; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[REG–106012–98]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, REG–106012–98 (TD 8936), Definition of Contribution in Aid of Construction Under Section 118(c)(§ 1.118–2).

DATES: Written comments should be received on or before November 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Definition of Contribution in Aid of Construction Under Section 118(c).

OMB Number: 1545–1639.

Regulation Project Number: REG–106012–98.

Abstract: This regulation provides guidance with respect to section 118(c), which provides that a contribution in aid of construction received by a regulated public water or sewage utility is treated as a contribution to the capital of the utility and excluded from gross income.

Current Actions: There is no change to these existing regulations.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 300.

Estimated Average Time Per Respondent: 1 hour.

Estimated Total Annual Reporting Hours: 300.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the

agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: August 30, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–22799 Filed 9–10–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on Former Prisoners of War; Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under Public Law 92–463 that a meeting of the Advisory Committee on Former Prisoners of War will be held on October 22–24, 2001, at the James A. Haley VA Medical Center, 13000 Bruce B. Downs Blvd., Bldg. 32, Room 101, Tampa, FL 33612. Each day the meeting will convene at 9:00 a.m. and end at 4:30 p.m. The meeting is open to the public.

The purpose of the committee is to advise the Secretary of Veterans Affairs on the administration of benefits under Title 38, United States Code, for veterans who are former prisoners of war, and to make recommendations on the needs of such veterans for compensation, health care and rehabilitation.

The agenda for October 22 will begin with an introduction of committee members and dignitaries, a review of Committee reports, an update of activities since the last meeting, and a period for POW veterans and/or the public to address the committee. The Committee will also discuss future plans for the VA POW Learning Seminars, and conclude with a report from the Special Panel on Presumptive Conditions. The agenda on October 23 will include a report on VA's Compensation and Pension Service activities, a discussion of VA's approval process for presumptive conditions, and a report on the activities of the Veterans Health Administration. The committee will also take up consideration of priority for POWs in Long-Term Health Care programs, and hear a report from the National Institute of Health Agency Follow-up on Morbidity and Mortality in Heart Disease and Stroke among former POWs. The session will conclude with a report from the Robert E. Mitchell Center for Prisoner of War Studies, followed by a general discussion. On October 24, the Committee's Medical and Administrative subcommittees will break out to discuss their activities and report back to the Committee.

Additionally, the Committee will review and analyze the comments discussed throughout the meeting for the purpose of assisting and compiling a final report to be sent to the Secretary.

Members of the public may direct questions or submit prepared statements for review by the Committee in advance of the meeting, in writing only, to Mr. Ronald J. Henke, Director, Compensation and Pension Service (21), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420. Submitted materials must be received by October 8, 2001. A report of the meeting and roster of Committee members may be obtained from Mr. Henke.

Dated: August 31, 2001.

By Direction of the Secretary.

Nora E. Egan,

Committee Management Officer.

[FR Doc. 01–22695 Filed 9–10–01; 8:45 am]

BILLING CODE 8320–01–M

DEPARTMENT OF VETERANS AFFAIRS

Nursing Research Initiative Subcommittee of the Scientific Review and Evaluation Board for Health Services Research and Development Service; Notice of Meeting

The Department of Veterans Affairs, Veterans Health Administration, gives notice under Pub. L. 92–463, that a meeting of the Nursing Research Initiative Subcommittee of the Scientific Review and Evaluation Board for Health Services Research and Development Service will be held at the Madison Hotel, 15th Street, NW., Washington, DC, on Tuesday, September 11, 2001, from 9:00 a.m. until 5:00 p.m. The purpose of the meeting is to review nursing research applications that identify effective methods for improving, maintaining, and/or preventing decline in the functional status of patients; develop and test models that integrate patient care delivery and enhance health outcomes; and improve patient care. Applications are reviewed for scientific and technical merit. Recommendations regarding funding are prepared for the Chief Research and Development Officer.

This meeting will be open to the public at the start of the September 11 session for approximately one-half hour to cover administrative matters and to discuss the general status of the program. The closed portion of the meeting involves discussion, examination, reference to, and oral review of staff and consultant critiques of research protocols and similar documents. During this portion of the meeting, discussion and recommendations will include qualifications of the personnel conducting the studies (the disclosure of which would constitute a clearly unwarranted invasion of personal privacy), as well as research information (the premature disclosure of which would be likely to frustrate significantly implementation of proposed agency action regarding such research projects). As provided by the subsection 10(d) of Pub. L. 92–463, as amended by Pub. L. 94–409, closing portions of these meetings is in accordance with 5 U.S.C. 552b(c)(6) and (9)(B).

Those who plan to attend the open session should contact Ms. Martha R. Bryan, Review Program Manager, Health Services Research and Development Service (124F), Department of Veterans Affairs, 1400 I Street, NW., Suite 780, Washington, DC, prior to the meeting. For further information, call (202) 408–3661.

Dated: August 31, 2001.

By Direction of the Secretary.

Nora E. Egan,

Committee Management Officer.

[FR Doc. 01–22696 Filed 9–10–01; 8:45 am]

BILLING CODE 8320–01–M

Federal Register

Tuesday,
September 11, 2001

Part II

Department of Housing and Urban Development

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for Section 42 of the Internal Revenue Code of 1986; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4401–N–05]

Statutorily Mandated Designation of Difficult Development Areas and Qualified Census Tracts for Section 42 of the Internal Revenue Code of 1986

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: This document designates ''Difficult Development Areas'' and ''Qualified Census Tracts'' for purposes of the Low-Income Housing Tax Credit (''LIHTC'') under section 42 of the Internal Revenue Code of 1986 (''the Code''). The United States Department of Housing and Urban Development (''HUD'') makes new Difficult Development Area designations annually and makes Qualified Census Tract Designations at this time due to changes in section 42 of the Code enacted in the Community Renewal Tax Relief Act of 2000 (''CRTRA'').

FOR FURTHER INFORMATION CONTACT: For questions on how areas are designated and on geographic definitions: Steven Ehrlich, Economist, Division of Economic Development and Public Finance, Office of Policy Development and Research, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–0426, e-mail Steven_R._Ehrlich@hud.gov. For specific legal questions pertaining to section 42 and this notice: Harold J. Gross, Senior Tax Attorney, Office of the General Counsel, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410, telephone (202) 708–3260, e-mail JERRY_GROSS@hud.gov. For questions about the ''HUBZones'' program: Michael P. McHale, Assistant Administrator for Procurement Policy, Office of Government Contracting, Suite 8800, Small Business Administration, 409 Third Street, SW., Washington, DC 20416, telephone (202) 205–6731, fax (202) 205–7324, e-mail michael.mchale@sba.gov. A text telephone is available for persons with hearing or speech impairments at (202) 708–9300. (These are not toll-free telephone numbers.) Additional copies of this notice are available through HUD User at (800) 245–2691 for a small fee to cover duplication and mailing costs.

Copies Available Electronically: This notice and additional information about Difficult Development Areas and Qualified Census Tracts are available electronically on the Internet (World Wide Web) at http://www.huduser.org/datasets/qct.html.

SUPPLEMENTARY INFORMATION:

This Document

The designations of Difficult Development Areas in this Notice are based on FY 2001 Fair Market Rents (''FMRs''), FY 2001 income limits and 2000 Census population counts as explained below. The designations of Qualified Census Tracts in this notice are based on 1990 Census data.

2000 Census

Data from the 2000 Census on total population of metropolitan areas and nonmetropolitan counties are used in the designation of Difficult Development Areas. Data from the 2000 Census necessary to make Qualified Census Tract designations have not been released in their entirety by the Census Bureau. It is anticipated that all of the 2000 Census data necessary to make Qualified Census Tract designations will be released in time to publish new designations in September 2002 for effect in 2003.

Background

The U.S. Treasury Department and the Internal Revenue Service thereof are authorized to interpret and enforce the provisions of the Internal Revenue Code of 1986 (the ''Code''), including the Low-Income Housing Tax Credit (''LIHTC'') found at section 42 of the Code (26 U.S.C. 42) as amended. The Secretary of HUD is required to designate Difficult Development Areas and Qualified Census Tracts by section 42(d)(5)(C) of the Code.

In order to assist in understanding HUD's mandated designation of Difficult Development Areas and Qualified Census Tracts for use in administering section 42 of the Code, a summary of section 42 is provided. The following summary does not purport to bind the Treasury or the IRS in any way, nor does it purport to bind HUD, as HUD has no authority to interpret or administer the Code, except in those instances where it has a specific delegation.

Summary of Low Income Housing Tax Credit

The LIHTC is a tax incentive intended to increase the availability of low-income housing. Section 42 provides an income tax credit to owners of newly constructed or substantially rehabilitated low-income rental housing projects. The dollar amount of the LIHTC available for allocation by each state (the ''credit ceiling'') is limited by population. Each state is allocated credit based on a statutory formula indicated at section 42(h)(3). States may carry forward unused or returned credit derived from the credit ceiling for one year; if not used by then, credit goes into a national pool to be allocated to states as additional credit. State and local housing agencies allocate the state's credit ceiling among low-income housing buildings whose owners have applied for the credit. Besides section 42 credits derived from the credit ceiling, States may also provide section 42 credits to owners of buildings based upon the percentage of certain building costs financed by tax-exempt bond proceeds. Credits provided under the tax-exempt bond ''volume cap'' do not reduce the credit available from the credit ceiling.

The credit allocated to a building is based on the cost of units placed in service as low-income units under certain minimum occupancy and maximum rent criteria. In general, a building must meet one of two thresholds to be eligible for the LIHTC: either 20 percent of units must be rent-restricted and occupied by tenants with incomes no higher than 50 percent of the Area Median Gross Income (''AMGI''), or 40 percent of units must be rent restricted and occupied by tenants with incomes no higher than 60 percent of AMGI. The term ''rent-restricted'' means that gross rent, including an allowance for utilities, cannot exceed 30 percent of the tenant's imputed income limitation (i.e., 50 percent or 60 percent of AMGI). The rent and occupancy thresholds remain in effect for at least 15 years, and building owners are required to enter into agreements to maintain the low income character of the building for at least an additional 15 years.

The LIHTC reduces income tax liability dollar for dollar. It is taken annually for a term of ten years and is intended to yield a present value of either (1) 70 percent of the ''qualified basis'' for new construction or substantial rehabilitation expenditures that are not federally subsidized (i.e., financed with tax-exempt bonds or below-market federal loans), or (2) 30 percent of the qualified basis for the cost of acquiring certain existing projects or projects that are federally subsidized. The actual credit rates are adjusted monthly for projects placed in service after 1987 under procedures specified in section 42. Individuals can use the credit up to a deduction equivalent of $25,000. This equals $9,900 at the 39.6 percent maximum marginal tax rate. Individuals cannot use the credit against the alternative minimum tax. Corporations, other than S or personal service corporations, can use the credit against ordinary income tax. They

cannot use the credit against the alternative minimum tax. These corporations can also deduct the losses from the project.

The qualified basis represents the product of the ''applicable fraction'' of the building and the ''eligible basis'' of the building. The applicable fraction is based on the number of low income units in the building as a percentage of the total number of units, or based on the floor space of low income units as a percentage of the total floor space of residential units in the building. The eligible basis is the adjusted basis attributable to acquisition, rehabilitation, or new construction costs (depending on the type of LIHTC involved). These costs include amounts chargeable to capital account incurred prior to the end of the first taxable year in which the qualified low income building is placed in service or, at the election of the taxpayer, the end of the succeeding taxable year. In the case of buildings located in designated Qualified Census Tracts or designated Difficult Development Areas, eligible basis can be increased up to 130 percent of what it would otherwise be. This means that the available credit also can be increased by up to 30 percent. For example, if the 70 percent credit is available, it effectively could be increased up to 91 percent.

Section 42 of the Code defines a Difficult Development Area as any area designated by the Secretary of HUD as an area that has high construction, land, and utility costs relative to the AMGI. All designated Difficult Development Areas in MSAs/PMSAs may not contain more than 20 percent of the aggregate population of all MSAs/PMSAs, and all designated areas not in metropolitan areas may not contain more than 20 percent of the aggregate population of all non-metropolitan counties.

Under section 42(d)(5)(C) of the Code, a Qualified Census Tract is any census tract (or equivalent geographic area defined by the Bureau of the Census) in which at least 50 percent of households have an income less than 60 percent of the AMGI or, as amended by the Community Renewal Tax Relief Act of 2000, where the poverty rate is at least 25 percent. There is a limit on the number of Qualified Census Tracts in any Metropolitan Statistical Area (''MSA'') or Primary Metropolitan Statistical Area (''PMSA'') that may be designated to receive an increase in eligible basis: all of the designated census tracts within a given MSA/PMSA may not together contain more than 20 percent of the total population of the MSA/PMSA. For purposes of HUD designations of Qualified Census Tracts, all non-metropolitan areas in a state are treated as if they constituted a single metropolitan area.

Explanation of HUD Designation Methodology

A. Qualified Census Tracts

In developing this list of LIHTC Qualified Census Tracts, HUD used 1990 Census data and the MSA/PMSA definitions established by the Office of Management and Budget (''OMB'') in OMB Bulletin No. 99–04 on June 30, 1999. Beginning with the 1990 census, tract-level data are available for the entire country. Generally, in metropolitan areas these geographic divisions are called census tracts while in most non-metropolitan areas the equivalent nomenclature is Block Numbering Area (''BNA''). BNAs are treated as census tracts for the purposes of this Notice.

The LIHTC Qualified Census Tracts were determined as follows:

1. A census tract must have 50 percent of its households with incomes below 60 percent of the AMGI or have a poverty rate of 25 percent or more to be ''eligible.'' HUD has defined 60 percent of AMGI as 120 percent of HUD's Very Low Income Limits (VLILs) 1990 Census benchmarks, which are based on 50 percent of area median family income. The 1990 income benchmarks are used because they match the 1990 Census tract-level income data.

2. For each census tract, the percentage of households below the 60 percent income standard (the ''income criterion'') was determined by (a) calculating the average household size of the census tract, (b) applying the income standard after adjusting it to match the average household size, and (c) calculating the number of households with incomes below the income standard.

3. For each census tract, the poverty rate was determined by dividing the population with incomes below poverty by the population for whom poverty status has been determined.

4. Qualified Census Tracts are those in which 50 percent or more of the households meet the income criterion or 25 percent or more of the population is in poverty such that the population of all census tracts that satisfy either one or both of these criteria does not exceed 20 percent of the total population of the respective area.

5. In areas where more than 20 percent of the population resides in eligible census tracts, one of two procedures is followed.

a. If more than 20 percent of the population resides in census tracts eligible by the income criterion, eligible census tracts are ordered from the highest percentage of eligible households to the lowest. Starting with the highest percentage, census tracts are included until the 20 percent limit is exceeded. If a census tract is excluded because it raises the percentage above 20 percent, then subsequent census tracts are considered to determine if one or more census tract(s) with smaller population(s) could be included without exceeding the 20 percent limit. No census tracts eligible solely by their poverty rates are designated in these areas.

b. If less than 20 percent of the population resides in census tracts eligible by the income criterion, census tracts eligible solely by their poverty rates are ordered from the highest poverty rate to the lowest. Starting with the highest poverty rate, census tracts are included until the 20 percent limit is exceeded. If a census tract is excluded because it raises the percentage above 20 percent, then subsequent census tracts are considered to determine if one or more census tract(s) with smaller population(s) could be included without exceeding the 20 percent limit.

B. Difficult Development Areas

In developing the list of Difficult Development Areas, HUD compared incomes with housing costs. HUD used 2000 Census population data and the MSA/PMSA definitions as published by the Office of Management and Budget in OMB Bulletin No. 99–04 on June 30, 1999, with the exceptions described in section D., below. The basis for these comparisons was the fiscal year (''FY'') 2001 HUD income limits for Very Low Income households and Fair Market Rents (''FMRs'') used for the section 8 Housing Assistance Payments program. The procedure used in making the Difficult Development Area calculations follows:

1. For each MSA/PMSA and each non-metropolitan county, a ratio was calculated. This calculation used the FY 2001 two-bedroom FMR and the FY 2001 four-person VLIL.

a. The numerator of the ratio was the area's FY 2001 FMR. In general the FMR is based on the 40th percentile rent paid by recent movers for a two-bedroom apartment. In metropolitan areas granted a FMR based on the 50th percentile rent for purposes of improving the administration of HUD's Housing Choice Voucher program (see 66 FR 162) the 40th percentile rent is used for nationwide consistency of comparisons.

b. The denominator of the ratio was the monthly LIHTC income-based rent

limit calculated as 1/12 of 30 percent of 120 percent of the area's VLIL (where 120 percent of the VLIL was rounded to the nearest $50 and not allowed to exceed 80 percent of the AMGI in areas where the VLIL is adjusted upward from its 50 percent of AMGI base).

2. The ratios of the FMR to the LIHTC income-based rent limit were arrayed in descending order, separately, for MSAs/PMSAs and for non-metropolitan counties.

3. The Difficult Development Areas are those with the highest ratios cumulative to 20 percent of the 2000 population of all metropolitan areas and of all non-metropolitan counties.

C. Application of Population Caps to Difficult Development Area Determinations

In identifying Difficult Development Areas and Qualified Census Tracts, HUD applied various caps, or limitations, as noted above. The cumulative population of metropolitan Difficult Development Areas cannot exceed 20 percent of the cumulative population of all metropolitan areas and the cumulative population of nonmetropolitan Difficult Development Areas cannot exceed 20 percent of the cumulative population of all nonmetropolitan counties.

In applying these caps, HUD established procedures to deal with how to treat small overruns of the caps. The remainder of this section explains the procedure. In general, HUD stops selecting areas when it is impossible to choose another area without exceeding the applicable cap. The only exceptions to this policy are when the next eligible excluded area contains either a large absolute population or a large percentage of the total population, or the next excluded area's ranking ratio as described above was identical (to four decimal places) to the last area selected, and its inclusion resulted in only a minor overrun of the cap. Thus for both the designated metropolitan and nonmetropolitan Difficult Development Areas there may be a minimal overrun of the cap. HUD believes the designation of these additional areas is consistent with the intent of the legislation. Some latitude is justifiable because it is impossible to determine whether the 20 percent cap has been exceeded, as long as the apparent excess is small, due to measurement error. Despite the care and effort involved in a decennial census, it is recognized by the Census Bureau, and all users of the data, that the population counts for a given area and for the entire country are not precise. The extent of the measurement error is unknown. Thus, there can be errors in both the numerator and denominator of the ratio of populations used in applying a 20 percent cap. In circumstances where a strict application of a 20 percent cap results in an anomalous situation, recognition of the unavoidable imprecision in the census data justifies accepting small variances above the 20 percent limit.

D. Exceptions to OMB Definitions of MSAs/PMSAs and Other Geographic Matters

As stated in OMB Bulletin 99–04 defining metropolitan areas:

> OMB establishes and maintains the definitions of the [Metropolitan Areas] solely for statistical purposes * * * OMB does not take into account or attempt to anticipate any nonstatistical uses that may be made of the definitions * * * We recognize that some legislation specifies the use of metropolitan areas for programmatic purposes, including allocating Federal funds.

HUD makes exceptions to OMB definitions in calculating FMRs by deleting counties from metropolitan areas whose OMB definitions are determined by HUD to be larger than their housing market areas.

The following counties are assigned their own FMRs and VLILs and evaluated as if they were separate metropolitan areas for purposes of designating Difficult Development Areas.

Metropolitan Area and Counties Deleted

Chicago, IL: DeKalb, Grundy, and Kendall Counties.
Cincinnati-Hamilton, OH-KY-IN: Brown County, Ohio; Gallatin, Grant, and Pendleton Counties, Kentucky; and Ohio County, Indiana.
Dallas, TX: Henderson County.
Flagstaff, AZ-UT: Kane County, Utah.
New Orleans, LA: St. James Parish.
Washington, DC-MD-VA-WV: Clarke, Culpeper, King George, and Warren Counties, Virginia; and Berkely and Jefferson Counties, West Virginia.

Affected MSAs/PMSAs are assigned the indicator ''(part)'' in the list of Metropolitan Difficult Development Areas. Any of the excluded counties designated as difficult development areas separately from their metropolitan areas are designated by the county name.

In the New England states (Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont) OMB defines MSAs/PMSAs according to county subdivisions or Minor Civil Divisions (''MCDs'') rather than county boundaries. Thus, when a New England county is designated as a Nonmetropolitan Difficult Development Area, only that part of the county (the group of MCDs) not included in any MSA/PMSA is the Nonmetropolitan Difficult Development Area. Affected counties are assigned the indicator ''(part)'' in the list of Nonmetropolitan Difficult Development Areas. Also in the New England States, census tracts may be cut by MSA/PMSA boundaries. Only those LIHTC projects located in the part of the tract in the listed MSA/PMSA or nonmetropolitan area may be allowed the increase in basis. Affected tracts are marked with an asterisk (*) in the list of Qualified Census Tracts

For the convenience of readers of this notice, the geographic definitions of designated Metropolitan Difficult Development Areas and the MCDs included in Nonmetropolitan Difficult Development Areas in the New England states are included in the list of Difficult Development Areas.

Certain nonmetropolitan county equivalent areas in Alaska for which FMRs and VLILs are calculated and thus form the basis of Difficult Development Area designations are no longer recognized as geographic entities by the Census Bureau. Therefore, no 2000 Census population counts are produced for these areas. HUD estimates the 2000 population of these areas as follows:

1. The 2000 Population of Denali Borough (1,893) was allocated entirely to the Yukon-Koyukuk Census Area. The part of Denali Borough created from the Southeast Fairbanks Census Area was deemed uninhabited after examination of Census Block data for the area of Denali Borough formerly in the Southeast Fairbanks Census Area.

2. The population of Yakutat City and Borough (808) was allocated to the former Skagway-Yakutat-Angoon Census Area (680) and the Valdez-Cordova Census Area (128). The populations of Yakutat City and Borough Census Blocks located east of 141° longitude were allocated to the Skagway-Yakutat-Angoon Census Area. The populations of Yakutat City and Borough Census Blocks located west of 141° longitude were allocated to the Valdez-Cordova Census Area.

Future Designations

Difficult Development Areas are designated annually as updated income and FMR data become available. Qualified Census Tracts will be redesignated next year when data from the 2000 Census become available.

Effective Date

The list of Difficult Development Areas and the list of Qualified Census Tracts is effective for allocations of credit made after December 31, 2001. In the case of a building described in

section 42(h)(4)(B) of the Code, the list is effective if the bonds are issued and the building is placed in service after December 31, 2001.

Interpretive Examples for Effective Date

For the convenience of readers of this Notice, interpretive examples are provided below to illustrate the consequences of the effective date in areas that gain or lose Difficult Development Area status with respect to projects described in section 42(h)(4)(B) of the Code. The examples are equally applicable to Qualified Census Tract designations.

Case A

Project ''A'' is located in a newly-designated 2002 Difficult Development Area. Bonds are issued for Project ''A'' on November 1, 2001, and Project ''A'' is placed in service March 1, 2002. Project ''A'' IS NOT eligible for the increase in basis otherwise accorded a project in this location because the bonds were issued BEFORE January 1, 2002.

Case B

Project ''B'' is located in a newly-designated 2002 Difficult Development Area. Project ''B'' is placed in service November 15, 2001. The bonds which will support the permanent financing of Project ''B'' are issued January 15, 2002. Project ''B'' IS NOT eligible for the increase in basis otherwise accorded a project in this location because the project was placed in service BEFORE January 1, 2002.

Case C

Project ''C'' is located in an area which is a Difficult Development Area in 2001, but IS NOT a Difficult Development Area in 2002. Bonds are issued for Project ''C'' on October 30, 2001, but Project ''C'' is not placed in service until March 30, 2002. Project ''C'' is eligible for the increase in basis available to projects located in 2001 Difficult Development Areas because the first of the two events necessary for triggering the effective date for buildings described in section 42(h)(4)(B) of the Code (the two events being bonds issued and buildings placed in service) took place on October 30, 2001, a time when project ''C'' was located in a Difficult Development Area.

Other Matters

Environmental Impact

In accordance with 40 CFR 1508.4 of the CEQ regulations and 24 CFR 50.19(c)(6) of the HUD regulations, the policies and procedures contained in this notice provide for the establishment of fiscal requirements or procedures which do not constitute a development decision that affects the physical condition of specific project areas or building sites and therefore, are categorically excluded from the requirements of the National Environmental Policy Act, except for extraordinary circumstances, and no FONSI is required.

Regulatory Flexibility Act

In accordance with 5 U.S.C. section 605(b) (the Regulatory Flexibility Act), the undersigned hereby certifies that this notice does not have a significant economic impact on a substantial number of small entities. The notice involves the designation of ''Difficult Development Areas'' and ''Qualified Census Tracts'' as required by section 42 of the Code, as amended, for use by political subdivisions of the States in allocating the Low-Income Housing Tax Credit. This notice places no new requirements on the States, their political subdivisions, or the applicants for the credit. This notice also details the technical methodology used in making such designations.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits, to the extent practicable and permitted by law, an agency from promulgating policies that have federalism implications and either impose substantial direct compliance costs on State and local governments and are not required by statute, or preempt State law, unless the relevant requirements of section 6 of the Executive Order are met. As a result, the notice is not subject to review under the order. The notice merely designates ''DifficultDevelopment Areas'' and ''Qualified Census Tracts'' as required under section 42 of the Internal Revenue Code, as amended, for the use by political subdivisions of the States in allocating the Low-Income Housing Tax Credit. The notice also details the technical methodology used in making such designations.

Dated: August 30, 2001.

Mel Martinez,

Secretary.

BILLING CODE 4210–62–P

2002 Internal Revenue Code Section 42(d)(5)(C) Metropolitan Difficult Development Areas

STATE	METROPOLITAN AREA and Components	METROPOLITAN AREA and Components	METROPOLITAN AREA and Components	METROPOLITAN AREA and Components
AZ	YUMA, AZ Yuma County			
CA	CHICO-PARADISE, CA Butte County	LOS ANGELES-LONG BEACH, CA Los Angeles County	MERCED, CA Merced County	OAKLAND, CA Alameda County Contra Costa County
	SALINAS, CA Monterey County	SAN DIEGO, CA San Diego County	SAN FRANCISCO, CA San Francisco County Marin County San Mateo County	SAN JOSE, CA Santa Clara County
	SAN LUIS OBISPO-ATASCADERO-PASO ROBLES, CA San Luis Obispo County	SANTA BARBARA-SANTA MARIA-LOMPOC, CA Santa Barbara County	SANTA CRUZ-WATSONVILLE, CA Santa Cruz County	SANTA ROSA, CA Sonoma County
	VALLEJO-FAIRFIELD-NAPA, CA Napa County Solano County			
CO	GREELEY, CO Weld County			
FL	MIAMI, FL Dade County	PUNTA GORDA, FL Charlotte County		
ME	PORTLAND, ME Buxton town, Cumberland town, Gorham town, Limington town, Old Orchard Beach town, Scarborough town, Standish town, Windham town Cape Elizabeth town, Falmouth town, Gray town, Long Island town, Portland city, South Portland city, Westbrook city, Yarmouth town Casco town, Freeport town, Hollis town, North Yarmouth town, Raymond town			
MA	BARNSTABLE-YARMOUTH, MA Barnstable city, Harwich town Brewster town, Mashpee town Chatham town, Orleans town Dennis town, Sandwich town Eastham town, Yarmouth town	BOSTON, MA-NH Berkley town, Rowley town, Hudson town, Waltham city, Needham town, Plymouth town Dighton town, Salem city, Lexington town, Watertown city, Norfolk town, Rockland town Mansfield town, Salisbury town, Lincoln town, Wayland town, Norwood town, Scituate town Norton town, Saugus town, Littleton town, Weston town, Plainville town, Wareham town Taunton city, Swampscott town, Malden city, Wilmington town, Quincy city, Boston city Amesbury town, Topsfield town, Marlborough city, Winchester town, Randolph town, Chelsea city Beverly city, Wenham town, Maynard town, Woburn city, Sharon town, Revere city Danvers town, Acton town, Medford city, Bellingham town, Stoughton town, Winthrop town Essex town, Arlington town, Melrose city, Braintree town, Walpole town, Berlin town Gloucester city, Ashland town, Natick town, Brookline town, Westwood town, Blackstone town Hamilton town, Ayer town, Newton city, Canton town, Weymouth town, Bolton town Ipswich town, Belmont town, North Reading town, Cohasset town, Wrentham town, Harvard town Lynn city, Boxborough town, Reading town, Dedham town, Carver town, Hopedale town Lynnfield town, Burlington town, Sherborn town, Dover town, Duxbury town, Lancaster town Manchester-by-the-Sea, Cambridge city, Shirley town, Foxborough town, Hanover town, Mendon town Marblehead town, Carlisle town, Somerville city, Franklin city, Hingham town, Milford town Middleton town, Concord town, Stoneham town, Holbrook town, Hull town, Millville town Nahant town, Everett city, Stow town, Medfield town, Kingston town, Southborough town Newbury town, Framingham town, Sudbury town, Medway town, Marshfield town, Upton town Newburyport city, Holliston town, Townsend town, Millis town, Norwell town, Seabrook town, NH Peabody city, Hopkinton town, Wakefield town, Milton town, Pembroke town, South Hampton town, NH Rockport town		

2002 Internal Revenue Code Section 42(d)(5)(C) Metropolitan Difficult Development Areas

STATE	METROPOLITAN AREA and Components	METROPOLITAN AREA and Components	METROPOLITAN AREA and Components	METROPOLITAN AREA and Components
NJ	ATLANTIC-CAPE MAY, NJ Atlantic County Cape May County	JERSEY CITY, NJ Hudson County	MONMOUTH-OCEAN, NJ Monmouth County Ocean County	VINELAND-MILLVILLE-BRIDGETON, NJ Cumberland County
NY	DUTCHESS COUNTY, NY Duchess County	NASSAU-SUFFOLK, NY Nassau County Suffolk County	NEW YORK, NY Bronx County New York County Queens County Rockland County Kings County Putnam County Richmond County Westchester County	
OR	EUGENE-SPRINGFIELD, OR Lane County	MEDFORD-ASHLAND, OR Jackson County		
PA	STATE COLLEGE, PA Centre County			
PR	AGUADILLA, PR Aguada Municipio Aguadilla Municipio Moca Municipio	CAGUAS, PR Caguas Municipio Gurabo Municipio Cayey Municipio San Lorenzo Mun. Cidra Municipio	MAYAGUEZ, PR Anasco Municipio Mayaguez Municipio Cabo Rojo Mun. Sabana Grande Mu. Hormigueros Mun. San German Mun.	SAN JUAN-BAYAMON, PR Aguas Buenas Mu. Corozal Municipio Barceloneta Mun. Dorado Municipio Bayamon Mun. Fajardo Municipio Canovanas Mun. Florida Municipio Carolina Municipio Guaynabo Municipio San Juan Mun. Humacao Municipio Toa Alta Municipio Juncos Municipio Toa Baja Mun. Las Piedras Mun. Trujillo Alto Mun. Loiza Municipio Vega Alta Mun. Luquillo Municipio Vega Baja Mun. Manati Municipio Yabucoa Municipio Morovis Municipio Catano Municipio Naguabo Municipio Ceiba Municipio Naranjito Municipio Comerio Municipio Rio Grande Municipio
TX	EL PASO, TX El Paso County			
VT	BURLINGTON, VT Burlington city Essex town Grand Isle town Milton town South Burlington city St. Albans city St. George town Williston town Charlotte town Fairfax town Hinesburg town Richmond town South Hero town St. Albans town Swanton town Winooski city Colchester town Georgia town Jericho town Shelburne town			

2002 IRC Section 42(d)(5)(C) Nonmetropolitan Difficult Development Areas

STATE	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT
AK	ALEUTIANS EAST BOROUGH	BETHEL CENSUS AREA	DILLINGHAM CENSUS AREA	FAIRBANKS NORTH STAR BOROUGH
	HAINES BOROUGH	JUNEAU BOROUGH	KENAI PENINSULA BOROUGH	KETCHIKAN GATEWAY BOROUGH
	KODIAK ISLAND BOROUGH	LAKE AND PENINSULA BOROUGH	MATANUSKA-SUSITNA BOROUGH	NOME CENSUS AREA
	NORTH SLOPE BOROUGH	NORTHWEST ARCTIC BOROUGH	PRINCE OF WALES-OUTER KETCHIKAN CENSUS AREA	SITKA BOROUGH
	VALDEZ-CORDOVA CENSUS AREA	WADE HAMPTON CENSUS AREA	WRANGELL-PETERSBURG CENSUS AREA	YUKON-KOYUKUK CENSUS AREA
AZ	APACHE COUNTY	COCHISE COUNTY	GILA COUNTY	GRAHAM COUNTY
	LA PAZ COUNTY	NAVAJO COUNTY	SANTA CRUZ COUNTY	YAVAPAI COUNTY
AR	BAXTER COUNTY	DREW COUNTY		
CA	ALPINE COUNTY	AMADOR COUNTY	CALAVERAS COUNTY	COLUSA COUNTY
	DEL NORTE COUNTY	GLENN COUNTY	HUMBOLDT COUNTY	IMPERIAL COUNTY
	INYO COUNTY	KINGS COUNTY	LAKE COUNTY	LASSEN COUNTY
	MARIPOSA COUNTY	MENDOCINO COUNTY	MODOC COUNTY	MONO COUNTY
	NEVADA COUNTY	PLUMAS COUNTY	SAN BENITO COUNTY	SIERRA COUNTY
	SISKIYOU COUNTY	TEHAMA COUNTY	TRINITY COUNTY	TUOLUMNE COUNTY
CO	ARCHULETA COUNTY	GARFIELD COUNTY	GRAND COUNTY	LA PLATA COUNTY
	PITKIN COUNTY	SAN MIGUEL COUNTY		
CT	LITCHFIELD COUNTY (part) Canaan town, Kent town, Norfolk town, Sharon town Colebrook town, Litchfield town, North Canaan town, Torrington town Cornwall town, Morris town, Salisbury town, Warren town Goshen town		MIDDLESEX COUNTY (part) Chester town, Essex town Deep River town, Westbrook town	NEW LONDON COUNTY (part) Lyme town, Volunton town
DE	SUSSEX COUNTY			
FL	CALHOUN COUNTY	CITRUS COUNTY	DESOTO COUNTY	DIXIE COUNTY
	FRANKLIN COUNTY	GILCHRIST COUNTY	GLADES COUNTY	GULF COUNTY
	HAMILTON COUNTY	HARDEE COUNTY	HENDRY COUNTY	HIGHLANDS COUNTY
	HOLMES COUNTY	INDIAN RIVER COUNTY	JACKSON COUNTY	JEFFERSON COUNTY
	LAFAYETTE COUNTY	LEVY COUNTY	MADISON COUNTY	MONROE COUNTY
	OKEECHOBEE COUNTY	PUTNAM COUNTY	SUMTER COUNTY	SUWANNEE COUNTY
	TAYLOR COUNTY	WASHINGTON COUNTY		
HI	HAWAII COUNTY	KAUAI COUNTY	MAUI COUNTY	
ID	BONNER COUNTY	KOOTENAI COUNTY		
KY	HARLAN COUNTY	KNOX COUNTY	LAUREL COUNTY	
LA	NATCHITOCHES PARISH	WEST FELICIANA PARISH		

2002 IRC Section 42(d)(5)(C) Nonmetropolitan Difficult Development Areas

STATE	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT
ME	ANDROSCOGGIN COUNTY (part) Durham town Leeds town Livermore town Livermore Falls town Minot town	AROOSTOOK COUNTY	CUMBERLAND COUNTY (part) Baldwin town Bridgton town Brunswick town Harpswell town Harrison town Naples town New Gloucester town Pownal town Sebago town	FRANKLIN COUNTY
	HANCOCK COUNTY	KENNEBEC COUNTY	KNOX COUNTY	LINCOLN COUNTY
	OXFORD COUNTY	PISCATAQUIS COUNTY	SAGADAHOC COUNTY	SOMERSET COUNTY
	PENOBSCOT COUNTY (part) Alton town Argyle unorg. Bradford town Bradley town Burlington town Carmel town Carroll plantation Charleston town Chester town Clifton town Corinna town Corinth town Dexter town Dixmont town Drew plantation East Central Penobscot unorg. East Millinocket town Edinburg town Enfield town Etna town Exeter town Garland town Greenbush town Greenfield town Howland town Hudson town Kingman unorg. Lagrange town Lakeville town Lee town Levant town Lincoln town Lowell town Mattawamkeag town Maxfield town Medway town Millinocket town Mount Chase town Newburgh town North Penobscot unorg. Newport town Passadumkeag town Patten town Plymouth town Prentiss plantation Seboeis plantation Springfield town Stacyville town Stetson town Twombly unorg. Webster plantation Whitney unorg. Winn town Woodville town		WALDO COUNTY (part) Belfast city Belmont town Brooks town Burnham town Frankfort town Freedom town Islesboro town Jackson town Knox town Liberty town Lincolnville town Monroe town Montville town Morrill town Northport town Palermo town Prospect town Searsmont town Searsport town Stockton Springs town Swanville town Thorndike town Troy town Unity town Waldo town	YORK COUNTY (part) Acton town Alfred town Arundel town Biddeford city Cornish town Dayton town Kennebunk town Kennebunkport town Lebanon town Limerick town Lyman town Newfield town North Berwick town Ogunquit town Parsonsfield town Saco city Sanford town Shapleigh town Waterboro town Wells town
	WASHINGTON COUNTY			
MA	BARNSTABLE COUNTY (part) Bourne town Falmouth town Provincetown town Truro town Wellfleet town	DUKES COUNTY	FRANKLIN COUNTY (part) Ashfield town Bernardston town Buckland town Charlemont town Colrain town Conway town Deerfield town Erving town Gill town Greenfield town Hawley town Heath town Leverett town Leyden town Monroe town Montague town New Salem town Northfield town Orange town Rowe town Shelburne town Shutesbury town Warwick town Wendell town Whately town	
	HAMPDEN COUNTY (part) Blandford town Brimfield town Chester town Granville town Tolland town Wales town	HAMPSHIRE COUNTY (part) Chesterfield town Cummington town Goshen town Middlefield town Pelham town Plainfield town Westhampton town Worthington town	NANTUCKET COUNTY	WORCESTER COUNTY (part) Athol town Hardwick town Hubbardston town Petersham town New Braintree town Phillipston town Royalston town Warren town
MS	ISSAQUENA COUNTY	LAFAYETTE COUNTY		

2002 IRC Section 42(d)(5)(C) Nonmetropolitan Difficult Development Areas

STATE	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT
MT	BEAVERHEAD COUNTY	BIG HORN COUNTY	BLAINE COUNTY	BROADWATER COUNTY
	CARBON COUNTY	CARTER COUNTY	CHOUTEAU COUNT'	CUSTER COUNTY
	DANIELS COUNTY	DEER LODGE COUN	FERGUS COUNTY	GALLATIN COUNTY
	GARFIELD COUNTY	GLACIER COUNTY	GOLDEN VALLEY CC	GRANITE COUNTY
	JUDITH BASIN COUN	LAKE COUNTY	LINCOLN COUNTY	MADISON COUNTY
	MCCONE COUNTY	MEAGHER COUNTY	MINERAL COUNTY	MUSSELSHELL COU
	PARK COUNTY	PETROLEUM COUNT	PHILLIPS COUNTY	PONDERA COUNTY
	POWDER RIVER CO	POWELL COUNTY	PRAIRIE COUNTY	RAVALLI COUNTY
	RICHLAND COUNTY	ROOSEVELT COUNT	SANDERS COUNTY	SHERIDAN COUNTY
	TETON COUNTY	TREASURE COUNTY	VALLEY COUNTY	WHEATLAND COUN
	WIBAUX COUNTY			
NV	DOUGLAS COUNTY			
NH	BELKNAP COUNTY	CARROLL COUNTY	CHESHIRE COUNTY	GRAFTON COUNTY
	HILLSBOROUGH COUNTY (part) Antrim town, Lyndeborough town, Bennington town, New Boston town, Deering town, Peterborough town, Francestown town, Sharon town, Greenfield town, Temple town, Hancock town, Windsor town, Hillsborough town	MERRIMACK COUNTY (part) Andover town, Danbury town, Boscawen town, Dunbarton town, Bow town, Epsom town, Bradford town, Franklin city, Canterbury town, Henniker town, Chichester town, Hill town, Concord city	Hopkinton town, Pittsfield town, Loudon town, Salisbury town, Newbury town, Sutton town, New London town, Warner town, Northfield town, Webster town, Pembroke town, Wilmot town	ROCKINGHAM COUNTY (part) Deerfield town, Nottingham town, Northwood town
	STRAFFORD COUNTY (part) Middleton town, Strafford town, New Durham town			
NM	CATRON COUNTY	CIBOLA COUNTY	DEBACA COUNTY	GRANT COUNTY
	GUADALUPE COUNTY	HARDING COUNTY	LINCOLN COUNTY	LUNA COUNTY
	MCKINLEY COUNTY	MORA COUNTY	QUAY COUNTY	RIO ARRIBA COUNTY
	ROOSEVELT COUNTY	SAN JUAN COUNTY	SAN MIGUEL COUNTY	SIERRA COUNTY
	TAOS COUNTY	UNION COUNTY		
NY	CLINTON COUNTY	COLUMBIA COUNTY	CORTLAND COUNTY	ESSEX COUNTY
	GREENE COUNTY	HAMILTON COUNTY	JEFFERSON COUNTY	SULLIVAN COUNTY
	SCHUYLER COUNTY	TOMPKINS COUNTY	ULSTER COUNTY	
NC	WATAUGA COUNTY			
OR	BAKER COUNTY	CLATSOP COUNTY	COOS COUNTY	CROOK COUNTY
	CURRY COUNTY	DESCHUTES COUNTY	DOUGLAS COUNTY	GRANT COUNTY
	HARNEY COUNTY	HOOD RIVER COUNTY	JEFFERSON COUNTY	JOSEPHINE COUNTY
	KLAMATH COUNTY	LAKE COUNTY	LINCOLN COUNTY	LINN COUNTY
	MALHEUR COUNTY	MORROW COUNTY	SHERMAN COUNTY	TILLAMOOK COUNTY
	UMATILLA COUNTY	UNION COUNTY	WALLOWA COUNTY	WASCO COUNTY
	WHEELER COUNTY			
PA	MONROE COUNTY	NORTHUMBERLAND COUNTY	UNION COUNTY	WAYNE COUNTY
RI	NEWPORT COUNTY (part) Middleton town, Portsmouth town, Newport city	WASHINGTON COUNTY (part) New Shoreham town		

2002 IRC Section 42(d)(5)(C) Nonmetropolitan Difficult Development Areas

STATE	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT	COUNTY OR COUNTY EQUIVALENT
SD	BUTTE COUNTY	LAWRENCE COUNTY	MEADE COUNTY	
TX	ARANSAS COUNTY	BURNET COUNTY	LLANO COUNTY	RAINS COUNTY
	REAGAN COUNTY	VAL VERDE COUNTY		
UT	DAGGETT COUNTY	IRON COUNTY	WASHINGTON COUNTY	
VT	ADDISON COUNTY	BENNINGTON COUNTY	CALEDONIA COUNTY	ESSEX COUNTY
	CHITTENDEN COUNTY (part) Bolton town, Underhill town Buels gore, Westford town Huntington town	FRANKLIN COUNTY (part) Bakersfield town, Fairfield town Berkshire town, Fletcher town Enosburg town, Franklin town	Highgate town, Richford town Montgomery town, Sheldon town	GRAND ISLE COUNTY (part) Alburg town, North Hero town Isle La Motte town
	LAMOILLE COUNTY	ORANGE COUNTY	RUTLAND COUNTY	WASHINGTON COUNTY
	WINDHAM COUNTY	WINDSOR COUNTY		
VA	CAROLINE COUNTY	WESTMORELAND COUNTY		
WA	ADAMS COUNTY	ASOTIN COUNTY	CHELAN COUNTY	CLALLAM COUNTY
	COLUMBIA COUNTY	COWLITZ COUNTY	FERRY COUNTY	GARFIELD COUNTY
	GRANT COUNTY	GRAYS HARBOR COUNTY	JEFFERSON COUNTY	KITTITAS COUNTY
	KLICKITAT COUNTY	LEWIS COUNTY	LINCOLN COUNTY	MASON COUNTY
	OKANOGAN COUNTY	PACIFIC COUNTY	PEND OREILLE COUNTY	SAN JUAN COUNTY
	SKAGIT COUNTY	SKAMANIA COUNTY	STEVENS COUNTY	WAHKIAKUM COUNTY
WV	RALEIGH COUNTY	UPSHUR COUNTY		
PI	PACIFIC ISLANDS			
PR	ALL NONMETRO PUERTO RICO			
VI	ST. CROIX	ST.JOHN/ST.THOMAS		

2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Abilene, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Taylor County	102.00	103.00	104.00	108.00	110.00	111.00	117.00	118.00	119.00	122.00	136.00	

METROPOLITAN AREA: Aguadilla, PR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aguadilla Municipio	4001.00	4008.00	4009.00	4010.00	4011.00	4013.00	4206.98					

METROPOLITAN AREA: Akron, OH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Portage County	6012.00	6015.00										
Summit County	5011.00	5012.00	5013.01	5013.02	5014.00	5015.00	5017.00	5018.00	5019.00	5024.00	5025.00	5031.00
	5032.00	5033.00	5034.00	5035.00	5038.00	5041.00	5042.00	5043.00	5044.00	5051.00	5052.00	5053.00
	5056.00	5063.04	5065.00	5066.00	5067.00	5068.00	5069.00	5074.00	5075.00	5101.00	5103.01	

METROPOLITAN AREA: Albany, GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dougherty County	2.00	8.00	12.00	13.00	14.01	14.02	15.00	106.01				

METROPOLITAN AREA: Albany-Schenectady-Troy, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albany County	2.00	5.01	6.00	7.00	8.00	11.00	15.00	21.00	25.00	128.00	129.00	132.00
Montgomery County	701.00	702.00	706.00	709.00								
Rensselaer County	404.00	406.00	407.00	414.02								
Schenectady County	203.00	209.00	210.01	210.02								

METROPOLITAN AREA: Albuquerque, NM MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bernalillo County	6.02	9.01	12.00	13.00	14.00	15.00	16.00	17.00	20.00	22.00	23.00	24.02
	25.00	28.00	29.00	34.00	37.97	39.00	40.01	44.01	45.01	45.02	48.00	
Sandoval County	101.00	102.00	103.00									
Valencia County	9709.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Alexandria, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Rapides Parish	105.00	111.00	112.00	117.00	119.00	120.00	127.00	128.00	129.00			

METROPOLITAN AREA: Allentown-Bethlehem-Easton, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Carbon County	204.00											
Lehigh County	4.00	5.00	8.00	9.00	10.00	11.00	13.00					
Northampton County	105.00	110.00	111.00	113.00	144.00							

METROPOLITAN AREA: Altoona, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Blair County	101.02	1005.00	1007.00	1010.00	1016.00	1017.00	1019.00					

METROPOLITAN AREA: Amarillo, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Potter County	103.00	106.00	109.00	111.00	112.00	113.00	114.00	119.00	120.00	121.00	122.00	123.00
	126.00	128.98	129.00	130.00	131.00	140.00						

METROPOLITAN AREA: Anchorage, AK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anchorage Borough	3.00	4.00	6.00	9.01	11.00							

METROPOLITAN AREA: Ann Arbor, MI PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lenawee County	613.00	616.00										
Washtenaw County	4001.00	4002.00	4003.00	4005.00	4007.00	4008.00	4022.00	4026.00	4105.00	4106.00	4107.00	4110.00
	4111.00	4112.00										

METROPOLITAN AREA: Anniston, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calhoun County	3.00	4.00	5.00	6.00	7.00	8.00						

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Appleton-Oshkosh-Neenah, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Outagamie County	101.00											
Winnebago County	6.00	7.00										

METROPOLITAN AREA: Arecibo, PR PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Arecibo Municipio	3001.00	3004.00	3005.00	3013.00	3018.00	3019.00	3021.00	3023.00				
Camuy Municipio	3205.00											

METROPOLITAN AREA: Asheville, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buncombe County	1.00	2.00	3.00	7.00	9.00							
Madison County	102.00	103.00	104.00									

METROPOLITAN AREA: Athens, GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clarke County	1.00	2.00	3.00	4.00	5.00	6.00	9.00	16.98				

METROPOLITAN AREA: Atlanta, GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Carroll County	9905.00											
Cherokee County	912.98											
Clayton County	403.01											
Cobb County	307.00	308.00	309.02									
Coweta County	1706.00											
DeKalb County	205.00	206.00	207.00	208.00	209.00	212.04	221.00	224.02	227.00	237.00		
Fulton County	6.00	7.00	8.00	10.95	17.00	18.00	19.00	20.00	21.00	22.00	23.00	24.00
	25.00	26.00	28.00	29.00	31.00	32.00	33.00	35.00	36.00	37.00	38.00	39.00
	40.00	42.95	43.00	44.00	46.95	48.00	49.95	52.00	53.00	55.01	55.02	56.00
	57.00	58.00	60.00	62.00	63.00	64.00	66.01	66.02	67.00	68.02	70.00	71.00
	72.00	73.00	74.00	75.00	76.01	78.02	78.04	81.02	82.02	83.01	83.02	84.00
	85.00	86.01	86.02	87.01	87.02	88.00	106.01	109.00	110.00	112.01		
Newton County	1004.00	1006.00										
Spalding County	1603.00	1604.00	1607.00	1608.00	1609.00							
Walton County	1103.00	1104.00										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Atlantic-Cape May, NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Atlantic County	8.00	11.00	14.00	15.00	17.00	18.00	19.00	23.00	24.00	25.00		
Cape May County	214.00	215.00										

METROPOLITAN AREA: Auburn-Opelika, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	401.00	403.00	406.00	408.00	415.00	416.00						

METROPOLITAN AREA: Augusta-Aiken, GA-SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McDuffie County	9502.00											
Richmond County	2.00	3.00	4.00	6.00	7.00	8.00	9.00	14.00	15.00	103.00	104.00	106.00
Aiken County	204.00	214.00	218.00									

METROPOLITAN AREA: Austin-San Marcos, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bastrop County	9507.00											
Caldwell County	9602.00	9604.00	9607.00									
Hays County	101.00	102.00	103.01	103.02	105.00							
Travis County	3.01	3.02	4.02	5.00	6.01	6.03	6.04	7.00	8.02	8.03	8.04	9.01
	9.02	10.00	11.00	13.05	13.07	16.06	18.04	18.05	18.06	18.12	21.05	21.09
	21.10	21.11	22.02	23.04	23.05	23.06	23.07	23.10	23.12	24.13		
Williamson County	210.00	211.00	214.02									

METROPOLITAN AREA: Bakersfield, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kern County	4.00	6.00	11.03	12.00	13.00	14.00	15.00	16.00	20.00	21.00	22.00	23.02
	25.00	39.00	40.00	42.00	46.00	48.00	63.00	64.00				

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Baltimore, MD PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anne Arundel County	7028.00	7411.00										
Baltimore County	4016.01	4016.02	4034.01	4084.00	4210.00	4507.00	4508.01	4508.02	4906.04			
Baltimore city	301.00	302.00	402.00	501.00	603.00	604.00	605.00	701.00	702.00	703.00	704.00	802.00
	803.01	804.00	805.00	806.00	807.00	808.00	904.00	908.00	909.00	1001.00	1002.00	1004.00
	1102.00	1202.00	1203.00	1204.00	1205.00	1206.00	1207.00	1301.00	1302.00	1303.00	1304.00	1401.00
	1402.00	1403.00	1501.00	1502.00	1504.00	1505.00	1506.00	1508.02	1512.00	1513.00	1601.00	1602.00
	1603.00	1604.00	1606.00	1607.00	1701.00	1702.00	1703.00	1801.00	1802.00	1803.00	1901.00	1902.00
	1903.00	2001.00	2002.00	2003.00	2004.00	2005.00	2101.01	2102.01	2301.00	2502.03	2502.04	2502.07
	2503.01	2503.02	2503.03	2505.00	2506.00	2603.03	2604.01	2604.02	2604.98	2606.04	2606.99	2711.02
	2716.00	2717.00	2718.01	2718.02	2804.04							

METROPOLITAN AREA: Bangor, ME MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Penobscot County	1.00	9.00	10.00	63.00	80.02 *							

METROPOLITAN AREA: Barnstable-Yarmouth, MA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Barnstable County	123.00	124.00										

METROPOLITAN AREA: Baton Rouge, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ascension Parish	303.99	308.00	309.00									
East Baton Rouge Parish	1.00	2.00	3.00	5.00	6.01	7.01	8.00	9.00	10.00	11.03	11.04	12.00
	13.00	14.00	15.00	16.00	21.00	22.00	24.00	25.00	27.00	28.00	30.01	30.02
	31.01	31.02	33.00	40.07								
West Baton Rouge Parish	202.00											

METROPOLITAN AREA: Beaumont-Port Arthur, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	1.03	7.00	8.00	9.00	10.00	14.00	15.00	17.00	18.00	19.00	20.00	21.00
	22.00	23.00	24.00	26.00	51.00	52.00	53.00	54.00	56.00	57.00	58.00	59.00
	60.00	61.00	62.00	64.00	66.00	112.99						
Orange County	202.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Bellingham, WA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Whatcom County	5.00	6.00	10.00									
METROPOLITAN AREA: Benton Harbor, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berrien County	1.00	2.00	3.00	4.00	5.00	6.00	21.00	22.00	23.00	205.00		
METROPOLITAN AREA: Bergen-Passaic, NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bergen County	31.97	280.98	422.00									
Passaic County	1251.97	1251.98	1752.00	1753.00	1754.00	1755.00	1758.00	1759.00	1804.00	1805.00	1806.00	1807.00
	1808.00	1809.00	1811.00	1813.00	1814.00	1815.00	1816.01	1816.02	1817.01	1817.02	1818.00	1820.00
	1821.00	1822.00	1823.00	1827.00	1828.00	1829.00	1830.00					
METROPOLITAN AREA: Billings, MT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yellowstone County	1.00	2.00	3.00									
METROPOLITAN AREA: Biloxi-Gulfport-Pascagoula, MS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hancock County	303.00	304.00										
Harrison County	1.00	2.00	3.00	4.00	5.00	7.00	18.00	20.00	21.00	23.00	24.00	26.00
Jackson County	411.00	415.00	416.00	417.00	418.00	422.00	423.00					
METROPOLITAN AREA: Binghamton, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Broome County	2.00	3.00	5.00	6.00	10.00	11.00	12.00	13.00	14.00	135.00		

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Birmingham, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	3.00	5.00	7.00	8.00	12.00	14.00	15.00	16.00	23.03	23.04	24.00	27.00
	29.00	30.02	32.00	33.00	34.00	38.03	39.00	40.00	42.00	45.00	51.01	55.00
	57.01	101.00	103.01	103.02	104.01	106.02	130.02	131.00	133.00	138.01		

METROPOLITAN AREA: Bloomington, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monroe County	1.00	2.02	6.00	16.00								

METROPOLITAN AREA: Bloomington-Normal, IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McLean County	1.01	2.00	4.00	5.01	13.02	15.00	16.00					

METROPOLITAN AREA: Boise City, ID MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ada County	1.00	11.00										
Canyon County	201.00	202.00	208.00	213.00	214.00	220.00	222.00					

METROPOLITAN AREA: Boston, MA-NH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bristol County	6138.00											
Essex County	2043.00	2060.00	2061.00	2062.00	2068.00	2069.00	2070.00	2072.00	2108.00	2215.00		
Middlesex County	3522.00	3524.00	3527.00									
Norfolk County	4102.00	4178.02	7621.95									
Plymouth County	5302.00											
Suffolk County	4.01	6.02	7.01	7.02	101.01	101.02	102.00	103.00	104.01	104.02	302.00	402.00
	501.00	502.00	503.00	504.00	506.00	507.00	607.00	608.00	610.00	611.00	613.00	701.00
	702.00	704.00	711.00	712.00	801.00	802.00	803.00	804.00	805.00	806.00	807.00	808.00
	809.00	810.00	812.00	813.00	814.00	815.00	816.00	817.00	818.00	821.00	902.00	903.00
	904.00	905.00	906.00	907.00	909.00	913.00	915.00	916.00	918.00	924.00	1001.00	1002.00
	1011.01	1101.01	1102.00	1203.00	1205.00	1501.00	1602.00	1604.00	1605.00	1707.00		

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Boulder-Longmont, CO PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boulder County	122.02	122.03	122.04	122.05	123.00	124.01	126.02	126.04	134.01			
METROPOLITAN AREA: Brazoria, TX PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brazoria County	604.20	616.00	628.00									
METROPOLITAN AREA: Bremerton, WA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kitsap County	808.98	810.00	813.00									
METROPOLITAN AREA: Bridgeport, CT PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	703.00	705.00	706.00	707.00	708.00	709.00	712.00	713.00	714.00	715.00	716.00	717.00
	736.00	738.00	739.00	740.00	741.00	742.00	743.00	744.00				
METROPOLITAN AREA: Brockton, MA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Plymouth County	5103.00	5104.00	5109.00	5110.00	5112.00	5114.00						
METROPOLITAN AREA: Brownsville-Harlingen-San Benito, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cameron County	109.00	111.00	126.03	127.00	131.05	133.02	134.01	138.01	138.02	139.01	139.02	140.01
	140.02	141.00										
METROPOLITAN AREA: Bryan-College Station, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brazos County	5.00	9.00	14.00	15.00	17.00							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Buffalo-Niagara Falls, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Erie County	3.00	4.00	5.00	12.00	13.01	13.02	14.02	15.00	16.00	18.00	20.00	21.00
	25.01	25.02	26.00	27.01	27.02	28.00	29.00	31.00	32.01	32.02	33.02	34.00
	35.00	36.00	40.01	40.02	44.02	47.00	55.00	56.00	59.00	60.00	61.00	62.02
	64.00	66.01	68.00	69.00	70.00	71.01	71.02	72.01	83.00	119.01	121.00	122.00
	127.00	148.04	162.00									
Niagara County	202.00	205.00	209.00	211.00	212.00	213.00	237.00					

METROPOLITAN AREA: Burlington, VT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chittenden County	3.00	4.00	5.00	6.00	10.00							
Franklin County	107.00											

METROPOLITAN AREA: Caguas, PR PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Caguas Municipio	2009.00	2012.00	2017.00	2019.00	2029.00							
Cayey Municipio	2606.00	2607.00	2609.00									
Cidra Municipio	2402.00											
Gurabo Municipio	2103.00											
San Lorenzo Municipio	2202.00	2205.00	2206.00	2207.00								

METROPOLITAN AREA: Canton-Massillon, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stark County	7001.00	7015.00	7017.00	7018.00	7021.00	7023.00	7101.00	7104.00	7105.00	7138.00	7144.00	

METROPOLITAN AREA: Casper, WY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Natrona County	1.00	2.00	13.02									

METROPOLITAN AREA: Cedar Rapids, IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Linn County	19.00	20.00	22.00	27.00								

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Champaign-Urbana, IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Champaign County	1.00	2.00	3.00	4.00	14.00	51.00	52.00	59.00	60.00			

METROPOLITAN AREA: Charleston-North Charleston, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkeley County	201.98	202.00										
Charleston County	4.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	13.00	14.00	15.00	23.98
	24.98	33.00	37.00	39.00	40.00	41.00	43.00	44.00	45.00	46.99	50.00	
Dorchester County	102.00	109.97										

METROPOLITAN AREA: Charleston, WV MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kanawha County	1.00	2.00	7.00	9.00	12.00	104.00	121.00					

METROPOLITAN AREA: Charlotte-Gastonia-Rock Hill, NC-SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cabarrus County	418.00	421.00										
Gaston County	319.00	320.00	330.00									
Mecklenburg County	1.00	3.00	4.00	6.00	7.00	8.00	9.00	23.00	26.00	37.00	39.01	39.02
	41.00	45.00	47.00	48.00	50.00	51.00	52.00					
Rowan County	501.00	504.00	508.00									
York County	13.02	601.01	604.01	604.02	605.01	606.00	616.01	617.02				

METROPOLITAN AREA: Charlottesville, VA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albemarle County	115.98											
Charlottesville city	2.01	2.98	4.97	6.00								

METROPOLITAN AREA: Chattanooga, TN-GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hamilton County	1.00	2.00	3.00	4.00	8.00	10.00	11.00	12.00	13.00	14.00	15.00	16.00
	19.00	20.00	21.00	23.00	25.00	26.00	27.00	31.00				

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Cheyenne, WY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Laramie County	1.00	2.00										

METROPOLITAN AREA: Chicago, IL PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cook County	101.00	105.00	303.00	311.00	312.00	315.00	316.00	317.00	320.00	321.00	514.00	605.00
	607.00	707.00	708.00	804.00	805.00	808.00	809.00	818.00	819.00	1304.00	1401.00	1402.00
	1406.00	2005.00	2108.00	2109.00	2205.00	2207.00	2208.00	2209.00	2210.00	2211.00	2212.00	2213.00
	2214.00	2215.00	2217.00	2223.00	2224.00	2225.00	2226.00	2227.00	2228.00	2229.00	2301.00	2302.00
	2303.00	2304.00	2305.00	2306.00	2307.00	2309.00	2310.00	2311.00	2312.00	2315.00	2316.00	2317.00
	2318.00	2401.00	2405.00	2406.00	2407.00	2408.00	2409.00	2410.00	2411.00	2412.00	2413.00	2414.00
	2415.00	2416.00	2417.00	2418.00	2420.00	2421.00	2422.00	2423.00	2425.00	2426.00	2427.00	2429.00
	2431.00	2432.00	2433.00	2434.00	2436.00	2501.00	2506.00	2509.00	2510.00	2511.00	2514.00	2515.00
	2516.00	2517.00	2518.00	2519.00	2520.00	2521.00	2522.00	2523.00	2601.00	2602.00	2603.00	2604.00
	2605.00	2606.00	2607.00	2608.00	2609.00	2610.00	2701.00	2702.00	2703.00	2704.00	2705.00	2706.00
	2707.00	2708.00	2709.00	2710.00	2711.00	2712.00	2713.00	2714.00	2715.00	2716.00	2717.00	2718.00
	2719.00	2801.00	2802.00	2803.00	2804.00	2805.00	2806.00	2807.00	2808.00	2809.00	2810.00	2811.00
	2812.00	2813.00	2814.00	2815.00	2816.00	2817.00	2818.00	2826.00	2827.00	2828.00	2831.00	2832.00
	2833.00	2836.00	2837.00	2838.00	2839.00	2840.00	2841.00	2842.00	2843.00	2902.00	2903.00	2904.00
	2905.00	2906.00	2907.00	2908.00	2909.00	2910.00	2911.00	2912.00	2913.00	2914.00	2915.00	2916.00
	2917.00	2918.00	2919.00	2920.00	2921.00	2922.00	2923.00	2924.00	2925.00	2926.00	3001.00	3002.00
	3003.00	3004.00	3005.00	3006.00	3007.00	3008.00	3009.00	3010.00	3011.00	3012.00	3013.00	3014.00
	3015.00	3016.00	3017.00	3018.00	3101.00	3102.00	3105.00	3106.00	3107.00	3108.00	3109.00	3110.00
	3111.00	3112.00	3113.00	3114.00	3204.00	3301.00	3302.00	3303.00	3304.00	3305.00	3402.00	3404.00
	3405.00	3406.00	3502.00	3504.00	3506.00	3507.00	3511.00	3512.00	3513.00	3514.00	3515.00	3601.00
	3602.00	3603.00	3604.00	3605.00	3701.00	3702.00	3703.00	3704.00	3801.00	3802.00	3803.00	3804.00
	3805.00	3806.00	3807.00	3808.00	3809.00	3810.00	3811.00	3812.00	3813.00	3814.00	3815.00	3816.00
	3817.00	3818.00	3819.00	3820.00	3901.00	3902.00	3903.00	3904.00	4001.00	4002.00	4003.00	4004.00
	4005.00	4006.00	4007.00	4008.00	4102.00	4106.00	4201.00	4202.00	4203.00	4204.00	4205.00	4206.00
	4207.00	4208.00	4209.00	4210.00	4211.00	4212.00	4301.00	4302.00	4303.00	4304.00	4305.00	4306.00
	4308.00	4310.00	4313.00	4401.00	4501.00	4601.00	4602.00	4603.00	4606.00	4607.00	4608.00	4609.00
	4610.00	4901.00	4902.00	4910.00	4913.00	4914.00	5002.00	5105.00	5201.00	5202.00	5301.00	5302.00
	5401.00	5602.00	5901.00	6003.00	6007.00	6008.00	6009.00	6013.00	6101.00	6102.00	6103.00	6104.00
	6106.00	6108.00	6110.00	6111.00	6112.00	6113.00	6114.00	6115.00	6116.00	6117.00	6118.00	6119.00
	6120.00	6121.00	6122.00	6301.00	6306.00	6601.00	6602.00	6603.00	6606.00	6609.00	6701.00	6702.00
	6703.00	6704.00	6705.00	6706.00	6707.00	6708.00	6709.00	6710.00	6711.00	6712.00	6713.00	6715.00
	6716.00	6717.00	6801.00	6802.00	6803.00	6804.00	6805.00	6806.00	6807.00	6808.00	6809.00	6810.00

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Chicago, IL PMSA (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cook County (continued)	6811.00	6812.00	6813.00	6814.00	6901.00	6902.00	6903.00	6904.00	6906.00	6907.00	6908.00	6909.00
	6911.00	6912.00	6915.00	7101.00	7102.00	7103.00	7107.00	7109.00	7609.00	8030.04	8087.02	8093.00
	8133.00	8175.00	8215.00	8236.03	8243.00	8260.00	8269.01	8269.02	8273.00	8274.00	8290.00	8291.00
	8294.01	8297.00										
DeKalb County	10.00	11.00	12.00									
Kane County	8512.00	8515.00	8529.04	8536.00	8537.00	8546.98						
Lake County	8623.00	8628.00										
Will County	8812.00	8813.00	8819.00	8820.00	8825.00							

METROPOLITAN AREA: Chico-Paradise, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Butte County	6.02	10.00	11.00	12.00	13.00	28.00	30.00					

METROPOLITAN AREA: Cincinnati, OH-KY-IN PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Campbell County	501.00	502.00	504.00	505.00	506.00	512.00						
Kenton County	603.00	604.00	605.00	606.00	607.00	609.00	620.00	651.00				
Pendleton County	9903.00											
Brown County	9517.00											
Hamilton County	2.00	3.01	3.02	4.00	7.00	8.00	9.00	10.00	11.00	14.00	15.00	16.00
	17.00	19.00	21.00	22.00	23.00	25.00	26.00	27.00	28.00	29.00	30.00	32.00
	33.00	34.00	35.00	36.00	37.00	38.00	39.00	42.00	43.00	44.00	47.02	55.00
	62.02	66.00	67.00	68.00	69.00	74.00	77.00	78.00	79.00	80.00	85.02	86.01
	87.00	88.00	89.00	91.00	92.00	93.00	94.00	95.00	103.00	219.00	227.00	
Warren County	304.00											

METROPOLITAN AREA: Clarksville-Hopkinsville, TN-KY MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Christian County	2001.00	2003.00	2004.00	2008.00								
Montgomery County	1001.00	1004.00	1008.00	1009.00								

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Cleveland-Lorain-Elyria, OH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ashtabula County	1.03	1.99	4.00	6.01	7.01	7.04						
Cuyahoga County	1011.01	1012.00	1013.00	1015.00	1016.00	1017.00	1018.00	1019.00	1025.00	1026.00	1027.00	1028.00
	1029.00	1031.00	1032.00	1033.00	1034.00	1035.00	1036.00	1037.00	1038.00	1039.00	1041.00	1042.00
	1043.00	1044.00	1045.00	1046.00	1047.01	1047.02	1048.00	1049.00	1051.00	1053.00	1054.00	1055.00
	1056.01	1072.00	1073.00	1074.00	1075.00	1077.00	1079.00	1081.00	1082.00	1083.00	1084.00	1085.00
	1086.00	1087.00	1088.00	1089.00	1093.00	1096.00	1097.00	1098.00	1104.00	1105.00	1106.00	1107.00
	1108.00	1111.00	1112.00	1113.00	1114.01	1114.02	1115.00	1116.00	1117.00	1118.00	1119.02	1121.00
	1122.00	1123.00	1124.00	1125.00	1126.00	1127.00	1128.00	1129.00	1131.00	1132.00	1133.00	1134.00
	1135.00	1136.00	1137.00	1138.00	1139.00	1141.00	1142.00	1143.00	1144.00	1145.00	1146.00	1147.00
	1148.00	1149.00	1151.00	1152.00	1153.00	1154.00	1155.00	1158.00	1161.00	1162.00	1163.00	1164.00
	1165.00	1166.00	1167.00	1168.00	1169.00	1171.02	1172.01	1173.00	1181.00	1182.00	1183.00	1184.00
	1185.00	1186.01	1186.02	1187.00	1189.00	1191.00	1192.01	1192.02	1193.00	1194.02	1195.02	1196.00
	1197.02	1198.00	1199.00	1201.00	1202.00	1204.00	1205.00	1206.00	1207.01	1207.02	1208.01	1208.02
	1212.00	1213.00	1214.01	1238.00	1244.00	1275.00	1503.00	1504.00	1511.00	1512.00	1513.00	1514.00
	1515.00	1516.00	1517.00	1518.00	1527.01	1915.00	1939.00					
Lake County	2042.00	2059.96	2061.97									
Lorain County	223.00	228.00	229.00	231.00	232.00	233.00	238.00	601.00	705.00	708.00	709.01	714.00

METROPOLITAN AREA: Colorado Springs, CO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Paso County	3.02	15.00	16.00	17.00	22.00	23.00	26.00	27.00	29.00			

METROPOLITAN AREA: Columbia, MO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boone County	1.00	2.00	3.00	4.00	5.00	8.00	9.00					

METROPOLITAN AREA: Columbia, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lexington County	215.97											
Richland County	1.00	2.00	3.00	5.00	9.00	10.00	13.00	14.00	15.00	16.00	18.00	19.00
	20.01	20.02	28.00	105.02	109.00	117.01	118.00					

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Columbus, GA-AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Russell County	301.00	302.00	308.00	311.00	312.00							
Muscogee County	1.00	3.00	5.00	6.00	13.00	14.00	15.00	16.00	23.00	24.00	25.00	27.00
	28.00	29.02	30.00	32.00	34.00							

METROPOLITAN AREA: Columbus, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	317.00	319.00										
Franklin County	7.30	9.20	10.00	11.10	11.20	12.00	13.00	14.00	15.00	16.00	17.00	18.10
	18.20	22.00	23.00	25.20	26.00	27.10	28.00	29.00	30.00	34.00	36.00	37.00
	38.00	39.00	40.00	41.00	42.00	43.00	44.00	47.00	50.00	51.00	53.00	54.10
	54.20	55.00	56.10	56.20	60.00	61.00	74.10	75.11	75.20	75.34	75.40	78.20
	83.50	87.30										
Licking County	7501.00	7504.00	7507.00	7525.00	7583.00							

METROPOLITAN AREA: Corpus Christi, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Nueces County	3.00	4.00	5.00	8.00	9.00	10.00	11.00	12.00	13.00	15.00	16.01	54.06
	56.02											
San Patricio County	102.00	105.00	108.00	113.00								

METROPOLITAN AREA: Corvallis, OR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benton County	7.00	8.00										

METROPOLITAN AREA: Cumberland, MD-WV MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allegany County	5.00	7.00	9.00	10.00								
Mineral County	107.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Dallas, TX PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Collin County	309.00											
Dallas County	4.01	4.03	4.04	4.05	5.00	8.00	9.00	10.02	11.01	12.01	13.02	14.00
	15.02	15.03	15.04	16.00	19.00	20.00	22.01	22.02	24.00	25.00	27.01	27.02
	28.00	29.00	31.02	32.01	33.00	34.00	35.00	36.00	37.00	38.00	39.01	39.02
	40.00	41.00	42.00	43.00	46.00	47.00	48.00	49.00	50.00	51.00	54.00	55.00
	56.00	57.00	60.02	67.00	68.00	69.00	72.01	86.01	86.02	87.01	87.03	87.04
	87.05	88.02	89.00	91.01	93.03	93.04	100.00	101.01	101.02	102.00	103.00	104.00
	105.00	106.00	108.02	111.05	114.01	114.02	115.00	116.01	116.02	122.03	140.02	159.00
	166.05	182.01	188.02	190.13	192.09							
Denton County	206.01	207.00	209.00	210.00	211.00	212.00	213.01					
Ellis County	604.00	605.00	612.00	616.00								
Henderson County	9505.00	9507.00	9510.00	9512.00	9515.98							
Hunt County	9601.00	9605.00	9606.00	9608.00	9609.00							
Kaufman County	505.00	510.00										

METROPOLITAN AREA: Danbury, CT PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	2101.00	2306.00										

METROPOLITAN AREA: Danville, VA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Danville city	4.00	5.00	6.00	10.00	11.00	16.98						

METROPOLITAN AREA: Davenport-Moline-Rock Island, IA-IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Henry County	308.00											
Rock Island County	206.00	210.00	223.00	224.00	226.00	227.00	234.00	235.00	236.00	237.00	244.00	
Scott County	105.00	106.00	107.00	108.00	109.00	114.00	115.00					

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Dayton-Springfield, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	1.00	2.00	3.00	4.00	7.00	9.01	9.02	11.01	12.00	17.00	21.00	
Greene County	2001.02	2007.00	2403.02	2406.00								
Montgomery County	2.00	3.00	7.00	10.00	12.00	13.00	14.00	15.00	17.00	18.00	19.00	20.00
	21.00	22.00	23.00	34.00	35.00	36.00	37.00	39.00	40.00	41.00	42.00	43.00
	47.00	602.00	603.00	702.01	702.02	703.00	805.00					

METROPOLITAN AREA: Daytona Beach, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Volusia County	814.00	815.00	819.00	820.00	821.00	905.00	906.00					

METROPOLITAN AREA: Decatur, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lawrence County	9792.00											
Morgan County	1.00	5.00	6.00									

METROPOLITAN AREA: Decatur, IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Macon County	1.00	2.00	3.00	5.98	6.00	7.00	8.00	9.00				

METROPOLITAN AREA: Denver, CO PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	78.00	79.00	87.03	89.52	93.18	96.06						
Arapahoe County	49.50	55.51	55.52	57.00	58.89	65.01	73.00					
Denver County	2.02	4.02	5.02	6.00	7.01	7.02	8.00	9.01	9.03	10.00	11.01	11.02
	15.00	16.00	17.01	17.02	18.00	19.00	20.00	21.00	23.00	24.01	24.02	25.00
	26.01	26.02	27.01	27.03	28.02	31.01	31.02	35.00	36.01	36.02	36.03	41.01
	41.05	45.01	45.02	54.02	83.13	119.92						
Jefferson County	104.05	115.50										

METROPOLITAN AREA: Des Moines, IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Polk County	11.00	12.00	17.00	26.00	27.00	48.00	49.00	50.00	51.00	52.00		

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Detroit, MI PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Macomb County	2313.00	2400.00	2450.00	2471.00	2638.00							
Monroe County	8318.00	8321.00										
Oakland County	1412.00	1416.00	1417.00	1418.00	1421.00	1422.00	1423.00	1424.00	1425.00	1427.00	1724.00	1725.00
St. Clair County	6200.00	6210.00	6230.00	6240.00	6250.00							
Wayne County	5004.00	5005.00	5006.00	5013.00	5020.00	5033.00	5034.00	5035.00	5036.00	5037.00	5039.00	5040.00
	5041.00	5042.00	5043.00	5044.00	5045.00	5046.00	5047.00	5048.00	5050.00	5052.00	5053.00	5062.00
	5063.00	5064.00	5065.00	5066.00	5070.00	5071.00	5072.00	5073.00	5074.00	5075.00	5076.00	5077.00
	5078.00	5079.00	5080.00	5102.00	5103.00	5104.00	5105.00	5106.00	5107.00	5108.00	5109.00	5111.00
	5112.00	5113.00	5114.00	5115.00	5116.00	5117.00	5121.00	5122.00	5123.00	5124.00	5126.00	5129.00
	5132.00	5133.00	5134.00	5135.00	5136.00	5139.00	5140.00	5141.00	5142.00	5143.00	5145.00	5146.00
	5147.00	5148.00	5149.00	5150.00	5151.00	5152.00	5153.00	5155.00	5156.00	5161.00	5162.00	5163.00
	5164.00	5166.00	5167.00	5168.00	5169.00	5173.00	5174.00	5175.00	5176.00	5177.00	5178.00	5180.00
	5181.00	5183.00	5184.00	5185.00	5186.00	5187.00	5188.00	5201.00	5202.00	5203.00	5204.00	5205.00
	5206.00	5207.00	5209.00	5211.00	5212.00	5213.00	5214.00	5215.00	5218.00	5219.00	5220.00	5221.00
	5222.00	5223.00	5224.00	5231.00	5232.00	5233.00	5234.00	5235.00	5236.00	5237.00	5238.00	5240.00
	5241.00	5242.00	5243.00	5245.00	5247.00	5248.00	5251.00	5252.00	5253.00	5254.00	5255.00	5256.00
	5257.00	5258.00	5260.00	5261.00	5262.00	5263.00	5264.00	5265.00	5301.00	5303.00	5304.00	5307.00
	5308.00	5310.00	5311.00	5313.00	5314.00	5315.00	5316.00	5317.00	5318.00	5319.00	5322.00	5324.00
	5325.00	5326.00	5327.00	5330.00	5331.00	5332.00	5333.00	5334.00	5335.00	5336.00	5337.00	5341.00
	5342.00	5343.00	5344.00	5345.00	5346.00	5350.00	5351.00	5352.00	5354.00	5355.00	5361.00	5363.00
	5364.00	5365.00	5366.00	5367.00	5368.00	5370.00	5371.00	5372.00	5373.00	5375.00	5377.00	5378.00
	5390.00	5402.00	5411.00	5412.00	5423.00	5435.00	5436.00	5437.00	5438.00	5439.00	5442.00	5451.00
	5452.00	5453.00	5454.00	5465.00	5466.00	5467.00	5469.00	5521.00	5522.00	5523.00	5524.00	5525.00
	5526.00	5530.00	5531.00	5532.00	5533.00	5534.00	5535.00	5536.00	5537.00	5685.00	5688.00	5704.00
	5706.00	5707.00	5708.00	5710.00	5735.00	5736.00	5791.00	5792.00	5793.00	5795.00	5796.00	5798.00
	5848.00	5860.00										

METROPOLITAN AREA: Dothan, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dale County	206.00	207.00										
Houston County	406.00	412.00	413.00	414.00	415.00							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Dover, DE MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kent County	406.00	413.00										
METROPOLITAN AREA: Dubuque, IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dubuque County	1.00	2.00										
METROPOLITAN AREA: Duluth-Superior, MN-WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Louis County	12.00	13.00	14.00	16.00	17.00	18.00	19.00	25.00	27.00	28.00	32.00	130.00
	137.01											
Douglas County	201.00	202.00	203.00									
METROPOLITAN AREA: Dutchess County, NY PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dutchess County	2201.00	2202.00	2203.00	2204.00	2205.00	2206.00	6300.00	6500.00				
METROPOLITAN AREA: Eau Claire, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Eau Claire County	1.00	6.00	10.00	11.00	12.00							
METROPOLITAN AREA: El Paso, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Paso County	4.02	16.00	17.00	18.00	19.00	20.00	21.00	22.00	26.00	27.00	28.00	29.00
	30.00	32.00	36.00	39.01	39.03	103.10	104.01	104.02	104.03	105.00		
METROPOLITAN AREA: Elkhart-Goshen, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Elkhart County	26.00	27.00	28.00									

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Elmira, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chemung County	1.00	2.00	6.00	7.00	8.00	10.00						
METROPOLITAN AREA: Enid, OK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Garfield County	1.00	7.00										
METROPOLITAN AREA: Erie, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Erie County	1.00	3.00	4.00	6.00	7.00	8.00	9.00	12.00	13.00	14.00	15.00	18.00
	19.00	122.02										
METROPOLITAN AREA: Eugene-Springfield, OR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lane County	37.00	38.00	39.00	40.00	42.00	48.00						
METROPOLITAN AREA: Evansville-Henderson, IN-KY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vanderburgh County	11.00	12.00	13.00	14.00	16.00	17.00	19.00	20.00	25.00	26.00	27.00	104.98
Henderson County	201.00	202.00	203.00	204.00								
METROPOLITAN AREA: Fargo-Moorhead, ND-MN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clay County	203.00	204.00										
Cass County	3.00	5.00	6.00	7.00								
METROPOLITAN AREA: Fayetteville, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	1.00	2.00	3.00	4.00	10.00	12.00	13.00	24.00	35.00			

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Fayetteville-Springdale-Rogers, AR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County	106.00	107.01	108.00	109.00								
METROPOLITAN AREA: Fitchburg-Leominster, MA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Worcester County	7105.00	7107.00										
METROPOLITAN AREA: Flagstaff, AZ-UT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Coconino County	10.00	18.00	22.00	24.00	25.00							
METROPOLITAN AREA: Flint, MI PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Genesee County	1.00	2.00	4.00	6.00	8.00	9.00	10.00	11.00	14.00	15.00	17.00	18.00
	20.00	21.00	22.00	25.00	28.00	29.00	32.00	34.00	37.00	38.00	103.02	103.04
	122.02											
METROPOLITAN AREA: Florence, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Colbert County	203.00											
Lauderdale County	101.00	102.00	103.00	105.00	106.00	107.00						
METROPOLITAN AREA: Florence, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Florence County	7.00	8.00	9.00	22.01								
METROPOLITAN AREA: Fort Collins-Loveland, CO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Larimer County	1.00	2.00	4.00	5.02	6.00	13.03	17.04	20.03				

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Fort Lauderdale, FL PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Broward County	304.00	305.00	306.00	308.01	410.00	411.00	412.00	413.00	414.00	415.00	416.00	417.00
	425.00	427.00	428.00	805.00	921.00	1004.00	1005.00	1102.00	1201.00			

METROPOLITAN AREA: Fort Myers-Cape Coral, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lee County	1.00	2.00	3.02	5.01	5.02	6.00						

METROPOLITAN AREA: Fort Pierce-Port St. Lucie, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Martin County	18.00											
St. Lucie County	1.00	1.99	2.00	3.00	4.00	9.02						

METROPOLITAN AREA: Fort Smith, AR-OK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sebastian County	3.00	4.00	9.01	9.02								
Sequoyah County	302.01	302.02	303.00									

METROPOLITAN AREA: Fort Walton Beach, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Okaloosa County	226.00											

METROPOLITAN AREA: Fort Wayne, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	307.00											
Allen County	10.00	12.00	13.00	14.00	16.00	17.00	18.00	19.00	20.00	21.00	27.00	28.98
	42.00											

NOTE: * indicates that only the part of the tract within the metropolitan area is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Fort Worth-Arlington, TX PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Johnson County	1308.00	1309.00										
Tarrant County	1002.01	1002.02	1003.00	1004.00	1005.01	1005.02	1008.00	1009.00	1010.00	1011.00	1012.02	1014.03
	1016.00	1017.00	1018.00	1020.00	1025.00	1029.00	1030.00	1031.00	1032.00	1033.00	1034.00	1035.00
	1036.01	1037.01	1037.02	1038.00	1039.00	1040.00	1041.00	1045.01	1045.02	1045.03	1046.01	1046.02
	1046.03	1046.04	1050.06	1053.00	1061.02	1062.02	1063.00	1066.00	1130.02	1134.07	1218.00	1222.00
	1223.00											

METROPOLITAN AREA: Fresno, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fresno County	1.00	2.00	3.00	4.00	5.00	6.00	9.00	10.00	11.00	13.00	14.05	23.00
	24.00	25.00	27.00	28.00	34.00	42.01	44.04	54.03	65.00	68.01	71.00	78.00
Madera County	6.02	8.00	9.00									

METROPOLITAN AREA: Gadsden, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Etowah County	1.00	3.00	7.00	8.00	14.00	15.00	101.00					

METROPOLITAN AREA: Gainesville, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alachua County	1.00	2.00	6.00	7.00	8.00	9.00	19.02					

METROPOLITAN AREA: Galveston-Texas City, TX PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Galveston County	1222.00	1225.00	1226.00	1230.00	1232.00	1233.00	1234.00	1235.00	1236.00	1237.00	1238.00	1240.00
	1241.00	1246.00	1248.00	1249.00	1254.00							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Gary, IN PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lake County	102.98	104.00	107.00	108.00	109.00	110.00	111.00	112.00	113.00	114.00	117.00	118.00
	119.00	120.00	122.00	123.00	124.00	125.00	126.00	127.00	128.00	129.00	130.00	133.00
	134.00	206.00	208.00	217.00	301.00	302.00	303.00	304.00	310.00	412.00	413.01	
Porter County	509.00											

METROPOLITAN AREA: Glens Falls, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Warren County	705.00											

METROPOLITAN AREA: Goldsboro, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wayne County	7.00	14.00	15.00	16.00	17.00	18.00						

METROPOLITAN AREA: Grand Forks, ND-MN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grand Forks County	103.00	104.00	105.00	106.00								

METROPOLITAN AREA: Grand Junction, CO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mesa County	1.00	2.00	3.00	7.00	9.00	18.00						

METROPOLITAN AREA: Grand Rapids-Muskegon-Holland, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allegan County	310.00											
Kent County	13.00	14.00	15.00	19.00	20.00	21.00	25.00	26.00	28.00	30.00	31.00	32.00
	36.00	38.00	39.00									
Muskegon County	1.00	2.00	3.00	5.00	6.01	6.02	7.00	11.00	12.00	13.00	14.01	14.02
Ottawa County	223.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Great Falls, MT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cascade County	4.00	5.00	6.00	7.00								

METROPOLITAN AREA: Greeley, CO PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Weld County	1.00	2.00	5.00	6.00	7.01	8.00						

METROPOLITAN AREA: Green Bay, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brown County	1.00	8.00	9.00	10.00	12.00							

METROPOLITAN AREA: Greensboro--Winston-Salem--High Point, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alamance County	201.01											
Davidson County	614.00											
Forsyth County	1.00	2.00	3.01	3.02	4.00	5.01	5.02	6.00	7.00	8.01	8.02	16.02
	19.01											
Guilford County	101.00	107.02	108.01	111.01	112.00	114.00	138.00	139.00	143.00	144.08	146.00	
Randolph County	303.02											

METROPOLITAN AREA: Greenville, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pitt County	1.00	7.00	8.00	19.00								

METROPOLITAN AREA: Greenville-Spartanburg-Anderson, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	1.00	4.00	6.00	7.00								
Cherokee County	9705.00											
Greenville County	2.00	5.00	6.00	7.00	8.00	9.00	10.00	12.02	13.01	15.02	21.05	21.08
	23.03	23.04	25.04	25.05	36.02							
Pickens County	112.01											
Spartanburg County	201.00	202.00	203.01	204.00	205.00	208.00	209.00	210.01				

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Hagerstown, MD PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County	4.00	7.00										

METROPOLITAN AREA: Hamilton-Middletown, OH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Butler County	3.00	4.00	5.00	6.00	7.01	7.02	8.00	101.01	101.03	101.04	128.00	129.00
	131.00	132.00	138.00	140.00								

METROPOLITAN AREA: Harrisburg-Lebanon-Carlisle, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	122.00	132.00										
Dauphin County	201.00	203.00	205.00	206.00	207.00	211.00	212.00	213.00	214.00			
Lebanon County	3.00											

METROPOLITAN AREA: Hartford, CT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hartford County	4159.00	4161.00	4162.00	4166.00	4171.00	5001.00	5002.00	5003.00	5004.00	5005.00	5008.00	5009.00
	5010.00	5011.00	5012.00	5013.00	5014.00	5015.00	5016.00	5017.00	5018.00	5019.00	5027.00	5028.00
	5029.00	5030.00	5031.00	5032.00	5033.00	5034.00	5035.00	5038.00	5041.00	5043.00	5046.00	5049.00
Middlesex County	5416.00	5418.00										
Windham County	8001.00	8003.00										

METROPOLITAN AREA: Hattiesburg, MS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Forrest County	1.00	4.00	5.00	6.00	9.00							

METROPOLITAN AREA: Hickory-Morganton-Lenoir, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Caldwell County	301.00											
Catawba County	108.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Honolulu, HI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Honolulu County	11.00	18.01	25.00	36.98	39.00	51.00	52.00	53.00	54.00	55.00	56.00	57.00
	58.00	62.02	63.02	68.03	68.04	70.00	75.04	81.00	83.01	85.00	87.98	90.00
	95.01	95.05	96.04	97.01	108.00							

METROPOLITAN AREA: Houma, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lafourche Parish	201.00	204.00	205.00	209.00								
Terrebonne Parish	7.00	11.00	13.00	14.00								

METROPOLITAN AREA: Houston, TX PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fort Bend County	707.11	709.01	712.00									
Harris County	121.00	201.01	201.02	202.10	203.01	203.02	203.03	204.00	205.01	205.03	205.98	206.01
	206.98	207.01	207.02	207.03	207.04	208.01	208.02	208.03	209.00	210.01	210.02	213.02
	214.01	215.01	215.03	216.01	216.02	217.01	217.02	218.01	218.02	218.03	218.04	219.00
	220.01	220.02	221.00	222.01	222.02	223.02	224.01	225.03	225.04	226.01	226.02	233.00
	233.99	241.02	264.00	272.00	275.00	300.22	300.23	300.24	301.01	301.02	302.00	303.00
	304.01	304.02	305.01	305.02	306.00	307.01	307.02	308.10	308.20	309.01	309.02	309.03
	310.00	311.00	312.00	313.01	314.01	315.00	316.01	317.03	317.04	318.01	318.02	318.03
	318.04	319.01	319.02	320.01	320.02	321.01	321.02	321.03	324.01	327.02	328.01	328.02
	328.03	329.02	329.03	330.02	335.03	339.02	339.03	343.01	343.02	348.01	350.01	350.03
	356.01	362.00	400.26	414.02	416.01	419.01	419.04	419.05	419.06	424.01	430.02	435.02
	442.01	442.03	442.04	443.01	443.03	444.03	502.00	503.01	503.02	504.00	505.02	507.02
	508.00	509.01	509.02	510.00	512.00	513.00	514.01	514.02	515.02	516.01	516.02	518.02
	519.02	520.01	520.02	520.03	521.01	521.02	523.01	523.02	523.03	524.00	525.02	525.03
	525.04	531.01	531.03	533.01	533.02							
Liberty County	1001.00	1002.01	1005.00	1007.00								
Montgomery County	906.23	907.01										
Waller County	803.10	805.98										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Huntington-Ashland, WV-KY-OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Boyd County	302.00	308.00										
Carter County	9601.00	9602.00	9604.00									
Greenup County	407.00											
Lawrence County	503.00	506.00	507.00									
Cabell County	2.00	4.00	5.00	6.00	7.00	9.00	10.00	15.00	16.00	18.00		
Wayne County	208.00	209.00	210.00									

METROPOLITAN AREA: Huntsville, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Limestone County	210.00											
Madison County	1.00	2.01	8.00	11.00	12.00	16.00	21.00					

METROPOLITAN AREA: Indianapolis, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	1.00	3.00	4.00	5.00	7.00	8.00	9.00	10.00	116.00			
Marion County	3226.00	3412.00	3415.00	3416.00	3426.00	3501.00	3503.00	3504.00	3507.00	3508.00	3509.00	3510.00
	3511.00	3512.00	3515.00	3516.00	3517.00	3521.00	3523.00	3526.00	3527.00	3528.00	3531.00	3532.00
	3533.00	3535.00	3536.00	3541.00	3542.00	3544.00	3545.00	3547.00	3549.00	3550.00	3556.00	3559.00
	3562.00	3564.00	3569.00	3571.00	3572.00	3573.00	3574.00	3581.00	3601.02			

METROPOLITAN AREA: Iowa City, IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Johnson County	4.00	10.00	11.00	16.00	106.00							

METROPOLITAN AREA: Jackson, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jackson County	2.00	6.00	7.00	10.00	11.00	12.00	59.00					

METROPOLITAN AREA: Jackson, MS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hinds County	6.00	8.00	9.00	10.00	11.00	12.00	17.00	18.00	19.00	20.00	21.00	25.00
	26.00	27.00	31.00	32.00	39.00	102.01	103.02	106.00	108.01			
Madison County	305.00	307.00	309.00	310.00								

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Jackson, TN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	5.00	8.00	9.00	10.00	11.00	12.00						
METROPOLITAN AREA: Jacksonville, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clay County	316.98											
Duval County	2.00	3.00	4.00	5.00	9.00	10.00	11.00	12.00	13.00	14.00	15.00	16.00
	17.00	18.00	19.00	26.00	27.00	28.00	29.00	101.99	113.00	115.00	116.00	163.00
St. Johns County	204.00											
METROPOLITAN AREA: Jacksonville, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Onslow County	20.00											
METROPOLITAN AREA: Jamestown, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chautauqua County	303.00	305.00	359.02									
METROPOLITAN AREA: Janesville-Beloit, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Rock County	1:00	3.00	15.00	16.00	18.00							
METROPOLITAN AREA: Jersey City, NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hudson County	12.02	13.00	15.00	16.01	17.00	18.00	27.00	30.00	31.00	33.00	34.00	37.00
	41.02	43.00	46.00	50.00	51.00	109.00	145.00	154.00	158.00	190.00		

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Johnson City-Kingsport-Bristol, TN-VA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Carter County	704.00	715.00	717.00									
Hawkins County	502.00											
Sullivan County	401.00	402.00	405.00	406.00	431.00							
Washington County	601.00	603.00	607.00	609.00	610.00	612.00						
Scott County	303.98											
Washington County	103.00											
Bristol city	202.00	203.00										

METROPOLITAN AREA: Johnstown, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cambria County	1.00	2.00	3.00	4.00	8.00	9.00	10.00	13.00	14.00			

METROPOLITAN AREA: Jonesboro, AR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Craighead County	6.00											

METROPOLITAN AREA: Joplin, MO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jasper County	101.00	108.00	110.00									

METROPOLITAN AREA: Kalamazoo-Battle Creek, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calhoun County	2.00	3.00	4.00	6.00	21.00	33.00	36.00					
Kalamazoo County	1.00	2.01	2.02	3.00	4.02	5.00	6.00	8.01	8.02	9.00	10.00	11.00
	15.04	15.07										
Van Buren County	106.00	107.00										

METROPOLITAN AREA: Kankakee, IL PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kankakee County	110.00	114.00	115.00	116.00	123.00							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Kansas City, MO-KS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Leavenworth County	701.00											
Wyandotte County	402.00	403.00	404.00	407.00	408.00	409.01	409.02	410.00	411.01	412.01	412.02	415.00
	417.00	418.00	420.01	420.02	421.00	423.00	424.00	425.01	425.02	426.00	427.00	428.00
	430.00	439.01	445.00	446.02	451.00							
Clay County	200.00											
Jackson County	2.00	3.00	4.00	10.00	12.00	13.00	14.00	15.00	16.00	17.00	18.00	19.00
	21.00	22.00	23.00	24.00	26.00	27.00	29.00	30.00	31.00	32.00	33.00	34.00
	35.01	35.02	36.01	36.02	37.00	38.00	39.00	40.00	41.00	42.00	43.00	45.00
	47.00	48.00	49.00	50.00	52.00	53.00	54.00	55.00	57.00	58.01	60.00	61.00
	63.00	64.00	65.00	67.00	68.00	75.00	77.00	78.01	79.00	80.00	87.00	88.00
	96.00	109.01	109.02	116.00	130.01							

METROPOLITAN AREA: Kenosha, WI PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Kenosha County	9.00	10.00	11.00	16.00								

METROPOLITAN AREA: Killeen-Temple, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bell County	207.01	207.02	208.00	209.00	210.00	216.01	216.02	226.00	227.00	228.01	228.02	229.00

METROPOLITAN AREA: Knoxville, TN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	207.00											
Blount County	105.00											
Knox County	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00
	13.00	14.00	17.00	20.00	24.00	26.00	28.00	29.00	43.00			
Union County	402.01	403.00										

METROPOLITAN AREA: Kokomo, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Howard County	1.00	2.00	4.00	9.00	12.00							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: La Crosse, WI-MN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
La Crosse County	3.00	4.00	5.00	9.00								
METROPOLITAN AREA: Lafayette, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Acadia Parish	9607.00	9610.00										
Lafayette Parish	1.00	2.00	4.00	7.00	8.00	9.00	11.00	13.00				
St. Landry Parish	9601.00	9602.00	9609.00	9613.00	9614.00	9616.00	9619.00					
METROPOLITAN AREA: Lafayette, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tippecanoe County	4.00	6.00	54.00	55.00	103.00	104.00	105.00					
METROPOLITAN AREA: Lake Charles, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Calcasieu Parish	1.00	2.00	3.00	4.00	12.02	14.00	15.00	16.00				
METROPOLITAN AREA: Lakeland-Winter Haven, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Polk County	101.00	102.00	112.01	112.02	126.00	136.00	137.01	152.00				
METROPOLITAN AREA: Lancaster, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lancaster County	1.00	4.00	8.00	9.00	14.00	15.00	16.00	136.02				
METROPOLITAN AREA: Lansing-East Lansing, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ingham County	2.00	3.00	5.00	6.00	7.00	8.00	12.00	13.00	14.00	15.00	19.00	20.00
	21.00	36.02	41.00	43.01	43.02	44.01	44.02	65.00				

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Laredo, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Webb County	1.04	3.00	4.00	8.00	12.00	13.00	18.01					
METROPOLITAN AREA: Las Cruces, NM MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dona Ana County	4.01	10.00	14.00	17.00								
METROPOLITAN AREA: Las Vegas, NV-AZ MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mohave County	9501.00	9502.00	9503.00	9504.00	9513.00	9523.00						
Clark County	3.01	3.02	4.00	5.04	7.00	8.00	9.00	11.00	22.01	35.00	36.02	38.00
	39.98	46.00										
METROPOLITAN AREA: Lawrence, KS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Douglas County	3.00	4.00										
METROPOLITAN AREA: Lawrence, MA-NH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Essex County	2501.00	2503.00	2504.00	2505.00	2506.00	2507.00	2509.00	2510.00	2511.00	2512.00	2513.00	2514.00
	2516.00	2524.00	2601.00	2602.00								
METROPOLITAN AREA: Lawton, OK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Comanche County	8.00	11.00	12.00	13.00	14.00	15.00	16.00	17.00	18.00	19.02		
METROPOLITAN AREA: Lewiston-Auburn, ME MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Androscoggin County	101.00	201.00	204.00									

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Lexington, KY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bourbon County	301.00											
Clark County	202.00											
Fayette County	1.00	2.00	3.00	4.00	8.00	9.00	10.00	11.00	14.00	18.00	19.00	21.00
	34.04											
Jessamine County	603.00											
Madison County	102.00	103.00	104.00	105.00								

METROPOLITAN AREA: Lima, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen County	117.00	125.00	127.00	128.00	134.00	135.00	136.00	138.00				

METROPOLITAN AREA: Lincoln, NE MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lancaster County	4.00	5.00	7.00	8.00	17.00	18.00	19.00	20.00	32.01	35.00		

METROPOLITAN AREA: Little Rock-North Little Rock, AR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Faulkner County	307.00	309.00										
Lonoke County	206.00											
Pulaski County	1.00	2.00	3.00	4.00	5.00	6.00	7.00	9.00	10.00	11.00	12.00	13.00
	17.00	25.00	26.00	28.00	29.00	30.00	31.00	36.06	40.01	40.05		

METROPOLITAN AREA: Longview-Marshall, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Gregg County	1.00	11.00	12.00	13.00	14.00	15.00	107.00	111.98	112.98			
Harrison County	204.01	204.02										
Upshur County	9502.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Los Angeles-Long Beach, CA PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Los Angeles County	1047.01	1200.00	1232.01	1232.02	1838.00	1853.00	1902.00	1903.01	1904.00	1905.00	1907.00	1908.00
	1909.01	1909.02	1910.00	1911.00	1912.01	1912.02	1914.00	1915.00	1916.00	1917.00	1918.00	1925.00
	1926.00	1927.00	1957.00	1975.00	1976.00	1977.00	1990.00	1991.00	1992.01	1992.02	1994.00	1997.00
	1998.00	1999.00	2031.00	2032.00	2033.00	2034.00	2036.00	2037.00	2038.00	2039.00	2041.00	2042.00
	2043.00	2044.00	2045.00	2046.00	2047.00	2049.00	2051.00	2060.00	2062.00	2063.00	2071.00	2073.00
	2077.00	2080.00	2083.00	2084.00	2085.00	2087.00	2088.00	2089.01	2089.02	2091.01	2091.02	2092.00
	2093.00	2094.01	2094.02	2094.03	2095.00	2098.00	2100.00	2112.00	2113.00	2119.00	2121.00	2122.01
	2122.02	2123.01	2123.02	2124.00	2125.00	2126.00	2129.00	2132.01	2132.02	2133.00	2134.01	2134.02
	2184.00	2186.00	2188.00	2193.00	2198.00	2199.00	2211.00	2212.00	2213.01	2213.02	2214.00	2215.00
	2216.00	2217.00	2218.00	2219.00	2220.00	2221.00	2222.00	2225.00	2226.00	2227.00	2240.00	2242.00
	2243.00	2244.00	2246.00	2247.00	2260.00	2264.00	2267.00	2270.00	2281.00	2282.00	2283.00	2284.00
	2285.00	2286.00	2287.00	2288.00	2289.00	2291.00	2292.00	2293.00	2294.00	2311.00	2312.00	2313.00
	2314.00	2316.00	2317.00	2318.00	2319.00	2321.00	2322.00	2323.00	2324.00	2325.00	2326.00	2327.00
	2328.00	2345.00	2349.00	2361.00	2362.01	2362.02	2371.00	2372.00	2375.00	2376.00	2377.00	2383.00
	2392.00	2393.00	2395.00	2396.00	2397.00	2398.00	2400.00	2402.00	2403.00	2404.00	2405.00	2406.00
	2407.00	2408.00	2409.00	2410.00	2411.00	2414.00	2420.00	2421.00	2422.00	2423.00	2426.00	2427.00
	2430.00	2431.00	2653.02	2947.00	2948.00	2949.00	2951.99	2962.00	2971.00	3022.00	4023.02	4025.01
	4025.02	4027.02	4028.00	4088.00	4334.00	4335.00	4619.00	4620.00	4622.00	4817.02	4823.02	5041.02
	5305.00	5307.00	5308.00	5309.00	5311.00	5312.01	5312.02	5313.01	5313.02	5315.01	5315.02	5316.01
	5316.02	5317.02	5319.01	5319.02	5324.00	5326.02	5327.00	5328.00	5329.00	5330.00	5331.01	5331.02
	5332.00	5333.00	5335.00	5336.00	5337.00	5338.01	5338.02	5339.00	5340.00	5341.00	5342.00	5343.00
	5344.01	5344.02	5349.00	5350.00	5351.01	5351.02	5352.00	5353.00	5354.00	5355.00	5357.00	5358.01
	5400.00	5402.00	5404.00	5405.00	5406.00	5414.00	5415.00	5416.01	5416.02	5421.01	5421.02	5426.00
	5427.00	5429.00	5552.11	5716.00	5725.00	5728.00	5732.01	5732.02	5733.00	5735.00	5752.00	5753.00
	5754.00	5755.00	5756.99	5758.00	5759.00	5760.00	5762.00	5763.00	5764.00	6001.00	6002.01	6002.02
	6003.01	6006.02	6015.00	6017.00	6019.00	9101.00						

METROPOLITAN AREA: Louisville, KY-IN MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clark County	502.00											
Floyd County	702.00	705.00	708.01	709.02								
Scott County	9668.00											
Jefferson County	1.00	2.00	5.00	6.00	7.00	9.00	10.00	14.00	15.00	16.00	18.00	20.00
	21.00	22.00	23.00	24.00	27.00	28.00	30.00	34.00	35.00	37.00	43.01	43.02
	49.00	50.00	51.00	52.00	53.00	55.00	56.00	59.00	62.00	63.00	65.00	66.00
	110.02	113.02	127.01									

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Lowell, MA-NH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Middlesex County	3101.00	3104.00	3107.00	3108.00	3110.00	3111.00	3112.00	3118.00	3119.00	3120.00	3121.00	3124.00
	3153.00											
METROPOLITAN AREA: Lubbock, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lubbock County	2.02	3.01	3.02	6.03	6.04	6.05	6.06	7.00	8.00	9.00	10.00	11.00
	12.00	13.00	24.00									
METROPOLITAN AREA: Lynchburg, VA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lynchburg city	2.03	4.00	5.98	6.00	7.00	11.00	12.00	13.00	14.98	23.95		
METROPOLITAN AREA: Macon, GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bibb County	101.00	103.00	104.00	105.00	106.00	107.00	108.00	111.00	112.00	113.00	114.00	115.00
	125.00	127.00	128.00	129.00	130.00							
Houston County	201.03	204.00	205.00									
Peach County	402.00	403.02	404.00									
METROPOLITAN AREA: Madison, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dane County	11.00	12.98	14.01	15.01	16.01	16.02	17.00	25.98	32.00			
METROPOLITAN AREA: Manchester, NH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	5.00	14.00	17.00	20.00								
METROPOLITAN AREA: Mansfield, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Richland County	1.00	2.00	3.00	6.00	7.00	8.00						

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Mayaguez, PR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anasco Municipio	8101.00											
Cabo Rojo Municipio	8305.00											
Mayaguez Municipio	801.00	803.00	804.00	804.99	805.00	806.00	807.00	809.00	810.00	811.00	812.01	812.02
	812.03											
Sabana Grande Municipio	9605.00	9608.00										
San German Municipio	8406.98											

METROPOLITAN AREA: McAllen-Edinburg-Mission, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hidalgo County	205.03	206.00	211.00	213.01	213.02	213.03	215.00	216.00	221.02	226.00	231.01	237.00
	242.01	244.00	245.00									

METROPOLITAN AREA: Medford-Ashland, OR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jackson County	1.00	2.00	19.00	20.00								

METROPOLITAN AREA: Melbourne-Titusville-Palm Bay, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brevard County	607.00	608.00	626.00	648.00	649.02							

METROPOLITAN AREA: Memphis, TN-AR-MS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Crittenden County	304.00	305.00	306.10	306.98	307.00	309.00	310.00	311.00				
Fayette County	601.00	603.00										
Shelby County	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	13.00	14.00
	18.00	19.00	20.00	21.00	22.00	23.00	24.00	28.00	36.00	37.00	38.00	39.00
	40.00	41.00	44.00	45.00	46.00	47.00	48.00	49.00	50.00	51.00	53.00	54.00
	55.00	57.00	58.00	59.00	60.00	61.00	62.00	65.00	67.00	68.00	73.00	78.10
	81.10	84.00	90.00	103.00	105.00	222.20	223.10	227.98				
Tipton County	407.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Merced, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Merced County	13.00	15.00	16.00	18.00	19.98	301.00						

METROPOLITAN AREA: Miami, FL PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dade County	4.03	5.03	7.03	7.04	8.02	9.03	10.01	10.03	10.04	13.01	14.01	14.02
	15.01	15.02	16.01	17.01	17.02	17.03	18.01	18.02	18.03	19.01	19.03	19.04
	20.01	20.03	20.04	22.01	22.02	24.01	24.02	25.00	26.00	27.02	28.00	29.00
	30.01	30.02	31.00	34.00	36.01	36.02	37.01	37.02	39.01	42.00	43.00	44.00
	45.00	48.00	49.01	51.00	52.01	52.02	53.01	53.02	54.01	54.02	63.01	64.01
	64.02	64.03	66.01	66.02	72.00	75.02	89.04	105.00	106.02	113.00		

METROPOLITAN AREA: Middlesex-Somerset-Hunterdon, NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Middlesex County	39.00	45.00	46.00	47.00	48.00	49.00	51.00	52.00	53.00	54.00	55.00	59.00

METROPOLITAN AREA: Milwaukee-Waukesha, WI PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Milwaukee County	12.00	18.00	19.00	21.00	24.00	28.00	40.00	42.00	44.00	45.00	46.00	47.00
	48.00	60.00	62.00	63.00	64.00	65.00	66.00	67.00	68.00	69.00	70.00	71.00
	78.00	80.00	81.00	82.00	83.00	84.00	85.00	86.00	87.00	88.00	89.00	90.00
	91.00	96.00	97.00	98.00	99.00	100.00	101.00	102.00	103.00	104.00	105.00	106.00
	107.00	108.00	110.00	111.00	112.00	113.00	114.00	115.00	116.00	117.00	118.00	119.00
	120.00	121.00	122.00	123.00	132.00	134.00	135.00	136.00	137.00	138.00	139.00	140.00
	141.00	142.00	146.00	147.00	148.00	149.00	150.00	151.00	152.00	154.00	155.00	156.00
	157.00	158.00	159.00	163.00	164.00	165.00	166.00	167.00	168.00	169.00	174.00	175.00
	177.00	178.98										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Minneapolis-St. Paul, MN-WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hennepin County	10.00	15.00	16.00	18.00	21.00	22.00	23.00	24.00	25.00	26.00	27.00	28.00
	29.00	31.00	33.00	34.00	35.00	37.00	38.00	39.00	41.00	42.00	43.00	44.00
	47.00	48.00	49.00	53.00	54.00	56.00	57.00	58.00	59.00	60.00	61.00	62.00
	63.00	64.00	68.00	69.00	70.00	71.00	72.00	73.00	74.00	77.00	78.00	79.00
	82.00	83.00	84.00	85.00	94.00	100.00	250.00					
Ramsey County	305.00	309.00	310.00	313.00	314.00	315.00	316.00	317.00	319.00	324.00	325.00	326.00
	327.00	328.00	329.00	330.00	331.00	334.00	335.00	336.00	337.00	338.00	339.00	340.00
	344.00	359.00	360.00	361.00	368.00	369.00	371.00	374.04				

METROPOLITAN AREA: Missoula, MT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Missoula County	2.01	3.00	7.00									

METROPOLITAN AREA: Mobile, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Baldwin County	106.00											
Mobile County	1.00	2.00	3.00	4.01	4.02	5.00	6.00	7.02	8.00	10.01	11.00	12.01
	12.03	12.04	13.01	13.02	14.00	15.01	15.02	16.00	23.02	26.00	27.00	34.01
	36.05	38.01	39.01	39.02	40.00	41.00	42.00	43.00	44.00	45.00	46.00	47.00
	48.00	49.00	50.00	73.00								

METROPOLITAN AREA: Modesto, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stanislaus County	7.00	8.03	16.01	16.02	17.00	18.00	20.05	21.00	22.00	26.02		

METROPOLITAN AREA: Monmouth-Ocean, NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monmouth County	8047.97	8049.00	8056.00	8058.01	8058.02	8070.02	8070.03	8070.04	8072.97	8073.00	8076.00	8098.00
	8099.03											
Ocean County	7152.00	7153.00	7154.00	7200.00	7201.00	7222.00	7312.00					

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Monroe, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ouachita Parish	3.00	6.00	7.00	8.00	9.00	11.00	12.00	13.00	14.00	57.00	106.01	
METROPOLITAN AREA: Montgomery, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Autauga County	210.00	211.00										
Montgomery County	1.00	2.00	3.85	6.00	7.00	10.00	11.00	12.00	13.00	15.00	24.00	30.00
	51.01	57.00	58.00									
METROPOLITAN AREA: Muncie, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Delaware County	1.00	2.00	3.00	4.00	6.00	7.00	9.02	12.00	19.01			
METROPOLITAN AREA: Myrtle Beach, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Horry County	101.00	201.00	202.00	301.00	506.00	703.00	704.00					
METROPOLITAN AREA: Naples, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Collier County	7.00	112.03	113.00	114.00								
METROPOLITAN AREA: Nashua, NH PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	105.00	107.00	108.00									
METROPOLITAN AREA: Nashville, TN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Davidson County	104.02	114.00	118.00	119.00	120.00	123.00	124.00	125.00	126.00	129.00	135.00	136.00
	137.00	138.00	139.00	140.00	142.00	143.00	144.00	145.00	146.00	148.00	159.00	160.00
	161.00	162.00	163.00	164.00	165.00	166.00						
Rutherford County	416.00	418.00	419.00									
Sumner County	208.00											
Wilson County	307.00											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Nassau-Suffolk, NY PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Nassau County	4070.00	4111.00	4144.00									
Suffolk County	1224.06	1225.01	1233.02	1455.00	1463.00	1473.00	1580.07	1584.06	1587.05	1591.03	1697.02	1701.01

METROPOLITAN AREA: New Bedford, MA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bristol County	6507.00	6508.00	6509.00	6511.00	6512.00	6513.00	6517.00	6518.00	6519.00	6526.00	6527.00	

METROPOLITAN AREA: New Haven-Meriden, CT PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Haven County	1402.00	1403.00	1405.00	1406.00	1407.00	1408.00	1413.00	1415.00	1416.00	1417.00	1421.00	1423.00
	1424.00	1426.02	1701.01	1701.02	1702.01	1702.02	1710.00					

METROPOLITAN AREA: New London-Norwich, CT-RI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New London County	6901.00	6905.00	6906.00	6906.99	6968.00	6969.00						

METROPOLITAN AREA: New Orleans, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson Parish	207.00	208.00	209.00	237.00	246.00	257.98	259.00	262.00	265.00	268.00	269.00	
Orleans Parish	1.00	2.00	3.00	4.00	6.01	6.03	6.11	6.13	8.00	9.01	9.02	9.03
	9.04	11.00	12.00	13.01	13.02	13.03	14.01	14.02	15.00	16.00	17.03	17.06
	17.29	17.33	17.98	18.00	19.00	20.00	22.00	27.00	28.00	29.00	30.00	31.00
	33.05	33.06	34.00	35.00	36.00	39.00	40.00	44.01	44.02	45.00	48.00	49.00
	50.00	58.00	59.00	60.00	63.00	67.00	68.00	69.00	70.00	71.00	72.00	75.01
	75.02	76.05	77.00	80.00	81.01	81.02	84.00	85.00	86.00	87.00	89.00	91.00
	92.00	93.01	93.02	94.00	100.00	102.00	104.00	111.00	131.00			
Plaquemines Parish	501.00	508.00										
St. Bernard Parish	301.01											
St. Charles Parish	621.99	626.00										
St. James Parish	404.00	405.00	406.00									
St. John the Baptist Parish	709.00											
St. Tammany Parish	405.01	409.00										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: New York, NY PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bronx County	11.00	15.00	17.00	20.00	23.00	25.00	27.01	27.02	31.00	33.00	35.00	37.00
	39.00	41.00	43.00	44.00	47.00	48.00	49.00	50.00	52.00	56.00	59.01	62.00
	65.00	67.00	69.00	71.00	73.00	75.00	77.00	79.00	81.00	83.00	85.00	86.00
	87.00	88.00	89.00	99.00	105.00	110.00	115.01	115.02	119.00	121.01	121.02	123.00
	127.01	127.02	129.01	129.02	131.00	133.00	135.00	137.00	139.00	141.00	143.00	144.00
	145.00	147.00	149.00	155.00	157.00	161.00	165.00	167.00	169.00	173.00	175.00	177.00
	179.00	187.00	189.00	193.00	195.00	197.00	199.00	201.00	205.00	206.02	211.00	213.01
	213.02	215.01	215.02	217.01	219.00	221.00	223.00	227.01	229.01	229.02	233.01	233.02
	235.01	235.02	237.01	237.02	239.00	241.00	243.00	245.00	251.00	253.00	255.00	257.00
	263.00	265.00	271.01	317.00	324.00	334.00	359.00	361.00	363.00	365.01	365.02	367.00
	369.01	369.02	371.00	373.00	375.01	375.02	375.03	377.00	379.00	381.00	383.00	385.00
	389.00	391.00	393.00	397.00	399.01	403.01	435.00	458.00				
Kings County	2.00	11.00	18.00	20.00	23.00	25.00	27.00	29.01	29.02	55.00	59.00	71.00
	85.00	112.00	120.00	125.00	127.00	185.01	185.02	214.00	217.00	221.00	222.00	225.00
	226.00	228.00	231.00	233.00	234.00	235.00	237.00	238.00	239.00	241.00	243.00	251.00
	255.00	257.00	259.01	259.02	261.00	263.00	281.00	283.00	285.01	285.02	287.00	289.00
	293.00	299.00	303.00	307.00	309.00	326.00	328.00	330.00	342.00	347.00	348.01	348.02
	351.00	352.00	353.00	357.00	359.00	360.01	360.02	363.00	365.01	365.02	367.00	369.00
	371.00	373.00	375.00	379.00	381.00	382.00	387.00	389.00	391.00	393.00	395.00	405.00
	409.00	411.00	413.00	415.00	417.00	419.00	421.00	423.00	425.00	427.00	429.00	431.00
	433.00	435.00	437.00	441.00	453.00	465.00	489.00	493.00	505.00	507.00	509.00	511.00
	513.00	523.00	525.00	527.00	529.00	531.00	533.00	535.00	537.00	539.00	545.00	547.00
	549.00	551.00	572.00	610.01	884.00	892.00	900.00	906.00	908.00	910.00	912.00	916.00
	918.00	944.02	982.00	1034.00	1058.00	1106.00	1110.00	1130.00	1134.00	1138.00	1140.00	1146.00
	1148.00	1150.00	1152.00	1154.00	1156.00	1158.00	1160.00	1164.00	1166.00	1168.00	1170.00	1172.01
	1192.00	1194.00	1210.00	1214.00								
New York County	2.01	2.02	6.00	8.00	10.02	14.02	16.00	18.00	20.00	24.00	25.00	26.01
	36.01	41.00	62.00	117.00	119.00	156.02	162.00	164.00	166.00	168.00	172.01	172.02
	178.00	180.00	182.00	184.00	186.00	188.00	190.00	192.00	194.00	196.00	198.00	201.02
	202.00	204.00	206.00	207.02	208.00	209.01	209.02	213.01	213.02	216.00	217.01	217.02
	218.00	219.97	220.00	222.00	223.97	223.98	224.00	226.00	227.02	228.00	229.00	230.00
	231.02	232.00	234.00	235.02	239.00	243.01	243.02	245.00	249.00	251.00	261.00	267.00
	269.00	277.00	291.00	293.00								
Queens County	25.00	35.00	43.00	44.02	55.00	87.00	246.00	252.00	262.00	266.00	299.00	331.00
	442.00	871.00	942.02	952.00	972.00	1010.00						
Richmond County	29.00	40.00	133.01	319.01								
Rockland County	115.03											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: New York, NY PMSA (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Westchester County	1.01	1.03	2.01	3.00	4.01	4.02	5.00	10.00	11.01	12.00	13.02	13.03
	22.03	27.00	28.00	29.00	31.00	32.00	35.00	36.00	58.00	61.00	62.00	63.00
	78.00	80.00	93.00	119.01	133.01	143.00						

METROPOLITAN AREA: Newark, NJ PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Essex County	2.00	3.00	5.00	7.00	9.00	10.00	11.00	13.00	14.00	15.00	16.00	17.00
	18.00	19.00	26.00	27.00	28.00	29.00	30.00	31.00	32.00	34.00	35.00	37.00
	38.00	39.00	40.00	41.00	44.00	46.00	48.01	48.02	49.00	53.00	54.00	55.00
	56.00	57.00	58.00	59.00	60.00	62.00	63.00	66.00	67.00	68.00	69.00	74.00
	75.01	75.02	80.00	81.00	82.00	83.00	84.00	85.00	86.00	87.00	88.00	89.00
	91.00	92.00	93.00	95.00	96.00	97.00	99.00	106.00	107.00	109.00	110.00	111.00
	112.00	113.00	116.00	131.00	132.00	171.00	182.00	184.00	186.00	187.00		
Union County	302.00	303.00	304.00	306.00	308.01	310.00	311.00	312.00	313.00	314.00	317.00	319.02
	390.00	393.00										
Warren County	309.00											

METROPOLITAN AREA: Newburgh, NY-PA PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Orange County	4.00	5.00	6.00	17.00	22.00	102.99	150.00					
Pike County	9502.00											

METROPOLITAN AREA: Norfolk-Virginia Beach-Newport News, VA-NC MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
York County	505.00											
Chesapeake city	201.00	202.00	203.00	205.01	209.03							
Hampton city	105.00	106.02	109.00	117.00								
Newport News city	302.00	303.98	304.00	305.00	306.00	308.00	309.00	310.00				
Norfolk city	13.00	14.00	16.00	25.00	26.00	27.00	29.00	34.00	35.01	35.02	41.00	42.00
	43.00	44.00	46.00	47.00	48.00	50.00	51.00	52.00	53.00	65.02	67.00	
Portsmouth city	2105.00	2107.00	2110.00	2111.00	2113.00	2114.00	2118.00	2119.00	2120.00	2121.00	2126.00	
Suffolk city	651.00	654.00	655.00									
Virginia Beach city	450.85											
Williamsburg city	3703.00	3705.98										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Oakland, CA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alameda County	4005.00	4006.00	4007.00	4008.00	4009.00	4010.00	4011.00	4013.00	4014.00	4015.00	4016.00	4017.00
	4018.00	4019.00	4021.00	4022.00	4023.00	4024.00	4025.00	4026.00	4027.00	4028.00	4029.00	4030.00
	4031.00	4033.00	4034.00	4053.00	4054.00	4055.00	4057.00	4058.00	4059.00	4060.00	4061.00	4062.00
	4063.00	4071.00	4072.00	4073.00	4074.00	4075.00	4084.00	4085.00	4086.00	4087.00	4088.00	4089.00
	4090.00	4091.00	4092.00	4093.00	4094.00	4095.00	4096.00	4097.00	4103.00	4204.00	4220.00	4224.00
	4225.00	4226.00	4227.00	4228.00	4229.00	4232.00	4233.00	4236.00	4240.00	4274.00	4275.00	4276.00
	4339.00	4377.00										
Contra Costa County	3050.00	3100.00	3160.00	3280.00	3650.02	3680.00	3750.00	3760.00	3770.00	3790.00	3800.00	3810.00

METROPOLITAN AREA: Ocala, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marion County	2.00	15.00	17.00	18.00								

METROPOLITAN AREA: Odessa-Midland, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ector County	11.00	12.00	14.00	15.00	18.00	19.00	20.00	22.00				
Midland County	14.00	15.00	16.00	17.00								

METROPOLITAN AREA: Oklahoma City, OK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Canadian County	3004.00											
Cleveland County	2001.00	2002.00	2006.01	2012.01	2012.02	2012.03						
Logan County	6001.00	6002.00	6006.00									
Oklahoma County	1004.00	1005.00	1007.00	1010.00	1011.00	1012.00	1013.00	1014.00	1015.00	1019.00	1024.00	1025.00
	1026.00	1027.00	1028.00	1030.00	1031.01	1032.00	1033.00	1034.00	1035.00	1036.02	1037.00	1038.00
	1039.00	1040.00	1041.00	1043.00	1044.00	1046.00	1047.00	1048.00	1049.00	1052.02	1054.00	1055.00
	1056.00	1057.00	1058.00	1059.95	1069.12	1069.13	1070.01	1070.02	1071.01	1071.04	1072.16	1076.06
	1079.00	1082.07	1082.08	1088.03								
Pottawatomie County	5001.00	5002.00	5003.02									

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Omaha, NE-IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pottawattamie County	307.00	309.00										
Douglas County	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	16.00	19.00
	21.00	29.00	32.00	38.00	39.00	40.00	41.00	51.00	52.00	53.00	54.00	59.01
	59.02	60.00	63.01									
Sarpy County	103.02											

METROPOLITAN AREA: Orange County, CA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Orange County	218.13	524.04	525.15	626.14	626.26	626.27	636.02	740.03	744.03	744.05	744.06	745.01
	745.02	746.01	746.02	747.01	747.02	748.01	748.02	748.05	748.06	749.01	749.02	750.01
	750.02	751.00	762.04	865.02	873.00	874.02	874.03	878.03	891.04	891.05	992.01	994.02
	995.09	995.10	998.02									

METROPOLITAN AREA: Orlando, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lake County	305.01	306.02										
Orange County	101.00	104.00	105.00	106.00	115.00	117.01	117.02	118.00	119.01	131.00	146.01	154.01
	155.02	159.01	176.00									
Seminole County	201.01	201.02	205.00	211.00								

METROPOLITAN AREA: Owensboro, KY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Daviess County	2.00	3.00	4.00	5.00								

METROPOLITAN AREA: Panama City, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bay County	10.00	16.00	17.00	18.00	20.00	22.00						

METROPOLITAN AREA: Parkersburg-Marietta, WV-OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washington County	205.00	206.00										
Wood County	6.00	7.01										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Pensacola, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Escambia County	1.00	2.00	3.00	4.00	6.00	7.00	14.01	15.00	16.00	17.00	18.00	19.00
	20.00	21.00	22.00	40.00								
Santa Rosa County	106.00											

METROPOLITAN AREA: Peoria-Pekin, IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Peoria County	1.00	2.00	3.00	5.00	6.00	7.00	8.00	9.00	11.00	12.00	13.00	14.00
	15.00	17.00	18.00	19.00								
Tazewell County	202.00	209.00										

METROPOLITAN AREA: Philadelphia, PA-NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Burlington County	7021.03	7026.04										
Camden County	6001.00	6002.00	6003.00	6004.00	6005.00	6006.00	6007.00	6008.00	6009.00	6011.00	6012.00	6013.00
	6015.00	6016.00	6017.00	6018.00	6019.00	6027.01	6082.04	6101.00				
Gloucester County	5010.02	5014.04										
Salem County	203.00	219.00	220.00	221.00								
Bucks County	1058.06											
Chester County	3026.00	3056.00	3058.00	3059.00	3102.00	3104.98						
Delaware County	4029.00	4047.00	4048.00	4049.02	4052.00	4054.00	4055.00	4056.00	4057.00	4058.01	4058.02	4059.00
	4060.00	4064.02	4097.02									
Montgomery County	2037.00	2039.02	2088.01									
Philadelphia County	2.00	5.00	6.00	9.00	13.00	14.00	18.00	19.00	20.00	21.00	22.00	23.00
	24.00	25.00	28.00	30.00	31.00	32.00	33.00	34.00	36.00	41.00	44.00	46.00
	52.00	56.00	58.00	63.00	66.00	69.00	70.00	71.00	72.00	74.00	77.00	80.00
	83.00	84.00	85.00	86.00	87.00	88.00	89.00	90.00	91.00	92.00	93.00	94.00
	95.00	96.00	102.00	103.00	104.00	105.00	106.00	107.00	108.00	109.00	110.00	111.00
	112.00	123.00	126.00	127.00	131.00	132.00	133.00	137.00	138.00	139.00	140.00	141.00
	144.00	145.00	146.00	147.00	148.00	149.00	151.00	152.00	153.00	154.00	155.00	156.00
	157.00	159.00	161.00	162.00	163.00	164.00	165.00	166.00	167.00	168.00	169.00	170.00
	171.00	172.00	173.00	174.00	175.00	176.00	177.00	178.00	179.00	181.00	192.00	194.00
	195.00	196.00	197.00	198.00	199.00	200.00	201.00	202.00	203.00	204.00	205.00	223.00
	239.00	240.00	241.00	244.00	245.00	246.00	247.00	249.00	250.00	253.00	277.00	279.00
	280.00	281.00	282.00	283.00	284.00	286.00	287.00	288.00	289.00	291.00	293.00	294.00
	296.00	297.00	304.00	327.00	346.00	364.00						

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Phoenix-Mesa, AZ MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Maricopa County	202.00	507.00	608.00	609.00	610.05	610.08	612.00	614.00	716.00	925.00	926.00	928.00
	929.00	1046.00	1072.00	1092.00	1102.00	1116.00	1126.00	1127.00	1128.00	1129.00	1130.00	1131.00
	1132.00	1133.00	1135.00	1136.00	1137.00	1138.00	1139.00	1140.00	1141.00	1142.00	1143.00	1144.00
	1145.00	1146.00	1147.00	1148.00	1149.00	1150.00	1151.00	1152.00	1153.00	1154.00	1157.00	1158.00
	1159.00	1160.00	1161.00	1163.00	1164.00	1166.02	3187.00	3188.00	3191.00	3192.00	3200.02	4201.02
	4215.01	4220.01	4226.05	5229.02	5231.02	5231.04	6232.00					
Pinal County	1.00	4.00	10.00	12.00	15.00	17.00	18.00	19.00	20.00			

METROPOLITAN AREA: Pine Bluff, AR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	5.02	6.00	9.02	10.00	11.00	12.00	13.00					

METROPOLITAN AREA: Pittsburgh, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allegheny County	101.00	103.00	302.00	305.00	314.00	402.00	403.00	404.00	405.00	406.00	409.00	411.00
	501.00	502.00	507.00	509.00	510.00	511.00	603.00	604.00	606.00	810.97	810.98	818.00
	1016.00	1017.00	1114.00	1115.00	1201.00	1203.00	1204.00	1207.00	1208.00	1301.00	1303.00	1304.00
	1305.00	1306.00	1504.00	1604.00	1606.00	1609.00	1704.00	1803.00	1805.00	1809.00	1921.00	2017.00
	2019.00	2107.00	2204.00	2205.00	2206.00	2304.00	2305.00	2306.00	2503.00	2507.00	2509.00	2603.00
	2609.98	2614.00	2620.00	2808.00	2902.97	3101.98	3102.95	4644.00	4657.97	4824.00	4838.00	4867.00
	4869.00	4923.00	4928.00	5050.00	5100.00	5128.00	5129.00	5140.00	5509.00	5512.00	5519.00	5521.00
	5523.00	5606.00	5612.00									
Beaver County	6003.00	6012.00	6013.00	6015.00	6028.00	6040.00	6041.98	6042.00	6045.00	6052.00	6054.00	
Butler County	9023.00	9024.00	9025.00	9104.00								
Fayette County	2608.00	2612.00	2614.00	2615.00	2617.00	2619.00	2621.00	2623.00	2626.00	2632.00		
Washington County	7041.00	7543.00	7544.00	7546.00	7751.00	7753.00	7831.00	7921.00	7922.00			
Westmoreland County	8001.00	8007.01	8007.02	8016.00	8028.00	8041.00	8053.00	8054.00				

METROPOLITAN AREA: Pittsfield, MA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkshire County	9001.00	9012.00										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Pocatello, ID MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bannock County	1.00	8.00	9.00	16.01								

METROPOLITAN AREA: Ponce, PR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Guayanilla Municipio	7404.99											
Juana Diaz Municipio	719.02	7102.00	7109.01									
Penuelas Municipio	7302.00											
Ponce Municipio	702.02	703.00	704.00	706.01	707.00	708.00	709.00	710.00	713.00	716.02	721.01	721.99
	723.00	726.00	728.00									
Villalba Municipio	7201.00	7203.00										

METROPOLITAN AREA: Portland, ME MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	4.00	5.00	6.00	9.00	10.00	12.00	14.00					

METROPOLITAN AREA: Portland-Vancouver, OR-WA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Multnomah County	11.01	21.00	22.01	22.02	23.01	23.02	33.01	33.02	34.01	34.02	36.01	40.01
	42.00	44.99	48.00	49.00	50.00	51.00	52.00	53.00	54.00	55.00	56.00	74.00
	83.01											
Washington County	332.00											
Clark County	410.05	416.00	417.00	418.00	423.00	424.00	425.00	427.00				

METROPOLITAN AREA: Portsmouth-Rochester, NH-ME PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Strafford County	802.00											

METROPOLITAN AREA: Providence-Fall River-Warwick, RI-MA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bristol County	6314.00	6402.00	6403.00	6408.00	6409.00	6410.00	6411.00	6412.00	6413.00	6414.00	6442.99	
Providence County	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	12.00	13.00
	14.00	19.00	20.00	26.00	27.00	30.00	36.00	37.00	108.00	109.00	110.00	111.00
	149.00	151.00	152.00	172.00	174.00	180.00	183.00					

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Provo-Orem, UT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Utah County	14.00	16.00	17.00	18.00	19.00	23.00	25.00					

METROPOLITAN AREA: Pueblo, CO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pueblo County	2.00	6.00	7.00	8.00	12.00	13.00	14.00	20.00	21.00	26.00	29.01	30.03

METROPOLITAN AREA: Racine, WI PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Racine County	1.00	2.00	3.00	4.00	5.00	10.01	22.00					

METROPOLITAN AREA: Raleigh-Durham-Chapel Hill, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Durham County	3.01	4.02	5.00	8.01	8.02	9.00	10.01	10.02	11.00	12.01	12.02	13.01
	13.04	14.00	15.01	15.02								
Franklin County	602.00											
Johnston County	403.00	406.00	414.00									
Orange County	107.03	107.04	113.00	116.00	117.00							
Wake County	501.00	504.00	506.00	507.00	508.00	509.00	510.00	511.00	520.01	522.01	524.03	542.98

METROPOLITAN AREA: Rapid City, SD MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pennington County	101.00	102.00	103.00									

METROPOLITAN AREA: Reading, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berks County	1.00	2.00	12.00	13.00	17.00	19.00	21.00	22.00	24.00	25.00	26.00	140.00

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Redding, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Shasta County	101.00	105.00										

METROPOLITAN AREA: Reno, NV MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Washoe County	1.00	9.00	18.00	33.01								

METROPOLITAN AREA: Richland-Kennewick-Pasco, WA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benton County	112.00											
Franklin County	201.00	202.00	203.00	204.00								

METROPOLITAN AREA: Richmond-Petersburg, VA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chesterfield County	1004.06											
Henrico County	2008.05											
Hopewell city	8201.00	8203.98	8207.00									
Petersburg city	8101.00	8102.00	8103.00	8104.00	8106.00	8107.00	8108.00					
Richmond city	101.98	109.00	110.00	201.00	202.00	203.00	204.00	206.00	207.00	208.00	209.00	210.00
	211.00	301.00	302.00	401.00	402.00	403.00	404.00	412.00	413.00	415.00	601.00	602.00
	603.00	604.00	607.98	608.98								

METROPOLITAN AREA: Riverside-San Bernardino, CA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Riverside County	303.00	304.00	305.00	416.00	422.02	422.03	425.01	428.00	434.01	434.02	436.00	440.00
	442.00	454.00	455.00	456.01	456.02	457.01	458.00	459.00	462.00			
San Bernardino County	3.01	14.00	16.00	41.00	42.00	47.00	48.00	49.00	50.00	54.00	55.00	56.00
	57.00	58.00	59.00	60.00	64.00	65.00	68.00	69.00	70.00	74.05	75.00	80.02
	91.04	94.00	98.00	104.05	104.09	105.00	106.00	117.00				

METROPOLITAN AREA: Roanoke, VA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Roanoke city	7.00	8.00	9.00	10.00	11.00	12.00	13.00	14.00				

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Rochester, MN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Olmsted County	1.00	5.00	8.00									

METROPOLITAN AREA: Rochester, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Genesee County	9510.00	9515.00										
Livingston County	305.00											
Monroe County	2.00	7.00	10.00	13.00	14.00	15.00	16.00	17.00	23.00	27.00	32.00	33.00
	38.02	38.03	38.04	39.00	40.00	41.00	43.00	46.02	47.01	48.00	49.00	50.00
	51.00	52.00	53.00	55.00	56.00	57.00	59.00	64.00	65.00	66.00	69.00	75.00
	79.00	80.00	87.02	90.00	91.00	92.00	93.01	94.01	94.02	94.03	95.00	96.01
	96.02	96.03	96.04	131.03	153.01							
Ontario County	517.00	518.00										
Wayne County	213.00											

METROPOLITAN AREA: Rockford, IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Winnebago County	10.00	11.00	12.00	21.00	24.00	25.00	26.00	27.00	28.00	29.00		

METROPOLITAN AREA: Rocky Mount, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Edgecombe County	201.00	202.00	204.00	207.00	209.00							
Nash County	101.00	109.00										

METROPOLITAN AREA: Sacramento, CA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
El Dorado County	301.01											
Sacramento County	5.00	6.00	7.00	10.00	11.00	12.00	14.00	18.00	20.00	21.00	22.00	27.00
	28.00	32.01	32.02	37.00	42.02	42.03	43.00	44.01	44.02	45.00	46.01	46.02
	47.00	49.03	50.02	51.03	52.01	53.00	62.02	64.00	65.00	66.00	67.02	68.00
	69.00	70.01	96.05									

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Saginaw-Bay City-Midland, MI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bay County	2802.00	2803.00	2804.00	2807.00	2811.00							
Saginaw County	1.00	2.00	3.00	4.00	5.00	6.00	7.00	8.00	9.00	10.00	11.00	13.00
	17.00	109.00	110.00									

METROPOLITAN AREA: St. Cloud, MN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Stearns County	1.00	2.00	3.02	103.00								

METROPOLITAN AREA: St. Joseph, MO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buchanan County	10.00	11.00	12.00	13.00	14.00	19.00	20.00					

METROPOLITAN AREA: St. Louis, MO-IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Madison County	4005.00	4006.00	4007.00	4021.00	4024.00	4025.00	4026.00	4031.01				
St. Clair County	5004.00	5005.00	5006.00	5009.00	5010.00	5011.00	5012.00	5013.00	5014.00	5021.00	5022.00	5024.01
	5024.04	5025.00	5027.00	5028.00	5029.00	5030.00	5041.00	5042.01	5044.00			
St. Louis County	2128.00	2139.00	2140.00	2141.00	2160.00	2161.00	2169.00	2217.98				
St. Louis city	1015.00	1052.00	1053.00	1054.00	1055.00	1061.00	1062.00	1063.00	1064.00	1065.00	1066.00	1067.00
	1071.00	1072.00	1074.00	1075.00	1076.00	1077.00	1084.00	1085.00	1096.00	1097.00	1101.00	1102.00
	1103.00	1104.00	1105.00	1111.00	1112.00	1113.00	1114.00	1115.00	1122.00	1123.00	1155.00	1156.00
	1164.00	1172.00	1173.00	1181.00	1184.00	1185.00	1186.00	1192.00	1193.00	1201.00	1202.00	1203.00
	1211.00	1212.00	1213.00	1214.00	1221.00	1224.00	1231.00	1232.00	1233.00	1241.00	1242.00	1243.00
	1246.00	1257.00	1266.00	1267.00								

METROPOLITAN AREA: Salem, OR PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marion County	1.00	7.00	9.00	10.00	19.00							
Polk County	203.01											

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Salinas, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Monterey County	5.00	7.00	10.00	13.00	106.02	108.98	137.00					

METROPOLITAN AREA: Salt Lake City-Ogden, UT MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Davis County	1256.00	1263.00										
Salt Lake County	1001.00	1007.00	1014.00	1015.00	1017.00	1019.00	1020.00	1021.00	1023.00	1024.00	1025.00	1026.00
	1027.00	1029.00	1030.00	1032.00	1115.00	1116.00	1124.01	1133.05				
Weber County	2008.00	2009.00	2011.00	2012.00	2018.00	2019.00						

METROPOLITAN AREA: San Angelo, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tom Green County	4.00	5.00	6.00	7.00	9.00							

METROPOLITAN AREA: San Antonio, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bexar County	1101.00	1102.00	1103.00	1105.00	1106.00	1107.00	1108.00	1109.00	1110.00	1301.00	1302.00	1303.00
	1304.00	1305.00	1306.00	1307.85	1308.00	1309.00	1311.00	1312.00	1401.00	1406.00	1501.00	1502.00
	1503.00	1504.00	1505.00	1507.00	1508.00	1510.00	1518.00	1519.00	1521.00	1601.00	1605.00	1606.00
	1609.00	1610.85	1612.00	1613.00	1701.00	1702.00	1703.00	1704.00	1707.00	1708.00	1709.00	1710.00
	1711.00	1712.00	1714.00	1715.00	1716.00	1804.00	1901.00	1902.00				
Guadalupe County	2102.00	2103.00										

METROPOLITAN AREA: San Diego, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Diego County	22.00	23.00	24.00	25.01	26.00	27.01	27.04	27.06	28.01	29.01	33.00	34.02
	35.00	36.00	39.00	40.00	41.00	45.00	46.00	47.00	48.00	49.00	50.00	51.00
	51.99	52.00	53.00	54.00	55.00	56.00	57.00	58.00	58.99	62.00	65.00	66.00
	83.05	86.00	100.07	100.08	100.09	114.00	115.00	116.00	117.00	118.00	120.00	122.00
	123.02	125.00	132.01	144.00	157.01	158.00	182.00	184.00	186.03	202.98	206.01	

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: San Francisco, CA PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marin County	1290.00											
San Francisco County	106.00	107.00	111.00	113.00	114.00	115.00	117.00	118.00	120.00	121.00	122.00	123.00
	124.00	125.00	155.00	161.00	162.98	163.00	176.98	177.00	178.00	179.02	180.00	201.98
	208.00	209.00	229.00	231.00	232.00	233.00	234.00	603.00	605.00	606.00	609.00	
San Mateo County	6102.00	6117.00	6120.00									

METROPOLITAN AREA: San Jose, CA PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Clara County	5003.00	5008.00	5009.00	5010.00	5013.00	5014.00	5015.00	5016.00	5017.00	5031.01	5036.02	5037.02
	5037.03	5052.01	5116.02	5126.01								

METROPOLITAN AREA: San Juan-Bayamon, PR PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aguas Buenas Municipio	2303.00	2304.98										
Barceloneta Municipio	5902.00	5903.00										
Bayamon Municipio	307.00	321.00										
Canovanas Municipio	1001.98	1004.00										
Catano Municipio	201.00	202.00	203.00	204.04								
Comerio Municipio	9517.00	9518.00	9519.00	9521.00								
Corozal Municipio	5301.00	5303.00	5305.00	5306.00								
Dorado Municipio	5407.00											
Florida Municipio	5802.00											
Guaynabo Municipio	401.01	401.02	401.03									
Juncos Municipio	5004.00											
Loiza Municipio	1101.00	1102.00	1104.00	1106.00								
Manati Municipio	5701.00	5703.00	5707.00									
Morovis Municipio	9553.00	9554.00	9555.00									
Naguabo Municipio	1703.00											
Naranjito Municipio	5201.00	5202.00	5203.00									
San Juan Municipio	2.00	6.00	13.00	14.00	27.00	28.00	29.00	31.00	33.00	34.00	35.01	35.02
	36.00	37.00	38.00	40.00	41.00	42.01	42.02	43.00	44.00	45.00	46.00	47.00
	48.00	49.00	50.00	51.03	52.23	54.02	60.00	82.01	90.00	93.00	95.00	103.00
Toa Alta Municipio	5107.98											
Toa Baja Municipio	1217.00	1218.01	1221.00	1222.00	1224.00							
Vega Alta Municipio	5501.00	5503.00										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: San Juan-Bayamon, PR PMSA (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vega Baja Municipio	5606.00	5609.00										
Yabucoa Municipio	9507.00	9508.00	9513.00									

METROPOLITAN AREA: San Luis Obispo-Atascadero-Paso Robles, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Luis Obispo County	109.00	111.00	112.00									

METROPOLITAN AREA: Santa Barbara-Santa Maria-Lompoc, CA MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Barbara County	9.00	12.04	23.04	24.02	24.03	24.04	25.00	27.02	27.06	29.02	29.03	29.11
	29.12											

METROPOLITAN AREA: Santa Cruz-Watsonville, CA PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Cruz County	1007.00	1008.00	1010.00	1103.00	1104.98	1201.00						

METROPOLITAN AREA: Santa Fe, NM MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Santa Fe County	3.00	10.02	101.01									

METROPOLITAN AREA: Santa Rosa, CA PMSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sonoma County	1514.00	1519.00	1520.00									

METROPOLITAN AREA: Sarasota-Bradenton, FL MSA

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Manatee County	1.02	1.03	7.01	15.02								
Sarasota County	2.00	3.00										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Savannah, GA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chatham County	1.00	6.01	10.00	11.00	12.00	13.00	15.00	17.00	18.00	19.00	20.00	21.00
	22.00	23.00	24.00	25.00	27.00	28.00	32.00	44.00	45.00	101.01	105.02	106.04

METROPOLITAN AREA: Scranton--Wilkes-Barre--Hazleton, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Columbia County	511.00											
Lackawanna County	1002.00	1003.00	1007.00	1014.00	1015.00	1029.00						
Luzerne County	2001.00	2009.00	2010.00	2125.00	2132.00	2135.00	2174.00					

METROPOLITAN AREA: Seattle-Bellevue-Everett, WA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Island County	9702.00	9709.00										
King County	43.00	44.00	47.00	52.00	53.01	53.02	54.99	71.00	72.00	73.00	74.00	75.00
	79.00	80.00	81.00	82.00	84.00	85.00	86.00	87.00	90.00	91.00	92.00	103.00
	107.00	109.00	110.00	112.00	259.00	263.00	265.00					
Snohomish County	402.00	404.00	407.00									

METROPOLITAN AREA: Sharon, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mercer County	302.00	306.00	307.00	308.00	321.00							

METROPOLITAN AREA: Sheboygan, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sheboygan County	5.00	6.00										

METROPOLITAN AREA: Sherman-Denison, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grayson County	2.00	5.02	14.00	16.01	16.02							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Shreveport-Bossier City, LA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bossier Parish	103.00	104.00										
Caddo Parish	202.00	204.00	206.00	207.00	208.00	209.00	211.00	213.00	217.00	218.00	219.00	223.00
	225.00	232.00	233.00	235.00	236.00	237.00	246.00					
Webster Parish	317.00	319.00										

METROPOLITAN AREA: Sioux City, IA-NE MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Woodbury County	12.00	13.00	15.00	16.00								

METROPOLITAN AREA: Sioux Falls, SD MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Minnehaha County	7.00											

METROPOLITAN AREA: South Bend, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Joseph County	6.00	10.00	18.00	19.00	20.00	21.00	23.00	27.00	29.00	30.00		

METROPOLITAN AREA: Spokane, WA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Spokane County	1.00	2.00	16.00	20.00	22.00	23.00	24.00	25.00	27.00	28.00	30.00	31.00
	32.00	33.00	34.00	35.00	36.00	140.01	140.02					

METROPOLITAN AREA: Springfield, IL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sangamon County	8.00	9.00	14.00	15.00	16.00	17.00	23.00	24.00				

METROPOLITAN AREA: Springfield, MO MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Greene County	1.00	2.00	4.00	5.00	6.00	7.00	9.00	16.00	18.02	19.00	20.00	32.01
	32.02	33.00										

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Springfield, MA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hampden County	8006.00	8007.00	8008.00	8009.00	8011.02	8012.00	8013.00	8014.01	8015.02	8018.00	8019.00	8020.00
	8022.00	8114.00	8115.00	8116.00	8117.00	8118.00						
Hampshire County	8203.00	8204.00	8205.00	8220.00								

METROPOLITAN AREA: Stamford-Norwalk, CT PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Fairfield County	201.00	214.00	441.00	445.00								

METROPOLITAN AREA: State College, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Centre County	120.00	121.00	124.00	125.00	126.00							

METROPOLITAN AREA: Steubenville-Weirton, OH-WV MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jefferson County	1.00	2.00	3.00	7.00	8.00	9.00	111.00					
Brooke County	302.00											

METROPOLITAN AREA: Stockton-Lodi, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
San Joaquin County	1.00	2.00	3.00	5.00	6.00	7.00	8.00	16.00	17.00	21.00	22.00	23.00
	25.00	27.01	31.13	33.04	34.05	34.06	34.07	38.00	39.00	45.00		

METROPOLITAN AREA: Sumter, SC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sumter County	1.00	8.97	8.98	13.00	15.00	16.00						

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Syracuse, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cayuga County	419.00											
Onondaga County	5.00	13.00	22.00	23.00	30.00	31.00	32.00	33.00	34.00	35.00	38.00	39.00
	40.00	41.00	42.00	43.00	44.00	45.00	52.00	53.00	54.00	56.02	59.00	61.02
Oswego County	216.01	216.02										

METROPOLITAN AREA: Tacoma, WA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pierce County	602.99	613.00	614.00	615.00	616.01	616.02	617.00	621.00	622.00	626.00	627.00	718.02
	720.00											

METROPOLITAN AREA: Tallahassee, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Gadsden County	207.00											
Leon County	1.00	4.00	5.00	6.00	10.01	11.01	12.00	13.00	14.00	20.01	20.02	

METROPOLITAN AREA: Tampa-St. Petersburg-Clearwater, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hillsborough County	7.00	10.00	12.00	18.00	19.00	20.00	26.00	30.00	31.00	32.00	33.00	34.00
	35.00	36.00	37.00	38.00	39.00	40.00	41.00	42.00	43.00	44.00	50.00	51.00
	53.99	108.03	108.05	108.06	108.07	109.00	129.00	139.02				
Pasco County	324.00	325.00	326.00	327.00								
Pinellas County	205.00	206.00	207.00	208.00	209.95	210.95	212.00	213.00	214.00	215.00	216.95	218.95
	259.02	262.00										

METROPOLITAN AREA: Terre Haute, IN MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Vigo County	1.00	3.00	5.00	6.00	8.00	12.00	19.00					

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Texarkana, TX-Texarkana, AR MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Miller County	203.00	204.00	205.00	206.98								
Bowie County	102.00	103.00	104.00	105.00	106.00							

METROPOLITAN AREA: Toledo, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lucas County	8.00	12.02	13.02	13.04	14.00	15.00	17.00	18.00	19.00	20.00	21.00	22.00
	23.00	24.02	25.00	26.00	27.00	28.00	29.00	30.00	32.00	33.00	34.00	35.00
	36.00	37.00	38.00	40.00	41.00	42.00	43.01	48.00	51.00	54.00	65.00	68.00
	73.03	75.00	99.99									
Wood County	217.01	217.02	218.00									

METROPOLITAN AREA: Topeka, KS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Shawnee County	1.00	2.00	3.00	4.00	5.00	6.00	11.00	29.00	31.00			

METROPOLITAN AREA: Trenton, NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Mercer County	1.00	8.00	9.00	10.00	11.00	14.00	15.00	16.00	17.00	19.00	20.00	21.00

METROPOLITAN AREA: Tucson, AZ MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Pima County	1.00	2.00	3.00	4.00	5.00	8.00	9.00	10.00	12.00	13.01	13.02	14.00
	15.00	21.00	22.00	23.00	24.00	26.01	28.00	37.01	37.02	38.00	41.04	42.00
	43.08	44.07	48.00	49.00								

METROPOLITAN AREA: Tulsa, OK MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Creek County	208.00	210.00										
Osage County	104.00											
Tulsa County	2.00	3.00	5.00	6.00	7.00	9.00	10.00	12.00	13.00	14.00	21.00	23.00
	25.00	26.00	30.00	34.00	46.00	57.00	62.00	67.01	68.01	73.11	76.08	76.10
	79.00	80.01	80.02	88.00	91.01							

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2002 IRS SECTiON 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Tuscaloosa, AL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tuscaloosa County	104.04	111.00	112.00	114.00	117.01	118.00	119.00					
METROPOLITAN AREA: Tyler, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Smith County	2.01	2.02	3.00	4.00	5.00	6.00	7.00	18.98				
METROPOLITAN AREA: Utica-Rome, NY MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Herkimer County	104.00	111.00										
Oneida County	202.01	203.00	204.00	205.00	206.00	207.01	208.01	208.02	208.03	209.00	210.00	211.01
	211.03	212.01	213.01	215.00	218.00	219.00						
METROPOLITAN AREA: Vallejo-Fairfield-Napa, CA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Napa County	2001.00											
Solano County	2509.00	2518.02	2523.98									
METROPOLITAN AREA: Ventura, CA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ventura County	1.00	2.00	6.00	23.00	24.00	28.02	32.00	34.02	35.00	38.00	43.01	45.01
	46.00	49.00	50.02									
METROPOLITAN AREA: Victoria, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Victoria County	1.00	2.01	3.01	3.02	6.01							
METROPOLITAN AREA: Vineland-Millville-Bridgeton, NJ PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cumberland County	201.00	203.00	205.00	401.00	402.00							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Visalia-Tulare-Porterville, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tulare County	2.00	3.02	6.00	11.00	16.00	29.01	32.00	40.00	41.00	43.00	44.00	

METROPOLITAN AREA: Waco, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
McLennan County	1.00	2.00	3.00	4.00	7.00	10.00	12.00	14.00	15.00	19.00	33.00	

METROPOLITAN AREA: Washington, DC-MD-VA-WV PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
District of Columbia	21.01	22.02	25.02	28.01	28.02	29.00	30.00	31.00	32.00	34.00	35.00	36.00
	37.00	38.00	43.00	45.00	46.00	47.00	48.01	48.02	49.01	49.02	50.00	52.20
	57.01	58.00	59.00	60.20	62.02	64.10	71.00	72.00	73.02	73.04	73.08	74.01
	74.04	74.06	74.07	74.08	74.09	74.30	75.02	75.03	75.04	76.01	77.03	77.08
	77.09	78.03	78.04	78.07	78.08	78.09	78.60	79.01	79.03	84.02	85.10	86.00
	87.01	87.02	88.02	88.03	88.04	89.03	89.04	90.01	91.02	92.03	92.10	92.40
	93.02	96.02	97.00	98.03	98.04	98.05	98.06	98.08	98.10	98.20	99.03	99.04
	99.05	99.06	99.07									
Charles County	8502.01											
Frederick County	7501.00	7503.00	7509.00									
Montgomery County	7009.04	7019.00	7025.00									
Prince George's County	8011.01	8029.03	8034.01	8035.09	8056.00	8071.02	8072.00					
Arlington County	1033.00											
Culpeper County	9903.00	9904.00										
Fairfax County	4215.00	4219.85										
Prince William County	9009.03											
Warren County	204.00	205.00										
Fredericksburg city	2.00	4.98										
Berkeley County	9713.00	9715.00	9716.00	9717.00	9720.00							
Jefferson County	9724.00											

METROPOLITAN AREA: Waterbury, CT PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Haven County	3501.00	3502.00	3503.00	3504.00	3505.00	3506.00	3522.00					

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Waterloo-Cedar Falls, IA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Black Hawk County	1.00	2.00	3.00	7.00	8.00	9.00	17.01	18.00				

METROPOLITAN AREA: Wausau, WI MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Marathon County	1.00											

METROPOLITAN AREA: West Palm Beach-Boca Raton, FL MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Palm Beach County	13.00	14.03	14.04	15.00	19.02	21.00	22.00	23.00	24.00	25.00	26.00	51.00
	52.02	59.13	61.00	67.00	68.02	75.02	77.12	77.13	80.01	80.02	82.01	82.02
	83.01	83.02										

METROPOLITAN AREA: Wheeling, WV-OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Belmont County	116.00	117.00	120.00	121.00								
Marshall County	205.00											
Ohio County	1.00	4.00	6.00	7.00	8.00	24.00						

METROPOLITAN AREA: Wichita, KS MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sedgwick County	1.00	4.00	6.00	7.00	8.00	9.00	18.00	24.00	26.00	27.00	37.00	41.00
	42.00	43.00	65.00	68.00	78.00							

METROPOLITAN AREA: Wichita Falls, TX MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Wichita County	101.00	102.00	103.00	104.00	105.00	108.00	110.00	111.00	112.00	113.00	114.00	116.00
	137.00											

METROPOLITAN AREA: Williamsport, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lycoming County	4.00	7.00	8.00									

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Wilmington-Newark, DE-MD PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
New Castle County	1.00	6.02	7.00	8.00	9.00	16.00	17.00	19.00	20.00	21.00	22.00	144.03
	145.01											

METROPOLITAN AREA: Wilmington, NC MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Brunswick County	202.99											
New Hanover County	101.00	103.00	105.01	108.00	110.00	111.00	112.00	113.00	114.00			

METROPOLITAN AREA: Worcester, MA-CT PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Worcester County	7312.01	7312.02	7313.00	7314.00	7315.00	7317.00	7318.00	7319.00	7320.01	7325.00	7384.00	7421.00
	7572.00											

METROPOLITAN AREA: Yakima, WA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yakima County	1.00	2.00	6.00	15.00	24.00	25.00	27.00					

METROPOLITAN AREA: Yolo, CA PMSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yolo County	101.01	102.03	105.01	106.02	107.03	116.98						

METROPOLITAN AREA: York, PA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
York County	1.00	2.00	5.00	7.00	10.00	15.00	16.00					

METROPOLITAN AREA: Youngstown-Warren, OH MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Columbiana County	9518.00	9521.00	9522.00	9523.00	9525.98							
Mahoning County	8001.00	8002.00	8003.00	8004.00	8005.00	8006.00	8007.00	8009.00	8010.00	8017.00	8019.00	8020.00
	8021.00	8022.00	8023.00	8024.00	8031.00	8032.00	8034.00	8035.00	8037.00	8040.00	8041.00	8043.00
	8044.00	8103.00	8104.00									
Trumbull County	9201.00	9202.00	9205.00	9206.00	9207.00							

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2002 IRS SECTION 42(d)(5)(C) METROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

METROPOLITAN AREA: Yuba City, CA MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Sutter County	507.00											
Yuba County	403.00	404.00	405.00									

METROPOLITAN AREA: Yuma, AZ MSA												
COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Yuma County	1.00	105.00	106.00	110.00	114.00	115.00	116.00					

NOTE: * indicates that only the part of the tract within the metropolitan area is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Alabama

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Barbour County	9502.00	9504.00										
Bibb County	9516.00											
Bullock County	9521.00	9522.00										
Butler County	9527.00	9529.00	9530.00	9531.00	9533.00	9534.00						
Chambers County	9537.00	9541.00										
Choctaw County	9567.00	9570.00										
Clarke County	9578.00	9580.00										
Coffee County	109.00											
Conecuh County	9602.00	9604.00	9606.00									
Covington County	9621.00	9627.00										
Crenshaw County	9636.00											
Dallas County	9964.00	9965.00	9966.00	9968.00	9969.00	9970.00	9971.00	9972.00	9973.00	9974.00		
Escambia County	9702.00	9706.00										
Fayette County	9723.00											
Greene County	9743.00	9744.00	9745.00	9746.00								
Hale County	9744.00	9746.00	9747.00	9748.00	9749.00							
Lowndes County	9810.00	9811.00	9812.00									
Macon County	9814.00	9815.00	9816.00	9817.00	9818.00	9820.00	9821.00	9822.00	9823.00			
Marengo County	9828.00	9829.00	9830.00	9831.00								
Marshall County	311.00											
Monroe County	9856.00	9857.00	9858.00									
Perry County	9868.00	9869.00	9870.00	9871.00	9872.00							
Pickens County	9879.00	9881.00										
Pike County	9887.00	9889.00										
Sumter County	9911.00	9912.00	9913.00	9914.00	9915.00							
Talladega County	106.00	107.00	118.00									
Wilcox County	9947.00	9948.00	9949.00	9950.00	9951.00							

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Alaska

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aleutians East Borough	9900.99											
Bethel Census Area	9513.98	9514.98										
Dillingham Census Area	9716.98											
Fairbanks North Star Borough	1.00											
Kenai Peninsula Borough	9543.00											
Kodiak Island Borough	9623.99											
Matanuska-Susitna Borough	9743.00	9744.00										
Nome Census Area	9510.00											
Valdez-Cordova Census Area	9861.00											
Wade Hampton Census Area	9712.00											
Yukon-Koyukuk Census Area	9604.00	9605.00	9606.00	9607.98								

NONMETROPOLITAN PART OF STATE: Arizona

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Apache County	9760.00	9771.00	9772.00	9773.00	9774.00	9775.00	9777.00	9778.00				
Cochise County	9.00											
Gila County	9850.00	9860.00										
Graham County	9950.00											
La Paz County	201.00											
Navajo County	9650.00	9651.00	9652.00	9653.00	9660.00	9671.00	9672.00	9674.00	9675.00	9676.00		

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Arkansas

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Arkansas County	9804.00	9807.00										
Ashley County	9601.98	9604.00										
Bradley County	9503.00	9505.00										
Chicot County	9802.00	9803.00	9804.00									
Columbia County	9505.00											
Cross County	9501.00	9505.00										
Desha County	9501.98	9503.00	9504.00									
Drew County	9902.00	9904.00										
Franklin County	9501.00											
Garland County	106.00	107.00	108.00	115.00								
Greene County	9805.00	9807.00										
Hempstead County	9802.00											
Jackson County	9802.00											
Lafayette County	9701.00	9702.00	9703.00									
Lee County	9701.00	9702.00	9703.00	9704.00								
Lincoln County	9602.00											
Madison County	9604.00											
Mississippi County	101.00	103.00	109.00	110.00								
Monroe County	9501.00	9502.00	9503.00									
Newton County	9802.00											
Phillips County	9801.00	9802.00	9803.00	9804.00	9805.00	9806.00						
Poinsett County	9901.00	9903.00	9907.00									
St. Francis County	9601.00	9604.00	9606.00									
Searcy County	9701.00	9702.00	9703.00									
Sharp County	9701.00											
Union County	9501.00	9509.00	9510.00									
Van Buren County	9601.00											
White County	9706.00											
Woodruff County	9901.00	9902.00										

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: California

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Humboldt County	1.00	5.00	10.00	101.00	113.00							
Imperial County	101.00	104.00	114.00	115.00	116.00	119.00	120.00	121.00	122.00	124.00	125.00	
Kings County	9.00	11.00	13.00	16.00	17.00							
Mendocino County	101.00	118.00										
Nevada County	10.00	11.00										
Siskiyou County	2.00											
Trinity County	3.98											

NONMETROPOLITAN PART OF STATE: Colorado

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Alamosa County	9816.00	9817.00										
Baca County	9849.00											
Conejos County	9746.00	9747.00	9748.00	9749.00								
Costilla County	9826.00	9827.00										
Delta County	9648.00											
Elbert County	9911.00											
Fremont County	9784.00											
Huerfano County	9808.00											
La Plata County	9711.00											
Las Animas County	9832.00	9833.00	9834.00									
Lincoln County	9916.00											
Montezuma County	9695.00											
Otero County	9877.00	9880.00	9881.00									
Prowers County	9857.00	9859.00										
Rio Grande County	9767.00	9768.00										
Saguache County	9776.00	9777.00										

NONMETROPOLITAN PART OF STATE: Connecticut

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Litchfield County	3103.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Florida

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bradford County	1.00											
Columbia County	9902.00	9903.00										
DeSoto County	9803.00											
Dixie County	9801.00	9802.00	9803.98									
Franklin County	9701.00	9702.00	9703.00									
Hamilton County	9801.00	9803.00										
Hardee County	9704.00											
Hendry County	9602.00											
Highlands County	9609.00	9617.00										
Holmes County	9603.00	9604.00										
Indian River County	503.01	503.02										
Jackson County	9802.00	9803.00	9806.00	9808.00								
Jefferson County	9801.98											
Lafayette County	9602.98											
Levy County	9702.00	9706.00										
Madison County	9902.00	9903.00										
Monroe County	9701.00											
Okeechobee County	9902.00	9903.00										
Putnam County	9507.00	9508.00										
Sumter County	9907.00											
Suwannee County	9701.00											
Taylor County	9503.00											
Walton County	9502.00											

NONMETROPOLITAN PART OF STATE: Georgia

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Appling County	9502.00											
Atkinson County	9603.00											
Bacon County	9702.00											
Ben Hill County	9604.00											
Brooks County	9901.00	9902.00	9904.00	9905.00	9906.00							
Bulloch County	9904.00	9905.00	9908.00									
Burke County	9502.00	9503.00	9504.00	9506.00	9507.00	9508.00						
Calhoun County	9501.00	9503.00	9504.00									
Candler County	9502.00	9503.00										
Clay County	9601.00	9602.00										
Clinch County	9702.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Georgia (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Coffee County	9908.00											
Colquitt County	9703.00											
Cook County	9802.00											
Crisp County	9802.00	9803.00										
Decatur County	9703.00	9704.00	9708.00									
Dodge County	9606.00											
Dooly County	9701.00	9702.00	9703.00									
Early County	9901.98	9902.00	9904.00									
Emanuel County	9801.00	9802.00	9804.00	9807.00								
Evans County	9703.00											
Floyd County	6.00	11.00	16.00	19.00								
Glynn County	8.00	9.00										
Grady County	9503.00											
Greene County	9503.00											
Hancock County	9801.00	9802.00										
Irwin County	9502.00											
Jefferson County	9601.00	9603.00	9604.00									
Jenkins County	9601.00	9602.00										
Johnson County	9802.00											
Lanier County	9502.00											
Laurens County	9503.00	9509.00										
Liberty County	106.00											
Lowndes County	108.00	109.00	110.00	113.00								
McIntosh County	9902.00											
Macon County	9801.00	9804.00										
Marion County	9802.00											
Meriwether County	9704.00											
Mitchell County	9802.00	9803.00	9805.00	9806.00								
Montgomery County	9502.00											
Quitman County	9801.00	9802.00										
Randolph County	9901.00	9902.00										
Screven County	9701.00	9705.00										
Seminole County	9801.00	9803.00										
Stewart County	9501.00	9502.00	9503.00									
Sumter County	9503.00											
Talbot County	9602.00	9603.00										
Taliaferro County	9901.00	9902.00										
Taylor County	9501.00	9502.00	9503.00									

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Georgia (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Telfair County	9502.00	9503.00	9504.00									
Terrell County	9803.00	9805.00										
Thomas County	9601.00	9607.00	9608.00	9611.00								
Tift County	9906.00	9907.00										
Toombs County	9701.00	9702.00										
Treutlen County	9602.98											
Troup County	9606.00	9608.00										
Turner County	9701.00	9702.00										
Union County	9903.00											
Ware County	9501.00	9504.00	9507.00	9508.00								
Warren County	9701.00	9702.00	9703.00	9704.00								
Wayne County	9703.00	9704.00										
Wheeler County	9801.00	9802.00										
Wilcox County	9903.00	9904.00										
Worth County	9504.00	9505.00										

NONMETROPOLITAN PART OF STATE: Hawaii

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hawaii County	204.00	211.00										
Kalawao County	319.00											
Kauai County	410.00											
Maui County	301.00	313.00	317.00	318.00								

NONMETROPOLITAN PART OF STATE: Idaho

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bingham County	9508.00											
Bonneville County	9701.00	9712.00										
Cassia County	9504.00											
Idaho County	9604.00											
Kootenai County	9.00											
Latah County	51.00	54.00										
Lemhi County	9801.00											
Madison County	9503.00											
Owyhee County	9501.00											
Twin Falls County	9811.00											

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Illinois

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	4.00	7.00	8.00									
Alexander County	9577.00	9578.00	9579.00									
Christian County	9589.00											
Coles County	4.00	7.00	8.00									
Franklin County	404.00	407.00	409.00	410.00								
Hamilton County	9731.00											
Hardin County	9709.00											
Jackson County	107.00	108.00	109.00	111.00	112.00	113.00	114.00	115.00				
Jefferson County	509.00	510.00	511.00									
Knox County	8.00	11.00										
La Salle County	9633.00											
McDonough County	104.00	105.00	106.00	108.00								
Marion County	9525.00	9527.00										
Morgan County	9520.00											
Perry County	304.00											
Pike County	9528.00											
Pope County	9712.00											
Pulaski County	9710.00	9711.00										
Richland County	9780.00											
Saline County	9555.00	9559.00										
Stephenson County	7.00											
Vermilion County	1.00	2.00	4.00	6.00								
White County	9580.00											
Whiteside County	17.00											
Williamson County	201.00											

NONMETROPOLITAN PART OF STATE: Indiana

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grant County	2.00	9.00										
Henry County	9761.00	9763.00	9765.00									
Knox County	9553.00	9554.00										
La Porte County	402.00											
Wayne County	1.00	2.00	3.00	10.00								

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Iowa

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Buchanan County	9502.00											
Lee County	9908.00											
Story County	5.00	7.00	10.00	11.00	13.01							
Wapello County	9602.00	9605.00										
Webster County	7.00	8.00										

NONMETROPOLITAN PART OF STATE: Kansas

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bourbon County	9559.00											
Cherokee County	9585.00											
Crawford County	9571.00	9575.00										
Ellis County	9729.00											
Geary County	1.00	2.00										
Lyon County	1.00											
Montgomery County	9510.00	9512.00										
Reno County	6.00											
Riley County	4.00	5.00	8.00									
Saline County	2.00											
Seward County	9660.00											

NONMETROPOLITAN PART OF STATE: Kentucky

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9705.00											
Bell County	9601.00	9602.00	9604.00	9605.00	9609.00	9610.00						
Boyle County	9903.00											
Breathitt County	9801.00	9802.00	9803.00	9805.00	9806.00	9807.00						
Casey County	9505.00											
Clay County	9501.00	9502.00	9504.00	9505.00	9506.00							
Clinton County	9701.00	9702.00										
Elliott County	9802.00											
Estill County	9804.00											
Floyd County	9805.00	9808.00	9810.00									
Franklin County	702.00											
Fulton County	9802.00											
Hardin County	15.00											
Harlan County	9702.00	9703.00	9705.00	9706.00	9709.00	9710.00	9711.00					

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Kentucky (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Jackson County	9601.00	9602.00										
Johnson County	9602.00											
Knott County	9601.00	9602.00	9603.00	9604.00	9605.00							
Knox County	9901.00	9902.00	9905.00	9906.00	9907.00	9908.00						
Laurel County	9701.00	9709.00										
Lawrence County	9902.00	9903.00	9904.00									
Lee County	9501.00	9502.00	9503.00									
Leslie County	9801.00	9802.00										
Letcher County	9503.00	9506.00										
Lewis County	9902.00											
Lincoln County	9804.00											
McCracken County	301.00	302.00	303.00	304.00	305.00	306.00						
McCreary County	9601.00	9602.00	9603.00	9604.00								
Magoffin County	9701.00	9702.00	9703.00	9704.00								
Marion County	9701.00	9708.00										
Martin County	9501.00	9502.00	9503.00									
Menifee County	9601.00											
Morgan County	9501.00	9503.00	9505.00									
Muhlenberg County	9601.00											
Owsley County	9901.00	9902.00	9903.00									
Perry County	9701.00	9702.00	9703.00	9705.00	9707.00							
Pike County	9903.00	9905.00	9917.00									
Pulaski County	9911.00											
Rockcastle County	9502.00	9504.00										
Rowan County	9503.00	9504.00										
Warren County	101.00	102.00	103.00	104.00	105.00							
Wayne County	9801.00	9803.00	9804.00	9805.00	9806.00							
Whitley County	9804.00	9805.00	9807.00	9808.00								
Wolfe County	9901.00	9902.00	9903.00									

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Louisiana

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allen Parish	9503.00											
Assumption Parish	501.98	505.00										
Avoyelles Parish	304.00	306.00	309.00									
Catahoula Parish	9801.00	9802.00										
Claiborne Parish	9504.00											
Concordia Parish	9902.00											
De Soto Parish	9505.00	9506.00										
East Carroll Parish	9901.00	9902.00	9903.00									
Evangeline Parish	9505.00	9506.00										
Franklin Parish	9503.00	9506.00										
Iberia Parish	308.00	309.00	310.00									
Jefferson Davis Parish	9806.00											
Lincoln Parish	9603.00	9608.00	9609.00									
Madison Parish	9603.00	9604.00										
Morehouse Parish	9504.00	9508.00										
Natchitoches Parish	9904.00	9907.00										
Pointe Coupee Parish	9519.00	9520.00										
Red River Parish	9602.00	9603.00										
Richland Parish	9705.00											
Sabine Parish	9805.00											
St. Mary Parish	411.00	416.00										
Tangipahoa Parish	9533.00	9534.00	9536.00	9543.00	9544.00							
Tensas Parish	9801.00	9803.00										
Vermilion Parish	9508.00											
Washington Parish	9503.00	9508.00	9509.00									
Winn Parish	9603.00											

NONMETROPOLITAN PART OF STATE: Maine

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aroostook County	9508.00											
Franklin County	9901.00											
Penobscot County	255.00											
Somerset County	9852.00	9855.00										

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Maryland

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Dorchester County	9705.00											
Somerset County	9806.00											
Wicomico County	3.00	102.00										
Worcester County	9909.00											

NONMETROPOLITAN PART OF STATE: Massachusetts

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Berkshire County	9211.00	9213.00										
Franklin County	413.00											

NONMETROPOLITAN PART OF STATE: Michigan

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cass County	7.00	9.00										
Chippewa County	9703.00											
Clare County	9801.00	9802.00	9803.00	9805.00	9809.00	9810.00	9812.00					
Delta County	9710.00											
Gladwin County	9902.00	9908.00										
Houghton County	9903.00	9908.00										
Iosco County	9904.00	9905.00										
Isabella County	9505.00	9509.00	9511.00	9512.00								
Keweenaw County	9601.00											
Lake County	9604.00	9605.00	9606.00	9607.00								
Manistee County	9906.00											
Marquette County	3.00	5.00	6.00	6.99								
Mecosta County	9605.00	9606.00	9607.00	9611.00								
Montcalm County	9801.00											
Newaygo County	9702.00	9707.00										
Ogemaw County	9501.00	9507.00	9508.00									
Oscoda County	9704.00											
Presque Isle County	9502.99											
Roscommon County	9702.00											
St. Joseph County	402.00	404.00										
Shiawassee County	306.00	312.00										

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Minnesota

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Aitkin County	9902.00	9903.00										
Becker County	9510.00											
Beltrami County	9506.00	9507.00	9508.00									
Blue Earth County	9707.00	9711.00	9712.00									
Cass County	9610.00	9611.00	9612.00									
Clearwater County	9602.00											
Crow Wing County	9501.00											
Hubbard County	9706.00											
Itasca County	9811.00											
Kandiyohi County	9810.00											
Koochiching County	9906.00											
Mahnomen County	9603.00											
Mille Lacs County	9702.00											
Pennington County	9904.00											
Stevens County	9802.00											
Todd County	9902.00											
Wadena County	9801.00	9802.98										
Winona County	9705.00											

NONMETROPOLITAN PART OF STATE: Mississippi

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	3.00	4.00										
Attala County	9503.00											
Bolivar County	9501.00	9502.00	9503.00	9504.00	9507.00							
Claiborne County	9502.00	9503.00										
Clay County	9503.00											
Coahoma County	9501.00	9503.00	9506.00	9507.00								
Copiah County	9501.00											
Holmes County	9501.00	9502.00	9503.00	9504.00	9505.00							
Humphreys County	9502.00	9503.00										
Issaquena County	9501.00											
Jefferson County	9501.00	9502.00										
Jones County	9507.00											
Kemper County	9501.00											
Lafayette County	9503.00											
Lauderdale County	1.00	2.00	4.00	6.00	7.00							
Leflore County	9501.00	9502.00	9503.00	9508.00	9509.00							

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Mississippi (conintued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lowndes County	7.00	8.00	11.00									
Monroe County	9508.00											
Neshoba County	9503.00											
Noxubee County	9501.00	9502.00	9503.00									
Oktibbeha County	9503.00											
Panola County	9501.00											
Pike County	9503.00	9507.00										
Quitman County	9501.00	9502.00	9503.00									
Sharkey County	9501.00	9502.00										
Sunflower County	9502.00	9503.00	9505.00	9506.00								
Tallahatchie County	9502.00	9503.00	9504.00									
Tunica County	9501.00	9502.00										
Warren County	9503.00	9504.00										
Washington County	1.00	4.00	5.00	6.00	10.00	11.00	12.00	13.00	18.00	19.00	20.00	22.00
Wilkinson County	9501.00	9502.00										
Yazoo County	9503.00	9505.00										

NONMETROPOLITAN PART OF STATE: Missouri

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9503.00	9505.00	9506.00	9507.00	9509.00							
Audrain County	9503.00											
Bates County	9704.00											
Benton County	9606.00											
Bollinger County	9502.00											
Butler County	9504.00	9505.00	9506.00	9507.00	9509.00							
Cape Girardeau County	9809.00	9810.00	9814.00	9816.00								
Carter County	9601.00	9602.00										
Cedar County	9701.00											
Cole County	101.00											
Dallas County	9801.00	9802.00										
Daviess County	9702.00											
Dent County	9603.00	9604.00										
Douglas County	9501.00	9503.00										
Dunklin County	9601.00	9604.00	9605.00	9606.00	9608.00	9610.00						
Grundy County	9603.00											
Henry County	9504.00											

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Missouri (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hickory County	9701.00											
Howell County	9901.00	9902.00	9904.00	9907.00	9908.00							
Iron County	9704.00											
Johnson County	9604.00	9606.00										
Laclede County	9606.00											
Livingston County	9805.00											
Marion County	9607.00											
Mississippi County	9502.00	9504.00										
New Madrid County	9602.00	9603.00	9604.00	9605.00	9606.00							
Nodaway County	9704.00											
Oregon County	9801.00	9802.00	9803.00									
Ozark County	9701.00											
Pemiscot County	9702.00	9703.00	9704.00	9706.00								
Phelps County	9904.00											
Polk County	9601.00											
Randolph County	9903.00											
Reynolds County	9801.00											
Ripley County	9701.00	9702.00	9703.00	9704.00								
Scotland County	9801.00											
Scott County	9807.00	9809.00										
Shannon County	9702.00											
Stoddard County	9702.00	9705.00										
Texas County	9801.00											
Vernon County	9504.00											
Washington County	9601.00	9603.00	9604.00									
Wayne County	9901.00	9902.00	9904.00									
Wright County	9902.00	9904.00										

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Montana

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Beaverhead County	9894.00											
Big Horn County	9641.00	9642.00										
Blaine County	9723.00	9725.00										
Carbon County	9655.00											
Carter County	9602.00	9603.00										
Dawson County	9531.00	9532.00										
Flathead County	10.00											
Gallatin County	9861.00	9863.00	9864.00	9866.00								
Glacier County	9761.00	9762.00	9763.00									
Golden Valley County	9681.00											
Hill County	9735.00	9737.00										
Lake County	9954.00											
Lewis and Clark County	9788.00	9789.00	9796.00									
Madison County	9882.00											
Meagher County	9838.00											
Musselshell County	9685.00	9687.00										
Petroleum County	9691.00											
Pondera County	9771.00											
Ravalli County	9933.00											
Roosevelt County	9511.00											
Rosebud County	9627.00	9628.00										
Sanders County	9966.00											
Sheridan County	9503.00											
Silver Bow County	1.00											
Valley County	9550.00											

NONMETROPOLITAN PART OF STATE: Nebraska

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	9661.00											
Buffalo County	9696.00											
Cherry County	9559.00											
Dawes County	9507.00											
Keya Paha County	9754.00											
Lincoln County	9601.00											
McPherson County	9579.00											
Scotts Bluff County	9537.00											
Thurston County	9781.00	9782.00										

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Nevada

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Elko County	9501.00	9505.00	9506.00	9515.00								
Humboldt County	9601.00	9603.00										
Lyon County	9606.00											

NONMETROPOLITAN PART OF STATE: New Hampshire

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Grafton County	9610.00											

NONMETROPOLITAN PART OF STATE: New Mexico

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Chaves County	1.00	6.00										
Cibola County	9745.00	9746.00	9747.00									
Curry County	1.00	4.00										
Eddy County	5.00											
Guadalupe County	9617.00	9618.00	9619.00									
Hidalgo County	9882.00											
Lea County	1.00	2.00	3.00	4.00								
Lincoln County	9804.00											
Luna County	9862.00	9868.00										
McKinley County	9721.00	9722.00	9723.00	9724.00	9725.00	9726.00	9727.00	9728.00	9729.00			
Mora County	9552.00											
Otero County	1.00	8.00										
Rio Arriba County	9535.00	9538.00	9636.00									
Roosevelt County	9591.00											
San Juan County	8.00	9.00	10.01	10.02								
San Miguel County	9571.00	9577.00										
Socorro County	9782.00	9784.00										
Taos County	9524.00	9529.00										

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: New York

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cattaraugus County	9619.00	9620.00	9622.00									
Clinton County	1011.00	1012.00	1013.00									
Columbia County	9912.00											
Franklin County	9913.00											
Fulton County	9908.00											
Jefferson County	620.00	621.00										
Otsego County	9910.00	9911.00										
St. Lawrence County	9909.00	9911.00	9912.00	9922.00								
Steuben County	9621.00											
Tompkins County	1.00	2.00	3.00	4.00	7.00	8.00	10.00	11.00	12.00			

NONMETROPOLITAN PART OF STATE: North Carolina

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anson County	9804.00											
Ashe County	9703.00											
Beaufort County	9903.00											
Bertie County	9601.00	9602.00	9603.00									
Bladen County	9502.00	9506.00										
Columbus County	9902.00	9906.00	9907.00	9909.00	9911.00	9912.00						
Craven County	9608.00	9609.00										
Duplin County	9903.00											
Graham County	9801.00											
Halifax County	9901.00	9907.00	9908.00	9909.00	9910.00	9911.00						
Hertford County	9501.00	9502.00	9504.00									
Hoke County	9704.00											
Jackson County	9501.00	9507.00										
Jones County	9802.00											
Lee County	302.00	303.00										
Lenoir County	102.00	103.00	104.00	105.00	107.00	111.00						
Martin County	9702.00	9704.00	9706.00									
Northampton County	9803.00											
Pasquotank County	9601.00	9603.00										
Richmond County	9706.00											
Robeson County	9603.00	9608.00	9612.00	9617.00	9619.00	9620.00						
Sampson County	9706.00	9709.00										
Scotland County	102.00	103.00										
Swain County	9601.98	9603.00										

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: North Carolina (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Tyrrell County	9601.00											
Vance County	9605.00	9606.00	9607.00									
Warren County	9502.00	9503.00	9504.00									
Watauga County	9804.00	9805.00	9806.00									
Wilson County	1.00	2.00	3.00	7.00	8.01							

NONMETROPOLITAN PART OF STATE: North Dakota

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Benson County	9567.00											
Billings County	9631.00											
Dunn County	9620.00											
Emmons County	9662.00	9664.00										
Grant County	9657.00											
Kidder County	9666.00											
McKenzie County	9626.00											
McLean County	9606.00											
Mountrail County	9553.00											
Ramsey County	9574.00											
Rolette County	9517.00	9518.00										
Sioux County	9660.00											
Towner County	9513.00											
Ward County	101.00											
Wells County	9599.00											
Williams County	9540.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Ohio

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	9901.00	9902.00	9904.00	9905.00	9906.00							
Athens County	9726.00	9727.00	9728.00	9730.00	9731.00	9732.00	9735.00					
Coshocton County	9914.00											
Erie County	408.00	410.00										
Gallia County	9536.00	9537.00	9538.00									
Guernsey County	9773.00	9776.00										
Harrison County	9758.00											
Highland County	9548.00											
Jackson County	9572.00	9573.00	9576.00	9577.00	9578.00							
Marion County	1.00	9.00										
Meigs County	9643.00	9644.00	9646.98									
Muskingum County	9814.00	9820.00	9821.00									
Perry County	9660.00											
Pike County	9522.00	9523.00	9526.00	9527.00								
Ross County	9564.00	9565.00										
Scioto County	9921.00	9923.00	9924.00	9926.00	9928.00	9931.00	9932.00	9934.00	9935.00	9936.00	9937.00	9939.00
	9940.00											
Vinton County	9530.00											
Wayne County	17.00											

NONMETROPOLITAN PART OF STATE: Oklahoma

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adair County	9768.00	9769.00	9770.00									
Atoka County	9876.00	9877.00	9879.00									
Beckham County	9663.00	9665.00										
Blaine County	9587.00	9590.00										
Bryan County	9956.00	9962.00	9964.00	9965.00								
Caddo County	9618.00	9621.00										
Carter County	9928.00	9931.00										
Cherokee County	9776.00	9778.00	9779.00	9780.00								
Choctaw County	9969.00	9972.00	9973.00									
Coal County	9882.00											
Cotton County	9712.00	9713.00										
Custer County	9605.00	9606.00										
Garvin County	9911.00											
Grady County	1.00	2.00										
Harmon County	9676.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Oklahoma (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Haskell County	9791.00	9794.00										
Hughes County	9846.00	9848.00										
Jackson County	9686.00	9687.00										
Jefferson County	9717.00											
Johnston County	9902.00											
Kiowa County	9637.00	9638.00	9640.00									
Latimer County	9873.00											
Le Flore County	407.00											
McCurtain County	9982.00	9983.00	9986.00	9987.00	9989.00							
McIntosh County	9799.00	9802.00										
Muskogee County	2.00	4.00	5.00	6.00	7.00							
Okfuskee County	9808.00	9809.00	9810.00									
Okmulgee County	1.00	2.00	3.00									
Ottawa County	9745.00											
Payne County	102.00	103.00	104.00	105.00	107.00							
Pittsburg County	9862.00											
Pontotoc County	9891.00	9892.00										
Pushmataha County	9976.00	9977.00	9978.00									
Seminole County	9835.00	9836.00	9839.00									
Stephens County	5.00	6.00	7.00									
Tillman County	9704.00	9706.00										
Washington County	2.00	9.00										

NONMETROPOLITAN PART OF STATE: Oregon

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Clatsop County	9503.00	9508.00										
Curry County	9501.00											
Jefferson County	9604.00											
Josephine County	3601.00	3609.00	3615.98	3616.00								
Klamath County	9716.00	9717.00	9718.00	9719.00								
Malheur County	9704.00											
Union County	9707.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Pennsylvania

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Armstrong County	9811.00											
Clarion County	9906.00											
Clinton County	9706.00											
Crawford County	1116.00											
Franklin County	110.00											
Greene County	9704.00											
Indiana County	9603.00	9610.00	9611.00									
Lawrence County	4.00	5.00	6.00	9.00	118.98							
Mc Kean County	4202.00											
Northumberland County	9616.00	9617.00										
Schuylkill County	6.00											
Venango County	2003.00	2007.00										

NONMETROPOLITAN PART OF STATE: Rhode Island

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Newport County	405.00	412.00 *										

NONMETROPOLITAN PART OF STATE: South Carolina

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Allendale County	9701.00	9702.00	9703.00	9704.00	9705.98							
Bamberg County	9601.00	9602.00										
Beaufort County	1.00	11.00										
Calhoun County	9503.00											
Chester County	210.00											
Chesterfield County	9506.00											
Clarendon County	9602.00	9603.00	9605.00	9608.00								
Colleton County	9703.00	9705.00										
Darlington County	107.00	114.00										
Dillon County	9701.00	9704.00	9706.00									
Georgetown County	9804.00	9806.00										
Greenwood County	9705.00											
Hampton County	9804.00	9805.00										
Lancaster County	107.00											
Lee County	9801.00	9803.00	9805.00	9806.00								
Marion County	9501.00	9503.00	9504.00	9506.00	9507.00							
Marlboro County	9602.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: South Carolina (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Orangeburg County	102.00	103.00	104.00	111.00	112.00	113.00	115.00					
Union County	302.00											
Williamsburg County	9704.00	9705.00	9707.00	9708.00	9709.00							

NONMETROPOLITAN PART OF STATE: South Dakota

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bennett County	9931.00											
Brown County	9515.00											
Buffalo County	9746.00											
Charles Mix County	9702.00	9703.00										
Clay County	9656.00											
Corson County	9861.00											
Day County	9526.00											
Dewey County	9881.00											
Edmunds County	9821.00											
Hutchinson County	9688.00											
Jackson County	9912.00											
Mellette County	9921.00											
Roberts County	9503.00											
Shannon County	9936.00	9937.00										
Spink County	9561.00											
Todd County	9926.00	9927.00										
Ziebach County	9871.00											

NONMETROPOLITAN PART OF STATE: Tennessee

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Bradley County	103.00	104.00	107.00	108.00								
Campbell County	9501.00	9502.00	9503.00	9506.00	9507.00	9510.00						
Claiborne County	9701.00	9705.00	9707.00	9709.00								
Cocke County	9802.00	9804.00	9805.00	9806.00								
Coffee County	9709.00											
Cumberland County	9704.00											
Dyer County	9644.00	9647.00										
Fentress County	9651.00	9652.00	9653.00									
Gibson County	9669.00											
Grainger County	5001.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Tennessee (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Greene County	901.00	902.00										
Grundy County	9550.00	9553.00										
Hamblen County	1003.00											
Hancock County	9601.00	9602.00	9603.00	9604.00								
Hardeman County	9502.00	9506.00										
Hardin County	9804.00	9807.00										
Haywood County	9801.00	9802.00	9803.00	9804.00	9805.00	9806.00	9807.00	9808.00				
Henry County	9693.00	9694.00										
Houston County	1202.00											
Jackson County	9601.00											
Johnson County	9561.00	9562.00	9563.00	9564.00								
Lake County	9601.00	9602.00										
Lauderdale County	505.02	506.00										
Lawrence County	9603.00											
McMinn County	9702.00											
Macon County	9705.98											
Marshall County	9553.00											
Maury County	105.00											
Meigs County	9603.00											
Morgan County	1102.00											
Obion County	9656.00											
Overton County	9506.98											
Pickett County	9850.00	9852.00										
Polk County	9501.00											
Putnam County	7.00	8.00										
Roane County	305.00											
Scott County	9750.00	9752.00	9753.00	9754.00								
Sequatchie County	601.00											
Stewart County	1103.00											
Warren County	9906.00											
Wayne County	9503.00											
White County	9954.00											

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Texas

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Anderson County	9507.00											
Angelina County	5.00	7.00										
Aransas County	9504.00											
Atascosa County	9603.00	9605.00										
Bee County	9505.00											
Brewster County	9504.00											
Briscoe County	9501.00											
Brooks County	9501.00	9502.00										
Brown County	9506.00	9507.00	9508.00									
Cass County	9505.00											
Castro County	9503.00											
Cherokee County	9505.00											
Childress County	9502.00											
Cochran County	9501.00											
Collingsworth County	9502.00											
Concho County	9502.00											
Cooke County	9905.00											
Crosby County	9502.00											
Culberson County	9502.00											
Dawson County	9505.00											
Deaf Smith County	9504.00	9505.00										
DeWitt County	9702.00											
Dickens County	9502.00											
Dimmit County	9501.00	9502.00	9503.00									
Duval County	9501.00	9502.00	9503.00	9504.00								
Edwards County	9501.00	9502.00										
Falls County	9904.00											
Floyd County	9503.00	9504.00										
Freestone County	9803.00	9809.00										
Frio County	9502.00	9503.00										
Gaines County	9502.00											
Gonzales County	9903.00	9904.00										
Gray County	9508.00											
Hale County	9502.00	9507.00										
Hall County	9503.00	9504.00	9505.00									
Hill County	9606.00	9609.00										
Houston County	9502.00	9504.00										
Howard County	9503.00	9505.00										

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Texas (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Hudspeth County	9501.00											
Hutchinson County	9507.00											
Jasper County	9503.00	9506.00										
Jim Hogg County	9501.00	9503.00										
Jim Wells County	9502.00	9505.00	9506.00	9507.00								
Karnes County	9702.00	9703.00	9704.00									
Kleberg County	202.00											
Lamar County	5.00	6.00	8.00									
Lamb County	9501.00	9505.00										
La Salle County	9501.00	9502.00										
Lee County	9802.00											
Limestone County	9705.00											
Lynn County	9503.00											
McCulloch County	9503.00											
Madison County	9801.00	9804.00										
Marion County	9501.00	9503.00	9504.00									
Mason County	9502.00											
Matagorda County	1301.00											
Maverick County	9501.00	9502.00	9503.00	9504.00	9505.00	9506.00						
Medina County	9903.00	9904.00										
Menard County	9502.00											
Mills County	9503.00											
Motley County	9501.00											
Nacogdoches County	9506.00	9509.00	9510.00									
Navarro County	9707.00	9708.00										
Newton County	9502.00	9503.00										
Nolan County	9503.00											
Palo Pinto County	9808.00											
Pecos County	9502.00	9503.00	9505.00									
Presidio County	9501.00	9502.00										
Real County	9501.00											
Red River County	9502.00											
Reeves County	9501.00	9502.00	9503.00	9505.00								
Robertson County	9602.00	9605.00										
San Augustine County	9502.00											
San Saba County	9502.00											
Starr County	9501.00	9502.00	9504.00	9505.00	9506.00	9507.00						
Stephens County	9503.00											

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2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Texas (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Swisher County	9503.00											
Terry County	9503.00											
Titus County	9506.00											
Trinity County	9505.00											
Uvalde County	9505.00											
Val Verde County	9503.00	9504.00	9506.00	9507.00								
Walker County	1905.00	1906.00	1907.00									
Ward County	9505.00											
Wharton County	1402.00	1403.00	1410.00									
Wilbarger County	9504.00	9505.00										
Willacy County	9501.00	9502.00	9503.00	9504.00	9505.00	9506.00						
Zapata County	9502.00	9503.00										
Zavala County	9501.00	9502.00	9503.00									

NONMETROPOLITAN PART OF STATE: Utah

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Cache County	6.00	7.00	8.00	16.00								
Carbon County	9716.00											
Juab County	9732.00											
San Juan County	9782.00	9783.00	9784.00									
Sanpete County	9724.00											
Uintah County	9885.98											
Wasatch County	9925.00											

NONMETROPOLITAN PART OF STATE: Vermont

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Addison County	9622.97											

NONMETROPOLITAN PART OF STATE: Virginia

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Accomack County	9903.00	9908.00										
Brunswick County	9902.00											
Buchanan County	9901.00											
Dickenson County	9901.00	9903.00	9904.00									
Lee County	9901.00	9904.00	9905.00	9906.00								

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Virginia (continued)

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Lunenburg County	9903.00											
Montgomery County	201.00	202.00	203.00	204.00	207.00	216.98						
Northampton County	9902.00	9903.00										
Russell County	9902.00	9905.00										
Smyth County	9906.00											
Southampton County	2006.98											
Sussex County	8704.00											
Tazewell County	9905.00											
Wise County	9909.98	9915.00	9916.00	9917.00								
Emporia city	8901.00	8904.97										
Franklin city	902.00											
Harrisonburg city	2.00											
Martinsville city	2.00											
Norton city	9901.98											
Radford city	101.00											
Staunton city	1.00											

NONMETROPOLITAN PART OF STATE: Washington

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adams County	9504.00											
Asotin County	9803.00	9804.00										
Chelan County	9610.00											
Clallam County	9801.00	9810.00										
Cowlitz County	1.00	3.00	5.02	6.01	10.00							
Ferry County	9801.00	9803.00										
Grant County	9806.00	9808.00	9814.00									
Grays Harbor County	1.00	10.00										
Jefferson County	9501.00											
Kittitas County	9754.00	9755.00	9756.00									
Lewis County	9709.00											
Mason County	9608.00	9614.00										
Okanogan County	9702.00	9703.00	9704.00									
Pend Oreille County	9703.00											
Stevens County	9510.00											
Walla Walla County	9205.00	9206.00										
Whitman County	1.00	5.00	6.00									

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS
(1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: West Virginia

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Barbour County	9658.00											
Boone County	9585.00	9586.00	9588.00									
Calhoun County	9626.00	9627.00										
Clay County	9579.00	9580.00	9581.00									
Fayette County	205.00	206.00	211.00									
Gilmer County	9677.00	9678.00										
Harrison County	303.00	308.00	316.00									
Lewis County	9676.00											
Lincoln County	9555.00	9556.00	9557.00	9558.00								
Logan County	9563.00	9565.00	9567.00									
McDowell County	9536.00	9537.00	9538.00	9539.00	9540.00	9541.00	9542.00	9543.00				
Marion County	201.00	202.00	205.00									
Mercer County	9513.00	9516.00	9519.00	9520.00								
Mingo County	9571.00	9572.00	9573.00	9575.00								
Monongalia County	101.00	102.00	103.00									
Nicholas County	9803.00											
Pendleton County	9704.00											
Raleigh County	101.00	102.00										
Randolph County	9662.00											
Ritchie County	9624.00											
Summers County	9505.00											
Webster County	9701.00	9702.00	9703.00									
Wyoming County	9530.00											

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Wisconsin

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Ashland County	9501.00											
Bayfield County	9601.00											
Dunn County	9708.00											
Fond du Lac County	406.00											
Forest County	9504.00											
Grant County	9609.00											
Menominee County	9701.00											
Portage County	9603.00	9604.00	9610.00									
Sawyer County	9805.00	9807.00										
Vernon County	9602.00											
Vilas County	9509.00											
Walworth County	5.00											

NONMETROPOLITAN PART OF STATE: Wyoming

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Albany County	9629.00	9630.00	9633.00	9634.00								
Converse County	9561.00	9562.00										
Fremont County	9826.00	9832.00										
Hot Springs County	9876.00											
Platte County	9592.00											
Sweetwater County	9715.00											

NONMETROPOLITAN PART OF STATE: American Samoa

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Eastern District	9501.00	9502.00										
Manu'a District	9517.00	9518.00										
Swains Island	9520.00											
Western District	9511.00											

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

2002 IRS SECTION 42(d)(5)(C) NONMETROPOLITAN QUALIFIED CENSUS TRACTS (1990 DATA, MSA/PMSA DEFINITIONS JUNE 30, 1999)

NONMETROPOLITAN PART OF STATE: Guam

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Guam	9512.00	9513.00	9555.00									

NONMETROPOLITAN PART OF STATE: Northern Mariana Islands

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Northern Islands Municipality	9501.00											
Saipan Municipality	9504.99	9508.00	9511.00	9514.00	9515.00							
Tinian Municipality	9501.00											

NONMETROPOLITAN PART OF STATE: Puerto Rico

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
Adjuntas Municipio	9563.00	9564.00	9565.00	9566.00	9568.00							
Barranquitas Municipio	9523.00											
Guanica Municipio	9610.00	9611.00	9612.00									
Guayama Municipio	2707.00											
Lares Municipio	9578.00	9579.00	9583.00	9584.00								
Las Marias Municipio	9597.98											
Maricao Municipio	9601.98											
Orocovis Municipio	9551.00											
Patillas Municipio	2901.00	2904.00										
Salinas Municipio	9526.98	9527.00										
San Sebastian Municipio	9585.00	9591.00	9598.00	9686.00								
Santa Isabel Municipio	9533.00	9534.00	9535.00									
Utuado Municipio	9569.00	9571.00	9574.00									
Vieques Municipio	9501.00	9502.00										

NONMETROPOLITAN PART OF STATE: Virgin Islands

COUNTY OR COUNTY EQUIVALENT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT	TRACT
St. Croix	9703.00	9709.00	9711.00	9713.00	9714.00	9715.99						

NOTE: * indicates that only the part of the tract within the nonmetropolitan part of the State is designated as a Qualified Census Tract.

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Federal Register

Tuesday,
September 11, 2001

Part III

Department of Transportation

Federal Aviation Administration

14 CFR Parts 91 and 103
Temporary Flight Restrictions; Final Rule

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Parts 91 and 103

[Docket No. FAA–2000–8274; Amendment No. 91–270 & 103–6]

RIN 2120–AH13

Temporary Flight Restrictions

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends temporary flight restriction regulations. Specifically, this action adds a new temporary flight restriction regulation to address specific traffic management procedures for aircraft operations in the vicinity of aerial demonstrations or major sporting events. In addition, this action changes the title of the regulation used to manage aircraft operations near hazard or disaster areas. This action also clarifies the operating requirements for temporary flight restrictions in the vicinity of national disaster areas in the state of Hawaii. Finally, this action amends the Ultralight Vehicle regulations to include all applicable references to temporary flight restrictions. The FAA is taking these actions to enhance the safe and efficient use of airspace and to prevent any unsafe congestion of sightseeing and other aircraft operations in the vicinity of hazard areas, disaster areas, aerial demonstrations, or major sporting events.

DATES: Effective October 11, 2001.

FOR FURTHER INFORMATION CONTACT: Sheri Edgett Baron, Airspace and Rules Division, ATA–400, Office of Air Traffic Airspace Management, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Availability of Rulemaking Documents

You can get an electronic copy using the Internet by taking the following steps:

(1) Go to the search function of the Department of Transportation's electronic Docket Management System (DMS) web page (*http://dms.dot.gov/search*).

(2) On the search page type in the last four digits of the Docket number shown at the beginning of this notice. Click on ''search.''

(3) On the next page, which contains the Docket summary information for the Docket you selected, click on the document number for the item you wish to view.

You can also get an electronic copy using the Internet through FAA's web page at http://www.faa.gov/avr/armhome.htm or the **Federal Register**'s web page at *http://www.access.gpo.gov/su_docs/aces/aces140.html.*

You can also get a copy by submitting a request to the Federal Aviation Administration, Office of Rulemaking, ARM–1, 800 Independence Avenue SW., Washington, DC 20591, or by calling (202) 267–9680. Make sure to identify the amendment number or docket number of this rulemaking.

Small Business Regulatory Enforcement Fairness Act

The Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 requires FAA to comply with small entity requests for information or advice about compliance with statutes and regulations within its jurisdiction. Therefore, any small entity that has a question regarding this document may contact their local FAA official, or the person listed under **FOR FURTHER INFORMATION CONTACT.** You can find out more about SBREFA on the FAA Internet site, *http://www.faa.gov/avr/arm/sbrefa.htm.* For more information on SBREFA, e-mail us *9–AWA–SBREFA@faa.gov.*

Background

Petitions

On May 20, 1999, the Department of Defense (DoD) requested that the FAA establish a temporary flight restriction (TFR) to prohibit all non-participating aircraft from operating over or within airspace used by the military aerial demonstration teams such as the United States Air Force Air Demonstration Squadron (the Thunderbirds), the United States Naval Flight Demonstration Team (the Blue Angels), the United States Army Parachute Team (the Golden Knights), or other DoD aircraft teams, while practicing or performing aerial demonstrations. DoD explains that when pilots are executing aerobatic maneuvers, they operate aircraft in close formations and perform opposing solo maneuvers at high speeds. DoD contends that in those circumstances, the pilot reaction time necessary to safely ''see and avoid'' non-participating aircraft could be reduced. In the absence of a TFR, non-participating aircraft can enter, and have entered, airspace used for aerial demonstration practices and air shows. DoD contends that the primary potential safety hazard experienced during air shows were non-participating aircraft that enter the airspace area used for aerial demonstration events.

Operators of DoD aircraft conduct their aerial demonstrations pursuant to a waiver of the requirements listed in Title 14 Code of Federal Regulations (14 CFR) part 91, including maximum airspeed and minimum altitude restrictions. In addition, specific DoD-issued requirements are applicable. However, DoD believes that using TFRs over aerial demonstration areas will provide sanitized airspace in which to conduct their aerobatic operations and formally prohibit non-participating aircraft from entering this airspace.

On July 19, 1999, the International Council of Air Shows (ICAS) petitioned the FAA to amend 14 CFR to include regulations that would provide for a safe airspace environment for air show operations (Docket Number 29664). ICAS states that the high speeds and complex maneuvers common in today's air show performances make it impossible for the participating and nonparticipating aircraft to rely completely on the ''see and avoid'' method of collision avoidance. ICAS believes that TFRs would prevent a midair collision and protect spectators on the ground from possible death or injury and protect property from damage that could result from a non-participating aircraft intruding into aerial demonstration events. ICAS states that it received 48 reports of intrusions, between July 1989 and June 1997, by non-participating aircraft into airspace used by air shows or practice sessions for aerial demonstrations. As stated in the Notice of Proposed Rulemaking for this rulemaking effort (Notice No. 00–13; 65 FR 69426; November 16, 2000) the ICAS petition is now considered closed.

In addition, the FAA has received requests from Major League Baseball officials, Summer/Winter Olympics officials, the Tournament of Roses Football Game Committee, and others to temporarily restrict aircraft operations over various major sporting events such as the Olympic Games, the Tournament of Roses Football Game, and the Kodak Albuquerque International Balloon Fiesta.

Past Practices

On January 25, 1971, the FAA issued the Temporary Flight Restrictions Final Rule (36 FR 1467). This rule amended 14 CFR 91.91 (since re-codified as 14 CFR § 91.137) to provide for the issuance of a Notice to Airmen (NOTAM) that would implement a TFR over a designated disaster or hazard area. In the preamble to the final rule, the FAA stated that the intent of the rule

was to prevent hazardous congestion of sightseeing aircraft over the site of an aircraft or train accident, forest fire, earthquake, flood, or other disaster of substantial magnitude. In the past the FAA has used TFRs for major sporting events and aerial demonstrations based on an interpretation of the scope of § 91.137 (a)(3) contained in FAA Order 7210.3. The order indicates that a TFR may be issued for sporting events or aerial demonstrations generating a high degree of public interest, citing § 91.137(a)(3) as regulatory authority. The FAA has reviewed the regulatory history of § 91.137, and has concluded that it is limited to disaster or hazard areas and was not intended to be used for planned events.

Special Federal Aviation Regulations

In addition to using § 91.137 for planned events, the FAA has also issued Special Federal Aviation Regulations (SFAR) to establish TFRs in the vicinity of certain major sporting events to address the management of aircraft operations in the vicinity of such events and to prevent unsafe congestion of aircraft that are sightseeing over and around such events. These SFAR were for specific events and had a specific duration. Most recently, for example, on May 18, 1999, the FAA published a Notice of Proposed Rulemaking (NPRM) for an SFAR to establish TFRs for the Kodak Albuquerque International Balloon Fiesta in Albuquerque, NM (64 FR 27160). The proposed restrictions addressed Balloon Fiesta operations for the periods October 2 through October 10, 1999, and October 7 through October 15, 2000. The FAA did not receive any comments on the NPRM, and on August 17, 1999, the FAA published the final SFAR to institute the TFRs (64 FR 44814). The FAA previously published a proposed SFAR for the Kodak Albuquerque International Balloon Fiesta on July 15, 1998(63 FR 38236) and a final SFAR to implement the TFRs on September 28, 1998 (63 FR 51768). Again, these TFRs were for a specific event and had a short duration while the event was going on. The FAA has issued similar TFRs for other specific events such as the Olympics and Goodwill Games.

Notice of Proposed Rulemaking

On November 16, 2000, the FAA published, in the **Federal Register**, NoticeNo. 00–13 (65 FR 69426). Notice No. 00–13 proposed to add a temporary flight restriction regulation to address specific traffic management procedures for aircraft operations in the vicinity of aerial demonstrations or major sporting events; change the title of the regulation used to manage aircraft operations near hazard or disaster areas; clarify the operating requirements for temporary flight restrictions in the vicinity of national disaster areas in the state of Hawaii; and amend the Ultralight Vehicle regulations to include all applicable references to temporary flight restrictions. The FAA proposed these actions to enhance the safe and efficient use of airspace and to prevent any unsafe congestion of sightseeing and other aircraft operations in the vicinity of hazard areas, disaster areas, aerial demonstrations, or major sporting events. The comment period for the notice closed on January 16, 2001.

In response to the proposal, the FAA received approximately 130 comments, the majority of which were from aerial advertisers. All comments received were considered before making a final determination on this matter. An analysis of the substantive comments received and the FAA's responses are summarized below.

Discussion of Comments

As stated above, the FAA received approximately 130 comments in response to Notice No. 00–13. For clarity and ease of response, comments received and the FAA replies have been grouped by general themes.

Comment Period

The FAA received several comments stating that the comment period for the NPRM should have been 120 days versus 60 days.

The FAA does not agree with these comments. Generally, the comment period for FAA documents is 90 days; however, the time period may be shortened or lengthened as deemed necessary. The primary intent of the proposal was administrative, to allow the FAA to streamline its processes, clarify existing TFR regulations, and finally to propose a new type of TFR. The FAA believes that the 60-day comment period provided sufficient time for review and comment on the proposed rule.

Section 91.137 Temporary Flight Restrictions in the Vicinity of Disaster/Hazard Areas

In Notice No. 00–13, the FAA proposed to change the title of § 91.137 from ''Temporary Flight Restrictions'' to ''Temporary Flight Restrictions in the Vicinity of Disaster/Hazard Areas.'' The former title of this section was not specific enough to convey the intent of the regulation, which lead to misinterpretation of the rule.

In general, those commenting supported the proposed change to the title of this section. However, one commenter, on behalf of a prison department, suggested that changing the title of Section 91.137 would prevent the use of a TFR during a prison riot or hostage situation. The commenter believes that the lights on news media helicopters could expose the positions of law enforcement officers and endanger the officers and/or hostages.

The FAA does not agree with this comment. Changing the title of § 91.137 does not alter the provisions and/or exclusions that currently exist under each sub-section of the regulation. A TFR could be issued for situations such as a prison riot or hostage situation, since these events on the ground may develop into a hazardous situation. When a TFR is implemented for a situation such as described by the commenter, access to the specific area would be coordinated with those persons having command authority on the ground for the TFR area. Part of this coordination would be to inform those authorized to enter the area about conditions on the ground and any special procedures that must be followed. The onus then will be on the pilot of such aircraft not to add to the gravity of the situation.

The Helicopter Association International (HAI) commented that operators of electronic newsgathering (ENG) helicopters have reported to them occurrences in which TFR regulations, particularly § 91.137(a)(1) have been used improperly to exclude news media aircraft from the scenes of newsworthy events. HAI believes that the ENG community operates under color of First Amendment freedoms. HAI contends that the rule, as proposed, does not protect the industry's First Amendment rights and freedoms. Others commented that the notice infringes on First Amendment rights by excluding aerial advertisers and not allowing for freedom of expression. Some commenters believe that the notice infringes on the right for commerce of commercial operators, and their right to operate a business and work.

The FAA agrees that temporary flight restrictions have been misapplied in certain instances. The current procedure is for the FAA Headquarters to provide management oversight of TFRs. Whenever Headquarters becomes aware of misapplication of TFR regulations, action is quickly taken to correct the matter. Additionally, the FAA is aggressively taking steps to educate all users (both pilots and controllers) regarding TFRs. The changing of the title of this section is one of the first steps in this education process.

Further, the FAA does not believe this rulemaking effort encroaches on First Amendment rights or freedoms. The FAA has broad authority under Title 49 of the United States Code (U.S.C.) Subtitle VII, to regulate and control the use of navigable airspace of the United States. Under 49 U.S.C. 40103, the agency is authorized to develop plans for and to formulate policy with respect to the use of navigable airspace and to assign by rule, regulation, or order, the use of navigable airspace under such terms, conditions, and limitations as deemed necessary in order to ensure the safety of aircraft and the efficient utilization of the navigable airspace. The FAA administers the navigable airspace in the public interest as necessary to ensure the safety of aircraft and the efficient utilization of that airspace. When using air traffic and airspace rules to manage the navigable airspace, the FAA considers the requirements of national defense, commercial and general aviation, and the public right of freedom of transit through the airspace.

The NPRM and the final rule continue to allow media aircraft, and other airspace users, controlled access to the airspace for ''breaking news'' events consistent with the use of the TFR to assure public safety and prevent the unsafe congestion of aircraft at hazard or disaster areas. The airspace used by the TFR is normally the minimum amount necessary for the event. Usually, a TFR is for a limited period of time and access to the TFR airspace is controlled by air traffic control as the event demands. With certain regulatory exceptions for law enforcement aircraft and others, the restrictions of a TFR apply to all users of the affected airspace.

One commenter suggested that the term disaster/hazard needs to be better defined, and that a hazard should not include air traffic at sporting events.

The FAA agrees, and in Notice No. 00–13, proposed a change to § 91.137 to better convey the intent of the regulation and ensure that any TFR issued under this section was related to a disaster or hazard area. Also, the FAA proposed to add a regulation to specifically address aerial demonstrations and major sporting events. That addition is discussed later in the preamble of this rule. In addition, the FAA is currently reviewing the TFR Advisory Circular and FAA Orders, which define specific types of disaster/hazard areas, and if warranted, will modify or revise these definitions as appropriate.

Accordingly, this section is adopted as proposed.

Section 91.138 Temporary Flight Restrictions in National Disaster Areas in the State of Hawaii

In Notice No. 00–13, the FAA proposed to clarify the operating requirements detailed in § 91.138 by modifying subparagraph (b) to read: ''When a NOTAM has been issued in accordance with this section, no person may operate an aircraft within the designated airspace unless at least one of the following conditions is met.'' The language currently in § 91.138(b) could be misinterpreted to mean that all of the conditions must be met before operating an aircraft within the designated airspace.

The FAA received no comments opposing the proposed change. Accordingly, this section is adopted as proposed.

Section 91.145 Temporary Flight Restrictions in the Vicinity of Aerial Demonstrations or Major Sporting Events

In Notice No. 00–13, the FAA proposed to add a new section to part 91 that would prohibit the operation of an aircraft or device, or engage in any activity that would encroach on airspace within the designated airspace area, except in accordance with issued authorizations or terms, and conditions of the temporary flight restriction in the NOTAM, unless otherwise authorized by: (1) Air traffic control; or (2) A Flight Standards Certificate of Waiver or Authorization issued for the demonstration or event. In addition, this section also proposed to authorize the Administrator to exclude the following flights from the flight restriction: (1) Essential military; (2) Medical and rescue; (3) Presidential and Vice Presidential; (4) Visiting heads of state; (5) Law enforcement and security; (6) Public health and welfare.

In Notice No. 00–13, the FAA explained that when a temporary flight restriction is issued, aircraft management procedures for the event will be published in a National Flight Data Center (FDC) NOTAM. The NOTAM will detail, for example, general procedures to include altitudes; times; frequency; point of contact; Air Traffic Control facility; special clearances; and any other necessary information.

The majority of the comments received in response to this rulemaking effort pertained to Section 91.145.

The DoD supported the addition of a temporary flight restriction regulation to address specific traffic management procedures for aircraft operations in the vicinity of aerial demonstrations or major sporting events. DoD believes that TFRs for aerial demonstrations have greatly enhanced safety around both military and civil aerial events. DoD also believes that this initiative will have significant impact on protecting national defense assets and further assure the safety of pilots using our Nation's airspace.

The Aircraft Owners and Pilots Association (AOPA) and the Experimental Aircraft Association (EAA) supported the safety objectives of this rulemaking action. However, both AOPA and EAA recommended adding online resources to provide dynamic, real-time updates to TFR information, such as publishing TFR information in the Airport/Facility Directory and navigation charts. AOPA believes the FAA needs to take positive action to provide the general aviation community with the tools necessary to responsibly avoid established TFR airspace, and recommended improving the NOTAM system. AOPA also recommended more stringent guidelines for entities soliciting the establishment of a TFR and suggested greater clarification of the procedures used in determining the lateral and vertical boundaries of TFR airspace.

The FAA agrees with AOPA and EAA in part. Whenever possible, TFR information will be published in the Airport/Facility Directory and on applicable charts provided the information is available to meet the required cutoff dates for the printing cycle. It is current policy to review NOTAMs to ensure TFRs are correctly utilized and implemented. Additionally, it is our plan to continue to work with the airspace users to further identify any additional requirements. It should be noted that while comments relating to improvements to the NOTAM system are beyond the scope of this rulemaking effort, these comments have been forwarded to the appropriate FAA Air Traffic office for action.

Notice No. 00–13 provided examples of major sporting events and aerial demonstrations where TFRs or SFARs have been used in the past. While we anticipate using § 91.145 to implement TFRs for these types of events, there may be unique circumstances that eliminate the need for a TFR. In addition, there may be sporting events not listed in Notice No. 00–13 that may develop into events of such magnitude that a TFR may be necessary. § 91.145 is designed to provide the FAA with the flexibility to meet future contingencies and better use its rulemaking resources, which are finite.

In addition to the examples cited in the preamble and the rule, guidance

concerning the type of sporting event or aerial demonstration that may warrant a TFR will continue to be placed in FAA directives. The rule is not intended to provide TFR coverage for events at which public safety and the potential for the unsafe congestion of aircraft are not interests requiring action by the FAA.

Additionally, the FAA will review current TFR guidelines and, if appropriate, will provide more stringent guidelines for the establishment of a TFR in FAA directives. As stated in Notice No. 00–13, the amount of airspace needed to provide a safe environment for aerial demonstrations/major sporting events would vary depending on the event. The area that would be restricted would normally be limited to the minimum airspace area/altitude/time required to manage participating and non-participating aircraft in the area.

EAA commented that while they did not oppose the establishment of § 91.145, they believe that public interest would be better served if the FAA management decision procedures and specific listings of events were contained within appropriate FAA directives, instead of within the regulatory language for § 91.145. EAA is also of the opinion that pilots do not need to know the management responsibilities of the FAA and event sponsors, and believes that pilots will be forced to memorize this information for written pilot exams and/or flight evaluations. Further, EAA believes that any changes to the list of events identified in Notice No. 00–13 will require regulatory action.

The FAA agrees with EAA in part. Procedural information and specific listings of events are provided as an informational tool, and as such, will be provided in both the regulatory language and in FAA directives.

Notice No. 00–13 provided, as examples only, listings of events that may or may not warrant a TFR. This was not intended to be an all-inclusive list. This notice also provided factors that the FAA utilizes in deciding whether a TFR is necessary to better inform the public, and those who request TFRs. The basis for citing examples was to identify certain events that may be of such a magnitude that would warrant the use of a TFR to prevent the unsafe congestion of aircraft operations in the affected area, and to ensure the safety of persons and property on the ground. Even though a specific event is identified in the list, a TFR may not be warranted. For example, the FAA implemented special air traffic procedures for Super Bowl XXXV, but did not implement a TFR because this event took place within the Tampa Class B airspace area. It is not the intent of the FAA for these examples to be part of written pilot exams and/or flight evaluations. In addition, since the list of events and procedures is provided as an informational tool, any addition or deletion to the list will not require regulatory action to add or delete events.

One commenter believes that it will be impossible to support TFRs until every cockpit is equipped with a Real Time Informational Display. This commenter believes that a pilot en route may not know if a TFR is implemented.

The FAA does not agree with this commenter. TFRs are utilized within the air traffic system today, without Real Time Informational Displays. Aircraft operating in accordance with instrument flight rules will be under the control of air traffic and provided separation from TFR areas. Pilots operating in accordance with visual flight rules are required to obtain pilot briefings for the area in which they will be flying. These briefings include the designation of TFR areas.

One commenter believes that the increase in paperwork alone required by this regulation would put them out of business, and does not believe there would be enough time to complete the paperwork to comply with the new rule. Several aerial advertisers commented that they should be exempt from the requirement to obtain a Flight Standards Certificate of Waiver or Authorization to operate in a TFR designated under § 91.145 because they already have a waiver to conduct banner towing operations.

The FAA does not agree with these commenters. Currently, banner towing operations require a waiver in accordance with 14 CFR 91.311. The only paperwork required by § 91.145 is if an individual chose to obtain a Flight Standards Certificate of Waiver or Authorization issued for the demonstration or event. Generally, a TFR will be published by NOTAM at least 30 days in advance of the event, which will provide ample time for an individual to obtain the aforementioned certificate of waiver or authorization. TFR areas implemented under the proposed § 91.145 would be site specific, for a limited duration, and require ATC authorization to enter the area, or a waiver specific to the event.

Several commenters are of the opinion that restrictions over major sporting events are a direct attempt to regulate where aerial advertisers are allowed to operate, and do not believe there is a safety issue. These commenters stated that aerial advertisers have historically operated safely over events, and that the proposed rule is a blatant attempt by promoters and committees of major sporting events to control access to the airspace over an event.

The FAA does not agree with these commenters. The establishment of a TFR over certain aerial demonstrations or sporting events is not aimed at regulating where aerial advertisers are allowed to operate. The FAA never surrenders control of the navigable airspace, and event promoters do not determine who can or cannot fly over an event. The sole intent of the FAA is to manage aircraft operations in an efficient and safe manner. The proposed § 91.145 continues the FAA's practice of using TFRs for certain qualifying events and clarifies that the FAA will no longer use § 91.137 as the authority for those TFRs because we believe § 91.137 should be limited to hazard or disaster areas. This final rule provides a regulation to cover TFRs for major sporting events and aerial demonstrations. Notice No. 00–13 and final rule provides examples of events where the FAA has used TFRs, to inform the public about the type of event that may qualify for a TFR. Again, a TFR will use the minimum amount of airspace necessary, based on the activity or event, to ensure public safety and prevent the unsafe congestion of aircraft.

Many commenters believe that there is potential for abuse under the proposed rule by the FAA and event promoters/coordinators. AOPA believes that thirty days advance notification is acceptable for the establishment of TFRs, but is concerned that the good cause exception could lead to notification issues and excessive TFR usage for smaller sporting events or outdoor events. AOPA states the NPRM outlines the criteria to be used for establishing TFRs; however, many of these elements are highly subjective. Several commenters recommend promoting procedures rather than limitations, and others are of the opinion that Flight Standards District Office (FSDO) inspectors are given too much power under the proposal, and have the power to stop aerial advertising at will.

The FAA does not agree with these commenters. The intent of this rulemaking effort is to prevent the unsafe congestion of aircraft operations in the affected area, and to ensure the safety of persons and property on the ground. The list of events cited in this section are for example only, and not meant to be an all-inclusive list that will

require regulatory action to establish a TFR for an event that is not included in this list. As stated previously, the FAA monitors the issuance of TFRs, to ensure that the TFR is warranted and that regulations are complied with. The FAA Airspace and Rules Division, at Washington Headquarters, will provide management oversight of TFRs issued under Section 91.145. The good cause exception tracks the language of the Administrative Procedure Act. It allows the FAA to issue a TFR in less than thirty days, if the FAA finds that good cause exists. The good cause exception does not relate to the type or size of events covered by § 91.145. The FAA is currently working with the Flight Standards Service to clarify and review TFR procedures utilized by FSDO inspectors.

Many commenters believe that the proposed rule would result in a significant economic impact on the aerial advertising community. AOPA requested the FAA to consider the potential economic impact should TFRs be imposed in an overzealous or reckless fashion. The majority of those commenting believe that this rulemaking effort would put aerial advertisers out of business, and the FAA failed to address this point in their economic evaluation. Several commenters stated that the FAA erred in its conclusion in determining that the only major economic impact would result in traffic circumnavigating the TFR area.

The FAA does not agree with these commenters, and believes that the intent of this rulemaking effort was largely misunderstood. This rulemaking effort does not single out any specific group, and the FAA has determined that it will not have an appreciable impact on aerial advertisers. The proposed § 91.145 will streamline FAA processes, provide flexibility to meet future contingencies, and allow for better use of its rulemaking resources. A TFR imposed under § 91.145 will have the same impact on aerial advertisers as a temporary flight restriction imposed using an SFAR or § 91.137(a)(3). The FAA does not expect that limitations affecting aerial advertisers will be changed by this rulemaking.

As stated in Notice No. 00–13, the major economic impact of a TFR will be the inconvenience of circumnavigation to operators who may want to operate in the area of the TFR. Because the possibility of such occurrences is for a limited time and the restricted areas are limited in size, circumnavigation costs will be negligible. The FAA has determined the benefits will be commensurate with the costs attributed to the temporary inconvenience of the flight restrictions for operators near the TFR area. The intent of this rulemaking effort is to enable the FAA to manage aircraft operations in an efficient and safe manner.

Accordingly, except for minor editorial changes, this section is adopted as proposed.

Section 103.20 Flight Restrictions in the Proximity of Certain Areas Designated by Notice to Airmen

Notice No. 00–13 proposed to revise this section by adding references to §§ 91.137, 91.138, and 91.145, ensuring that all applicable references to temporary flight restrictions are included in the requirements.

EAA is of the opinion that the notice discriminates against ultralight vehicle activities, and stated that there are many events where the event sponsor specifically requests that ultralight vehicles take part in some or the entire event for the benefit of the general public. EAA recommends that § 103.20 be rewritten as follows: ''No person may operate an ultralight vehicle in areas designated in a Notice to Airmen under §§ 91.137, 91.138, 91.141, 91.143, or 91.145 of this chapter, unless authorized by: (1) Air Traffic Control (ATC); or (2) A Flight Standards Certificate of Waiver or Authorization issued for the demonstration or event.''

The FAA agrees with EAA that there are events in which ultralight vehicles participate, and that the same exclusions that apply to § 91.145 should apply to § 103.20. Accordingly, this section is adopted with EAA's recommendation.

Paperwork Reduction Act

The Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)) requires that the FAA consider the impact of paperwork and other information collection burdens imposed on the public. We have determined that there are no new information collection requirements associated with this amendment.

The Rule

This amendment to 14 CFR amends temporary flight restriction regulations. Specifically, this action adds a temporary flight restriction regulation to address specific traffic management procedures for aircraft operations in the vicinity of aerial demonstrations or major sporting events. In addition, this action changes the title of the regulation used to manage aircraft operations near hazard or disaster areas. This action also clarifies the operating requirements for temporary flight restrictions in the vicinity of national disaster areas in the state of Hawaii. Finally, this action amends the Ultralight Vehicle regulations to include all applicable references to temporary flight restrictions. The FAA is taking these actions to enhance the safe and efficient use of airspace and to prevent any unsafe congestion of sightseeing and other aircraft operations in the vicinity of hazard areas, disaster areas, aerial demonstrations, or major sporting events.

International Compatibility

In keeping with U.S. obligations under the Convention on International Civil Aviation, it is FAA policy to comply with International Civil Aviation Organization (ICAO) Standards and Recommended Practices to the maximum extent practicable. The FAA has reviewed the corresponding ICAO Standards and Recommended Practices and has identified no differences with these regulations.

Economic Evaluation

Proposed changes to Federal regulations must undergo several economic analyses. First, Executive Order 12866 directs that each Federal agency shall propose or adopt a regulation only upon a reasoned determination that the benefits of the intended regulation justify its costs. Second, the Regulatory Flexibility Act of 1980 requires agencies to analyze the economic impact of regulatory changes on small entities. Third, the Trade Agreements Act (19 U.S.C. section 2531–2533) prohibits agencies from setting standards that create unnecessary obstacles to the foreign commerce of the United States. In developing US. Standards, this Trade Act requires agencies to consider international standards and, where appropriate, that they be the basis of U.S. standards. And fourth, the Unfunded Mandates Reform Act of 1995 requires agencies to prepare a written assessment of the costs, benefits, and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local, or tribal governments, in the aggregate, or by the private sector, of $100 million or more, in any one year (adjusted for inflation). The FAA does not need to do the latter analysis where the economic impact of an amendment is minimal. The major economic impact of having a temporary flight restriction is the inconvenience of circumnavigation to operators who may want to operate in the area of the temporary flight restriction. An aircraft operator could avoid the restricted airspace by flying over it or by circumnavigating the

restricted airspace. Because the possibility of such occurrences is for a limited time and the restricted areas are limited in size, circumnavigation costs are negligible.

The benefits of establishing a temporary flight restriction are primarily a lowered risk of midair collisions between participating and non-participating aircraft. While benefits cannot be quantified, the FAA has determined the benefits are commensurate with the small costs attributed to the temporary inconvenience of the flight restrictions for operators near the temporary flight restriction area.

Regulatory Flexibility Determination

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

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

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

The major economic impact of having a temporary flight restriction is the inconvenience of circumnavigation to operators who may want to operate in the area of the temporary flight restriction. An aircraft operator could avoid the restricted airspace by flying over it or by circumnavigating the restricted airspace. Because the possibility of such occurrences is for a limited time and the restricted areas will be limited in size, circumnavigation costs are negligible. Consequently, the FAA certifies that the amendment will not have a significant economic impact on a substantial number of small entities.

International Trade Impact Analysis

The Trade Agreement Act of 1979 prohibits Federal agencies from engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and where appropriate, that they be the basis for U.S. standards. In addition, consistent with the Administration's belief in the general superiority and desirability of free trade, it is the policy of the Administration to remove or diminish to the extent feasible, barriers to international trade, including both barriers affecting the export of American goods and services to foreign countries and barriers affecting the import of foreign goods and services into the United States.

In accordance with the above statute and policy, the FAA has assessed the effect of this rule and has determined that it will have only a domestic impact and therefore no affect on any trade-sensitive activity.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 (the Act), enacted as Pub. L. 104–4 on March 22, 1995, is intended, among other things, to curb the practice of imposing unfunded Federal mandates on State, local, and tribal governments.

Title II of the Act requires each Federal agency to prepare a written statement assessing the effects of any Federal mandate in a proposed or final agency rule that may result in a $100 million or more expenditure (adjusted annually for inflation) in any one year by State, local, and tribal governments, in the aggregate, or by the private section; such a mandate is deemed to be a ''significant regulatory action.''

This rule does not contain such a mandate. Therefore, the requirements of Title II of the Unfunded Mandates Reform Act of 1995 do not apply.

Executive Order 3132, Federalism

The FAA has analyzed this final rule under the principles and criteria of Executive Order 13132, Federalism. We determined that this action will not have a substantial direct effect on the States, or the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, we determined that this final rule does not have federalism implications.

Environmental Analysis

FAA Order 1050.1D defines FAA actions that may be categorically excluded from preparation of a National Environmental Policy Act (NEPA) environmental impact statement. In accordance with FAA Order 1050.1D, this rulemaking action qualifies for a categorical exclusion.

Energy Impact

The energy impact of the notice has been assessed in accordance with the Energy Policy and Conservation Act (EPCA) Public Law 94–163, as amended (42 U.S.C. 6362) and FAA Order 1053.1. It has been determined that the final rule is not a major regulatory action under the provisions of the EPCA.

List of Subjects in 14 CFR Part 91

Aircraft flight, Airspace, Aviation safety, Air Traffic Control.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends part 91 of Title 14, Code of Federal Regulations as follows:

PART 91—AIR TRAFFIC AND GENERAL OPERATING RULES

1. The authority citation for 14 CFR part 91 continues to read as follows:

Authority: 49 U.S.C. 106(g), 1155, 40103, 40113, 40120, 44101, 44111, 44701, 44709, 44711, 44712, 44715, 44716, 44717, 44722, 46306, 46315, 46316, 46502, 46504, 46506, 46507, 47122, 47508, 47528–47531.

2. Amend § 91.137 by revising the title as follows:

§ 91.137 Temporary flight restrictions in the vicinity of disaster/hazard areas.

* * * * *

3. Amend § 91.138 by revising paragraph (b) to read as follows:

§ 91.138 Temporary flight restrictions in national disaster areas in the State of Hawaii.

* * * * *

(b) When a NOTAM has been issued in accordance with this section, no person may operate an aircraft within the designated area unless at least one of the following conditions is met:

(1) That person has obtained authorization from the official in charge of associated emergency or disaster relief response activities, and is operating the aircraft under the conditions of that authorization.

(2) The aircraft is carrying law enforcement officials.

(3) The aircraft is carrying persons involved in an emergency or a legitimate scientific purpose.

(4) The aircraft is carrying properly accredited newspersons, and that prior to entering the area, a flight plan is filed with the appropriate FAA or ATC facility specified in the NOTAM and the operation is conducted in compliance with the conditions and restrictions established by the official in charge of on-scene emergency response activities.

(5) The aircraft is operating in accordance with an ATC clearance or instruction.

* * * * *

3. Add § 91.145 to subpart B as follows:

Subpart B—Flight Rules

* * * * *

§ 91.145 Management of aircraft operations in the vicinity of aerial demonstrations and major sporting events.

(a) The FAA will issue a Notice to Airmen (NOTAM) designating an area of airspace in which a temporary flight restriction applies when it determines that a temporary flight restriction is necessary to protect persons or property on the surface or in the air, to maintain air safety and efficiency, or to prevent the unsafe congestion of aircraft in the vicinity of an aerial demonstration or major sporting event. These demonstrations and events may include:

(1) United States Naval Flight Demonstration Team (Blue Angels);

(2) United States Air Force Air Demonstration Squadron (Thunderbirds);

(3) United States Army Parachute Team (Golden Knights);

(4) Summer/Winter Olympic Games;

(5) Annual Tournament of Roses Football Game;

(6) World Cup Soccer;

(7) Major League Baseball All-Star Game;

(8) World Series;

(9) Kodak Albuquerque International Balloon Fiesta;

(10) Sandia Classic Hang Gliding Competition;

(11) Indianapolis 500 Mile Race;

(12) Any other aerial demonstration or sporting event the FAA determines to need a temporary flight restriction in accordance with paragraph (b) of this section.

(b) In deciding whether a temporary flight restriction is necessary for an aerial demonstration or major sporting event not listed in paragraph (a) of this section, the FAA considers the following factors:

(1) Area where the event will be held.

(2) Effect flight restrictions will have on known aircraft operations.

(3) Any existing ATC airspace traffic management restrictions.

(4) Estimated duration of the event.

(5) Degree of public interest.

(6) Number of spectators.

(7) Provisions for spectator safety.

(8) Number and types of participating aircraft.

(9) Use of mixed high and low performance aircraft.

(10) Impact on non-participating aircraft.

(11) Weather minimums.

(12) Emergency procedures that will be in effect.

(c) A NOTAM issued under this section will state the name of the aerial demonstration or sporting event and specify the effective dates and times, the geographic features or coordinates, and any other restrictions or procedures governing flight operations in the designated airspace.

(d) When a NOTAM has been issued in accordance with this section, no person may operate an aircraft or device, or engage in any activity within the designated airspace area, except in accordance with the authorizations, terms, and conditions of the temporary flight restriction published in the NOTAM, unless otherwise authorized by:

(1) Air traffic control; or

(2) A Flight Standards Certificate of Waiver or Authorization issued for the demonstration or event.

(e) For the purpose of this section:

(1) *Flight restricted airspace area for an aerial demonstration*—The amount of airspace needed to protect persons and property on the surface or in the air, to maintain air safety and efficiency, or to prevent the unsafe congestion of aircraft will vary depending on the aerial demonstration and the factors listed in paragraph (b) of this section. The restricted airspace area will normally be limited to a 5 nautical mile radius from the center of the demonstration and an altitude 17000 mean sea level (for high performance aircraft) or 13000 feet above the surface (for certain parachute operations), but will be no greater than the minimum airspace necessary for the management of aircraft operations in the vicinity of the specified area.

(2) *Flight restricted area for a major sporting event*—The amount of airspace needed to protect persons and property on the surface or in the air, to maintain air safety and efficiency, or to prevent the unsafe congestion of aircraft will vary depending on the size of the event and the factors listed in paragraph (b) of this section. The restricted airspace will normally be limited to a 3 nautical mile radius from the center of the event and 2500 feet above the surface but will not be greater than the minimum airspace necessary for the management of aircraft operations in the vicinity of the specified area.

(f) A NOTAM issued under this section will be issued at least 30 days in advance of an aerial demonstration or a major sporting event, unless the FAA finds good cause for a shorter period and explains this in the NOTAM.

(g) When warranted, the FAA Administrator may exclude the following flights from the provisions of this section:

(1) Essential military.

(2) Medical and rescue.

(3) Presidential and Vice Presidential.

(4) Visiting heads of state.

(5) Law enforcement and security.

(6) Public health and welfare.

PART 103—ULTRALIGHT VEHICLES

5. The authority citation for 14 CFR part 103 continues to read as follows:

Authority: 49 USC 106(g), 40103–40104, 40113, 44701.

6. Revise § 103.20 as follows:

§ 103.20 Flight restrictions in the proximity of certain areas designated by notice to airmen.

No person may operate an ultralight vehicle in areas designated in a Notice to Airmen under § 91.137, § 91.138, § 91.141, § 91.143 or § 91.145 of this chapter, unless authorized by:

(a) Air Traffic Control (ATC); or

(b) A Flight Standards Certificate of Waiver or Authorization issued for the demonstration or event.

* * * * *

Issued in Washington, DC on September 5, 2001.

Jane F. Garvey,

Administrator.

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This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at *http://www.nara.gov/fedreg.*

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at *http://www.access.gpo.gov/nara/index.html*. Some laws may not yet be available.

H.R. 93/P.L. 107–27
Federal Firefighters Retirement Age Fairness Act (Aug. 20, 2001; 115 Stat. 207)

H.R. 271/P.L. 107–28
To direct the Secretary of the Interior to convey a former Bureau of Land Management administrative site to the city of Carson City, Nevada, for use as a senior center. (Aug. 20, 2001; 115 Stat. 208)

H.R. 364/P.L. 107–29
To designate the facility of the United States Postal Service located at 5927 Southwest 70th Street in Miami, Florida, as the ''Marjory Williams Scrivens Post Office''. (Aug. 20, 2001; 115 Stat. 209)

H.R. 427/P.L. 107–30
To provide further protections for the watershed of the Little Sandy River as part of the Bull Run Watershed Management Unit, Oregon, and for other purposes. (Aug. 20, 2001; 115 Stat. 210)

H.R. 558/P.L. 107–31
To designate the Federal building and United States courthouse located at 504 West Hamilton Street in Allentown, Pennsylvania, as the ''Edward N. Cahn Federal Building and United States Courthouse''. (Aug. 20, 2001; 115 Stat. 213)

H.R. 821/P.L. 107–32
To designate the facility of the United States Postal Service located at 1030 South Church Street in Asheboro, North Carolina, as the ''W. Joe Trogdon Post Office Building''. (Aug. 20, 2001; 115 Stat. 214)

H.R. 988/P.L. 107–33
To designate the United States courthouse located at 40 Centre Street in New York, New York, as the ''Thurgood Marshall United States Courthouse''. (Aug. 20, 2001; 115 Stat. 215)

H.R. 1183/P.L. 107–34
To designate the facility of the United States Postal Service located at 113 South Main Street in Sylvania, Georgia, as the ''G. Elliot Hagan Post

Office Building''. (Aug. 20, 2001; 115 Stat. 216)

H.R. 1753/P.L. 107–35

To designate the facility of the United States Postal Service located at 419 Rutherford Avenue, N.E., in Roanoke, Virginia, as the ''M. Caldwell Butler Post Office Building''. (Aug. 20, 2001; 115 Stat. 217)

H.R. 2043/P.L. 107–36

To designate the facility of the United States Postal Service located at 2719 South Webster Street in Kokomo, Indiana, as the ''Elwood Haynes 'Bud' Hillis Post Office Building''. (Aug. 20, 2001; 115 Stat. 218)

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