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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 905

[Docket No. FV01–905–3 IFR]

Oranges, Grapefruit, Tangerines and Tangelos Grown in Florida; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Citrus Administrative Committee (Committee) for the 2001–02 and subsequent fiscal periods from $0.0055 to $0.005 per 4/5 bushel carton of Florida citrus handled. The Committee locally administers the marketing order, which regulates the handling of oranges, grapefruit, tangerines and tangelos grown in Florida. Authorization to assess Florida citrus handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period begins August 1 and ends July 31. The assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective: November 13, 2001. Comments received by January 8, 2002, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: William Pimental, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276; telephone: (863) 299–4770, Fax: (863) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 84 and Order No. 905, both as amended (7 CFR part 905), regulating the handling of handling of oranges, grapefruit, tangerines and tangelos grown in Florida, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Florida citrus handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein would be applicable to all assessable Florida citrus beginning on August 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing the USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2001–02 and subsequent fiscal periods from $0.0055 to $0.005 per 4/5-bushel carton or equivalent of citrus.

The Florida citrus marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of Florida citrus. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 2000–01 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by the USDA upon recommendation and information submitted by the Committee or other information available to the USDA.

The Committee met on August 29, 2001, and unanimously recommended 2001–02 expenditures of $280,000 and an assessment rate of $0.005 per 4/5-bushel carton of Florida citrus. In comparison, last year's budgeted expenditures were $255,500. The

assessment rate of $0.005 is $0.0005 lower than the rate currently in effect. Last fiscal year, Committee revenues exceeded expenses by $38,500. Committee members agreed that the excess revenues should be used to reduce the assessment rate. The $38,500 was added to the anticipated assessment revenue along with interest income for a revenue total of $280,000 for the 2001–02 fiscal period.

The major expenditures recommended by the Committee for the 2001–2002 fiscal period include $121,300 for salaries, $25,000 for Manifest USDA–FDACS, $21,000 for insurance and bonds, $18,750 for retirement plan, $44,550 for miscellaneous and reserve, and $10,000 for telephone. Other expenses for 2001–02 total $39,400. Budgeted expenses for these items in 2000–01 were $118,300, $36,000, $19,900, $18,500, $12,450, and $10,000, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of fresh Florida citrus. With Florida citrus shipments for the year are estimated at 48,000,000 cartons, assessment income should total $240,000. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $90,334) will be kept within the maximum permitted by the order (one half of one fiscal periods' expenses; § 905.42).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or the USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. The USDA would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2001–02 budget and those for subsequent fiscal periods would be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 11,000 producers of Florida citrus in the production area and approximately 80 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Based on industry and Committee data, the average annual f.o.b. price for fresh Florida citrus during the 2000–01 season was approximately $7.92 per 4/5 bushel carton for all shipments, and the total fresh shipments for the 2000–01 season are estimated at 53.8 million 4/5 bushel cartons of Florida citrus. Approximately 68 percent of the handlers handled 93 percent of Florida citrus shipments. Using information provided by the Committee, about 60 percent of citrus handlers could be considered small businesses under the SBA definition. Although specific data is unavailable, USDA believes that the majority of Florida citrus producers may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2001–02 and subsequent fiscal periods from $0.0055 to $0.005 per 4/5-bushel carton of Florida citrus. The Committee unanimously recommended 2001–02 expenditures of $280,000 and an assessment rate of $0.005 per 4/5-bushel carton. The assessment rate of $0.005 is $0.0005 lower than the 2000–01 rate. The quantity of assessable Florida citrus for the 2001–02 fiscal period is estimated at 48 million 4/5-bushel cartons. Thus, the $0.005 rate should provide $240,000 in assessment income. Assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover this year's expenses.

The major expenditures recommended by the Committee for the 2001–2002 fiscal period include $121,300 for salaries, $25,000 for Manifest Department—FDACS, $21,000 for insurance and bonds, $18,750 for retirement plan, $44,550 for miscellaneous and reserve, and $10,000 for telephone. Budgeted expenses for these items in 2000–01 were $118,300, $36,000, $19,900, $18,500, $12,450, and $10,000, respectively.

Last fiscal year, Committee revenues exceeded expenses by $38,500. Committee members agreed that the excess revenues should be used to reduce the assessment rate. The $38,500 was added to the anticipated assessment revenue along with interest income for a revenue total of $280,000 for the 2001–02 fiscal period.

The Committee reviewed and unanimously recommended 2001–02 expenditures of $280,000, which includes increases in some administrative costs. Prior to arriving at this budget, the Committee considered information from various sources, such as the Committee's Budget Subcommittee, the Grapefruit Subcommittee, and the Regulatory Subcommittee. Alternative expenditure levels were discussed by these groups, based upon previous seasons and the general condition of the Florida citrus industry. The assessment rate of $0.005 per 4/5 bushel carton of assessable citrus was then determined by dividing the total recommended budget by the quantity of assessable commodity, estimated at 48,000,000 4/5 bushel cartons for the 2001–2002 fiscal period. This rate is expected to generate $240,000. This is $40,000 below the anticipated expenses, which the Board determined to be acceptable.

A review of historical information and preliminary information pertaining to the upcoming fiscal period indicates that the average grower price for the 2001–02 season could range between $4.60 and $10.70 per 4/5 bushel of oranges, grapefruit, tangerines, and tangelos. Therefore, the estimated assessment revenue for the 2001–02 fiscal period as a percentage of total grower revenue could range between .04 and .1 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, which may reduce the burden on producers. In addition, the Committee's meeting was

widely publicized throughout the Florida citrus industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the August 29, 2001 meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida citrus handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html*. Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it hereby found that this rule, as hereinafter set forth, tends to effectuate the declared policy of the act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register:** (1) The 2001–02 fiscal period began on August 1, 2001, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable Florida citrus handled during such fiscal period; (2) the action decreases the assessment rate for assessable Florida citrus beginning with the 2001–02 fiscal period; and (3) producers and handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 905

Grapefruit, Oranges, Tangelos, Tangerines, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 905 is amended as follows:

PART 905—ORANGES, GRAPEFRUIT, TANGERINES, AND TANGELOS GROWN IN FLORIDA

1. The authority citation for 7 CFR part 905 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 905.235 is revised to read as follows:

§ 905.235 Assessment rate.

On and after August 1, 2001, an assessment rate of $0.005 per 4/5-bushel carton or equivalent is established for assessable Florida citrus covered under the order.

Dated: November 5, 2001.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 01–28201 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 930

[Docket No. FV01–930–3 FIR]

Tart Cherries Grown in the States of Michigan, et al.; Modifications to the Rules and Regulations Under the Tart Cherry Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: The Department of Agriculture (USDA) is adopting, as a final rule, without change, an interim final rule increasing the Cherry Industry Administrative Board (Board) membership, and establishing procedures under the rules and regulations of the Federal tart cherry marketing order (order) for handlers who want to post surety bonds to temporarily defer maintaining an inventory reserve for tart cherries. The Board recommended these actions to improve order administration, provide handlers more marketing flexibility, and change Board representation as required. The order regulates the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin and is administered locally by the Board.

EFFECTIVE DATE: December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, Marketing Order Administration Branch, F&V, AMS, USDA, Suite 2A04, Unit 155, 4700 River Road, Riverdale, Maryland 20737, telephone: (301) 734–5243, Fax: (301) 734–5275; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, Room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938. Small businesses may request information on compliance with this regulation, or obtain a guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525–S, Washington, DC 20090–6456; telephone (202) 720–2491; Fax: (202) 720–8938, or e-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 930 (7 CFR part 930) regulating the handling of tart cherries grown in the States of Michigan, New York, Pennsylvania, Oregon, Utah, Washington, and Wisconsin, hereinafter referred to as the ''order.'' This order is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule is not intended to have retroactive effect. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act

provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule continues in effect an interim final rule that increased the Board's membership, and established procedures under the order's rules and regulations for handlers to post surety bonds to temporarily defer maintaining an inventory reserve for tart cherries.

The Board recommended that its membership be increased by one member for District 8, the State of Washington. Currently, § 930.20(e) provides that if Districts 5, 6, 8, or 9 become subject to volume regulation under § 930.52(a), the Board shall be reestablished by USDA to provide such District(s) with at least one grower and one handler seat on the Board. Prior to the increase, Washington was represented by one grower or one handler member. At the September 8, 2000, meeting it was determined that the State of Washington's annual average production of cherries over the prior three years had exceeded the 15 million pound threshold required for districts to become regulated. Preliminary volume regulation percentages have been computed and announced by the Board for the 2001–2002 crop year. Handlers handling tart cherries grown in Washington are expected to be subject to volume regulation when final percentages are recommended by the Board and approved by USDA.

Therefore, the Board should be increased from 18 to 19 members which would allow two members instead of one to represent District 8—Washington. The new member and alternate would be nominated and selected in the same manner as other Board members and alternates. With the change for District 8, Washington, District representation on the Board will be as follows:

District	Grower members	Handler members
1	2	2
2	1	2
3	1	1
4	1	1
5	1	or 1
6	1	or 1
7	1	1
8	1	1
9	1	or 1

The Board also recommended that procedures be established for handlers to post surety bonds to temporarily defer maintaining inventory reserves. Section 930.63 provides in part that handlers may, in order to comply with the requirements of §§ 930.50 and 930.51 and regulations issued thereunder, secure bonds on restricted percentage cherries to temporarily defer the date that inventory reserve cherries must be held to any date requested by a handler as long as it is not later than 60 days prior to the end of the crop year. Pursuant to the Board's recommendation, handlers will be required to post surety bonds at two times the market value of the quantity of cherries for which the holding obligation is being deferred. For example, if the inventory reserve product to be marketed is tart cherry juice concentrate and the market value for the concentrate is $20,000, the handler has to post a surety bond of $40,000 in order to temporarily defer his/her inventory reserve obligation.

The deferment will be conditioned on the execution and delivery by the handler to the Board of a written undertaking within 30 days after USDA announces the final restricted percentage under § 930.51. The written undertaking (required to be secured by a bond or bonds with a surety or sureties acceptable to the Board) must guarantee that on or prior to the acceptable deferred date that handler will have fully satisfied the restricted percentage amount required by § 930.51. If a handler fails to satisfy that obligation with cherries in reserve by the date requested by the handler, the bond will be forfeited to the Board. The Board will then buy cherries to fulfill the handler's obligation. Handlers not posting surety bonds to temporarily defer maintaining an inventory reserve shall keep inventory reserves in compliance with applicable order regulations.

The Regulatory Flexibility Act and Effects on Small Businesses

The Agricultural Marketing Service (AMS) has considered the economic impact of this action on small entities and has prepared this final regulatory flexibility analysis. The Regulatory Flexibility Act (RFA) allows AMS to certify that regulations do not have a significant economic impact on a substantial number of small entities.

However, as a matter of general policy, AMS' Fruit and Vegetable Programs (Programs) no longer opt for such certification, but rather perform regulatory flexibility analyses for any rulemaking that would generate the interest of a significant number of small entities. Performing such analyses shifts the Programs' efforts from determining whether regulatory flexibility analyses are required to the consideration of regulatory options and economic or regulatory impacts.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 40 handlers of tart cherries who are subject to regulation under the order and approximately 900 producers of tart cherries in the regulated area. Small agricultural service firms, which include handlers, have been defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts of less than $5,000,000, and small agricultural producers are defined as those having annual receipts of less than $750,000. The majority of handlers and producers are small entities. Since the interim final rule was issued, the standard for determining small agricultural producers has been increased from $500,000 to $750,000.

Board and subcommittee meetings are widely publicized in advance and are held in a location central to the production area. The meetings are open to all industry members (including small business entities) and other interested persons who are encouraged to participate in the deliberations and voice their opinions on topics under discussion. Thus, Board recommendations can be considered to represent the interests of small business entities in the industry.

The principal demand for tart cherries is in the form of processed products. Tart cherries are dried, frozen, canned, juiced, and pureed. During the period 1995/96 through 1999/00, approximately 91 percent of the U.S. tart cherry crop, or 280.5 million pounds, was processed annually. Of the 280.5 million pounds of tart cherries processed, 62 percent was frozen, 29 percent was canned, and 9 percent was utilized for juice.

Based on National Agricultural Statistics Service data, acreage in the United States devoted to tart cherry production has been trending downward. In the ten-year period, 1987/88 through 1997/98, the tart cherry area decreased from 50,050 acres, to less than 40,000 acres. In 1999/00, approximately 90 percent of domestic tart cherry acreage is located in four

States: Michigan, New York, Utah, and Wisconsin.

Michigan leads the nation in tart cherry acreage with 70 percent of the total. Michigan produces about 75 percent of the U.S. tart cherry crop each year. In 1999/00, tart cherry acreage in Michigan decreased to 28,100 from 28,400.

The impact of this rule would be beneficial to growers and handlers. The recommendation to add another member and alternate is consistent with the order requirements and will provide greater participation on the Board by the industry. Adding procedures for handlers to temporarily defer their inventory reserve holding obligations through written undertakings secured by surety bonds is also consistent with order provisions and will provide handlers with flexibility in their day-to-day processing, packing, and marketing operations.

One alternative to these actions would be to continue the status quo. However, the order requires a change in Board membership, following established nomination procedures, upon a district meeting the volume regulation threshold and thus subject to volume regulation. The order also provides handlers the authority to post surety bonds. Recommending procedures for handlers to implement this authority is another tool the Board hopes to use to facilitate the orderly marketing of tart cherries.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors. In addition, USDA has not identified any relevant Federal rules which duplicate, overlap, or conflict with this rule.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements imposed by this action have been previously approved by OMB and assigned OMB Number 0581–0177. Handlers taking advantage of the bonding option would execute an application which would take about an hour to complete. The total burden hours approved, 4,649 hours, will be adequate to cover this added burden.

The Board's meetings are widely publicized throughout the tart cherry industry and all interested persons were invited to attend them and participate in Board deliberations. Like all Board meetings, the September 2000 meeting was a public meeting and all entities, both large and small, were able to express their views on these issues. The Board itself is composed of 18 members, of which 17 members are growers and handlers and one represents the public. Also, the Board has a number of appointed committees to review certain issues and make recommendations.

An interim final rule concerning this action was published in the **Federal Register** on July 10, 2001. Copies of the rule were mailed by the Committee's staff to all Committee members and handlers. In addition, the rule was made available through the Internet by the Office of the Federal Register and USDA. That rule provided for a 60-day comment period which ended September 10, 2001. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at the following website: *http//www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that finalizing the interim final rule, without change, as published in the **Federal Register** (66 FR 35889) will tend to effectuate the declared policy of the Act.

List of Subjects in 7 CFR Part 930

Marketing agreements, Reporting and recordkeeping requirements, Tart cherries.

PART 930—TART CHERRIES GROWN IN THE STATES OF MICHIGAN, NEW YORK, PENNSYLVANIA, OREGON, UTAH, WASHINGTON, AND WISCONSIN

1. The authority citation for 7 CFR part 930 continues to read as follows:

Authority: 7 U.S.C. 601–674.

PART 930—[AMENDED]

Accordingly, the interim final rule amending 7 CFR part 930 which was published at 66 FR 35889 on July 10, 2001, is adopted as a final rule without change.

Dated: November 5, 2001.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 01–28202 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 966

[Docket No. FV01–966–2 IFR]

Tomatoes Grown in Florida; Decreased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Interim final rule with request for comments.

SUMMARY: This rule decreases the assessment rate established for the Florida Tomato Committee (Committee) for the 2001–02 and subsequent fiscal periods from $0.025 to $0.02 per 25-pound container of tomatoes handled. The Committee locally administers the marketing order which regulates the handling of tomatoes grown in Florida. Authorization to assess tomato handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The fiscal period began August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Effective November 13, 2001. Comments received by January 8, 2002, will be considered prior to issuance of a final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this rule. Comments must be sent to the Docket Clerk, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–8938, or E-mail: *moab.docketclerk@usda.gov.* Comments should reference the docket number and the date and page number of this issue of the **Federal Register** and will be available for public inspection in the Office of the Docket Clerk during regular business hours, or can be viewed at: *http://www.ams.usda.gov/fv/moab.html.*

FOR FURTHER INFORMATION CONTACT: Doris Jamieson, Marketing Specialist, Southeast Marketing Field Office, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 2276, Winter Haven, FL 33883–2276; telephone: (863)

299–4770, Fax: (863) 299–5169; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525-S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, room 2525-S, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or E-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement No. 125 and Order No. 966, both as amended (7 CFR part 966), regulating the handling of tomatoes grown in Florida, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, Florida tomato handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable tomatoes beginning August 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule decreases the assessment rate established for the Committee for the 2001–02 and subsequent fiscal periods from $0.025 per 25-pound container to $0.02 per 25-pound container of tomatoes.

The Florida tomato marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers of Florida tomatoes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1999–2000 and subsequent fiscal periods, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from fiscal period to fiscal period unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on September 6, 2001, and unanimously recommended 2001–02 expenditures of $1,666,650 and an assessment rate of $0.02 per 25-pound container of tomatoes. In comparison, last year's budgeted expenditures were $1,910,000. The assessment rate of $0.02 is $0.005 lower than the rate currently in effect. The Committee's authorized reserve is larger than necessary. In an effort to reduce the amount in the reserve fund, the Committee unanimously recommended reducing the assessment rate.

The major expenditures recommended by the Committee for the 2001–02 fiscal year include $700,000 for education and promotion, $418,650 for salaries and benefits, $320,000 for research, $51,500 for employee retirement, and $31,000 for office rent. Budgeted expenses for these items in 2000–01 were $1,000,000, $407,800, $315,700, $44,900, and $24,500, respectively.

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by expected shipments of Florida tomatoes, while considering other factors such as the current balance in the reserve fund. Tomato shipments for the year are estimated at 50,000,000 25-pound containers which should provide $1,000,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses. Funds in the reserve (currently $1,900,000) will be kept within the maximum permitted by the order (approximately one fiscal period's expenses, § 966.44).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate is effective for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. The USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2001–02 budget and those for subsequent fiscal periods will be reviewed and, as appropriate, approved by USDA.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 100 producers of tomatoes in the production area and approximately 82 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts

less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000.

Based on the industry and Committee data, the average annual price for fresh Florida tomatoes during the 2000–01 season was $9.16 per 25-pound container or equivalent, and total fresh shipments for the 2000–01 season were 53,649,508 25-pound equivalent cartons of tomatoes. Committee data indicates that approximately 21 percent of the Florida handlers handle 80 percent of the total volume shipped outside the regulated area. Based on this information, the shipment information for the 2000–01 season, and the 2000–01 season average price, the majority of handlers would be classified as small entities as defined by the SBA. The majority of producers of Florida tomatoes also may be classified as small entities.

This rule decreases the assessment rate established for the Committee and collected from handlers for the 2001–02 and subsequent fiscal periods from $0.025 to $0.02 per 25-pound container of tomatoes. The Committee unanimously recommended 2001–02 expenditures of $1,666,650 and an assessment rate of $0.02 per 25-pound container. The assessment rate of $0.02 is $0.005 lower than the 2000–01 rate. The quantity of assessable tomatoes for the 2001–02 season is estimated at 50,000,000 25-pound cartons. Thus, the $0.02 rate should provide $1,000,000 in assessment income. Income derived from handler assessments, along with interest income and funds from the Committee's authorized reserve, will be adequate to cover budgeted expenses.

The major expenditures recommended by the Committee for the 2001–02 fiscal year include $700,000 for education and promotion, $418,650 for salaries and benefits, $320,000 for research, $51,500 for employee retirement, and $31,000 for office rent. Budgeted expenses for these items in 2000–01 were $1,000,000, $407,800, $315,700, $44,900, and $24,500 for office rent, respectively.

In the past two seasons, assessments collected have exceeded budgeted expenses, primarily due to a larger than expected supply of tomatoes. This has increased the total in the reserve. In addition, the Committee voted to reduce the education and promotion budget for the 2001–02 season, reducing total recommended expenses by approximately $300,000. The authorized reserve fund is now larger than necessary. In an effort to reduce the amount in the reserve fund and considering the reduced budget, the Committee unanimously recommended reducing the assessment rate. The funds collected from assessments, along with money from the reserve fund will be adequate to cover the Committee's expenditures for the 2001–02 fiscal year.

The Committee reviewed and unanimously recommended 2001–02 expenditures of $1,666,650 which included decreases in office rent, and education and promotion programs. Prior to arriving at this budget, the Committee considered information from various sources, such as the Committee's Executive Subcommittee, Finance Subcommittee, Research Subcommittee, and Education and Promotion Subcommittee. Alternative expenditure levels were discussed by these groups, based upon the relative value of various research projects to the tomato industry. The assessment rate of $0.02 per 25-pound container of assessable tomatoes was then determined by dividing the total recommended budget by the quantity of assessable tomatoes, while considering other factors such as the current balance in the reserve fund. Estimated shipments of tomatoes are 50,000,000 25-pound containers for the 2001–02 fiscal year. At the recommended rate, $1,000,000 in assessment income will be collected. This is approximately $600,000 below the anticipated expenses, which the Committee determined to be acceptable, in view of its goal of reducing its operating reserve.

A review of historical information and preliminary information pertaining to the upcoming season indicates that the grower price for the 2001–02 season could range from $4.25 and $13.53 per 25-pound container of tomatoes. Therefore, the estimated assessment revenue for the 2001–02 season as a percentage of total grower revenue could range between 1.5 and 4.7 percent.

This action decreases the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to producers. However, decreasing the assessment rate reduces the burden on handlers, and may reduce the burden on producers. In addition, the Committee's meeting was widely publicized throughout the Florida tomato industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the September 6, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit information on the regulatory and informational impacts of this action on small businesses.

This action imposes no additional reporting or recordkeeping requirements on either small or large Florida tomato handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab.html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it is also found and determined upon good cause that it is impracticable, unnecessary, and contrary to the public interest to give preliminary notice prior to putting this rule into effect, and that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because: (1) The 2001–02 fiscal period began on August 1, 2001, and the marketing order requires that the rate of assessment for each fiscal period apply to all assessable tomatoes handled during such fiscal period; (2) this action decreases the assessment rate for assessable tomatoes beginning with the 2001–02 fiscal period; (3) handlers are aware of this action which was unanimously recommended by the Committee at a public meeting and is similar to other assessment rate actions issued in past years; and (4) this interim final rule provides a 60-day comment period, and all comments timely received will be considered prior to finalization of this rule.

List of Subjects in 7 CFR Part 966

Marketing agreements, Reporting and recordkeeping requirements, Tomatoes.

For the reasons set forth in the preamble, 7 CFR part 966 is amended as follows:

PART 966—TOMATOES GROWN IN FLORIDA

1. The authority citation for 7 CFR part 966 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 966.234 is revised to read as follows:

§ 966.234 Assessment rate.

On and after August 1, 2001, an assessment rate of $0.20 per 25-pound container or equivalent is established for Florida tomatoes.

Dated: November 5, 2001.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 01–28203 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 993

[Docket No. FV01–993–3 FR]

Dried Prunes Produced in California; Increased Assessment Rate

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rule increases the assessment rate from $2.00 to $2.80 per ton of salable dried prunes established for the Prune Marketing Committee (Committee) under Marketing Order No. 993 for the 2001–02 and subsequent crop years. The Committee locally administers the marketing order which regulates the handling of dried prunes grown in California. Authorization to assess dried prune handlers enables the Committee to incur expenses that are reasonable and necessary to administer the program. The crop year begins August 1 and ends July 31. The assessment rate will remain in effect indefinitely unless modified, suspended, or terminated.

EFFECTIVE DATE: November 13, 2001.

FOR FURTHER INFORMATION CONTACT: Toni Sasselli, Program Assistant or Richard P. Van Diest, Marketing Specialist, California Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, 2202 Monterey Street, suite 102B, Fresno, California 93721; telephone: (559) 487–5901; Fax (559) 487–5906; or George Kelhart, Technical Advisor, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

Small businesses may request information on complying with this regulation by contacting Jay Guerber, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938, or e-mail: *Jay.Guerber@usda.gov.*

SUPPLEMENTARY INFORMATION: This rule is issued under Marketing Agreement and Order No. 993, both as amended (7 CFR part 993), regulating the handling of dried prunes grown in California, hereinafter referred to as the ''order.'' The marketing agreement and order are effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.''

The Department of Agriculture (USDA) is issuing this rule in conformance with Executive Order 12866.

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order now in effect, California dried prune handlers are subject to assessments. Funds to administer the order are derived from such assessments. It is intended that the assessment rate as issued herein will be applicable to all assessable dried prunes beginning on August 1, 2001, and continue until amended, suspended, or terminated. This rule will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This rule increases the assessment rate established for the Committee for the 2001–02 and subsequent crop years from $2.00 per ton to $2.80 per ton of salable dried prunes.

The California dried prune marketing order provides authority for the Committee, with the approval of USDA, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are producers and handlers of California dried prunes. They are familiar with the Committee's needs and with the costs for goods and services in their local area and are thus in a position to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting. Thus, all directly affected persons have an opportunity to participate and provide input.

For the 1999–2000 and subsequent crop years, the Committee recommended, and USDA approved, an assessment rate that would continue in effect from crop year to crop year unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other information available to USDA.

The Committee met on June 28, 2001, and unanimously recommended 2001–02 expenditures of $403,200 and an assessment rate of $2.80 per ton of salable dried prunes. In comparison, last year's budgeted expenditures were $388,000. The recommended assessment rate of $2.80 per ton is $.80 higher than the rate currently in effect. The $0.80 per ton increase in the assessment rate will allow the Committee to meet its 2001–02 expenses. The primary reason for the increased assessment rate is an estimated reduction in 2001–02 crop year production. The Committee estimates a 150,000 ton crop during the 2001–02 crop year. A total of 6,000 tons are not expected to be salable because of size or quality, leaving a balance of 144,000 salable tons. This is a 28 percent decrease in salable tonnage from last year and caused the Committee to recommend increasing its assessment rate to meet expenses.

The following table compares major budget expenditures recommended by the Committee on June 28, 2001, and major budget expenditures in the revised 2000–01 budget recommended on April 5, 2001.

Budget expense categories	2000–01 (revised)	2001–02
Salaries, Wages & Benefits	$225,850	$226,315
Research & Development	30,000	30,000
Office Rent	28,000	23,300
Travel	21,000	20,000
Reserve (Contingencies)	28,550	53,185
Equipment Rental	8,000	9,000
Data Processing	5,000	4,000
Stationery & Printing	5,500	4,500
Office Supplies	5,000	4,500
Postage & Messenger	7,000	6,000
Other Expenses	24,100	22,400

The assessment rate recommended by the Committee was derived by dividing anticipated expenses by the estimated salable tons of California dried prunes. Production of dried prunes for the year is estimated at 144,000 salable tons which should provide $403,200 in assessment income. Income derived from handler assessments will be adequate to cover budgeted expenses. Interest income also will be available if assessment income is reduced for some reason. The Committee is authorized to use excess assessment funds from the 2000–01 crop year (currently estimated at $51,005) for up to 5 months beyond the end of the crop year to meet 2001–02 crop year expenses. At the end of the 5 months, the Committee refunds or credits excess funds to handlers (§ 993.81(c)).

The assessment rate established in this rule will continue in effect indefinitely unless modified, suspended, or terminated by USDA upon recommendation and information submitted by the Committee or other available information.

Although this assessment rate will be in effect for an indefinite period, the Committee will continue to meet prior to or during each crop year to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or USDA. Committee meetings are open to the public and interested persons may express their views at these meetings. The USDA will evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking will be undertaken as necessary. The Committee's 2001–02 budget and those for subsequent crop years would be reviewed and, as appropriate, approved by USDA.

Final Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this rule on small entities. Accordingly, AMS has prepared this final regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility.

There are approximately 1,205 producers of dried prunes in the production area and approximately 22 handlers subject to regulation under the marketing order. Small agricultural producers are defined by the Small Business Administration (13 CFR 121.201) as those having annual receipts less than $750,000, and small agricultural service firms are defined as those whose annual receipts are less than $5,000,000. The standard for producers has been increased from $500,000 to $750,000 since the proposed rule was published.

An updated prune industry profile shows that 9 of the 22 handlers (41 percent) shipped over $5,000,000 of dried prunes and could be considered large handlers by the Small Business Administration. Thirteen of the 22 handlers (59 percent) shipped under $5,000,000 of dried prunes and could be considered small handlers. An estimated 32 producers, or about 2.7 percent of the 1,205 total producers, will be considered large growers with annual receipts over $750,000. The majority of handlers and producers of California dried prunes may be classified as small entities.

This rule increases the assessment rate established for the Committee and collected from handlers for the 2001–2002 and subsequent crop years from $2.00 per ton to $2.80 per ton of salable dried prunes. The Committee unanimously recommended 2001–2002 expenditures of $403,200 and an assessment rate of $2.80 per ton of salable dried prunes. The assessment rate of $2.80 is $0.80 higher than the assessment rate (64 FR 50426, September 17, 1999) that has been in effect since the 1999–2000 crop year. The quantity of assessable dried prunes for the 2001–02 crop year is now estimated at 144,000 salable tons. Thus, the $2.80 rate should provide $403,200 in assessment income and be adequate to meet this year's expenses. Interest income also will be available to cover budgeted expenses if the 2001–02 expected assessment income falls short.

The following table compares major budget expenditures recommended by the Committee on June 28, 2001, with major budget expenditures in the revised 2000–01 budget recommended on April 5, 2001.

Budget expense categories	2000–01 (revised)	2001–02
Salaries, Wages & Benefits	$225,850	$226,315
Research & Development	30,000	30,000
Office Rent	28,000	23,300
Travel	21,000	20,000
Reserve (Contingencies)	28,550	53,185
Equipment Rental	8,000	9,000
Data Processing	5,000	4,000
Stationery & Printing	5,500	4,500
Office Supplies	5,000	4,500
Postage & Messenger	7,000	6,000
Other Expenses	24,100	22,400

The Committee reviewed and unanimously recommended 2001–02 expenditures of $403,200. Prior to arriving at this budget, the Committee considered information from various sources, such as the Committee's Executive Subcommittee. An alternative to this action would be to continue with the $2.00 per ton assessment rate, but the reduced anticipated crop size would not be sufficient to generate monies to fund all the budget items. The assessment rate of $2.80 per ton of salable dried prunes was determined by dividing the total recommended budget by the estimated salable dried prunes. The Committee is authorized to use excess assessment funds from the 2000–01 crop year (currently estimated at $51,005) for up to 5 months beyond the end of the crop year to fund 2001–02 crop year expenses. At the end of the 5 months, the Committee refunds or credits excess funds to handlers (§ 993.81(c)). Anticipated assessment income and interest income during 2001–02 will be adequate to cover authorized expenses.

Recent price information indicates that the grower price for the 2001–02 season should average about $763 per salable ton of dried prunes. This is $87 less than the $850 figure quoted in the proposed rule. Based on estimated shipments of 144,000 salable tons, assessment revenue during the 2001–02 crop year is still expected to be less than

1 percent of the total expected grower revenue.

This action increases the assessment obligation imposed on handlers. While assessments impose some additional costs on all handlers, the costs are minimal and uniform on all handlers. Some of the additional costs may be passed on to producers. However, these costs are offset by the benefits derived by the operation of the marketing order. In addition, the Committee's meeting was widely publicized throughout the California dried prune industry and all interested persons were invited to attend the meeting and participate in Committee deliberations on all issues. Like all Committee meetings, the June 28, 2001, meeting was a public meeting and all entities, both large and small, were able to express views on this issue.

This rule imposes no additional reporting or recordkeeping requirements on either small or large California dried prune handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

The USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this rule.

A proposed rule concerning this action was published in the **Federal Register** on August 20, 2001 (66 FR 43534). Copies of the proposed rule were also mailed or sent via facsimile to all prune handlers. Finally, the proposal was made available through the Internet by the Office of the Federal Register and USDA. A 30-day comment period ending September 19, 2001, was provided for interested persons to respond to the proposal. No comments were received.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *http://www.ams.usda.gov/fv/moab/html.* Any questions about the compliance guide should be sent to Jay Guerber at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendation submitted by the Committee and other available information, it is hereby found that this rule, as hereinafter set forth, will tend to effectuate the declared policy of the Act.

Pursuant to 5 U.S.C. 553, it also found and determined that good cause exists for not postponing the effective date of this rule until 30 days after publication in the **Federal Register** because the 2001–02 crop year begins on August 1, 2001, and the marketing order requires that the rate of assessment for each crop year apply to all assessable dried prunes handled during such crop year. Further, handlers are aware of this action which was recommended at a public meeting. Also, 30-day comment period was provided for in the proposed rule and no comments were received.

List of Subjects in 7 CFR Part 993

Plums, Prunes, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR part 993 is amended as follows:

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

1. The authority citation for 7 CFR part 993 continues to read as follows:

Authority: 7 U.S.C. 601–674.

2. Section 993.347 is revised to read as follows:

§ 993.347 Assessment rate.

On and after August 1, 2001, an assessment rate of $2.80 per ton is established for California dried prunes.

Dated: November 5, 2001.

A.J. Yates,

Administrator, Agricultural Marketing Service.

[FR Doc. 01–28204 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 431

[Docket No. EE–RM–96–400]

RIN 1904–AB11

Energy Efficiency Program for Certain Commercial and Industrial Equipment: Extension of Time for Electric Motor Manufacturers To Certify Compliance With Energy Efficiency Standards

AGENCY: Office of Energy Efficiency and Renewable Energy; Department of Energy.

ACTION: Notice of final rulemaking.

SUMMARY: This procedural rule amends the compliance certification section of subpart G, Certification and Enforcement, of Title 10 Code of Federal Regulations Part 431, by revising the deadline date from November 5, 2001 to June 7, 2002, for all electric motor manufacturers to certify compliance to the Department of Energy that their motors meet the applicable energy efficiency standards.

DATES: This rule is effective November 9, 2001.

FOR FURTHER INFORMATION CONTACT: James Raba, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Mail Station EE–41, 1000 Independence Avenue, SW., Washington, DC 20585–0121, telephone (202) 586–8654, telefax (202) 586–4617, or: *jim.raba@ee.doe.gov.*

Eugene Margolis, Esq., U.S. Department of Energy, Office of General Counsel, Mail Station GC–72, 1000 Independence Avenue, SW., Washington, DC 20585–0103, (202) 586–9526, telefax (202) 586–4116, or: *eugene.margolis@hq.doe.gov.*

SUPPLEMENTARY INFORMATION:

Introduction

Section 345(c) of the Energy Policy and Conservation Act of 1975 (EPCA) requires ''manufacturers to certify, through an independent testing or certification program nationally recognized in the United States, that such motor meets the applicable [nominal full load efficiency standard]'' (42 U.S.C. 6316(c)). The Department of Energy (Department) construes the statutory language to provide manufacturers with two equivalent ways to fulfill the certification requirement: (1) manufacturers may certify, through an independent testing program nationally recognized in the United States, that such motor meets the standards; or (2) manufacturers may certify, through an independent certification program nationally recognized in the United States that such motor meets the standards. The Department is of the view that section 345(c) does not require preference for one program over the other.

Section 431.24(a)(5) of 10 CFR Part 431, sets forth procedures by which a manufacturer may have a certification program or an accredited laboratory, which the Department has classified as nationally recognized, certify the energy efficiency of a manufacturer's electric motors. Section 431.123(a) of 10 CFR Part 431 states that no electric motor ''subject to an energy efficiency standard set forth in subpart C of this part'' may be distributed in commerce unless it is covered by a Compliance Certification, and that the Compliance Certification must be submitted to the Department not later than November 5, 2001.

Background

The Department estimates that there are 41 manufacturers that manufacture motors covered by the statute. Thus far, it appears that half of the manufacturers have elected to certify the efficiency of their electric motors through an independent testing laboratory, and half through a certification program. Also, section III.F.2. of the preamble to the Proposed Rule for Electric Motors, 61 FR 60455 (November 27, 1996), summarizes testimony and written statements from manufacturers and the National Electrical Manufacturers Association which speak of different basic models of motors numbering in the thousands that are being manufactured and could potentially be required to undergo testing for efficiency.

As of the publication date of this final rule, there continues to be insufficient testing capacity. According to the National Institute of Standards and Technology, National Voluntary Laboratory Accreditation Program (NVLAP) ''2001 Directory,'' dated March 2001, there are 11 testing laboratories that meet the requirements of section 431.24(a)(5) of 10 CFR Part 431 and could be available to test motors for the purposes of section 345(c) of EPCA. Of those testing laboratories, two are not in any way affiliated with a motor manufacturer; and of those two, only one is located in the United States. Thus far, a number of motor manufacturers have elected to base the certification of their motors' energy efficiency on testing conducted in a NVLAP accredited laboratory. Certain other motor manufacturers have, in ''good faith,'' elected to base their compliance on a certification program, and have either had their motors tested in advance or have committed resources in anticipation of certification programs becoming recognized by the Department of Energy. As of today's **Federal Register** notice of final rulemaking, there are no certification programs nationally recognized for the purposes of section 345(c) of EPCA. Therefore, the Department believes it will be impossible for many manufacturers to make the choice allowed by EPCA to test and certify their motors for energy efficiency before November 5, 2001.

Discussion

Presently, two certification programs have, under the provisions of section 431.28 of 10 CFR part 431, petitioned the Department to be classified as nationally recognized in the United States for the purposes of section 345(c) of EPCA: CSA International, 65 FR 24429 (April 26, 2000), and Underwriters Laboratories Inc., 66 FR 50355 (October 3, 2001). The Department believes the only way to make the statutory testing and certifying capacity available would be to delay enforcement so as to enable the Department to conclude the recognition process required under section 431.28 of 10 CFR Part 431, and thereafter allow manufacturers sufficient time to certify the efficiency of their motors through either an independent testing or certification program. The recognition process set forth in section 431.28(a)–(f) of 10 CFR Part 431 consists, in sum, of: (1) a certification organization filing a petition with the Department, (2) public notice and solicitation of comments, (3) allowance for a responsive statement by the petitioner, (4) public announcement of an interim determination by the Department and solicitation of comments, and (5) public announcement of a final determination. In addition, the Department must analyze the information presented in the petition, prepare and issue a **Federal Register** notice to solicit public comments, address those comments received, prepare and issue a second **Federal Register** notice that announces an interim determination and further solicits public comments, address those comments, and thereafter, prepare and issue a **Federal Register** notice that announces a final determination. Also, the Department would conduct an independent investigation to gather additional information relevant to the petition. Such a process could take up to 12 months. The Department believes that its investigation and determination process should be stringent because a certification program underlies the compliance determination for many motors. In the case of the recognition processes already underway both for CSA International and Underwriters Laboratories Inc., the Department would need up to 15 weeks in order to reach its final determinations. Following those determinations, manufacturers would need up to 16 weeks to complete the efficiency certification process for their motors. Therefore, the Department has decided to amend the deadline in section 431.123(a) to give manufacturers additional time to certify compliance of their motors, either by choosing a testing laboratory accredited by NVLAP or by any nationally recognized certification program that DOE may approve.

Conclusion

The Department's goal is to have in place a certification capability for the industry that would provide reasonable assurance to consumers that the motors they purchase are of the efficiency specified by the manufacturer and are in compliance with governing standards. The Department believes that the integrity of the certification process must be maintained, while at the same time the fair operation of the motor market must be supported. Accordingly, the Department today amends section 431.123(a) of 10 CFR part 431, by revising the deadline date for manufacturers to certify compliance to the Department of Energy, from November 5, 2001 to June 7, 2002.

Procedural Issues and Regulatory Review

A. Review Under the National Environmental Policy Act

Review under the National Environmental Policy Act was addressed in the notice of proposed rulemaking (NOPR) , 61 FR 60460 (November 27, 1996), and in the final rule which established 10 CFR part 431, 64 FR 54139 (October 5, 1999). The Department concluded that neither an environmental assessment nor an environmental impact statement is needed. The same conclusion applies to today's final rule.

B. Review Under Executive Order 12866, ''Regulatory Planning and Review''

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). Accordingly, today's action was not subject to review under the Executive Order by the Office of Information and Regulatory Affairs in the Office of Management and Budget.

C. 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. Today's rule is a rule of agency procedure which is exempt from the APA's notice and comment requirements. Therefore, a regulatory flexibility analysis has not been prepared.

D. Review Under Executive Order 13132, ''Federalism''

Executive Order 13132, ''Federalism'' (64 FR 43255) requires agencies 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 are 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.'' On March 14, 2000, DOE published a statement of policy describing the intergovernmental consultation process it will follow in the development of such regulations (65 FR 13735). DOE has examined today's rule and determined that it 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 the Executive Order.

E. Review Under Executive Order 12630, ''Governmental Actions and Interference With Constitutionally Protected Property Rights''

The Department's review under Executive Order 12630, ''Governmental Actions and Interference with Constitutionally Protected Property Rights,'' was addressed in the NOPR, 61 FR at 60462, and in the final rule which established 10 CFR part 431, 64 FR at 54140. The Department determined that this regulation would not result in any takings which might require compensation under the Fifth Amendment to the United States Constitution. The same conclusion applies to today's final rule.

F. 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.*).

G. Review Under Executive Order 12988, ''Civil Justice Reform''

With respect to the review of existing regulations and the promulgation of new regulations, section 3 of Executive Order 12988, ''Civil Justice Reform'' (61 FR 4729) imposes on Executive agencies the general duty to eliminate drafting errors and ambiguity; write regulations to minimize litigation; provide a clear legal standard for affected conduct rather than a general standard; and promote simplification and burden reduction. Section 3(c) of Executive Order 12988 requires Executive agencies to review regulations in light of applicable standards in section 3(a) and section 3(b) to determine whether they are met. DOE has completed the required review and determined that, to the extent permitted by law, this final rule meets the relevant standards of Executive Order 12988.

H. Review Under Section 32 of the Federal Energy Administration Act

Today's final rule does not incorporate commercial standards by reference. Therefore, section 32 of the Federal Energy Administration Act does not apply to today's final rule.

I. Review Under the Unfunded Mandates Reform Act

The Department's review under the Unfunded Mandates Reform Act (UMRA) was addressed in the NOPR, 61 FR at 60463, and in the final rule which established 10 CFR part 431, 64 FR at 54141. The Department has determined that today's final rule does not include a Federal mandate that may result in estimated costs of $100 million or more to state, local or to tribal governments in the aggregate or to the private sector. Therefore, the same conclusion applies to today's final rule.

J. Review Under the Small Business Regulatory Enforcement Fairness Act

As required by 5 U.S.C. 801, DOE will report to Congress on the promulgation of today's 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(2).

K. 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 would not have any impact on the autonomy or integrity of the family as an institution. Accordingly, the Department has concluded that it is not necessary to prepare a Family Policymaking Assessment.

L. Review Under Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use''

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' (66 FR 28355, May 22, 2001) requires Federal agencies to prepare and submit to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget, a Statement of Energy Effects for any proposed significant energy action. A ''significant energy action'' is defined as any action by an agency that promulgates or is expected to lead to the promulgation of a final rule, and that: (1) Is a significant regulatory action under Executive Order 12866, or any successor order; and (2) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (3) is designated by the Administrator of OIRA as a significant energy action. For any proposed significant energy action, the agency must give a detailed statement of any adverse effects on energy supply, distribution, or use should the proposed action be implemented, and of reasonable alternatives to the action and their expected benefits on energy supply, distribution, and use.

Today's final rule would not have any adverse effects on the supply, distribution, or use of energy.

M. Review Under the Administrative Procedure Act

In the Department's view, today's final rule is not subject to requirements for prior notice and opportunity for public comment because it is procedural in nature. In the alternative, to the extent that 5 U.S.C. 553(b) may apply to this rulemaking, the Department finds that is impracticable and contrary to the public interest to publish prior notice because the Department cannot enforce the existing regulatory deadline and cannot relieve regulated manufacturers of the threat of potential enforcement of the deadline before November 5, 2001, without dispensing with prior notice.

List of Subjects in 10 CFR Part 431

Administrative practice and procedure, Energy conservation, Reporting and recordkeeping requirements.

Issued in Washington, DC, on November 6, 2001.

David K. Garman,

Assistant Secretary, Energy Efficiency and Renewable Energy.

For the reasons set forth in the preamble, part 431 of chapter II of title 10, Code of Federal Regulations, is amended, as set forth below.

PART 431—ENERGY EFFICIENCY PROGRAM FOR CERTAIN COMMERCIAL AND INDUSTRIAL EQUIPMENT

1. The authority citation for part 431 continues to read as follows:

Authority: 42 U.S.C. 6311–6316.

§ 431.123 [Amended]

2. In section 431.123, paragraph (a) is amended in the first sentence by removing the phrase ''Beginning 24 months after November 4, 1999'' and adding in its place the phrase ''Beginning June 7, 2002.''

[FR Doc. 01–28215 Filed 11–8–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 01–ANM–14]

Revision of Class E Airspace, Logan, UT

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revises the Class E airspace at Logan, UT. A newly developed Area Navigation (RNAV) Standard Instrument Approach Procedure (SIAP) and Departure Procedure (DP) to the Logan-Cache Airport made this action necessary. Additional Class E 700-feet and 1,200-feet controlled airspace, above the surface of the earth is required to contain aircraft conducting IFR operations at Logan-Cache Airport. The intended effect of this proposal is to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Logan-Cache Airport, Logan, UT.

EFFECTIVE DATE: 0901 UTC, December 27, 2001.

FOR FURTHER INFORMATION CONTACT: Brian Durham, ANM–520.7, Federal Aviation Administration, Docket No. 00–ANM–14, 1601 Lind Avenue SW., Renton, Washington 98055–4056: telephone number: (425) 227–2527.

SUPPLEMENTARY INFORMATION:

History

On August 14, 2001, the FAA proposed to amend Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) by revising Class E airspace at Logan, UT, in order to provide a safer IFR environment at Logan-Cache Airport, Logan, UT (66 FR 42619). This amendment provides additional Class E5 700-feet and 1,200-feet controlled airspace at Logan, UT, to contain aircraft executing the RNAV (Global Positioning System (GPS) RWY 35 and FELDI RNAV DP at Logan-Cache Airport. Interested parties were invited to participate in the rulemaking proceeding by submitting written comments on the proposal. No comments were received.

The Rule

This amendment to Title 14 Code of Federal Regulations, part 71 (14 CFR part 71) revises Class E airspace at Logan, UT, in order to provide adequate controlled airspace for Instrument Flight Rules (IFR) operations at Logan-Cache Airport, Logan, UT. This amendment revises Class E5 airspace at Logan, UT, to enhance safety and efficiency of IFR flight operations in the Logan, UT, terminal area. The FAA establishes Class E airspace where necessary to contain aircraft transitioning between the terminal and en route environments. This rule is designed to provide for the safe and efficient use of the navigable airspace and to promote safe flight operations under Instrument Flight Rules (IFR) at the Logan-Cache Airport and between the terminal and en route transition stages.

The area will be depicted on aeronautical charts for pilot reference. The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas extending upward from 700 feet or more above the surface of the earth, are published in Paragraph 6005, of FAA Order 7400.9J dated September 1, 2001, and effective September 16, 2001, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be published subsequently in the Order.

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

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

1. The authority citation for 14 CFR part 71 continues to read as follows:

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

§ 71.1 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9J, Airspace Designations and Reporting Points, dated September 1, 2001, and effective September 16, 2001, is amended as follows:

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

* * * * *

ANM UT E5 Logan, UT [Revised]

Logan-Cache Airport, UT
(lat. 41°47′16″ N., long. 111°51′10″ W.)

That airspace extending upward from 700 feet above the surface bounded by a line beginning at lat. 42°03′30″ N., long. 112°00′00″ W.; to lat. 42°02′42″ N., long. 111°46′00″ W.; to lat. 41°07′30″ N., long. 111°46′00″ W.; to lat. 41°07′30″ N., long. 111°57′23″ W.; to lat. 41°47′30″ N., long. 112°03′00″ W.; to lat. 42°01′20″ N., long. 112°03′00″ W.; to lat. 42°03′15″ N., long. 112°00′00″ W.; thence to point of origin; and that airspace extending upward from 1,200 feet above the surface bounded on the north by the south edge of V–4, on the east by long. 111°40′33″ W., on the south by the north edge of V–288, on the west by the east edge of V–21; that airspace extending upward from 10,500 feet MSL bounded on the northeast by the southwest edge of V–142, on the west by long. 111°40′33″ W., and on the south by the north edge of V–288, excluding that airspace within the Evanston, WY, Class E airspace area.

* * * * *

Issued in Washington, DC, on November 6, 2001.

Reginald C. Matthews,

Manager, Airspace and Rules Division.

[FR Doc. 01–28248 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF JUSTICE

Office of the Attorney General

21 CFR Part 1306

[AG Order No. 2534–2001]

Dispensing of Controlled Substances To Assist Suicide

AGENCY: Department of Justice.

ACTION: Interpretive rule.

SUMMARY: For the reasons provided in the memorandum set forth below, the Attorney General has determined that assisting suicide is not a ''legitimate medical purpose'' within the meaning of 21 CFR 1306.04 (2001), and that prescribing, dispensing, or administering federally controlled substances to assist suicide violates the Controlled Substances Act. Such conduct by a physician registered to dispense controlled substances may ''render his registration . . . inconsistent with the public interest'' and therefore subject to possible suspension or revocation under 21 U.S.C. 824(a)(4). The Attorney General's conclusion applies regardless of whether state law authorizes or permits such conduct by practitioners or others and regardless of the condition of the person whose suicide is assisted. The Attorney General recognizes, however, that pain management is a legitimate medical purpose justifying a physician's dispensing of controlled substances. Finally, the Attorney General's determination makes no change in the current standards and practices of the DEA in any State other than Oregon.

EFFECTIVE DATE: November 9, 2001.

FOR FURTHER INFORMATION CONTACT: Patricia Good, Chief, Liaison and Policy Section, Office of Diversion Control, Drug Enforcement Administration, Washington, D.C. 20537, telephone 202–307–7297.

SUPPLEMENTARY INFORMATION: The text of the Attorney General's memorandum follows:

Memorandum for Asa Hutchinson, Administrator, The Drug Enforcement Administration

From: John Ashcroft, Attorney General

Subject: *Dispensing of Controlled Substances to Assist Suicide*

As you are aware, the Supreme Court reaffirmed last term that the application of federal law regulating controlled substances is uniform throughout the United States and may not be nullified by the legislative decisions of individual States. See *United States* v. *Oakland Cannabis Buyers' Coop.,* 532 U.S. 483 (2001). In light of this decision, questions have been raised about the validity of an Attorney General letter dated June 5, 1998, which overruled an earlier Drug Enforcement Administration (DEA) determination that narcotics and other dangerous drugs controlled by federal law may not be dispensed consistently with the Controlled Substances Act, 21 U.S.C. 801–971 (1994 & Supp. II 1996) (CSA), to assist suicide in the United States. Upon review of the *Oakland Cannabis* decision and other relevant authorities, I have concluded that the DEA's original reading of the CSA—that controlled substances may not be dispensed to assist suicide—was correct. I therefore advise you that the original DEA determination is reinstated and should be implemented as set forth in greater detail below.

The attached Office of Legal Counsel opinion, entitled *''Whether Physician-Assisted Suicide Serves a ''Legitimate Medical Purpose'' Under The Drug Enforcement Administration's Regulations Implementing the Controlled Substances Act''* (June 27, 2001) (''OLC Opinion'') (attached) sets forth the legal basis for my decision.

1. *Determination on Use of Federally Controlled Substances to Assist Suicide.* For the reasons set forth in the OLC Opinion, I hereby determine that assisting suicide is not a ''legitimate medical purpose'' within the meaning of 21 CFR § 1306.04 (2001), and that prescribing, dispensing, or administering federally controlled substances to assist suicide violates the CSA. Such conduct by a physician registered to dispense controlled substances may ''render his registration * * * inconsistent with the public interest'' and therefore subject to possible suspension or revocation under 21 U.S.C. 824(a)(4). This conclusion applies regardless of whether state law authorizes or permits such conduct by practitioners or others and regardless of the condition of the person whose suicide is assisted.

I hereby direct the DEA, effective upon publication of this memorandum in the **Federal Register**, to enforce and apply this determination, notwithstanding anything to the contrary in the June 5, 1998, Attorney General's letter.

2. *Use of Controlled Substances to Manage Pain Promoted.* Pain management, rather than assisted suicide, has long been recognized as a legitimate medical purpose justifying physicians' dispensing of controlled substances. There are important medical, ethical, and legal distinctions between intentionally causing a patient's death and providing sufficient dosages of pain medication necessary to eliminate or alleviate pain.

3. *No Change in Current DEA Policies and Enforcement Practices Outside Oregon.* The reinstated determination makes no change in the current standards and practices of the DEA in any State other than Oregon. Former Attorney General Janet Reno's June 5, 1998, letter relating to this matter emphasized that action to revoke the DEA registration of a physician who uses federally controlled substances to assist a suicide ''may well be warranted * * * where a physician assists in a suicide in a state that has not authorized the practice under any conditions.'' The reinstated determination does not portend any increase in investigative activity or other change from the manner in which the DEA presently enforces this policy outside of Oregon.

4. *Enforcement in Oregon.* Under 3 Oregon Revised Statutes (O.R.S.) § 127.855 (1999), an attending physician who writes a prescription for medication to end the life of a qualified patient must document the medication prescribed. Under 3 O.R.S. § 127.865(1)(b) (1999), the State of Oregon's Health Division must require any health care provider upon dispensing medication pursuant to the Death with Dignity Act to file a copy of the dispensing record with the Division. Those records should contain the information necessary to determine whether those holding DEA registrations who assist suicides in accordance with Oregon law are prescribing federally controlled substances for that purpose in violation of the CSA as construed by this Memorandum and the attached OLC Opinion.

The Department has the authority to take appropriate measures to obtain copies of any such reports or records sent to the Oregon State Registrar. See 21 U.S.C. 876. When inspection of these documents discloses prohibited prescription of controlled substances to assist suicide following the effective date of this memorandum, then appropriate administrative action may be taken in accordance with 21 CFR §§ 1316.41 to 1316.68 (2001).

Thus, it should be possible to identify the cases in which federally controlled substances are used to assist suicide in Oregon in compliance with Oregon law by obtaining reports from the Oregon State Registrar without having to review patient medical records or otherwise investigate doctors. Accordingly, implementation of this directive in Oregon should not change the DEA's current practices with regard to enforcing the CSA so as materially to increase monitoring or investigation of physicians or other health care providers or to increase review of physicians' prescribing patterns of controlled substances used for pain relief.

5. *Distribution.* Please ensure that this Memorandum and the OLC opinion on which it is based are promptly distributed to appropriate DEA personnel, especially those with authority over the enforcement of the CSA in Oregon.

Attachment

Note: The attachment containing the Office of Legal Counsel opinion dated June 27, 2001, does not appear in the **Federal Register**. It is available from the Drug Enforcement Administration at the address listed in **FOR FURTHER INFORMATION CONTACT**.

Dated: November 6, 2001.

John Ashcroft,

Attorney General.

[FR Doc. 01–28358 Filed 11–7–01; 12:43 pm]

BILLING CODE 4410–09–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

25 CFR Part 151

Acquisition of Title to Land in Trust

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Withdrawal of final rule.

SUMMARY: This action withdraws the final rule published in the **Federal Register** on January 16, 2001, entitled ''Acquisition of Title to Land in Trust.''

DATES: The Acquisition to Title to Land in Trust rule, amending 25 CFR part 151, published in the **Federal Register** on January 16, 2001 (66 FR 3452), delayed by a document published February 5, 2001 (66 FR 8899), corrected by documents published February 20, 2001 (66 FR 10815) and June 13, 2001 (66 FR 31976), delayed by documents published April 16, 2001 (66 FR 19403) and August 13, 2001 (66 FR 42415), is withdrawn as of November 9, 2001.

FOR FURTHER INFORMATION CONTACT: Larry E. Scrivner, Deputy Director, Office of Trust Responsibilities, MS 4513 MIB, 1849 C Street, NW., Washington, DC 20240; telephone 202/208–5831.

SUPPLEMENTARY INFORMATION: This action withdraws in whole the rule entitled ''Acquisition of Title to Land in Trust,'' published in the **Federal Register** on January 16, 2001, at 66 FR 3452, delayed by a notice published February 5, 2001 (66 FR 8899), corrected by notices published February 20, 2001 (66 FR 10815) and June 13, 2001 (66 FR 31976), delayed by notices published April 16, 2001 (66 FR 19403) and August 13, 2001 (66 FR 42415), and which received further comments through a notice published on August 13, 2001 (66 FR 42474).

On August 13, 2001, the Department of the Interior (Department) requested public comment on whether the final rule entitled ''Acquisition of Title to Land in Trust'' should be withdrawn and a further rule proposed to better address the public's continued concerns regarding the Department's procedures for taking land into trust for federally-recognized Indian tribes. The comment period closed on September 12, 2001, and the Department received a total of 139 submissions. Of the submissions received, 93 were from Indian tribes, 18 were from state and local governments and federally elected officials, and 28 other interested groups and individuals.

In its August 13, 2001, notice, the Department requested comments on specific areas of concern in the final rule. These areas of concern included individual applications for land into trust for housing or home site purposes; the requirement of land use plans for off-reservation acquisitions and as part of the designation of a Tribal Land Acquisition Area (TLAA); clarifying the standards contained in the final rule; the availability of applications for review and the use of technology to facilitate review of trust acquisition applications. Collectively, the comments received contained various opposing views about the identified issues of concern. For example, comments stated that the Department should withdraw the final rule in whole, withdraw the final rule in part, amend the final rule to include certain provisions, or make the final rule effective immediately.

The Department sought comments about prioritizing individual applications for land into trust for housing or home site purposes under a new proposed rule expediting applications containing five (5) acres of land or less for individual housing needs. Comments were received both supporting the individual applications for Indian housing priority and opposing the individual applications for Indian housing priority. Comments also noted that identifying housing or home site applications as acquisitions containing five (5) acres of land or less for the purpose of meeting individual housing needs was of little benefit to tribal housing issues/needs. Another area the Department sought comments on was the advisability of requiring tribes to submit land use plans for off-reservation acquisitions and for the designation of TLAA. The Department considered requiring that tribes submit land use plans for off-reservation acquisitions and requiring that the applications contain a land use plan for the TLAAs, which the Secretary would approve as part of her review and approval. Comments received opposed the requirement for submission of a land use plan in an application for off-reservation acquisitions noting that the final rule already requires the submission of enormous amounts of information concerning the use of the land. Comments, while not specifically solicited, strongly opposed the establishment of TLAAs.

The Department also solicited comments on clarifying the standards that will be used by the Secretary to determine whether to approve an application and defining the burdens of proof required for the applicant and those opposing a trust application. The Department noted in its proposed withdrawal notice that it was considering new regulatory language that for on-reservation acquisitions, a tribe or individual must show by substantial evidence that the acquisition facilitates tribal self-determination, economic development, Indian housing, land consolidation, or natural resource protection. The Department further considered requiring that opponents of on-reservation trust acquisitions show by clear evidence that the acquisition will result in severe negative impact to the environment or severe harm to the local government. For off-reservation acquisitions, the Department considered requiring that tribes show by substantial evidence that the acquisition is necessary to facilitate tribal self-determination, economic development, Indian housing, land consolidation, or natural resources protection, and the tribe be further required to show that no demonstrable harm to the local community is realized. The Department also considered requiring that opponents of off-reservation acquisitions show by clear evidence that the acquisitions will result in significant harm to the local community or severe negative impacts to the environment. Some commenters indicated confusion or lack of understanding of the criteria set out in the final rule. Comments received stated that the standards were not fair in that the ''substantial evidence'' burden of proof for the applicant is a lesser standard than the ''clear evidence'' requirement for the opponent of the application. Comments also stated that the existing standards are fair and provide sufficient criteria for a decision and need not be further amended. Additional comments stated that standards were burdensome and could not be met by an applicant.

In addition, comments were requested addressing the time-frames established for comment by the state and local communities and the uses of computer technology. Comments were split on the amount of time to allow for review, some commenters stating that the final rule allowed sufficient time to review applications and other requesting even more time than the additional 30 days the final rule allowed to review applications. Comments addressing the use of computer technology and the Internet were generally in support of using such tools to expedite review of applications and the decision-making process.

The Department finds that it is impracticable and inefficient to repeal only part of the final rule as the Bureau of Indian Affairs needs clear direction and standards to process land into trust applications. Considering the variety of comments received, the Department has decided to withdraw the final rule in whole to address these specific areas of concern in a new rule. Consistent with Departmental policy to consult with federally-recognized Indian tribes on proposed Federal actions that impact Indian tribes, the Department will conduct consultation with Indian tribes on the following areas in its efforts to promulgate a new rule: applications for housing or home site purposes to meet individual housing needs; the requirement of land use plans; the standards of review used in reaching a determination of whether to accept land

into trust; the availability of applications for review; and the use of computer technology prior to the proposal of a new Acquisition of Title to Land in Trust rule.

The Department has determined that the withdrawal of the final rule entitled ''Acquisition to Title to Land in Trust'' must be effective immediately in order to prevent its becoming effective upon the expiration of the notice of delay as published on August 13, 2001, (66 FR 42415), and to allow for the current 25 CFR Part 151 to remain in effect during the pendency of the development of a new rulemaking addressing this matter. The Department, therefore, shows good cause for the immediate effective date of this rule in accordance with 5 U.S.C. 553(d).

Dated: November 5, 2001.

Neal A. McCaleb,

Assistant Secretary—Indian Affairs.

[FR Doc. 01–28222 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF AGRICULTURE

Forest Service

36 CFR Part 242

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Part 100

Subsistence Management Regulations for Public Lands in Alaska, Subpart D; Temporary Closure of Seasons and Changes in Harvest Limits for Moose in Unit 22 and Deer in Unit 8

AGENCIES: Forest Service, USDA; Fish and Wildlife Service, Interior.

ACTION: Temporary closure of seasons and changes in harvest limits.

SUMMARY: This provides notice of the Federal Subsistence Board's temporary closure and changes in harvest limits to protect moose populations in Unit 22(B), (D), and (E), and to help the recovery of deer populations in Unit 8. These regulatory adjustments and the closures provide an exception to the Subsistence Management Regulations for Public Lands in Alaska, published in the **Federal Register** on June 25, 2001. Those regulations established seasons, harvest limits, methods, and means relating to the taking of wildlife for subsistence uses during the 2001–2002 regulatory year.

DATES: The original emergency actions were effective August 1, 2001 through September 29, 2001. The extension of the emergency actions (temporary closure and changes to harvest limits) will be effective September 30, 2001 through March 31, 2002.

FOR FURTHER INFORMATION CONTACT: Thomas H. Boyd, Office of Subsistence Management, U.S. Fish and Wildlife Service, telephone (907) 786–3888. For questions specific to National Forest System lands, contact Ken Thompson, Subsistence Program Manager, USDA—Forest Service, Alaska Region, telephone (907) 786–3592.

SUPPLEMENTARY INFORMATION:

Background

Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126) requires that the Secretary of the Interior and the Secretary of Agriculture (Secretaries) implement a joint program to grant a preference for subsistence uses of fish and wildlife resources on public lands in Alaska, unless the State of Alaska enacts and implements laws of general applicability that are consistent with ANILCA and that provide for the subsistence definition, preference, and participation specified in Sections 803, 804, and 805 of ANILCA. In December 1989, the Alaska Supreme Court ruled that the rural preference in the State subsistence statute violated the Alaska Constitution and, therefore, negated State compliance with ANILCA.

The Department of the Interior and the Department of Agriculture (Departments) assumed, on July 1, 1990, responsibility for implementation of Title VIII of ANILCA on public lands. The Departments administer title VIII through regulations at title 50, part 100 and title 36, part 242 of the Code of Federal Regulations (CFR). Consistent with Subparts A, B, and C of these regulations, as revised January 8, 1999, (64 FR 1276), the Departments established a Federal Subsistence Board to administer the Federal Subsistence Management Program. The Board's composition includes a Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska State Director, Bureau of Land Management; the Alaska Regional Director, Bureau of Indian Affairs; and the Alaska Regional Forester, USDA Forest Service. Through the Board, these agencies participate in the development of regulations for Subparts A, B, and C, which establish the program structure and determine which Alaska residents are eligible to take specific species for subsistence uses, and the annual Subpart D regulations, which establish seasons, harvest limits, and methods and means for subsistence take of species in specific areas. Subpart D regulations for the 2001–2002 wildlife seasons, harvest limits, and methods and means were published on June 25, 2001, (66 FR 33744) Because this rule relates to public lands managed by an agency or agencies in both the Departments of Agriculture and the Interior, identical closures and adjustments would apply to 36 CFR part 242 and 50 CFR part 100.

The Alaska Department of Fish and Game (ADF&G), under the direction of the Alaska Board of Game (BOG), manages the general harvest and State subsistence harvest on all lands and waters throughout Alaska. However, on Federal lands and waters, the Federal Subsistence Board implements a subsistence priority for rural residents as provided by Title VIII of ANILCA. In providing this priority, the Board may, when necessary, preempt State harvest regulations for fish or wildlife on Federal lands and waters.

The temporary changes for early closure of seasons and changes in harvest limits is necessary to protect declining moose populations on the Seward Peninsula, and to help deer populations on Kodiak Island and adjacent islands to continue recovery following severe winter mortality that took place during the winter of 1998–99. This temporary change is authorized and in accordance with 50 CFR 100.19(e) and 36 CFR 242.19(e).

Unit 22 Moose

Moose populations in Unit 22 have declined in recent years from a overall population that ranged from 7,000 to 10,000 during the late 1980s to recent estimates of 5,000 to 7,000 animals. The declines are thought to be a result of winter mortality and lower calf survival.

The Federal subsistence moose harvest in Unit 22(D) for that portion within the Kuzitrin drainage was restricted to antlered bulls by the Federal Subsistence Board in 1998 due to the declining local moose population and heavy hunting pressure. As a result of a continuing regional trend in declining moose populations, the Federal Subsistence Board, in 2000, also restricted the harvest in Unit 22(B) to bulls only.

On July 13, 2001 the Alaska Department of Fish and Game using their emergency authority, shortened, but did not close, moose hunting seasons in four portions of Unit 22: Unit 22(B) west of the Darby Mountains, Unit

22(D) within the Kougarok, Kuzitrin and Pilgrim River drainages, and Unit 22 (D) west of the Tisuk River and Canyon Creek were all scheduled to close on September 14 for both resident and nonresident hunters. Unit 22(E) was scheduled to close on December 31 for both residents and nonresident hunters and the harvest limit for residents was changed from one moose to one antlered bull. The harvest limit for nonresidents remained the same, at one bull with 50-inch antlers or antlers with 4 or more brow tines on one side. The state's justification for this action was that moose populations in Unit 22(E) and the road accessible portions of Units 22(B) and (D) cannot sustain recent harvest levels, and that recent surveys indicated moose densities, recruitment rates and bull:cow rations in Unit 22(D) are low and declining.

On July 31, 2001 the Federal Subsistence Board approved emergency action (effective for 60 days) to make similar adjustments in the Federal Subsistence Harvest Regulations. In addition, these areas of concern were closed to the taking of moose except by Federally-qualified subsistence users, as recommended by the Seward Peninsula Subsistence Regional Advisory Council. The specific changes were to close the harvest season in Unit 22(B) west of the Darby Mountains on September 14, and close Federal public lands to the taking of moose except by Federally-qualified subsistence users. In Unit 22(D)—that portion within the Kuzitrin River drainage, the season was reduced to August 20–September 14 and Federal public lands were closed to the taking of moose except by Federally-qualified subsistence users. In Unit 22(D)—that portion west of the Tisuk River drainage and Canyon Creek the season and harvest limits remained unchanged, however, the Federal public lands were closed to the taking of moose except by Federally-qualified subsistence users. In Unit 22(E) the harvest limit was changed from one moose to one bull, the season was scheduled to close on December 31 and Federal public lands were closed to the taking of moose except by Federally-qualified subsistence users.

On September 26, 2001 a public meeting was held in Nome, Alaska to obtain public comments on a request from the Seward Peninsula Regional Advisory Council to continue the existing emergency action through the remainder of the regulatory season. The Regional Council also requested that Federal public lands in Unit 22(B) west of the Darby Mountains be closed to the taking of moose except by residents of Unit 22(B), and that harvest quota be established for a winter hunt to take place January 1–31, 2002.

On September 27, 2001 the Federal Subsistence Board approved, with modification, temporary action to reduce the length of the harvest season in Unit 22B—west of the Darby Mountains Unit 22(D) that portion within the Kuzitrin River drainage, Unit 22(D) that portion west of the Tisuk River drainage and Canyon Creek, and Unit 22(E). The Unit 22(E) harvest limit was also changed to ''one bull'' and Federal public lands were closed to the taking of moose except by Federally-qualified subsistence users. The resulting open seasons and harvest limits are: Unit 22(B) West of the Darby Mountains—No Federal open season; Unit 22(D) that portion within the Kuzitrin River drainage—No Federal open season; Unit 22(D) that portion west of the Tisuk River drainage and Canyon Creek—No Federal open season; and Unit 22(E), one bull; Federal public lands are closed to the taking of moose except by Federally-qualified subsistence users—August 1–December 31.

These regulatory actions were necessary to address a conservation concern. Reducing the season length and eliminating the cow harvest in Unit 22(E) was requested by the local communities of Shishmaref and Wales and would help to address the area moose population conservation concerns while still providing some harvest opportunity. Closing harvests in the Kuzitrin and Tisuk River/Canyon Creek portions of Unit 22(D), and in Unit 22(B) west of the Darby Mountains would conserve already declining moose populations, with the support of the effected communities. These subunit changes in the Federal moose harvest parallel recent changes in State regulations made through an emergency order issued by the Alaska Department of Fish and Game. Closing Federal public lands to non-Federally qualified moose hunters in Unit 22(E) would provide continued opportunity and priority for local subsistence hunters during a time when the resources (moose) are limited due to recent population declines and conservation concerns.

The Federal Subsistence Board expressed it's intention to consider additional action prior to January 2002, to provide for a winter harvest season in Unit 22(B) west of the Darby Mountains.

Unit 8 Deer

Sitka black-tailed deer populations in Unit 8 suffered moderate winter kills in 1997–98 and winter mortality on Kodiak Island was very heavy during the 1998–99 winter, with at least 50% of the population suspected to have perished. The pre 1997 population was estimated at 80,000–100,000. After the sever kills of 1998–99, the deer population was estimated at about 40,000 animals. Approximately 65–70% of the population occur on Federal public lands. The minimum population objective determined by the Alaska Department of Fish and Game for Unit 8 is 73,530 deer with a harvest objective of 8,000 deer.

Since the Sitka black-tailed deer population was established in the area between 1924 and 1934, deer populations have been known to decline following a series of severe winters, and have also been observed to recover rapidly when winter conditions are favorable.

At their regular Spring meeting in March 2001, the Alaska Board of Game reduced the state harvest limit of deer in a portion of Unit 8 from 4 deer to 3 deer. This action was taken to promote the population recovery. At the same time, the Kodiak/Aleutians Subsistence Regional Advisory Council, at their Spring meeting in Old Harbor, Alaska, requested the Federal Subsistence Board reduce the Federal harvest limit of 5 deer to 3 deer.

On June 14, 2001 the Federal Subsistence Board adopted the special action request. This emergency action, effective for 60 days (August 1 through September 29, 2001) reduced the harvest limit from 5 deer to 3 deer. The resulting regulation read: Unit 8—deer, that portion of Kodiak Island and adjacent islands south and west of a line from the head of Terror Bay to the head of the southwestern most arm of Ugak Bay, 3 deer; August 1–January 31; however, antlerless deer may be taken only from October 1–January 31. Unit 8—deer, remainder, 3 deer, August 1–January 31; however, antlerless deer may be taken only from October 1–January 31; no more than 1 anterless deer may be taken from October 1–November 30.

On August 28, 2001 a public meeting was held in Kodiak, Alaska on behalf of the Federal Subsistence Board to obtain public comments on a possible extension of the existing emergency action through the remainder of the regulatory season. Public testimony at the meeting was unanimous in favor of extending the reduced harvest limits through the remainder of the regulatory season. In addition, the Alaska Department of Fish and Game recommended that the Federal regulations be adjusted to mirror the State harvest limits so that deer can be managed without complications. This

would involve a modification to the subunit boundaries and the discontinuance of antlerless deer harvest in October and November under Federal regulations.

On September 20, 2001, the Kodiak/Aleutian Regional Advisory Council, at its meeting in Sand Point, Alaska, considered the August 28 public meeting testimony and recommended the Federal Subsistence Board extend the existing emergency action through the remainder of the regulatory season without modification.

On September 27, 2001 the Federal Subsistence Board, recognizing that a conservation concern still exists, approved the temporary action to continue the reduction in harvest limit from 5 deer to 3 deer, through the remainder of the regulatory season. This regulatory action was intended to aid in the population recovery of the deer herd in Unit 8. The deer population is still considerably lower than previous years. The overall deer population will also depend on the severity of the upcoming winter.

The Board finds that additional public notice and comment requirements under the Administrative Procedure Act (APA) for these emergency actions are impracticable, unnecessary, and contrary to the public interest. Lack of appropriate and immediate conservation measures could seriously affect the continued viability of wildlife populations, adversely impact future subsistence opportunities for rural Alaskans, and would generally fail to serve the overall public interest. Therefore, the Board finds good cause pursuant to 5 U.S.C. 553(b)(3)(B) to waive additional public notice and comment procedures prior to implementation of these actions and pursuant to 5 U.S.C. 553(d) to make this rule effective as indicated in the **DATES** section.

Conformance With Statutory and Regulatory Authorities

National Environmental Policy Act Compliance

A Final Environmental Impact Statement (FEIS) was published on February 28, 1992, and a Record of Decision on Subsistence Management for Federal Public Lands in Alaska (ROD) signed April 6, 1992. The final rule for Subsistence Management Regulations for Public Lands in Alaska, Subparts A, B, and C (57 FR 22940–22964, published May 29, 1992) implemented the Federal Subsistence Management Program and included a framework for an annual cycle for subsistence hunting and fishing regulations. A final rule that redefined the jurisdiction of the Federal Subsistence Management Program to include waters subject to the subsistence priority was published on January 8, 1999, (64 FR 1276.)

Compliance With Section 810 of ANILCA

The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. A Section 810 analysis was completed as part of the FEIS process. The final Section 810 analysis determination appeared in the April 6, 1992, ROD which concluded that the Federal Subsistence Management Program, under Alternative IV with an annual process for setting hunting and fishing regulations, may have some local impacts on subsistence uses, but the program is not likely to significantly restrict subsistence uses.

Paperwork Reduction Act

The temporary changes do not contain information collection requirements subject to Office of Management and Budget (OMB) approval under the Paperwork Reduction Act of 1995.

Other Requirements

These temporary changes have been exempted from OMB review under Executive Order 12866.

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. The exact number of businesses and the amount of trade that will result from this Federal land-related activity is unknown. The aggregate effect is an insignificant economic effect (both positive and negative) on a small number of small entities supporting subsistence activities, such as boat, fishing tackle, and gasoline dealers. The number of small entities affected is unknown; but, the effects will be seasonally and geographically-limited in nature and will likely not be significant. The Departments certify that the temporary changes will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

Title VIII of ANILCA requires the Secretaries to administer a subsistence preference on public lands. The scope of this program is limited by definition to certain public lands. Likewise, the temporary changes have no potential takings of private property implications as defined by Executive Order 12630.

The Service has determined and certifies pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that the temporary changes will not impose a cost of $100 million or more in any given year on local or State governments or private entities. The implementation is by Federal agencies, and no cost is involved to any State or local entities or Tribal governments.

The Service has determined that the temporary changes meet the applicable standards provided in Sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

In accordance with Executive Order 13132, the temporary changes do not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. Title VIII of ANILCA precludes the State from exercising management authority over fish and wildlife resources on Federal lands.

In accordance with the President's memorandum of April 29, 1994, ''Government-to-Government Relations with Native American Tribal Governments'' (59 FR 22951), Executive Order 13175, and 512 DM 2, we have evaluated possible effects on Federally recognized Indian tribes and have determined that there are no effects. The Bureau of Indian Affairs is a participating agency in this rulemaking.

On May 18, 2001, the President issued Executive Order 13211 on regulations that significantly affect energy supply, distribution, or use. This Executive Order requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As these actions are not expected to significantly affect energy supply, distribution, or use, they are not significant energy actions and no Statement of Energy Effects is required.

Drafting Information

Daniel LaPlant drafted this document under the guidance of Thomas H. Boyd, of the Office of Subsistence Management, Alaska Regional Office, U.S. Fish and Wildlife Service, Anchorage, Alaska. Taylor Brelsford, Alaska State Office, Bureau of Land Management; Greg Bos, Alaska Regional Office, U.S. Fish and Wildlife Service; Sandy Rabinowitch, Alaska Regional Office, National Park Service; Ida Hildebrand, Alaska Regional Office, Bureau of Indian Affairs; and Ken Thompson, USDA-Forest Service, provided additional guidance.

Authority: 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

Dated: October 19, 2001.

Kenneth E. Thompson,

Subsistence Program Leader, USDA-Forest Service.

Dated: October 19, 2001.

Thomas H. Boyd,

Acting Chair, Federal Subsistence Board.

[FR Doc. 01–28102 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–11–P; 4310–55–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK25

Written and Oral Information or Statements Affecting Entitlement to Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: This document amends the Department of Veterans Affairs (VA) adjudication regulations to eliminate the requirement that beneficiaries advise VA of changes affecting entitlement to benefits *in writing.* This allows VA to increase or decrease benefit payments based on information submitted orally or by e-mail, facsimile, or other electronic means and makes it easier for beneficiaries to submit information that they must provide. This document also amends our notice requirements to allow VA to reduce or terminate benefit payments based on information reported orally without issuing a 60-day advance notice, but only under certain conditions that ensure that claimants are not deprived of benefits without adequate notice. This will reduce the amounts of any overpayments created by these actions.

DATES: Effective Date: December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Donald England, Chief, Policy and Regulations Staff (211A), Compensation and Pension Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420, (202) 273–7210. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: On April 20, 2001, we published in the **Federal Register** (66 FR 20220–23) a proposed rule to amend the adjudication regulations to permit contemporaneous notice of benefit reductions based on orally-provided evidence of changes in income, marital status or the number of dependents, affecting their entitlement to benefits, and to establish safeguards to ensure that VA adjusts benefit payments based only on information provided by the beneficiary (or his or her fiduciary) and that the information provided is documented for VA records.

We requested interested persons to submit comments on or before June 19, 2001. We received no comments. Based on the rationale set forth in the proposed rule and in this document, we are adopting the proposed rule as a final rule without substantive change, except that we are adding statements explaining that the information collections are approved by the Office of Management and Budget (OMB) under control number 2900–0624.

Paperwork Reduction Act

VA submitted the information collection provisions contained in this final rule to OMB for review in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). The action concerning information collection is to change the allowable means of collection of information. We requested interested parties to submit comments on the collection of information provisions to OMB by June 19, 2001. No comments were submitted. OMB has approved the information collection provisions under control number 2900–0624.

OMB assigns a control number for each collection of information it approves. VA 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.

Executive Order 12866

This document has been reviewed by the Office of Management and Budget under Executive Order 12866.

Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. This amendment would not directly affect any small entities. Only individuals could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance program numbers are 64.104, 64.105, 64.109, and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Disability benefits, Health care, Pensions, Radioactive materials, Veterans, Vietnam.

Approved: September 13, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 3 is amended as set forth below:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

2. Section 3.103 is amended by:

A. Revising paragraph (b)(2) heading and revising paragraphs (b)(3) introductory text and (b)(3)(i).

B. Removing ''is'' from paragraphs (b)(3)(ii), (b)(3)(iv), (b)(3)(v) and (b)(3)(vi).

C. Removing the comma at the end of paragraphs (b)(3)(ii), (b)(3)(iii) and (b)(3)(iv), and adding, in its place, a period.

D. Removing '', or'' at the end of paragraph (b)(3)(v) and adding, in its place, a period.

E. Adding paragraph (b)(4).

F. Revising the authority citation at the end of the section.

The addition and revisions read as follows:

§ 3.103 Procedural due process and appellate rights.

* * * * *

(b) * * *

(2) *Advance notice and opportunity for hearing.* * * *

(3) *Exceptions.* In lieu of advance notice and opportunity for a hearing, VA will send a written notice to the beneficiary or his or her fiduciary at the same time it takes an adverse action under the following circumstances:

(i) An adverse action based solely on factual and unambiguous information or statements as to income, net worth, or dependency or marital status that the beneficiary or his or her fiduciary provided to VA in writing or orally (under the procedures set forth in § 3.217(b)), with knowledge or notice that such information would be used to calculate benefit amounts.

* * * * *

(4) *Restoration of benefits.* VA will restore retroactively benefits that were reduced, terminated, or otherwise

adversely affected based on oral information or statements if within 30 days of the date on which VA issues the notification of adverse action the beneficiary or his or her fiduciary asserts that the adverse action was based upon information or statements that were inaccurate or upon information that was not provided by the beneficiary or his or her fiduciary. This will not preclude VA from taking subsequent action that adversely affects benefits.

Authority: 38 U.S.C. 501, 1115, 1506, 5104.

3. In § 3.204(a)(1), the word ''written'' is removed; and the information collection requirements parenthetical is added immediately preceding the authority citation at the end of the section to read as follows:

§ 3.204 Evidence of dependents and age.

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control number 2900–0624.)

* * * * *

4. A new § 3.217 is added preceding the undesignated center heading ''Dependency, Income and Estate'':

§ 3.217 Submission of statements or information affecting entitlement to benefits.

(a) For purposes of this part, unless specifically provided otherwise, the submission of information or a statement that affects entitlement to benefits by e-mail, facsimile, or other written electronic means, will satisfy a requirement or authorization that the statement or information be submitted in writing.

Note to paragraph (a): Section 3.217(a) merely concerns the submission of information or a statement in writing. Other requirements specified in this part, such as a requirement to use a specific form, to provide specific information, to provide a signature, or to provide a certified statement, must still be met.

(b) For purposes of this part, unless specifically provided otherwise, VA may take action affecting entitlement to benefits based on oral or written information or statements provided to VA by a beneficiary or his or her fiduciary. However, VA may not take action based on oral information or statements unless the VA employee receiving the information meets the following conditions:

(1) During the conversation in which the information or statement is provided, the VA employee:

(i) Identifies himself or herself as a VA employee who is authorized to receive the information or statement (these are VA employees authorized to take actions under §§ 2.3 or 3.100 of this chapter);

(ii) Verifies the identity of the provider as either the beneficiary or his or her fiduciary by obtaining specific information about the beneficiary that can be verified from the beneficiary's VA records, such as Social Security number, date of birth, branch of military service, dates of military service, or other information; and

(iii) Informs the provider that the information or statement will be used for the purpose of calculating benefit amounts; and

(2) During or following the conversation in which the information or statement is provided, the VA employee documents in the beneficiary's VA records the specific information or statement provided, the date such information or statement was provided, the identity of the provider, the steps taken to verify the identity of the provider as being either the beneficiary or his or her fiduciary, and that he or she informed the provider that the information would be used for the purpose of calculating benefit amounts.

Authority: 38 U.S.C. 501, 1115, 1506, 5104.

5. Section § 3.256(a) introductory text is amended by removing ''in writing''; and the information collection requirements parenthetical at the end of the section is revised to read as follows:

§ 3.256 Eligibility reporting requirements.

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control numbers 2900–0101 and 2900–0624.)

* * * * *

6. Section § 3.277(b) introductory text is amended by removing ''in writing'; and the information collection requirements parenthetical at the end of the section is revised to read as follows:

§ 3.277 Eligibility reporting requirements.

* * * * *

(The Office of Management and Budget has approved the information collection requirements in this section under control numbers 2900–0101 and 2900–0624.)

* * * * *

[FR Doc. 01–28157 Filed 11–8–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK98

Extension of the Presumptive Period for Compensation for Gulf War Veterans' Undiagnosed Illnesses

AGENCY: Department of Veterans Affairs.

ACTION: Interim final rule with request for comments.

SUMMARY: The Department of Veterans Affairs (VA) is amending its adjudication regulations regarding compensation for disabilities resulting from undiagnosed illnesses suffered by Persian Gulf War veterans. This amendment is necessary to extend the period within which such disabilities must become manifest to a compensable degree in order for entitlement for compensation to be established. The intended effect of this amendment is to ensure that veterans with compensable disabilities due to undiagnosed illnesses that may be related to active service in the Southwest Asia theater of operations during the Persian Gulf War may qualify for benefits.

DATES: Effective date: November 9, 2001. Comment date: Comments must be received by VA on or before January 8, 2002.

ADDRESSES: Mail or hand deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or electronic mail (e-mail) comments to *OGCRegulations@mail.va.gov*. Comments should indicate that they are submitted in response to ''RIN 2900–AK98.'' All written comments received will be available for public inspection at the above address in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Randy A. McKevitt, Consultant, Regulations Staff, Compensation and Pension Service, Veterans Benefits Administration, 810 Vermont Avenue, NW., Washington, DC 20420, telephone (202) 273–7138.

SUPPLEMENTARY INFORMATION: In response to the needs and concerns of veterans of the Persian Gulf War (Gulf War), Congress enacted the ''Persian Gulf War Veterans'' Benefits Act,'' Title I of the ''Veterans'' Benefits Improvements Act of 1994,'' Pub. L.

103–446. That statute added a new section 1117 to title 38, United States Code, authorizing the Secretary of Veterans Affairs to compensate a Gulf War veteran suffering from a chronic disability resulting from an undiagnosed illness or combination of undiagnosed illnesses that became manifest either during active duty in the Southwest Asia theater of operations during the Gulf War or to a degree of 10 percent or more within a presumptive period, as determined by the Secretary, following service in the Southwest Asia theater of operations during the Gulf War. The statute specified that, in establishing a presumptive period, the Secretary should review any credible scientific or medical evidence, the historical treatment afforded other diseases for which service connection is presumed, and other pertinent circumstances regarding the experience of Gulf War veterans.

In the **Federal Register** of February 3, 1995, VA published a final rule adding a new § 3.317 to title 38, Code of Federal Regulations, to establish the regulatory framework necessary for the Secretary to pay compensation under the authority granted by the Persian Gulf War Veterans' Benefits Act. (See 60 FR 6660) As part of that rulemaking, having determined that there was little or no scientific or medical evidence at that time that would be useful in determining an appropriate presumptive period, VA established a 2-year-post-Gulf-service presumptive period based on the historical treatment of disabilities for which manifestation periods had been established and pertinent circumstances regarding the experiences of Gulf War veterans as they were then known.

Because of concerns regarding the adequacy of the 2-year presumptive period for undiagnosed illnesses, the Secretary determined that the presumptive period should be extended with respect to disabilities due to undiagnosed illnesses that become manifest through December 31, 2001. In the **Federal Register** of April 29, 1997, VA published a final rule amending 38 CFR 3.317 to implement that determination. (*See* 62 FR 23138)

As required by statute, 38 U.S.C. 1118, the Institute of Medicine (IOM) of the National Academy of Sciences conducted a review of the available scientific literature concerning associations between diseases and exposure in military service to selected risk factors encountered or experienced during the Gulf War. In a report published on September 7, 2000, the IOM noted that research was still ongoing. They suggested additional areas of possible research and recommended that additional studies be conducted. The IOM will be conducting additional reviews of the scientific literature.

VA continues to receive claims for undiagnosed illnesses. As of January 15, 2001, the number of decided undiagnosed illness claims from veterans who served in the Southwest Asia theater of operations either during the actual conflict or afterwards has been approximately 100 per quarter for the previous 2 years. The number of claims decided from those veterans who served after the end of the actual conflict during that same 2-year period has been about 40 per quarter.

Military operations in the Southwest Asia theater of operations continue to this date. No end date for the Gulf War has been established by Congress or the President. (See 38 U.S.C. 101(33)) The servicemembers who conduct military operations after December 31, 2001, will have served in essentially the same physical conditions in which other servicemembers served from the end of the actual conflict through December 31, 2001. It is anticipated that servicemembers will be serving in the Gulf region after December 31, 2001. Thus, unless the manifestation period is extended, these individuals may be unfairly deprived of the benefits mandated by Congress.

In light of the continuing scientific and medical inquiry into the nature and cause of undiagnosed illnesses suffered by Gulf War veterans, the continuing military operations in the Gulf region, and the new claims still being received from Gulf War veterans, this document extends the presumptive period for disabilities due to undiagnosed illnesses that become manifest to a degree of 10 percent or more through December 31, 2006, a period of 5 years. It is expected that, during this period, at least two additional literature reviews will be conducted by the IOM. By then, it is anticipated, results of ongoing research may shed more light on disabilities resulting from Gulf War service and serve as a guide to future policies.

We are making this amendment effective on the date of publication, on an emergency basis, due to the pending expiration of the current manifestation period (December 31, 2001).

The presumptive period is based primarily on the need for completion of additional research, rather than evidence concerning the manifestation period of undiagnosed illnesses. Although this change has the effect of creating a longer presumptive period for Gulf War veterans who left the Southwest Asia theater of operations in the past, as compared to those who may be in service there at present, it still provides an ample presumptive period (up to 5 years) for the latter individuals. Further, future extensions of the presumptive period are possible should they prove to be necessary for any group of veterans. Thus, this change does not disadvantage any Gulf War veteran.

Regulatory Flexibility Act

The Secretary hereby certifies that this regulatory amendment will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. Only VA beneficiaries could be directly affected. Therefore, pursuant to 5 U.S.C. 605(b), this amendment is exempt from the initial and final regulatory flexibility analysis requirements of sections 603 and 604.

OMB Review

This rule has been reviewed under Executive Order 12866 by the Office of Management and Budget.

Paperwork Reduction Act

This document contains no provisions constituting a collection of information under the Paperwork Reduction Act (44 U.S.C. 3501–3520).

The Catalog of Federal Domestic Assistance program numbers are 64.109 and 64.110.

List of Subjects in 38 CFR Part 3

Administrative practice and procedure, Claims, Health care, Individuals with disabilities, Pensions, Veterans, Vietnam.

Approved: October 12, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set forth in the preamble, 38 CFR part 3 is amended as follows:

PART 3—ADJUDICATION

Subpart A—Pension, Compensation, and Dependency and Indemnity Compensation

1. The authority citation for part 3, subpart A continues to read as follows:

Authority: 38 U.S.C. 501(a), unless otherwise noted.

§ 3.317 [Amended]

2. In § 3.317, paragraph (a)(1)(i) is amended by removing ''December 31, 2001'' and adding, in its place, ''December 31, 2006''.

[FR Doc. 01–28158 Filed 11–7–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3160

[WO–310–1310–PB–24–1A]

RIN 1004–AC54

Oil and Gas Leasing: Onshore Oil and Gas Operations

AGENCY: Bureau of Land Management, Interior.

ACTION: Final rule; confirmation of effective date.

SUMMARY: The Bureau of Land Management (BLM) is confirming the effective date for a portion of the final rule concerning joint and several liability for drainage protection published January 10, 2001.

DATES: The removal of 43 CFR 3162.2(a) and the addition of 43 CFR 3162.2–7 published January 10, 2001 (66 FR 1883) and delayed February 8, 2001 (66 FR 9527), April 10, 2001 (66 FR 18569), and August 7, 2001 (66 FR 41149), until November 6, 2001, is confirmed as effective November 6, 2001.

FOR FURTHER INFORMATION CONTACT: Donnie Shaw, Fluid Minerals Group, Bureau of Land Management, Mail Stop 401LS, 1849 ''C'' Street, NW, Washington, DC 20240; telephone (202) 452–0382 (Commercial or FTS). Persons who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8330, 24 hours a day, seven days a week, except holidays, for assistance in reaching Mr. Shaw.

SUPPLEMENTARY INFORMATION:

On January 10, 2001, BLM published a final rule in the **Federal Register** (66 FR 1883) which, among other things, removed 43 CFR 3162.2(a) and added 43 CFR 3162.2–7. The effective date of those provisions of the rule was delayed in **Federal Register** documents published on February 8, 2001 (66 FR 9527), April 10, 2001 (66 FR 18569), and August 7, 2001 (66 FR 41149). The August notice delayed the effective date until November 6, 2001. We are not taking action at this time to provide for an additional delay of the effective date of the rule. The provision which takes effect on November 6, 2001 reads as follows:

§ 3162.2–7 Who is liable for drainage if more than one person holds undivided interests in the record title or operating rights for the same lease?

(a) If more than one person holds record title interests in a portion of a lease that is subject to drainage, each person is jointly and severally liable for taking any action we may require under this part to protect the lease from drainage, including paying compensatory royalty accruing during the period and for the area in which it holds its record title interest.

(b) Operating rights owners are jointly and severally liable with each other and with all record title holders for drainage affecting the area and horizons in which they hold operating rights during the period they hold operating rights.

Because of the interest in this issue, the Department of the Interior may give further consideration to alternative approaches on the extent of each party's liability in leases with multiple owners for protection from drainage of Federal and Indian oil and gas resources. The Department may do so either separately or in connection with broader revisions of its oil and gas regulations.

Dated: November 1, 2001.

Carson W. Culp, Jr.,

Assistant Director, Minerals, Realty, and Resource Protection.

[FR Doc. 01–28109 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–84–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2557, MM Docket No. 01–163, RM–10134]

Digital Television Broadcast Service; Bozeman, MT

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Montana State University, licensee of noncommercial station KUSM(TV), NTSC channel *9, Bozeman, Montana, substitutes DTV channel *8 for DTV channel *20 at Bozeman, Montana. *See* 66 FR 39726, August 1, 2001. DTV channel *8 can be allotted to Bozeman, Montana, in compliance with the principle community coverage requirements of Section 73.625(a) at coordinates 45–40–24 N. and 110–52–02 W. with a power of 160, HAAT of 305 meters and with a DTV service population of 80 thousand. However, since the community of Bozeman is located within 400 kilometers of U.S.-Canadian border, concurrence from the Canadian government has been obtained for this allotment. With this action, this proceeding is terminated.

DATES: Effective December 24, 2001.

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–163, adopted November 2, 2001, and released November 7, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

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

PART 73—[AMENDED]

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

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

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under Montana, is amended by removing DTV channel *20 and adding DTV channel *8 at Bozeman.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–28106 Filed 11–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2486; MM Docket No. 00–172; RM–9963]

Radio Broadcasting Services; McConnelsville, OH

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: At the request of Donald Staats this document alots Channel 279A to McConnelsville, Ohio. *See* 65 FR 59164, published October 4, 2000. The reference coordinates for the Channel 279A allotment at

McConnelsville, Ohio, are 39–38–48 and 81–50–43. With this action, the proceeding is terminated.

DATES: Effective December 11, 2001.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's *Report and Order* in MM Docket No. 00–172, adopted October 24, 2001, and released October 26, 2001. The full text of this decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, Qualex International, Portals ll, 445 12th Street, SW., Room CY–B402, Washington, DC. 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Radio Broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Ohio, is amended by adding Channel 279A at McConnelsville.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–28208 Filed 11–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2488; MM Docket No.01–187; RM–10174]

Radio Broadcasting Services; Sabinal, TX

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document allots Channel 296A to Sabinal, Texas, in response to a petition filed by Katherine Pyeatt. *See* 66 FR 44587, August 24, 2001. The coordinates for Channel 296A at Sabinal are 29–20–17 NL and 99–29–00 WL. There is a site restriction 2.9 kilometers (1.8 miles) northwest of the community. With this action, this proceeding is terminated. A filing window for Channel 296A at Sabinal will not be opened at this time. Instead, the issue of opening this allotment for auction will be addressed by the Commission in a subsequent order.

DATES: Effective December 10, 2001.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order, MM Docket No. 01–187, adopted October 17, 2001, and released October 26, 2001. The full text of this Commission decision is available for inspection and copying during regular business hours in the Commission's Reference Information Center, Portals II, 445 12th Street, SW, Room CY–A257, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, (202) 863–2893, facsimile (202) 863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Sabinal, Channel 296A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–28207 Filed 11–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2487; MM Docket No. 01–101; RM–10097]

Radio Broadcasting Services; St. Augustine and Neptune Beach, FL

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a *Notice of Proposed Rule Making,* 66 FR 26825 (May 15, 2001), this document reallots Channel 250C2 from St. Augustine, Florida, to Neptune Beach, Florida, and provides Neptune Beach with its first local aural transmission service. The coordinates for Channel 250C2 at Neptune Beach are 30–16–53 North Latitude and 81–34–15 West Longitude.

DATES: Effective December 10, 2001.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–101, adopted October 17, 2001, and released October 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center at Portals II, CY–A257, 445 12th Street, SW, Washington, DC. This document may also be purchased from the Commission's duplicating contractors, Qualex International, Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC, 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

1.The authority citation for Part 73 reads as follows:

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

§ 73.202 [Amended]

1. Section 73.202(b), the Table of FM Allotments under Florida, is amended by adding Neptune Beach, Channel 250C2, and removing Channel 250C2 at St. Augustine.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–28205 Filed 11–8–01; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 66, No. 218
Friday, November 9, 2001

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

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1710

RIN 2550–AA20

Corporate Governance

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Extension of the public comment period.

SUMMARY: On September 12, 2001, the Office of Federal Housing Enterprise Oversight (OFHEO) published a notice of proposed rulemaking entitled ''Corporate Governance'' in the **Federal Register** (66 FR 47557) to set forth minimum requirements with respect to corporate governance practices and procedures for the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation (the Enterprises).

OFHEO has received requests from the Enterprises for an extension of the current deadline of November 13, 2001, for comments to permit adequate time to enable them to present their respective views in a manner that is as comprehensive and as helpful to OFHEO as possible. In recognition of the importance of obtaining fully developed and constructive comments as to the implication of this proposed rulemaking, OFHEO is extending the comment period for the Corporate Governance proposed regulation from November 13, 2001, to December 13, 2001. This is to ensure that all interested parties have ample opportunity to participate in the rulemaking process by providing meaningful comment in the development of the corporate governance regulation.

DATES: The comment period is extended until December 13, 2001.

ADDRESSES: Send written comments to Alfred M. Pollard, General Counsel, Office of General Counsel, Office of Federal Housing Enterprise Oversight, 1700 G Street, NW., Fourth Floor, Washington, DC 20552. Written comments may also be sent by electronic mail to RegComments@OFHEO.gov.

FOR FURTHER INFORMATION CONTACT: David W. Roderer, Deputy General Counsel, telephone (202) 414–3804 (not a toll-free number); or Isabella W. Sammons, Associate General Counsel, telephone (202) 414–3790 (not a toll-free number); Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

Dated: November 6, 2001.

Armando Falcon, Jr.,

Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 01–28214 Filed 11–8–01; 8:45 am]

BILLING CODE 4220–01–P

NATIONAL INDIAN GAMING COMMISSION

25 CFR Part 580

[RIN 3141–AA04]

Environment, Public Health and Safety

AGENCY: National Indian Gaming Commission.

ACTION: Proposed rule: Notice of reopening of comment period.

SUMMARY: On October 2, 2001, the National Indian Gaming Commission (Commission) issued a Proposed Rule (66 FR 50127–50135) proposing regulations to establish the Commission's oversight process to ensure that the environment, public health and safety are adequately protected at Indian Gaming facilities in accordance with IGRA. Upon a written request from members of the general public, the date for filing comments is being extended.

DATES: Comments shall be filed on or before December 29, 2001.

ADDRESSES: Send comments by mail, facsimile, or hand delivery to: Environment, Public Health Safety Comments, National Indian Gaming Commission, Suite 9100, 1441 L Street, N.W., Washington, DC 20005. Fax number: 202–632–7066 (not a toll-free number). Public comments may be delivered or inspected from 9 a.m. until noon and from 2 p.m. to 5 p.m. Monday through Friday.

FOR FURTHER INFORMATION, CONTACT: Christine Nagle at 202–632–7003 or, by fax, at 202–632–7066 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The Indian Gaming Regulatory Act (''IGRA'' or ''Act'') 25 U.S.C. 2701–2721, enacted on October 17, 1988, established the National Indian Gaming Commission (Commission). Under the Act, the Commission is charged with regulating gaming activities on Indian lands. The Act expressly authorizes the Commission to ''promulgate such regulations and guidelines as it deems appropriate to implement provisions of this [Act].'' 25 U.S.C. 2706(b)(10).

The regulations proposed on October 2, 2001, would establish a system to implement the Commission's oversight authority in the areas of environment, public health and safety. The statutory basis for this responsibility is set forth in 25 U.S.C. 2710 (b)(2)(E) which provides that tribal ordinances or resolutions submitted for the Chairman's approval ensure that ''the construction and maintenance of the gaming facility, and the operation of that gaming is conducted in a manner which adequately protects the environment and the public health and safety.'' On April 27, 1999, the Commission issued an Advance Notice of Proposed Rulemaking regarding the establishment of environment, public health and safety procedures. After reviewing the information solicited through this notice, the Commission decided to move forward with proposed regulations. In November 1999, a Tribal-Commission Advisory Committee was formed to consult on the project. The Commission attempted to assemble a diverse advisory committee that represented the interests of a broad range of gaming tribal governments. During the period from November 1999 through May 2000, the Commission and the Tribal Advisory Committee met four times to develop a regulatory proposal. The Commission published a Notice of Proposed Rulemaking that appeared in the **Federal Register** at 65 FR 45558, on July 24, 2000. In response to the **Federal Register** notice, the Commission received a number of helpful comments

suggesting changes to the proposed rule. The Tribal-Commission Advisory Committee met after the close of the public comment period to discuss the comments that had been submitted. Upon consideration of the comments submitted, and discussions with the Tribal-Commission Advisory Committee, the Commission decided to revise the proposed rule and republish the revised rule as a proposed rule. The Commission established a thirty-day comment period for public comment on this revised rule. However, the Commission did receive a written request for extension of time from the general public citing the interest in these issues by tribes and indicating that the thirty-day period did not provide enough time for meaningful responses. Based on the request, the Commission has decided to extend the comment period until December 29, 2001.

Dated: November 6, 2001.

Montie R. Deer,

Chairman, National Indian Gaming Commission.

[FR Doc. 01–28154 Filed 11–8–01; 8:45 am]

BILLING CODE 7565–01–P

DEPARTMENT OF THE INTERIOR

Minerals Management Service

30 CFR Part 250

RIN 1010–AC83

Oil and Gas and Sulphur Operations in the Outer Continental Shelf—Procedures for Dealing With Sustained Casing Pressure

AGENCY: Minerals Management Service (MMS), Interior.

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rulemaking amends Subpart E (Oil and Gas Well-Completion Operations) of MMS operating regulations. It describes procedures for dealing with sustained casing pressure (SCP) in oil and gas wells on the Outer Continental Shelf (OCS). Currently, lessees must request a departure from MMS regulations to operate a well that has SCP. When granting a departure, MMS requires that lessees perform periodic checks and evaluations to ensure that the pressure is not a danger to personnel, equipment, or the environment. This proposed rule will codify these procedures and ensure uniform regulatory practices among MMS regional offices. The proposed changes will also help ensure that lessees will continue to conduct operations in a safe manner.

DATES: MMS will consider all comments we receive by January 8, 2002. We will begin reviewing comments then and may not fully consider comments we receive after January 8, 2002.

ADDRESSES: Mail or hand-carry comments (three copies) to the Department of the Interior; Minerals Management Service; Mail Stop 4024; 381 Elden Street; Herndon, Virginia 20170–4817; Attention: Rules Processing Team (RPT). If you wish to e-mail comments, the RPT's e-mail address is: *rules.comments@mms.gov.* Reference 1010–AC83, SCP in your e-mail subject line. Include your name and return address in your e-mail message and mark your message for return receipt.

Mail or hand-carry comments with respect to the information collection burden of the proposed rule to the Office of Information and Regulatory Affairs; Office of Management and Budget; Attention: Desk Officer for the Department of the Interior (OMB control number 1010-New); 725 17th Street, NW., Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Larry Ake, Engineering and Operations Division, at (703) 787–1600.

SUPPLEMENTARY INFORMATION: Sustained casing pressure (SCP) is pressure between the casing and the well's tubing, or between strings of casing, that rebuilds after being bled down. Data gathered by MMS has shown that SCP is most often caused by leaks in the production tubing and tubing connectors. It is also caused by poor casing cement bond, channeling in the cemented annulus, and leaks in seals or other equipment. If left uncontrolled, this SCP represents an ongoing safety hazard and can cause serious or immediate harm or damage to human life, the marine and coastal environment, and property. During the period 1980 to 1990, the oil and gas industry in the Gulf of Mexico (GOM) suffered four serious accidents as a result of high SCP, and the lack of proper control and monitoring of these pressures. In response, MMS developed a policy for the GOM OCS under which lessees could effectively monitor the SCP of wells in an attempt to avoid future accidents.

As far back as 1977, OCS Order No. 6, ''Completion of Oil and Gas Wells,'' required the testing and repair of all wells that exhibit SCP. The current regulation at 30 CFR 250.517 addresses tubing and wellhead equipment. Paragraph (a) of § 250.517 requires that tubing strings must maintain pressure integrity. Paragraph (c) requires that wellheads be equipped to monitor SCP in all casing annuli, and stipulates that the lessee must notify the District Supervisor if SCP is observed. The primary intent of this regulation with respect to SCP is to achieve and maintain pressure control of wells. Since that regulation was issued in 1988, MMS has interpreted 30 CFR 250.517(c) [previously designated 30 CFR 250.87(c)] to mean that no SCP is to be maintained on any annulus of an OCS well.

With over 8,000 affected wells in the GOM, immediate elimination of all SCP has proved to be impractical. It would also be exceedingly costly. MMS conservatively estimates the cost of workovers to eliminate SCP on these wells at over $800,000,000 (at $100,000 per well). The upper limit of potential costs could reach as high as $4,000,000,000, if a major workover rig would have to be used on each well at an average cost of $500,000. Through recent policy, however, MMS has sought to identify and eliminate SCP in only those cases that represent a hazard and establish a monitoring system for the rest, all the while working towards elimination of the problem.

In 1988 and 1989, the MMS GOM Region met with the Offshore Operators Committee (OOC) several times to discuss conditions that required a variance from the requirements of 30 CFR 250.517. The OOC recommended that SCP be divided into two broad categories: production casing SCP that can be eliminated relatively easily and SCP on outer casings where no consistently successful solution has been developed. They also recommended criteria for classifying SCP.

On August 5, 1991, MMS (GOM Region) issued a Letter to Lessees (LTL) that identified policy changes concerning SCP based on the OOC advice, thereby initially clarifying the provisions contained in 30 CFR 250.517(c). This LTL streamlined the reporting procedures for wells with SCP conditions. The intent of this initial policy was twofold: to permit continued production from existing completions, subject to specific monitoring requirements, and to allow for the retention of records at the operator's field office. This policy also addressed wells with SCPs that were less than 20 percent of the minimum internal yield pressure of the affected casing and that bled to zero pressure through a ½-inch needle valve in 24 hours or less. Wells that met these criteria were put in a ''self-approved'' category, and MMS approval of a departure from the regulatory requirement was not required.

MMS (GOM Region) SCP policy was further revised with the issuance of a January 13, 1994, LTL. This document provided further clarification regarding wells with SCP, the time retention of field records, and the criteria to be used to determine unsustained casing pressure due to thermal effects. Using the procedures of this LTL, departures from the requirement for no SCP were granted according to 30 CFR 250.142 [formerly 30 CFR 250.103(b)]. These procedures essentially ensured that the SCP on a well's annuli would bleed to zero within 24 hours through a ½-inch needle valve, would be monitored regularly, and would be eliminated as soon as practical or immediately in cases of severe pressure. Since the January 13, 1994, LTL was issued, MMS has identified many misconceptions and areas of concern and uncertainty with the established reporting, testing, and monitoring procedures. Therefore, this rulemaking has been designed to further clarify the intended policy and procedures, and to include technology that was not being utilized or was not developed in 1994.

During this same time period, and on a much smaller scale, SCP was also a problem for the MMS Pacific OCS Region. An LTL, dated November 8, 1991, and a Notice to Lessees (NTL), dated April 12, 2000, described procedures for operators on the Pacific OCS. These requirements are less prescriptive, and because of the smaller number of wells involved, cases of SCP are handled on a case-by-case basis.

The process of granting departures to operate wells with SCP has served both industry and MMS well since it was initiated. By using the monitoring and reporting steps in the proposed rule, both MMS and industry can focus resources on those wells that need prompt maintenance and remediation. This rulemaking will primarily place into the regulations those procedures for maintenance and recordkeeping on wells with SCP that have been MMS GOM Region policy for several years.

Two new requirements should be noted in the proposed rule. In the event of a lease transfer, MMS proposes that operators provide a report on the status of all wells with SCP to both the MMS and the new owner/operator. MMS also proposes that subsea trees installed after January 1, 2005, have a method for monitoring all casing annuli for SCP. This requirement is consistent with current regulations; however, it has been MMS policy to waive this requirement for subsea tree installations.

Procedural Matters

Public Comments Procedures

Our practice is to make comments, including names and home addresses of respondents, available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by the law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Regulatory Planning and Review (Executive Order 12866)

This proposed rule is not a significant rule and is not subject to review by the Office of Management and Budget (OMB) under Executive Order 12866.

(1) This proposed rule will not have an effect of $100 million or more on the economy. It will not adversely affect in a material way the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities. The major purpose for this proposed rule is to codify and provide nationwide consistency in the interpretation of the current rule. This will not lead to major changes in the way operators must deal with SCP and will not result in any large economic effects to small or large entities.

One proposed technical revision will have an economic effect on lessees. The proposed rule requires that any subsea tree installed after January 1, 2005, must provide a means to monitor all casing annuli for SCP. MMS has been granting departures to our requirement that all casing annuli be monitored for all subsea wells installed to date. A subsea tree/wellhead system costs approximately $3.5 million. We conservatively estimate that the incremental cost of providing a method to monitor all casing for SCP should not exceed 5 percent of this cost, or $175,000 per well. Currently, fewer than 25 subsea well installations are made on the OCS per year. Therefore, MMS estimates the cost to implement the proposed rule would be $4,375,000 per year. These costs will not cause an annual effect on the economy of $100 million.

(2) This proposed rule will not create a serious inconsistency or otherwise interfere with an action taken or planned by another agency. The proposed rule does not affect how lessees or operators interact with other agencies. Nor does this proposed rule affect how MMS will interact with other agencies.

(3) This proposed rule does not alter the budgetary effects or entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients. The proposed rule only addresses the regulatory requirements for obtaining permission to continue to produce oil and gas on the OCS with wells that exhibit SCP.

(4) This proposed rule does not raise novel legal or policy issues. The proposed rule does involve a new policy issue, requiring that all subsea trees installed after January 1, 2005, be equipped so that all casing annuli can be monitored for SCP. This requirement will require manufacturers to modify present equipment. This is not a novel requirement though, since it will simply make subsea installations conform to the same standards as wells with surface trees. At the present time, operators may be granted a departure from this requirement when installing a subsea tree.

Regulatory Flexibility (RF) Act

The Department of the Interior certifies that this proposed rule will not have a significant economic effect on a substantial number of small entities under the RF Act (5 U.S.C. 601 *et seq.*). This proposed rule applies to all lessees that produce oil and gas on the OCS. Small lessees that operate under this proposed rule would fall under the Small Business Administration's (SBA) North American Industry Classification System Code, 211111, Crude Petroleum and Natural Gas Extraction. Under this code, SBA considers all companies with fewer than 500 employees to be a small business. We estimate that there are 130 lessees that explore for and produce oil and gas on the OCS, and approximately 70 percent of those 130 lessees fall into the small business category.

This proposed regulation codifies many procedures that MMS currently requires as a condition of departure from our current regulations. For this reason, the estimated costs of the proposed rule are not great. As shown earlier, MMS conservatively estimates the total economic effects of the proposed new requirements to be less than $5 million per year. This cost will be a small percentage of the cost of

establishing and operating the many producing wells on the OCS. We believe that the cost will affect large and small lessees equally. Based on the very low percentage of well cost involved, we believe that these proposed revisions to the regulations will not have a significant economic effect on any small lessee.

Most of the estimated additional cost of the proposed rule is due to the requirement that subsea trees installed after January 1, 2005, be equipped to monitor casing pressure. The subsea tree requirement should not hinder a lessee's ability to conduct business on the OCS. The proposed rule provides for a several-year period after the effective date so that equipment manufacturers can develop and manufacture the trees and associated equipment. This will also allow lessees sufficient time to obtain the equipment.

Your comments are important. The Small Business and Agriculture Regulatory Enforcement Ombudsman and 10 Regional Fairness Boards were established to receive comments from small businesses about Federal agency enforcement actions. The Ombudsman will annually evaluate the enforcement activities and rate each agency's responsiveness to small business. If you wish to comment on the enforcement actions of MMS, call toll-free (888) 734–3247.

Small Business Regulatory Enforcement Fairness Act (SBREFA)

This proposed rule is not a major rule under (5 U.S.C. 804(2)) the SBREFA. This proposed rule:

(a) Does not have an annual effect on the economy of $100 million or more. The proposed rule will not cause any significant costs to lessees or operators. Lessees and operators currently operating on the OCS with SCP operate under similar requirements, which are imposed by MMS as a condition for granting a departure. The proposed regulation will codify procedures that MMS normally stipulates to an operator requesting a departure to operate with SCP.

(b) Will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions. The proposed rule will not change the way the oil and gas industry conducts business, nor will it affect regional oil and gas prices; therefore, it will not cause major cost increases for consumers, the oil and gas industry, or any Government agencies.

(c) Does not have significant adverse effects on competition, employment, investment, productivity, innovation, or ability of United States-based enterprises to compete with foreign-based enterprises. All lessees, regardless of nationality, will have to comply with the requirements of this rule. So the rule will not affect competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises to compete with foreign-based enterprises.

We do not expect this rule to have a significant effect because, as discussed earlier, this proposed rule will codify procedures already in use.

Paperwork Reduction Act (PRA) of 1995

The proposed rule requires information collection (IC), and an IC request (form OMB 83–I) has been submitted to OMB for review and approval under section 3507(d) of the PRA. However, our submission includes only certain requirements as explained in subsequent paragraphs. The title of the collection of information is ''Proposed Rulemaking—30 CFR 250, Subpart E—Procedures for Dealing With Sustained Casing Pressure.'' Respondents include approximately 130 Federal OCS oil and gas lessees. The frequency of reporting and recordkeeping is generally on occasion. Responses are mandatory. The IC does not include questions of a sensitive nature. We will protect information considered proprietary according to 30 CFR 250.196 (Data and information to be made available to the public) and 30 CFR part 252 (OCS Oil and Gas Information Program).

The collection of information required by the current 30 CFR 250, subpart E, regulations is approved by OMB under control number 1010–0067. As indicated earlier in the preamble, the proposed revisions to subpart E primarily will only place into regulation many of the procedures for wells with SCP that have been policy in the MMS GOM Region for several years. Pending final regulations taking effect, the GOM Region has updated its policy in the form of an NTL. To comply with the PRA, we obtained OMB approval of the NTL's SCP IC requirements. This process was initiated with a Notice in the **Federal Register** on March 8, 2001 (66 FR 13960). OMB approval of those information collection requirements (submitted to OMB as a revision of the subpart E information collection to include the NTL procedures) covers most of the paperwork burden proposed in this rulemaking.

The following table lists the entire paperwork burden of the proposed rule. However, there is only one new requirement (§ 250.530) that is not covered by a currently approved information collection. We estimate a total annual paperwork ''hour'' burden of 1,300 hours for the additional requirement. This represents an average burden of 10 hours per respondent (1,300 total hours/130 lessees = 10 hours per lessee).

BURDEN BREAKDOWN

30 CFR 250 section	Reporting and recordkeeping requirement	Hour burden (in hours)	Annual burden hours or explanation of current OMB approval
517(c)(1); 520(a); 521(a); 522(a); 526(b); 528(a); 529(a)(1); 531(a).	Notify MMS if SCP is observed on a well; request instructions or procedures for special conditions.	¼	Burden covered under current approval for subpart E, 1010–0067.
517(c)(2); 521; 523; 525(c); 526(b), (c); 528(d), (f); 529(b)(1)(ii); 531.	Submit results of diagnostic tests, departure requests and supporting information, including plan of action for non-producing wells.	2	Burden included in pending OMB approval for subpart E, 1010–0067.
522(b); 525(a), (b); 526(b), (c); 527(c), (d), (e); 528; 529(a)(4)(i)(D).	Perform diagnostic test and record results; perform under current follow-up tests at least annually to determine departure status.	4	Burden included in pending OMB approval for subpart E, 1010–0067.
522(b); 525(a); 527(g)	Retain complete record of well's casing pressure and diagnostic test results for 2 years.	¼	Burden included in pending OMB approval of revised subpart E, 1010–0067.
524(a)	Submit procedure for remediation of SCP on form MMS–124.	N/A	Burden covered under current approval of form MMS–124, 1010–0045.
524(c)	Appeal departure request denial	N/A	Burden covered under approval for 30 CFR part 290, 1010–0121.

BURDEN BREAKDOWN—Continued

30 CFR 250 section	Reporting and recordkeeping requirement	Hour burden (in hours)	Annual burden hours or explanation of current OMB approval
530 NEW	Provide report on status of all SCP to MMS and new owner/operator upon transfer of lease.	2	650 Reports = 1,300 annual burden hours.
532	Submit form MMS–124 to report workover and notify MMS of results of workover repairs to eliminate SCP.	N/A	Burden covered under current approval of form MMS–124, 1010–0045.

MMS district and regional offices will use the information collected to determine whether production from wells with SCP continues to afford the greatest possible degree of safety under these conditions. MMS will base decisions to grant or deny departures based on the information submitted.

As part of our continuing effort to reduce paperwork and respondent burdens, MMS invites the public and other Federal agencies to comment on any aspect of the reporting burden in the proposed rule. You may submit your comments directly to the Office of Information and Regulatory Affairs, OMB. Please send a copy of your comments to MMS so that we can summarize all written comments and address them in the final rule preamble. Refer to the **ADDRESSES** section for mailing instructions.

The PRA provides that an agency may not conduct or sponsor a collection of information unless it displays a currently valid OMB control number. Until OMB approves the collection of information and assigns a control number, you are not required to respond. OMB is required to make its decision on the information collection aspects of this proposed rule between 30 to 60 days after publication in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it by December 10, 2001. This does not affect the deadline for the public to comment to MMS on the proposed regulations.

a. We specifically solicit comments on the following questions:

(1) Is the proposed collection of information necessary for MMS to properly perform its functions, and will it be useful?

(2) Are the estimates of the burden hours of the proposed collection reasonable?

(3) Do you have any suggestions that would enhance the quality, clarity, or usefulness of the information to be collected?

(4) Is there a way to minimize the information collection burden on those who are to respond, including the use of appropriate automated electronic, mechanical, or other forms of information technology?

b. In addition, the PRA requires agencies to estimate the total annual reporting and recordkeeping ''non-hour'' cost burden resulting from the collection of information. We have not identified any and solicit your comments on this item. For reporting and recordkeeping only, your response should split the cost estimate into two components: (1) The total capital and startup cost component, and (2) annual operation, maintenance, and purchase of services component. Your estimates should consider the costs to generate, maintain, and disclose or provide the information. You should describe the methods you use to estimate major cost factors, including system and technology acquisition, expected useful life of capital equipment, discount rate(s), and the period over which you incur costs. Capital and startup costs include, among other items, computers and software you purchase to prepare for collecting information; well control simulators, and testing equipment; and record storage facilities. Generally, your estimates should not include equipment or services purchased: before October 1, 1995; to comply with requirements not associated with the information collection; for reasons other than to provide information or keep records for the Government; or as part of customary and usual business or private practice.

Federalism (Executive Order 13132)

According to Executive Order 13132, this rule does not have Federalism implications. This proposed rule does not substantially and directly affect the relationship between the Federal and State Governments. The rule applies to lessees that operate oil and gas facilities on the OCS. This rule does not impose costs on States or localities. Any costs will be the responsibility of the lessees.

Takings Implication Assessment (Executive Order 12630)

The proposed rule expands upon existing operating regulations and proposes to codify current MMS procedures now in effect in the GOM OCS Region. It does not prevent any lessee or operator from performing operations on the OCS, provided they follow the regulations. We have determined that this rule does not represent a governmental action capable of interference with constitutionally protected property rights. Thus, MMS did not need to prepare a Takings Implication Assessment according to Executive Order 12630, Governmental Actions and Interference with Constitutionally Protected Property Rights.

Energy Supply, Distribution, or Use (Executive Order 13211)

This proposed rule is not a significant rule and is not subject to review by OMB under Executive Order 12866. The rule does not have a significant effect on energy supply, distribution, or use because it essentially only codifies procedures that have been in effect for nearly a decade. Companies operating on the OCS in both the Gulf of Mexico and Pacific OCS Regions have been following similar requirements since 1991, when comparable procedures were provided to them by a Letter to Lessees. This proposed rule has very few new requirements, and the incremental costs will be low.

Clarity of This Regulation (Executive Order 12866)

Executive Order 12866 also requires each agency to write regulations in plain, understandable language. This proposed revision of subpart E, ''Procedures For Dealing With SCP,'' uses ''plain English'' structure and text. We realize that it will differ from the style of the surrounding text. Eventually, all MMS regulations will be written in this new format. These changes include:

- Breaking down lengthy sections into multiple sections;
- Using lists in place of lengthy paragraphs;
- Using tables where possible; and
- Using ''you'' to refer to the lessee, operator, or person acting on behalf of a lessee.

We encourage your comments on any of these innovations. We further invite

your comments on how to make this proposed rule easier to understand, including answers to questions such as the following:

(1) Are the requirements in the proposed rule clearly stated?

(2) Does the proposed rule contain technical language or jargon that interfere with its clarity?

(3) Does the format of the proposed rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity?

(4) Would the proposed rule be easier to understand if it were divided into more (but shorter) sections?

(5) Is the description of the proposed rule in the **SUPPLEMENTARY INFORMATION** section of this preamble helpful in understanding the proposed rule? What else can we do to make the proposed rule easier to understand?

Send a copy of any comments that concern how we could make this proposed rule easier to understand to: Office of Regulatory Affairs, Department of the Interior, Room 7229, 1849 C Street, NW., Washington, DC 20240. You may also e-mail the comments to this address: *Exsec@ios.doi.gov.*

Civil Justice Reform (Executive Order 12988)

With respect to Executive Order 12988, the Office of the Solicitor has determined that this proposed rule does not unduly burden the judicial system and does meet the requirements of sections 3(a) and 3(b)(2) of the Executive Order.

National Environmental Policy Act (NEPA) of 1969

This proposed rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the NEPA is not required.

Unfunded Mandates Reform Act (UMRA) of 1995 (Executive Order 12866)

This proposed rule does not impose an unfunded mandate on State, local, or tribal governments or the private sector of more than $100 million per year. The proposed rule does not have any Federal mandates nor does the proposed rule have a significant or unique effect on State, local, or tribal governments or the private sector. A statement containing the information required by the UMRA (2 U.S.C. 1531 *et seq.*) is not required.

List of Subjects in 30 CFR Part 250

Continental shelf, Environmental impact statements, Environmental protection, Government contracts, Investigations, Mineral royalties, Oil and gas development and production, Oil and gas exploration, Oil and gas reserves, Penalties, Pipelines, Public lands-mineral resources, Public lands-rights-of-way, Reporting and recordkeeping requirements, Sulphur development and production, Sulphur exploration, Surety bonds.

Dated: October 25, 2001.

J. Steven Griles,

Assistant Secretary, Land and Minerals Management.

For the reasons stated in the preamble, the Minerals Management Service (MMS) proposes to amend 30 CFR part 250 as follows:

PART 250—OIL AND GAS AND SULPHUR OPERATIONS IN THE OUTER CONTINENTAL SHELF

1. The authority citation for part 250 continues to read as follows:

Authority: 43 U.S.C. 1331 *et seq.*

2. In § 250.517, paragraph (c) is revised to read as follows:

§ 250.517 Tubing and wellhead equipment.

* * * * *

(c) When the tree is installed, you must equip the wellhead so that all annuli can be monitored for sustained pressure. You must not operate a well that has sustained casing pressure (SCP) in any casing annulus unless:

(1) You immediately notify the District Supervisor when you first observe SCP in the well; and

(2) You obtain permission from the District Supervisor to operate the well as described in § 250.521.

* * * * *

3. Sections 250.518 through 250.532 are added to subpart E to read as follows:

§ 250.518 How does MMS define pressure found in a well?

MMS defines pressure found in a well as follows:

(a) Unsustained casing pressure is pressure in a well that is self-imposed (e.g. gas-lift pressure, gas or water-injection pressure), or pressure that is entirely thermally induced.

(b) SCP means a pressure that is:

(1) Measurable at the casinghead of an annulus that rebuilds when bled down;

(2) Not due solely to temperature fluctuations;

(3) Not a pressure that has been applied deliberately; and

(4) A result of one or more leaks.

§ 250.519 What is the MMS policy for the prevention of sustained casing pressure (SCP)?

You must design and maintain your casing, completion, and tubing programs according to the requirements of subparts D, E, and F of this part, to prevent the occurrence of SCP on wells.

§ 250.520 What are the MMS requirements for monitoring casing pressure?

(a) You must monitor all of your wells for casing pressure. This includes wells that have never exhibited SCP. You can achieve this by using either a Supervisory Control and Data Acquisition system or equipping each casing annulus so that a pressure gauge can be used. If any casing annulus in your well exhibits SCP for the first time, you must immediately notify MMS and request approval to operate the well as prescribed in § 250.521.

(b) You must monitor your wells for casing pressure according to the following table:

If your well . . .	Then you must . . .
(1) Shows no sustained or unsustained casing pressure when checked	Monitor each annulus at least once every 6 months in conjunction with the test of the surface controlled subsurface safety valve to ensure the continued absence of pressure.
(2) Exhibits SCP	Monitor the well at least daily on a manned structure and at least weekly on an unmanned structure.
(3) Exhibits unsustained casing pressure	Monitor the well at least daily on a manned structure and at least weekly on an unmanned structure.
(4) Is part of a nonconventional (tension leg platform, SPAR, etc) or subsea (wet tree) development..	Monitor the well according to § 250.529.

§ 250.521 How do I obtain permission to operate with SCP?

(a) When you first determine that a well exhibits SCP in one or more casing annulus, you must notify MMS immediately. You must then conduct a diagnostic test of the casing pressure in all annuli as required in § 250.527. To obtain permission to operate the well with SCP, you must then submit the diagnostic test results along with a departure request to MMS within 10 working days of the date of the test. You must submit pressure information on each annulus in the well, because any MMS approval to operate a well that has SCP is granted for the entire well.

(b) Your departure request must include all of the following.

(1) A request for a departure from the requirement that you must not operate a well that has SCP in any casing annulus (30 CFR 250.517(c)).

(2) A summary containing information about you and your facility, such as: operator name, address, lease, area/block, facility type and whether it is manned or unmanned, and the number of wells on the facility. The summary should also give the well particulars, such as well name, API number, well status, current well production data, and current shut-in and flowing tubing pressures.

(3) A current wellbore schematic with all tubing, cementing, and casing data including: size, weight and grade, minimum internal yield pressure (MIYP) of each string, and depths of each tubing and casing string. This information is only required for your initial submittal on each well and following a major workover or sidetrack procedure which changes the wellbore.

(4) The casing pressure on each annulus (including those with zero pressure before diagnostic testing); percent of internal yield pressure; origin of pressure, if known; any known casing damage or wear; and any known cementing problems.

(5) A complete record of the diagnostic test, conducted as required by § 250.527.

(6) Any specific operational information that is needed to explain unusual occurrences, such as a large increase or decrease in casing pressure(s) from the previous report, presence of oil in the fluids bled, pressures imposed on production casings, and delays during diagnostic testing due to weather or equipment failure.

§ 250.522 What if I believe my well exhibits unsustained casing pressure (self-imposed or thermally induced)?

(a) If you believe that the pressure appearing on a well is self-imposed (e.g., gas-lift pressure, gas or water-injection pressure), you must contact MMS for instructions on providing documentation for the well.

(b) If you believe that the pressure appearing on a new well or new completion is entirely thermally induced, you may conduct a shut-in diagnostic. For this test, you must shut in the well and record the fall of the pressure. If pressure falls to zero, this diagnostic test is sufficient, and no further notifications or submittals to MMS are necessary. You must retain the results of this test on the platform.

§ 250.523 How will MMS respond to my request for a departure to operate my well with SCP?

Your request for a departure to operate your well with SCP will result in one of the results in the following table:

If MMS . . .	Then you must . . .
(a) Denies your request.	Follow the procedures outlined in § 250.524.
(b) Places your well in ''life of completion'' status	Follow the procedures in § 250.525. This means that you have obtained a departure which allows you to operate the well as long as the sustained pressure conditions do not increase more than 200 psig. MMS normally grants this type of departure when the SCP is less than 20 percent of the MIYP, and bleeds to zero for all annuli.
(c) Places your well in ''fixed term'' status	Follow the procedures outlined in § 250.526. This means that you have obtained a departure that allows you to operate the well for a fixed term, usually 1 year. MMS normally grants this type of departure when the SCP bleeds to zero for all annuli, but the SCP is greater than or equal to 20 percent of the MIYP for one or more annuli.

§ 250.524 What if MMS denies my departure request or cancels an existing departure?

(a) When MMS denies a departure request for cause, we will issue a certified mail denial letter. Within 30 days after you receive the denial letter, you must submit a detailed procedure for remediation of the SCP on form MMS–124 to the applicable District Supervisor. Unless otherwise directed, you must begin remediation operations within 30 days of the District Supervisor's approval of your remediation procedure.

(b) MMS may rescind any departure approval and require you to take corrective measures if casing pressure conditions deteriorate or present a hazard to personnel, the environment, the platform, or the producing formation. Should conditions dictate, MMS can order the immediate shut-in of the well.

(c) You may appeal a departure request denial as stated in 30 CFR 250.104. However, the filing of an appeal will not suspend the requirement for your compliance with the decision.

§ 250.525 What if MMS places the well in a ''life of completion'' departure status?

(a) If MMS places your well in a ''life of completion'' departure status, you must still conduct monitoring and subsequent diagnostic tests. You are not required, however, to submit the results of your diagnostic tests to MMS as long as your well remains in this status. Instead, the results of the diagnostic tests must be kept at your field office nearest the OCS facility.

(b) You must conduct diagnostic tests annually. The test must be conducted sooner if your well monitoring shows that the pressure in any annulus has increased more than 200 psig over the pressure measured during the previous diagnostic test. Each time you conduct a diagnostic test, the pressures recorded become the benchmark pressures, and they determine the need for the next diagnostic test.

(c) The well remains in the ''life-of-completion'' status as long as the diagnostic test pressure is less than 20 percent of the MIYP of each of the evaluated casings and bleeds to zero through a ½-inch needle valve within 24 hours for all casing annuli in the well. If any diagnostic test fails to meet these criteria, the well is no longer in the ''life-of-completion'' status. You must then submit a request including the diagnostic information for approval of a ''fixed-term'' departure.

§ 250.526 What if MMS places the well in a ''fixed-term'' departure status?

(a) If MMS places your well in a ''fixed-term'' status, you must still conduct monitoring and subsequent diagnostic tests. Your ''fixed-term'' status allows you to operate your well with SCP for a length of time determined by MMS. This fixed term is usually 1 year.

(b) You must perform a new diagnostic test and submit a request for a new departure prior to the expiration of the term of your current departure. The test must be conducted sooner if your well monitoring shows that the pressure in any annulus has increased more than 200 psig over that measured during the previous diagnostic test. If any annuli fail to bleed to zero through a ½-inch needle valve within 24 hours, you must notify MMS immediately.

(c) If all casing pressures fall to pressures that are below 20 percent of the MIYP of their respective casing, you may perform a new diagnostic test and submit the results to MMS. We may then grant you a ''life of completion'' departure based on the results of the diagnostic test.

§ 250.527 How must I conduct my diagnostic test?

(a) When you determine that any casing annulus in a well requires a diagnostic test, you must bleed the pressure from all casing annuli exhibiting SCP in that well, unless MMS specifically directs otherwise.

(b) You must not bleed down the casing(s) of wells with SCP, except to conduct required and documented diagnostic tests.

(c) You must record the initial pressures on all annuli of the well before bleed-down. You must then record both bleed-down and buildup pressures graphically or tabularly in at least 1-hour increments for each casing annulus in the wellbore. The graphical or tabular pressure response must be recorded and analyzed to detect possible communication between annuli.

(d) You must bleed down the pressure to zero psig in each annulus through a ½-inch needle valve. You must bleed down and build up each annulus separately, while monitoring the adjacent annuli. If the bleed-down takes less than 1 hour, you may simply note the amount of time taken. You must record the rate of buildup of each annulus for the 24-hour period immediately following the bleed-down. During the bleed-down of the production casing, the tubing pressure must be recorded.

(e) If you recover fluid during the bleed-down, you must record the type and amount. You should conduct bleed-down to minimize the removal of liquids from the annulus. This does not mean that you must necessarily stop the bleed-down when you encounter liquid. Stopping the bleed-down to wait for gas to percolate is permitted, even though this may lead to longer bleed-down times. However, you must document any such ''waiting times,'' preferably with an annotated pressure chart. The total time for a bleed-down, including those waiting periods, must not exceed 24 hours. After the diagnostic test, you must replace the total volume of any removed liquids with a fluid of equal or greater density.

(f) You do not need to diagnose gas-lift pressure(s) caused by active gas- or water-injection as SCP. However, you must monitor gas-lift pressure(s) during the diagnostic test to confirm that there is no communication with another annulus. You must not close subsurface safety valves during a diagnostic test.

(g) You must retain complete casing pressure and diagnostics data on each well for a period of 2 years. Casing pressure records must be maintained at the lessee's field office nearest the OCS facility for review by MMS.

§ 250.528 When must I conduct a diagnostic test?

Your requirements to conduct diagnostic tests are contained in § 250.521 through § 250.530. The following table summarizes your requirements and directs you to the section with full information:

If . . .	Then . . .
(a) You initially detect SCP in any annulus of the well	An initial diagnostic test must be performed after MMS has been notified (see § 250.521).
(b) Your well is in a ''life-of-completion'' departure status	A diagnostic status'' test must be performed annually (see § 250.525).
(c) Well is in a ''life-of-completion'' departure status, and the pressure in any annulus reaches a pressure 200 psig greater than the pressure measured during the previous diagnostic test.	A diagnostic test is required immediately (see § 250.525).
(d) Your well is in a ''fixed-term'' departure status	You must perform a new diagnostic test and request a new departure prior to the expiration of the existing departure (see § 250.526).
(e) Your well is in a ''fixed-term'' departure status and the pressure in any annulus is at least 200 psig greater than the pressure measured during the previous diagnostic test.	A diagnostic test is required immediately (see § 250.526).
(f) You conduct workover operations on the well	You must conduct a new diagnostic and submit a departure request if any pressure remains after the workover (see § 250.532).

§ 250.529 What are the MMS requirements for monitoring casing pressure in floating production or subsea developments?

(a) The MMS policy for wells that are located on floating platforms or vessels (Tension Leg Platforms's, Spars, etc.) is as follows:

(1) You must monitor pressures in the production riser on a continuous basis. If you encounter pressure on the production riser, you must report it immediately to MMS. As part of this notification, you must describe how the pressure will be diagnosed to confirm its magnitude and source.

(2) You must automate pressure monitoring in the tubing/riser annulus above the mud-line isolation, and establish high- and low-pressure set points to provide an indication of either a tubing or riser leak.

(3) MMS will not grant any departures in the ''life-of-completion'' category for wells where all annuli cannot be monitored for pressure.

(4) You must meet the requirements of the following table:

If . . .	Then . . .
(i) You have a dual-bore production riser	MMS will allow you to maintain SCP on the inner bore only under the following circumstances: (A) Pressure on the tubing/riser annulus must bleed to zero through a ½-inch needle valve in 4 hours or less. (B) The level of SCP approved will not exceed 10 percent of the MIYP of the inner bore riser. (C) MMS will determine the acceptable rate and magnitude of buildup. (D) You must conduct a diagnostic test at least every 6 months. You must conduct the test immediately if the pressure increases more than 200 psig above the currently approved level. (E) You must cease production if the well experiences formation-related pressure on the outer riser annulus. (F) No pressure may be maintained on the outermost riser bore.
(ii) You have a single-bore production riser and detect pressure in the tubing/riser annulus, and the diagnostic test confirms that the pressure is SCP.	You must either kill the well or set a plug to eliminate the pressure in the tubing/riser annulus.

(b) For subsea wells (wet tree), you must meet the requirements of the following table:

If . . .	Then . . .
(1) You have a subsea well where only the production annulus can be monitored.	(i) You must conduct diagnostics as indicated in § 250.526, except that the results for adjacent annuli will be limited to monitoring tubing pressure response if the wellhead was installed before January 1, 2005. (ii) You must obtain permission from MMS for maintaining any SCP. (iii) You must monitor the well for casing pressure continuously.
(2) You install a subsea tree after January 1, 2005	According to 30 CFR 250.517(c), you must provide a method for monitoring all casing annuli for SCP.

§ 250.530 What is the MMS policy for SCP during transfer of your lease?

Before a lease transfer, the current owner/operator must review all casing pressure on the lease and provide a report on the status of all SCP to MMS and the new owner/operator.

§ 250.531 What is the MMS policy for SCP in non-producing wells?

(a) No casing pressure of any kind is permitted on a temporarily abandoned well. This does not include newly drilled wells that have been temporarily plugged pending the installation of production facilities, pipelines, etc. For these wells, if you detect SCP, you must contact MMS and submit a plan of action.

(b) For non-producing wells that are neither temporarily abandoned nor continuously injecting, you must meet the requirements of the following table:

If . . .	Then . . .
(1) Your well fails to bleed to zero	You must submit plans for the repair of the SCP condition within 30 days.
(2) You determine the well will not be returned to production	You must submit plans for the repair of the SCP condition within 30 days.
(3) You have not used the well for continuous production or injection for 1 year.	Before the end of the year of non-production/injection, you must have assessed the well and presented a plan to MMS. The plan must include both diagnostic test results and a plan of action. The plan must describe when and how: (i) the well will be returned to production; or (ii) the SCP will be eliminated.

§ 250.532 What if I conduct a workover on a well with SCP?

If you perform a workover requiring the submission of Sundry Notices and Report on Wells (form MMS–124) according to § 250.613, it invalidates any existing SCP departure for that well. When you conduct a workover on a well with SCP, you must make all repairs feasible to eliminate SCP consistent with the use of the equipment used for the workover. You must then notify MMS of the results using form MMS–124. A new diagnostic test is required on any remaining SCP.

[FR Doc. 01–28221 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–MR–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 175

[USCG–2001–10530]

Servicing of Inflatable Liferafts Carried on Recreational Vessels

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: The National Boating Safety Advisory Council (NBSAC) recommended that the Coast Guard

require that any inflatable liferaft carried on a recreational vessel must be serviced according to the manufacturer's requirements and at a servicing facility approved by the manufacturer. The Coast Guard is requesting comments from the boating community about the extent to which recreational vessels carry inflatable liferafts, how many vessel owners have their liferafts serviced and how often owners use manufacturer-approved servicing facilities. Your comments will help us evaluate the NBSAC recommendation.

DATES: Comments and related material must reach the Docket Management Facility on or before March 11, 2002.

ADDRESSES: To make sure your comments and related material are not entered more than once in the docket, please submit them by only one of the following means:

(1) By mail to the Docket Management Facility, U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The telephone number is 202–366–9329.

(3) By fax to the Docket Management Facility at 202–493–2251.

(4) Electronically through the Web Site for the Docket Management System at *http://dms.dot.gov.*

The Docket Management Facility maintains the public docket for this notice. Comments and material received from the public, as well as documents mentioned in this notice as being available in the docket, will become part of this docket and will be available for inspection or copying at room PL–401 on the Plaza level of the Nassif Building, 400 Seventh Street SW., Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may also find this docket on the Internet at *http://dms.dot.gov.*

FOR FURTHER INFORMATION CONTACT: If you have questions on this notice, contact Carlton Perry, Project Manager, Office of Boating Safety, telephone 202–267–0979, e-mail cperry@comdt.uscg.mil. If you have questions on viewing or submitting material to the docket, call Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

You may obtain a copy of this notice by calling the U.S. Coast Guard Infoline at 1–800–368–5647 or read it on the Internet at the Web Site for the Office of Boating Safety at *http://www.uscgboating.org* or at *http://dms.dot.gov.*

SUPPLEMENTARY INFORMATION:

Background

Currently, no federal regulation requires that recreational vessels carry inflatable liferafts; however, inflatable liferafts are becoming popular as ''last resort'' safety equipment on board recreational vessels. Manufacturers advise purchasers to service these devices and typically list servicing facilities approved by the manufacturers.

At an October 2000 meeting of the National Boating Safety Advisory Council (NBSAC), the Coast Guard briefed NBSAC on the Coast Guard's approval of inflatable liferafts primarily used on commercial vessels that are required to carry liferafts. Commercial vessels are required to service their liferafts annually at facilities approved by the Coast Guard (46 CFR 160.151–35 to 57). The Coast Guard initially and periodically inspects these facilities to ensure that they are clean, have the proper equipment, and have properly trained technicians. However, recreational vessels are not required to carry inflatable liferafts and there are no approval requirements for any inflatable liferafts they may use.

NBSAC passed a resolution requesting that the Coast Guard develop regulations to require that any recreational liferaft be serviced according to its manufacturer's requirements at a servicing facility approved by the Coast Guard or manufacturer.

By law, the Coast Guard Office of Boating Safety is required to consult with the NBSAC in prescribing regulations and regarding other major boating safety matters. NBSAC is made up of 21 members: 7 from the boating industry, 7 who are State boating officials, and 7 who represent national boating organizations or the general public.

Questions

To assist us in considering NBSAC's resolution, we ask for your comments to the following questions:

1. What data or studies are available indicating the appropriate procedures and frequency of servicing of inflatable liferafts carried on recreational vessels?

2. What would the economic and other impacts on owners of inflatable liferafts be if the Coast Guard were to require those liferafts be serviced according to the manufacturer's schedule at a manufacturer-approved facility?

3. Would a requirement to follow the manufacturer's servicing schedule at a manufacturer-approved facility place an inappropriate and inconsistent burden on owners of inflatable liferafts carried on recreational vessels? Why or why not?

4. Would the cost of a requirement to periodically service inflatable liferafts on recreational boats discourage boaters from voluntarily carrying liferafts? What would the effect on the overall safety of the recreational boater be?

5. The Coast Guard is mindful of the potential adverse impacts on small business 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. How many small entities are engaged in the carriage of inflatable liferafts on recreational vessels?

6. Which companies are currently manufacturing inflatable liferafts for use on recreational vessels?

7. Since manufacturers' recommendations vary, at what intervals should inflatable liferafts be serviced?

8. Which facilities are currently approved by manufacturers for servicing inflatable liferafts carried on recreational vessels?

9. Are there issues we should consider specific to foreign manufactured inflatable liferafts, schedules of servicing and servicing facilities approved for their products?

10. What other information should we consider?

Request for Comments

We encourage you to participate in this request for comments by submitting comments and related material and answering the above questions. If you do so, please include your name and address, identify the docket number for this notice (USCG–2001–10530), indicate by number each question you are answering, and give the reason for each comment. You may submit your comments and material by mail, hand-delivery, fax, or electronic means to the Docket Management Facility at the address under **ADDRESSES;** but please submit your comments and material by only one means. If you submit them by mail or hand-delivery, submit them in an unbound format, no larger than 81/2 by 11 inches, suitable for copying and electronic filing. If you submit them by mail and would like to know they reached the Facility, please enclose a stamped, self-addressed postcard or envelope. We will consider all

comments and material received during the comment period. Your comments will help us to determine whether to initiate a rulemaking in response to the NBSAC resolution.

Public Meeting

We do not now plan to hold a public meeting. But you may submit a request for one to the Docket Management Facility at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid the consideration of the NBSAC resolution, we will hold one at a time and place announced by a later notice in the **Federal Register**.

Dated: August 30, 2001.

Kenneth T. Venuto.

Rear Admiral, U.S. Coast Guard, Director of Operations Policy.

[FR Doc. 01–28118 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–15–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 3, 51, 60, 63, 70, 123, 142, 145, 162, 233, 257, 258, 271, 281, 403, 501, 745 and 763

[FRL–7102–1]

Public Hearings on the Proposed Establishment of Electronic Reporting; Electronic Records Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule; change in public hearings.

SUMMARY: This document announces a change to the previously published time and format for an informal public hearing EPA is holding, on Friday, November 9, to take comments on the Agency's proposed rule for establishment of electronic reporting and electronic records, published on August 31, 2001.

DATES: The date for this public hearing remains the same: Friday, November 9, 2001. The public hearing time has been changed to 9:30 a.m. to 4 p.m. (CST). The hearing may conclude prior to 4 p.m., depending on the number of attendees and level of interest.

ADDRESSES: The location for this public hearing remains the same: The Ralph H. Metcalfe Federal Building, 3rd Floor, 77 West Jackson Blvd., Chicago, IL.

FOR FURTHER INFORMATION CONTACT: David Schwarz (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC 20460, (202) 260–2710, *schwarz.david@epa.gov,* or Evi Huffer (2823), Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Avenue NW, Washington, DC, 20460, (202) 260–8791, *huffer.evi@epa.gov.*

SUPPLEMENTARY INFORMATION: The meeting will be structured by topics as follows: Welcome and Introduction; EPA Presentation on Proposed Rule; General Questions on Presentation; Requirements for Electronic Reporting to USEPA and Electronic Signature; EPA's Electronic Reporting System: ''The Central Data Exchange''; Electronic Record-keeping Requirements; and Criteria for State Electronic Reporting and Record-keeping Programs.

EPA published its proposed rule for Establishment of Electronic Reporting; Electronic Records in the **Federal Register** on August 31, 2001 (66 FR 46162–46195). EPA proposes to allow electronic reporting and electronic Record-keeping under the environmental regulations in Title 40 of the Code of Federal Regulations. It proposes to remove regulatory obstacles to electronic reporting and Record-keeping and sets forth the conditions for the submission of electronic documents or maintenance of electronic records in lieu of paper documents or records. EPA is proposing the rule, in part, under the authority of the Government Paperwork Elimination Act (GPEA) of 1998, Public Law 105–277.

The proposed rule is available electronically on the Internet at *http://www.epa.gov/fedrgstr/EPA–GENERAL/2001/August/Day-31/g21810.htm.* The proposed rule and supporting materials are also available for viewing in the Enforcement and Compliance Docket and Information Center, located at 1200 Pennsylvania Avenue, NW, (Ariel Rios Building), 2nd Floor, Room 2213, Washington, DC 20460. The documents are available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays. To review docket materials, it is recommended that the public make an appointment by calling (202) 564–2614 or (202) 564–2119.

Dated: October 29, 2001.

Connie Dwyer,

Acting Director, Collection Services Division, Office of Information Collection, Office of Environmental Information.

[FR Doc. 01–28179 Filed 11–7–01; 1:30 pm]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2556, MM Docket No. 01–310, RM–10311]

Digital Television Broadcast Service; Silver City, NM

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by KOB-TV, LLC, licensee of station KOBG–TV, NTSC channel 6, Silver City, New Mexico, proposing the allotment of DTV channel 8 to Silver City, as the community's second local commercial DTV service. DTV channel 8 can be allotted to Silver City, New Mexico, in compliance with Sections 73.622, 73.623(d) and 73.625(a) of the Commission's Rules. The coordinates for DTV channel 8 at Silver City are North Latitude 32–51–49 and West Longitude 108–14–27. However, since the community of Silver City is located within 275 kilometers of the U.S.-Mexican border, concurrence by the Mexican government must be obtained for this allotment.

DATES: Comments must be filed on or before December 31, 2001, and reply comments on or before January 15, 2002.

ADDRESSES: Federal Communications Commission, 445 12th Street, SW., Room TW–A325, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, or its counsel or consultant, as follows: Marvin Rosenberg, Holland & Knight LLP, 2099 Pennsylvania Avenue, NW, Suite 100, Washington, DC 20006 (Counsel for KOB–TV LLC).

FOR FURTHER INFORMATION CONTACT: Pam Blumenthal, Mass Media Bureau, (202) 418–1600.

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–310, adopted November 2, 2001, and released November 7, 2001. The full text of this document is available for public inspection and copying during regular business hours in the FCC Reference Information Center, Portals II, 445 12th Street, SW., Room CY–A257, Washington, DC 20554. This document may also be purchased from the Commission's duplicating contractor, Qualex International, Portals II, 445 12th Street, SW., Room CY–B402, Washington, DC 20554, telephone 202–

863–2893, facsimile 202–863–2898, or via-e-mail *qualexint@aol.com.*

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

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

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

List of Subjects in 47 CFR Part 73

Television, Digital television broadcasting.

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

PART 73—TELEVISION BROADCAST SERVICES

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

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

§ 73.622 [Amended]

2. Section 73.622(b), the Table of Digital Television Allotments under New Mexico is amended adding DTV Channel 8 at Silver City.

Federal Communications Commission.

Barbara A. Kreisman,

Chief, Video Services Division, Mass Media Bureau.

[FR Doc. 01–28107 Filed 11–8–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–2490, MM Docket No. 01–307, RM–10307]

Radio Broadcasting Services; Camp Wood, TX

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition filed by Linda Crawford proposing the allotment of Channel 271A at Camp Wood, Texas. The coordinates for Channel 271A at Camp Wood are 29–48–01 and 100–02–35. There is a site restriction 14.8 kilometers (9.2 miles) north of the community. Since Camp Wood is located within 320 kilometers of the U.S.-Mexican border, concurrence of the Mexican Government will be requested for the allotment at Camp Wood.

DATES: Comments must be filed on or before December 17, 2001, and reply comments on or before January 2, 2002.

ADDRESSES: Federal Communications Commission, 445 Twelfth Street, SW, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, as follows: Linda Crawford, 3500 Maple Avenue, No. 1320, Dallas, Texas 75219.

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

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–307, adopted October 17, 2001 and released October 26, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the Commission's Reference Center, 445 Twelfth Street, SW, Washington, DC 20554. The complete text of this decision may also be purchased from the Commission's duplicating contractor, Qualex International Portals II, 445 12th Street, SW, Room CY–B402, Washington, DC 20554, telephone 202–863–2893, facsimile 202–863–2898, or via e-mail *qualexint@aol.com.*

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Channel 271A at Camp Wood.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–28206 Filed 11–8–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 66, No. 218

Friday, November 9, 2001

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

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Locatable Minerals

AGENCY: Forest Service, USDA.

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension of an information collection associated with Locatable Minerals operations on National Forest System lands.

DATES: Comments must be received in writing on or before January 8, 2002 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Director, Minerals and Geology Management, Forest Service, USDA, 5th Floor, RPC, P.O. Box 96090, Washington, DC 20090–6090.

Comments also may be submitted via facsimile to (703) 605–1575.

The public may inspect comments received at the Office of Director, Minerals and Geology Management, 5th Floor, Rosslyn Plaza ''C'' Building, 1601 North Kent Street, Arlington, VA 22209. Visitors are encouraged to call ahead to facilitate viewing any comments received.

FOR FURTHER INFORMATION CONTACT: Sam Hotchkiss, Minerals and Geology Management, at (703) 605–4852, or Mary Ann Ball, Forest Service Information Collection Coordinator, at (703) 605–4572, or send an e-mail to *maryball@fs.fed.us.* Individuals who use telecommunication devices for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339 between 8 a.m. and 8 p.m., Eastern Standard Time, Monday through Friday.

SUPPLEMENTARY INFORMATION:

Title: Locatable Minerals.

OMB Number: 0596–0022.

Expiration Date of Approval: January 31, 2002.

Type of Request: Extension with no revision.

Abstract: This collection of information is necessary to ensure that the environmental impacts associated with locatable mineral operations on National Forest System lands are minimized to the extent practicable. The Forest Service regulations at 36 CFR 228.5 require operators, with some exceptions, to submit a Notice of Intent or a Plan of Operations for conducting locatable minerals operations on National Forest System lands. The information that an operator must provide in a Plan of Operations is set out in 228.4(c), (d), and (e). Paragraph (g) of 228.4 displays the OMB number assigned to this information collection. Additionally, the rules, at 228.10 require operators to provide certain information to the Forest Service regarding cessation of operations. The content of a Notice of Intent is described in 228.4(a)(2).

Mineral operators notify the authorized Forest Service officer of their intention to conduct a locatable mineral operation on National Forest System lands by filing either a Notice of Intent or a Plan of Operations. No specific format is required for the information collection, but form FS–2800–5 is available for use by the operators. A Notice of Intent includes: (1) Information sufficient to identify the area involved; (2) the nature of the proposed operation; (3) the route of access to the area of operations; and (4) the method of transport. A Plan of Operations includes: (1) The name and legal mailing address of operators (and claimants if they are not the operators) and their lessees, assigns, or designees; (2) a map or sketch showing information sufficient to locate the proposed area of operations on the ground, existing and/or proposed roads or access routes to be used in connection with the operations as set forth in 228.12 on access and the approximate location and size of areas where surface resources will be disturbed; and (3) information sufficient to describe the type of operations proposed and how they would be conducted, the type and standard of existing and proposed roads or access routes, the means of transportation used or to be used as set forth in 228.12, the period during which the proposed activity will take place, and measures to be taken to meet the requirements for environmental protection in 228.8. A Cessation of Operations statement includes verification of intent to maintain structures, equipment, and other facilities; expected reopening date; and an estimate of extended durations of operations.

The collected information will help ensure that the exploration, development, and production of mineral resources are conducted in an environmentally sensitive manner; that these mineral operations are integrated with the planning and management of other resources using the principles of ecosystem management; and that lands disturbed by minerals operations are reclaimed using the best scientific knowledge and principles and returned to other productive uses.

These collections of information are crucial for protecting surface resources, plants, animals and their habitat, as well as the public safety on National Forest System lands.

	Plan of operations	Notice of intent
Estimate of Annual Burden	8 hours	2 hours.
Type of Respondents	Mineral Operators	Mineral Operators.
Estimated Annual Number of Respondents	793	3,415.
Estimated Annual Number of Responses per Respondent:	1	1.
Estimated Total Annual Burden on Respondents	6,344	6,830.

Comment Is Invited

Comment is invited on: (1) Whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the agency, including whether the information will have practical or scientific utility; (2) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission for Office of Management and Budget approval.

Dated: October 24, 2001.

Paul Brouha,

Associate Deputy Chief, NFS.

[FR Doc. 01–28233 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–11–P

DEPARTMENT OF AGRICULTURE

Forest Service

Del Norte County Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Del Norte County Resource Advisory Committee (RAC) will meet on December 17, 2001 in Crescent City, California. The purpose of the meeting is to discuss the selection of Title II projects under Public Law 106–393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the ''Payments to States'' Act.

DATES: The meeting will be held on December 17, 2001 from 6:30 to 8:30 p.m.

ADDRESSES: The meeting will be held at the Elk Valley Rancheria Community Center, 2298 Norris Avenue, Suite B, Crescent City, California.

FOR FURTHER INFORMATION CONTACT: Laura Chapman, Committee Coordinator, USDA, Six Rivers National Forest, 1330 Bayshore Way, Eureka, CA 95501. Phone: (707) 441–3549. Email: *lchapman@fs.fed.us.*

SUPPLEMENTARY INFORMATION: This will be the first meeting of the committee, and will focus on orienting the committee members to the Payments to States Act, and the Federal Advisory Committee Act (FACA), and the process for selecting Title II projects. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: November 1, 2001.

S.E. 'Lou' Woltering,

Forest Supervisor.

[FR Doc. 01–28137 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Plumas County Resource Advisory Committee (RAC); Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Plumas County Resource Advisory Committee (RAC) will holds its first meeting December 17, 2001, in Quincy, California. The purpose of the meeting is to review the Resource Advisory Committee's role in implementing the Title 2 provisions of the Secure Rural Schools and Community Self-Determination Act of 2000.

DATES: The meeting will be held from 6–7:30 pm on December 17, 2001.

ADDRESSES: The meeting will be held at the Mineral Building at the Plumas-Sierra County Fairground, 204 Fairgrounds Road Quincy, California, 95971.

FOR FURTHER INFORMATION CONTACT: Lee Anne Schramel Taylor, Forest Coordinator, USDA, Plumas National Forest, P.O. Box 11500/159 Lawrence Street, Quincy, CA, 95971; (530) 283–7850; or by E-MAIL *eatavlor#fs.fed.us.*

SUPPLEMENTARY INFORMATION: Agenda items for this initial meeting include: (1) Member introductions; (2) Review introductory materials binder, (3) Federal Advisory Committee Act (FACA) overview; (4) Review Committee Charter and Secure Rural Schools and Community Self-Determination Act of 2000; (5) Discuss Project selection/design process; (6) Public Comment; and, (7) Future meeting schedule/logistics. The meeting is open to the public and individuals may address the Committee at the time provided on the agenda.

November 2, 2001.

Mark J. Madrid,

Forest Supervisor.

[FR Doc. 01–28145 Filed 11–8–01; 8:45 am]

BILLING CODE 0511–02–M

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet on November 26, 2001 in Weaverville, California. The purpose of the meeting is to discuss the selection of Title II projects under Public Law 106–393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the ''Payments to State'' Act.

DATES: The meeting will be held on November 26, 2001 from 6:30 to 9:00 p.m.

ADDRESSES: The meeting will be held at the Trinity Public Utilities District Conference Room, 26 Ponderosa Lane, Weaverville, California.

FOR FURTHER INFORMATION CONTACT: Joyce Andersen, Designated Federal Official, USDA, Shasta Trinity National Forests, PO Box 1190, Weaverville, CA 96093. Phone: (530) 623–17009. Email:jandersen@fs.fed.us.

SUPPLEMENTARY INFORMATION: This will be the first meeting of the committee, and will focus on orienting the committee members to the Payments to States Act, and the Federal Advisory Committee Act (FACA), and the process for selecting Title II projects. The meeting is open to the public. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: November 1, 2001.

S.E. 'Lou' Woltering,

Forest Supervisor.

[FR Doc. 01–28135 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Trinity County Resource Advisory Committee (RAC)

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Trinity County Resource Advisory Committee (RAC) will meet on December 17, 2001 in Weaverville, California. The purpose of the meeting is to discuss the selection of Title II projects under Public Law 106–393, H.R. 2389, the Secure Rural Schools and Community Self-Determination Act of 2000, also called the ''Payments to States'' Act.

DATES: The meeting will be held on December 17, 2001 from 6:30 to 9 p.m.

ADDRESSES: The meeting will be held at the Trinity Public Utilities District Conference Room, 26 Ponderosa Lane, Weaverville, California.

FOR FURTHER INFORMATION CONTACT: Joyce Andersen, Designated Federal Official, USDA, Shasta Trinity National Forests, P.O. Box 1190, Weaverville, CA 96093. Phone: (530) 623–17009. Email:jandersen@fs.fed.us.

SUPPLEMENTARY INFORMATION: This will be the second meeting of the committee, and will focus on committee and meeting norms. Public input opportunity will be provided and individuals will have the opportunity to address the committee at that time.

Dated: November 1, 2001.

S.E. 'Lou' Woltering,

Forest Supervisor.

[FR Doc. 01–28136 Filed 11–8–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Rural Telephone Bank

Sunshine Act; Meeting

AGENCY: Rural Telephone Bank, USDA.

ACTION: Notice; correction.

Correction

In notice document 01–27479, beginning on page 54981 in the issue of Wednesday, October 31, 2001, make the following correction:

On page 54981, in the first column, under the second action heading for the board of directors meeting, the correct time should read 9 ''a.m.''.

Dated: November 6, 2001.

Jonathan P. Claffey,

Deputy Assistant Administrator, Telecommunications Program.

[FR Doc. 01–28381 Filed 11–7–01; 11:58 am]

BILLING CODE 3410–15–M

AMTRAK REFORM COUNCIL

Notice of Change in Location of Meeting

AGENCY: Amtrak Reform Council.

ACTION: Notice of change in location of special public business meeting in Washington, DC.

SUMMARY: As provided in section 203 of the Amtrak Reform and Accountability Act of 1997 (Reform Act), the Amtrak Reform Council (Council) gives notice of a special public meeting of the Council. On Friday, November 9, 2001, the Council will hold a Business Meeting from 10:00 a.m.–3:00 p.m. Eastern Standard Time (EST) during which time the Council members will discuss, among other issues, Amtrak's financial performance for FY 2001, the impact of the events of September 11th on Amtrak's ridership and financial performance, and their views on whether Amtrak is likely to meet the statutory self-sufficiency requirement set forth in section 204 of the Amtrak Reform and Accountability Act of 1997 (Reform Act).

DATES: The Business Meeting will be held on Friday, November 9, 2001, from 10 a.m.–3 p.m. EST. The event is open to the public.

CHANGE OF ADDRESS FOR THE LOCATION OF THE MEETING: Because of a change in security regulations for government buildings, the Business Meeting has been moved to Salons B and C of the Marriott Hotel at Metro Center, 775 12th Street, NW., Washington, DC 20005 (telephone: 202–737–2200). The Business Meeting will NOT take place, as previously announced, at US DOT Headquarters, (the Nassif Building), 400 7th Street, SW., Washington, DC 20590. Persons in need of special arrangements should contact the person listed below.

REFERENCE FOR PUBLICATION OF ORIGINAL NOTICE OF MEETING: The original notice for the November 9th meeting of the Amtrak Reform Council was published in the **Federal Register** Volume 66, No. 209, Monday, October 29, pp. 54501–54502.

FOR FURTHER INFORMATION CONTACT: Thomas A. Till, Amtrak Reform Council; JM–ARC—Room 7105; 400 Seventh Street, SW., Washington, DC 20590, or by telephone at (202) 366–0591; FAX: 202–493–2061. For information regarding ARC's upcoming events, the agenda for meetings, the ARC's Second Annual Report, information about ARC Council Members and staff, and much more, you can also visit the Council's website at www.amtrakreformcouncil.gov.

SUPPLEMENTARY INFORMATION: The ARC was created by the Amtrak Reform and Accountability Act of 1997 (Reform Act), as an independent commission, to evaluate Amtrak's performance and to make recommendations to Amtrak for achieving further cost containment, productivity improvements, and financial reforms. In addition, the Reform Act provides: that the Council is to monitor cost savings from work rules established under new agreements between Amtrak and its labor unions; that the Council submit an annual report to Congress that includes an assessment of Amtrak's progress on the resolution of productivity issues; and that, after a specified period, the Council has the authority to determine whether Amtrak can meet certain financial goals specified under the Reform Act and, if it finds that Amtrak cannot, to notify the President and the Congress.

The Reform Act prescribes that the Council is to consist of eleven members, including the Secretary of Transportation and ten others nominated by the President and the leadership of the Congress. Members serve a five-year term.

Issued in Washington, DC, November 7, 2001.

Thomas A. Till,

Executive Director.

[FR Doc. 01–28402 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–06–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds to the Procurement List commodities and services to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and deletes from the Procurement List commodities previously furnished by such agencies.

EFFECTIVE DATE: December 10, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: On May 4, June 8, June 22, July 27, August 3, August 10, September 18, and September 21, 2001 the Committee for Purchase From People Who Are Blind or Severely Disabled published notices

(66 FR 22516, 30884, 33521, 39142 and 39143, 40671, 42198, 48116, 48661 and 48662) of proposed additions to and deletions from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the commodities and services and impact of the additions on the current or most recent contractors, the Committee has determined that the commodities and services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the commodities and services to the Government.

2. The action will not have a severe economic impact on current contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46—48c) in connection with the commodities and services proposed for addition to the Procurement List.

Accordingly, the following commodities and services are added to the Procurement List

Commodities

Cord, Fibrous, Nylon
4020–00–246–0688
Cabinet, Fitting Kit
4730–01–112–3240
Kit, First Aid
6545–01–465–1800
6545–01–465–1823
6545–01–465–1846
6545–00–663–9032
6545–00–664–5313
6545–01–425–4663

Services

Grounds Maintenance

U.S. Coast Guard
Training Center—Two Rocks
Petaluma, California

Janitorial/Custodial

Willow Grove Air Reserve Station
Willow Grove, Pennsylvania

Janitorial/Custodial

Whidbey Island Naval Air Station
Buildings 65, 117 and 2679
Oak Harbor, Washington

This action does not affect current contracts awarded prior to the effective date of this addition or options that may be exercised under those contracts.

Deletions

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action will not have a severe economic impact on future contractors for the commodities and services.

3. The action will result in authorizing small entities to furnish the commodities and services to the Government.

4. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and services deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodities listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. Accordingly, the following commodities are deleted from the Procurement List:

Commodities:

Acquisition & Distribution of AA-Cell Batteries, Tier AD
6135–00–643–1309
Body Fluids Barrier Kit
6515–01–376–7247
Tablecloth, Disposable
7210–01–395–7912 A & B
7210–01–395–7914 A & B
7210–01–395–7915 A & B
7210–01–395–7916 A & B
7210–01–395–7917 A & B
7210–01–395–9192 A & B
Mat, Floor
7220–00–165–7020
7220–00–238–8854
Peeler, Potato, Hand
7330–00–238–8316
Dining Packet
7360–00–935–6407
Binder, Note Pad
7510–00–728–8060
Ballpoint Pen, Stick, Rubberized Barrel
7520–01–422–0319
Refill, Ballpoint Pen, Stick, Rubberized
7510–01–357–6831
7510–01–357–6832
7510–01–357–6834
Pen, Rubberized, Retractable with Refills
7520–01–446–4853
7520–01–446–4854
Tray, Desk, Plastic
7520–01–094–4311
7520–01–094–4312
Card, Guide, File
7530–00–988–6518
7530–00–988–6521
7530–00–988–6522
Short-Run, Printing
7690–00-NSH–0024
7690–00-NSH–0025
Lacquer
8010–00–085–0559
Enamel, Lacquer
8010–00–942–8712

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 01–28211 Filed 11–8–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List, Proposed Additions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to Procurement List.

SUMMARY: The Committee is proposing to add to the Procurement List commodities and service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

Comments Must be Received on or Before: December 10, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1421 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Sheryl D. Kennerly (703) 603–7740.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 47(a) (2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the possible impact of the proposed actions.

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice for each commodity or service will be required to procure the commodities and service listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or

other compliance requirements for small entities other than the small organizations that will furnish the commodities and service to the Government.

2. The action will result in authorizing small entities to furnish the commodities and service to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 46–48c) in connection with the commodities and service proposed for addition to the Procurement List. Comments on this certification are invited. Commenters should identify the statement(s) underlying the certification on which they are providing additional information.

The following commodities and service are proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Shovel, Forest Fire
5120–00–965–0609
NPA: Arizona Industries for the Blind
Phoenix, Arizona
Government Agency: GSA, General Products Commodity Center Correct-It Roller Applicator & Refill
7510–01–338–3317
7510–01–350–1810
7510–01–390–0717
7520–00–NIB–1524
7520–00–NIB–1525
7520–00–NIB–1526
7520–00–NIB–1527
NPA: Industries for the Blind, Inc.
Milwaukee, Wisconsin
Government Agency: GSA/Office Supplies and Paper Products Commodity Center Labels, Laser
7530–00–NIB–0527
7530–00–NIB–0528
7530–00–NIB–0529
7530–00–NIB–0530
7530–00–NIB–0531
7530–00–NIB–0532
7530–00–NIB–0533
7530–00–NIB–0534
7530–00–NIB–0535
7530–00–NIB–0536
7530–00–NIB–0581
7530–00–NIB–0582
7530–00-NIB–0648
7530–00–NIB–0649
NPA: North Central Sight Services, Inc.
Williamsport, Pennsylvania
Government Agency: GSA/Office Supplies and Paper Products Commodity Center

Service

Laundry Service

At the following locations:

Naval Air Station
Brunswick, Maine
Naval Shipyard
Portsmouth, New Hampshire
NPA: Newport County Chapter of Retarded Citizens, Inc. Middletown, Rhode Island
Government Agency: Fleet Industrial Supply Command, Norfolk—Philadelphia Detachment

Sheryl D. Kennerly,
Director, Information Management.

[FR Doc. 01–28212 Filed 11–8–01; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–868]

Notice of Postponement of Preliminary Antidumping Duty Determination: Folding Metal Tables and Chairs From the People's Republic of China

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

EFFECTIVE DATE: November 9, 2001.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or John Drury at (202) 482–0405 and (202) 482–0195, respectively, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

Postponement of Preliminary Determinations

The Department of Commerce (the Department) is postponing the preliminary determination in the antidumping duty investigation of Folding Metal Tables and Chairs from the People's Republic of China. The deadline for issuing the preliminary determination in this investigation is now November 23, 2001.

On October 4, 2001, the Department published a notice in the **Federal Register** postponing the preliminary determination in the antidumping investigation of Folding Metal Tables and Chairs from the People's Republic of China for 30 days at the request of the petitioner. See Notice of Postponement of Preliminary Antidumping Duty Determination: Folding Metal Tables and Chairs from the People's Republic of China, 66 FR 50608.

On October 23, 2001, the petitioner, Meco Corporation, requested an additional twenty-day postponement of the preliminary determination, in accordance with § 351.205(b) of the Department's regulations, to allow sufficient time to submit comments on the respondents' questionnaire responses and for the Department to analyze the respondents' data before the preliminary determination. Therefore, pursuant to section 733(c)(1)(A) of the Tariff Act of 1930, as amended, and § 351.205(e) of the regulations, and absent any compelling reason to deny the request, the Department is postponing the deadline for issuing this determination an additional 20 days (i.e., until November 23, 2001), which is the maximum 50 days allowed.

Dated: November 2, 2001.

Faryar Shirzad,
Assistant Secretary for Import Administration.

[FR Doc. 01–28224 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–307–820]

Notice of Preliminary Determination of Sales at Less Than Fair Value; Silicomanganese From Venezuela

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

EFFECTIVE DATE: November 9, 2001.

FOR FURTHER INFORMATION CONTACT: Deborah Scott at (202) 482–2657 or Robert James at (202) 482–0649; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, 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 Tariff Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations are to the regulations at 19 CFR part 351 (April 2000).

Preliminary Determination

We preliminarily determine that silicomanganese from Venezuela is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

On April 26, 2001 the Department initiated antidumping investigations of

silicomanganese from Kazakhstan, India, and Venezuela. See Initiation of Antidumping Duty Investigations: Silicomanganese from Kazakhstan, India, and Venezuela, 66 FR 22209 (May 3, 2001) (Initiation Notice). Since the initiation of these investigations the following events have occurred.

In its initiation notice the Department set aside a period for all interested parties to raise issues regarding product coverage. See Initiation Notice at 22209. On May 17, 2001, we received comments from Eramet Marietta, Inc. and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639 (collectively, the petitioners).

On May 9, 2001 the Department issued a letter to interested parties in all of the concurrent silicomanganese antidumping investigations, providing an opportunity to comment on the Department's proposed model matching characteristics and hierarchy. On May 16, 2001, petitioners submitted a letter suggesting certain modifications be made to the Department's proposed physical criteria which would be used for matching purposes.

On May 21, 2001, the United States International Trade Commission (ITC) notified the Department that it preliminarily determined there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the subject merchandise from India, Kazakhstan, and Venezuela. See Silicomanganese from India, Kazakhstan, and Venezuela, 66 FR 31258 (June 11, 2001).

On May 23, 2001, the Department issued an antidumping questionnaire to Hornos Electricos de Venezuela, S.A. (HEVENSA), the sole producer/exporter of subject merchandise in Venezuela. We requested that HEVENSA respond to section A (general information, corporate structure, sales practices, and merchandise produced), section B (home market or third-country sales), section C (U.S. sales), section D (cost of production/constructed value), and, if applicable, section E (cost of further manufacture or assembly performed in the United States).

HEVENSA submitted its initial response to section A of the Department's questionnaire on June 13, 2001. We received respondent's response to sections B through D on July 23, 2001. Petitioners filed comments regarding section A and sections B through D of HEVENSA's response on July 10, 2001 and August 6, 2001, respectively. We issued supplemental questionnaires to respondent for section A on July 19, 2001 and August 28, 2001 and for sections B through D on August 14, 2001 and September 18, 2001. Respondent filed responses to our section A supplemental questionnaires on August 3, 2001 and September 7, 2001, and to our supplemental questionnaires for sections B through D on September 4, 2001 and October 3, 2001.

Period of Investigation

The period of investigation (POI) is April 1, 2000 through March 31, 2001. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (i.e., April 2001), and is in accordance with our regulations. See 19 CFR 351.204(b)(1).

Scope of Investigation

For purposes of these investigations, the products covered are all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040. This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, our written description of the scope remains dispositive.

The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.30.0000.

Product Comparisons

Pursuant to section 771(16) of the Tariff Act, all products produced by the respondent within the scope of the investigation, above, and sold in the comparison market during the POI, are considered to be foreign like products. To match U.S. sales of subject merchandise to comparison-market sales of the foreign like product, we relied on two physical characteristics—grade and size. During the POI HEVENSA sold only one product in both the home market and United States. Since the product sold in both markets was identical, no matches of similar merchandise were utilized in our calculations.

Fair Value Comparisons

To determine whether sales of slicomanganese from Venezuela were made in the United States at less than fair value, we compared export price (EP) to normal value (NV), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Tariff Act, we calculated weighted-average EPs for comparison to weighted-average NVs.

Transactions Reviewed

For its home market sales, HEVENSA reported the date of invoice as the date of sale for some sales, and the date of purchase order or contract as the date of sale for other sales. In keeping with the Department's preference for using a uniform date of sale under section 19 CFR 351.401(i), we have preliminarily determined that invoice date best represents the date on which the essential terms of sale are set. Based on an analysis of HEVENSA's home market sales data, we noted that HEVENSA made changes in the essential terms of sale between the contract date and the invoice date for a significant percentage of its sales. See, e.g., Appendix A–15 of HEVENSA's August 3, 2001 submission and Appendix Sup B–1 of its September 4, 2001 submission. Therefore, for this preliminary determination we have used the date of invoice as the date of sale for all of HEVENSA's home market sales.

For all U.S. sales, HEVENSA reported the date of the customer's purchase order as the date of sale. However, since the record does not provide ample evidence to allow us to determine that the essential terms of sale are set on this date, we have considered the invoice

date to be the date of sale for HEVENSA's U.S. sales for this preliminary determination. We intend to examine at verification whether differences in the essential terms of sale exist between the purchase order date and invoice date. See Preamble to the Final Regulations, 62 FR 27296, 27348–50 (May 19, 1997).

Export Price

HEVENSA reported as export price (EP) transactions sales of subject merchandise sold to unaffiliated U.S. customers prior to importation.See HEVENSA's June 13, 2001 response at page 4 and Exhibit A–9. We calculated EP in accordance with section 772(a) of the Tariff Act because the merchandise was sold to the first unaffiliated purchaser in the United States prior to importation and the constructed export price (CEP) methodology was not otherwise warranted, based on the facts of record. We based EP on the FOB price to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act; these included, where appropriate, foreign inland freight and foreign brokerage and handling charges. We did not accept HEVENSA's claim for a duty drawback adjustment; see the November 2, 2001 preliminary determination analysis memorandum (''Preliminary Analysis Memorandum'') on file in Import Administration's Central Records Unit, Room B–099 of the main Commerce building.

Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Tariff 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 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 the exporter to the 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 sales, 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 a LOT adjustment under section 773(a)(7)(A) of the Tariff 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 differences in the levels between NV and CEP affect price comparability, we adjust NV under section 773(A)(7)(B) of the Tariff Act (the CEP offset provision). See, e.g., Certain Carbon Steel Plate from South Africa, Final Determination of Sales at Less Than Fair Value, 62 FR 61731 (November 19, 1997).

In implementing these principles in this investigation, we obtained information from HEVENSA about the marketing stages involved in its reported U.S. and home market sales, including a description of the selling activities performed by HEVENSA for each channel of distribution.

In the home market HEVENSA reported two channels of distribution—sales to end users, and sales to a trading company. See HEVENSA's June 13, 2001 response at page 3. For both channels of distribution in the home market, HEVENSA performed similar selling functions, including sales logistics and inventory maintenance. See, e.g., HEVENSA's June 13, 2001 questionnaire response at 3 and its July 23, 2001 questionnaire response at 2–4. Because channels of distribution do not qualify as separate levels of trade when the selling functions performed for each channel are sufficiently similar, we have determined that one LOT exists for HEVENSA's home market sales.

In the United States, HEVENSA reported one channel of distribution for sales of subject merchandise during the POI (EP sales made directly to an unaffiliated reseller who then resold silicomanganese to its own customers). For its U.S. sales HEVENSA performed selling functions such as sales logistics. HEVENSA did not claim that its sales to home market customers were at a different LOT than its sales to U.S. customers and, therefore, did not claim a LOT adjustment. Based on the information provided by HEVENSA, we preliminarily determine that one LOT exists in the United States and that the U.S. LOT is comparable to the home market LOT.

Facts Available

In accordance with section 776(a)(1) of the Tariff Act, in this preliminary determination we find it necessary to use partial facts available where certain information needed to conduct our analysis is not available on the record. In its original and supplemental questionnaire responses, HEVENSA reported that it is owned by three holding companies. See, e.g., HEVENSA's August 3, 2001 submission at 2–3. While HEVENSA stated that ''[t]he three holding companies are limited strictly to holding shares in HEVENSA, and do not perform any business for HEVENSA,'' HEVENSA indicated in its questionnaire responses that these companies performed certain activities on its behalf during the POI. These activities included, among others, collection of payments from customers, payments to suppliers of inputs, and lending transactions. See, e.g., Appendix A–6 of HEVENSA's June 13, 2001 submission (audited financial statement for fiscal years 1999 and 2000; specifically, see note 8 on page 9); see also HEVENSA's August 3, 2001 submission at 4 and its September 7, 2001 submission at 1.

Despite repeated requests, HEVENSA did not provide any financial statements or other relevant documents that would allow us to quantify the general and administrative (G&A) and financial expenses incurred by the three holding companies in conducting these activities on HEVENSA's behalf. Such information is necessary to calculate accurately a respondent's cost of production (COP). In its September 7, 2001 response to the Department's second section A supplemental questionnaire, HEVENSA stated that it could not provide copies of the holding companies' audited financial statements because no such financial statements were available. We intend to investigate fully at verification the existence of any financial statements or other relevant documents for the three holding companies. Further, we intend to investigate the exact nature of all activities performed by HEVENSA's parent companies on its behalf, as well as the extent to which these activities are conducted. Because we do not have the information necessary to include a portion of the parents' financial and G&A expenses in HEVENSA's COP in making our preliminary determination, we have found that, pursuant to section 776(a) of the Tariff Act, it is appropriate to use the facts otherwise available in calculating COP. Section 776(a) of the Tariff Act provides that the Department will, subject to section 782(d), use the facts otherwise available in reaching a determination if ''necessary information is not available on the record.'' Therefore, for this preliminary determination, we have used the G&A and financial expense ratios contained in the petition for Siderurgica

Venezolana SIVENSA, S.A. (SIVENSA), a Venezuelan steel producer, in calculating HEVENSA's COP.

Normal Value

Home Market Viability

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (i.e., the aggregate volume of home market sales of the foreign like product was equal to or greater than five percent of the aggregate volume of U.S. sales), we compared HEVENSA's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, in accordance with section 773(a)(1)(C) of the Tariff Act. As HEVENSA's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable. Therefore, we have based NV on home market sales in the usual commercial quantities and in the ordinary course of trade.

Cost of Production Analysis

Based on allegations contained in the petition, and in accordance with section 773(b)(2)(A)(i) of the Tariff Act, we found reasonable grounds to believe or suspect that sales of silicomanganese from Venezuela were made at prices below COP. As a result, the Department has initiated an investigation to determine whether HEVENSA made home market sales during the POI at prices below its respective COP, within the meaning of section 773(b) of the Tariff Act. We conducted the COP analysis described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Tariff Act, we calculated COP based on the sum of HEVENSA's cost of materials and fabrication for the foreign like product and added an amount for home market G&A and interest expenses. We relied on the COP information provided by HEVENSA in its original and supplemental responses, except as noted below.

1. We disallowed the adjustment HEVENSA made to its fixed overhead costs for a transformer accident that occurred during the POI. For our recalculation of fixed overhead costs and further discussion of this issue, see the Preliminary Analysis Memorandum.

2. As discussed in the ''Facts Available'' section above, we based HEVENSA's G&A and financial expense ratios on the facts available.

B. Test of Home-Market Sales Prices

We compared the adjusted weighted-average COP for HEVENSA to the home market sales of the foreign like product, as required under section 773(b) of the Tariff Act, in order to determine whether these sales had been made at prices below the COP within an extended period of time (i.e., a period of one year) in substantial quantities and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. In accordance with section 773(b)(2)(C)(i) of the Tariff Act, we determined that sales made below the COP were made in substantial quantities if the volume of such sales represented 20 percent or more of the volume of sales under consideration for the determination of normal value.

On a model-specific basis, we compared the revised COP to the home market prices, less any applicable movement charges and other direct and indirect selling expenses.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Tariff 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 POI were at prices less than the COP, we determined such sales to have been made in ''substantial quantities'' within an extended period of time in accordance with section 773(b)(2)(B) or the Tariff Act. In such cases, because we compared prices to POI-average costs, we also determined that such sales were not made 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 Tariff Act. Therefore, we disregarded the below-cost sales.

We found that for the single model of silicomanganese sold in the home market, more than 20 percent of HEVENSA's home market sales within an extended period of time were made at prices less than the COP. Further, the prices did not provide for the recovery of costs within a reasonable period of time. We therefore disregarded these below-cost sales and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Tariff Act. Since all U.S. sales of silicomanganese were of a model identical to that sold in the home market, we did not have to compare EP to constructed value (CV) in accordance with section 773(a)(4) of the Tariff Act.

Price-to-Price Comparisons

We calculated NV based on the FOB or delivered prices to unaffiliated customers. We made deductions, where appropriate, from the starting price for inland freight. In addition, we made adjustments under section 773(a)(6)(C)(iii) of the Tariff Act for differences in circumstances of sale for imputed credit expenses. However, we did not rely on HEVENSA's reported home market and U.S. credit expenses but rather recalculated them using the average short-term lending rates calculated by the Federal Reserve. (For a detailed description of the methodology used to recalculate imputed credit expenses, see the Preliminary Analysis Memorandum). We did not make any deductions for home market packing costs or add U.S. packing costs to NV as the respondent reported that it incurred no such expenses in selling silicomanganese in either market.

Currency Conversions

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Tariff Act based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank.

Verification

Pursuant to section 782(i) of the Tariff Act, we intend to verify all information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Tariff Act, we are directing the Customs Service to suspend liquidation of all entries of silicomanganese from Venezuela that are entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Hornos Electricos de Venezuela	53.47
All Others	53.47

ITC Notification

In accordance with section 733(f) of the Tariff Act, we have notified the ITC of our determination. If our final antidumping determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

The deadline for that ITC determination would be the later of 120 days after the date of this preliminary determination or 45 days after the date of our final determinations.

Public Comment

Case briefs or other written comments in at least six copies must be submitted to the Assistant Secretary for Import Administration no later than fifty days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, no later than fifty-five days after the date of publication of this preliminary determination. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. In accordance with section 774 of the Tariff Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, any hearing will be held fifty-seven days after publication of this notice, time and room to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the publication of this notice. Requests should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If this investigation proceeds normally, we will make our final determination no later than 75 days after the date of this preliminary determination.

This determination is published pursuant to sections 733(f) and 777(i)(1) of the Tariff Act.

Dated: November 2, 2001.

Faryar Shirzad,

Assistant Secretary, Import Administration.

[FR Doc. 01–28225 Filed 11–8–01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–834–807]

Notice of Preliminary Determination of Sales at Less Than Fair Value: Silicomanganese From Kazakhstan

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

EFFECTIVE DATE: November 9, 2001.

FOR FURTHER INFORMATION CONTACT: Jean Kemp, Brandon Farlander and Cheryl Werner, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4037, (202) 482–0182, and (202) 482–2667 respectively.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (''the Act''), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce's (''the Department's'') regulations are to the regulations codified at 19 CFR part 351 (2001).

Preliminary Determination

We preliminarily determine that silicomanganese from Kazakhstan is being, or is likely to be, sold in the United States at less than fair value (''LTFV''), as provided in section 733 of the Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

This investigation was initiated on April 26, 2001. *See Notice of Initiation of Antidumping Duty Investigations: Silicomanganese From Kazakhstan, India and Venezuela,* 66 FR 22209 (May 3, 2001) (''*Notice of Initiation*''). The Department set aside a period for all interested parties to raise issues regarding product coverage. *See Notice of Initiation.* On May 17, 2001, Eramet Marietta Inc. and The Paper, Allied Industry, Chemical and Energy Workers International Union, Local 5–0639, (''petitioners'') proposed an amendment to the scope. On July 13, 2001, we excluded low-carbon silicomanganese from the scope of these investigations. *See Decision Memorandum* from Barbara Tillman, Richard Weible, and Wedward Yang to Joseph Spetrini, dated July 13, 2001.

On May 2, 2001, the Department requested information from the U.S. Embassy in Kazakhstan to identify producers/exporters of the subject merchandise. We did not receive a response. On May 9, 2001, the Department issued a letter to interested parties in the silicomanganese antidumping investigations, providing an opportunity to comment on the Department's proposed model match/product characteristics and hierarchy. On May 11, 2001, we received comments from Universal Ferro & Allied Chemicals Ltd. We also received comments on May 14, 2001, from Spat Alloys Limited. On May 16, 2001, we received comments from petitioners.

For purposes of the questionnaires subsequently issued by the Department to the respondents, we modified the model match/product characteristics or the hierarchy of those characteristics from those originally proposed by the Department in its May 9, 2001 letter.

On June 5, 2001, the United States International Trade Commission (''ITC'') issued its affirmative preliminary determination that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of the subject merchandise from Kazakhstan. *See Silicomanganese From India, Kazakhstan, and Venezuela,* 66 FR 31258 (June 11, 2001) (''ITC Preliminary Determination'').

On May 22, 2001, the Department issued its antidumping questionnaire to the Embassy of the Republic of Kazakhstan with a letter requesting that is forward the questionnaire to all manufacturers, and all manufacturers and exporters in Kazakhstan of silicomanganese who had shipments during the period of investigation (''POI''). We also sent courtesy copies of the antidumping questionnaire to the following possible producers/exporters of subject merchandise named in the petition: Transnational Co. Kazchrome and Aksu Ferroalloy Plant (''Kazchrome'') and JSC Yermak Ferroalloys (''Yermak''). We received a Section A response from Kazchrome on June 26, 2001. On July 18, 2001, we received comments from petitioners on Kazchrome's Section A response. On

July 19, 2001, we received a Section C and Section D from Kazchrome. On September 14, 2001, we issued a supplemental questionnaire. On August 7, 2001, petitioners, Considar Inc. (''Considar''), a U.S. importer, and Kazchrome each submitted surrogate country factor values to be used to value Kazchrome's factors of production. On September 4, 2001, petitioners filed rebuttal comments regarding the Egyptian electricity value submitted by Kazchrome. On September 14, 2001, Kazchrome and Considar filed supplemental information on Egyptian electricity values.

On July 25, 2001, Kazchrome claimed that it had no knowledge of the final destination of subject merchandise. Rather, Kazchrome sold its exports of silicomanganese to an unaffiliated trading company that operates outside of Kazakhstan, Alloy 2000, S.A. (''Alloy 2000''). Alloy 2000 then resold silicomanganese to several international markets including the United States, during the POI. Accordingly, on September 19, 2001, we sent sections A, C, and E of the Department's questionnaire to Alloy 2000, the exporter of the subject merchandise. On September 19, 2001, we received comments from Kazchrome and Considar regarding the Department's September 14, 2001, supplemental questionnaire. On October 4, 2001, and October 5, 2001, we received responses from Kazchrome, Alloy 2000 and Considar to the Department's September 14, 2001 supplemental questionnaire, and Alloy 2000's Sections A and C responses to the Department's questionnaire. On October 9, 2001, petitioners filed comments on Kazchrome and Alloy 2000's failure to report Alloy 2000's sales of subject merchandise to Considar. On October 16, 2001, Kazchrome, Alloy 2000, and Considar submitted financial information and documentation regarding sales from Alloy 2000 through Considar to customers in the U.S market. On October 23, 2001, Kazchrome, Alloy 2000, and Considar submitted additional comments on factors of production valuation of manganese ore. On October 23, 2001, the Department requested further financial information and documentation regarding certain sales from Alloy 2000 through Considar to customers in the U.S. market in a supplemental questionnaire to Kazchrome, Alloy 2000, and Considar. On October 29, 2001, the Department modified its request for financial information and documentation regarding certain sales from Alloy 2000 through Considar to customers in the U.S. market in another supplemental questionnaire to Kazchrome, Alloy 2000, and Considar. This questionnaire response is due on November 5, 2001 and will be considered for the final determination. On October 30, 2001, Kazchrome, Alloy 2000, and Considar submitted a response to the remaining question from the October 23, 2001 supplemental questionnaire. This information will be considered for the final determination.

On October 26, 2001, petitioners provided additional comments. On October 31, 2001, Kazchrome, Considar, and Alloy 2000 requested an update on the process for review of the status of Kazakhstan as a non-market economy country.

On August 17, 2001, petitioners requested a postponement of the preliminary determinations for India, Kazakhstan, and Venezuela by 30 days. On August 22, 2001, the Government of Kazakhstan (GOK) agreed with petitioners to postpone the preliminary determination in this investigation; however, the GOK requested that the postponement be for 50 days. On August 23, 2001, Kazchrome and Considar requested a 50-day postponement of the preliminary determination and also requested that the Department issued Kazchrome a Section B questionnaire and a market-oriented industry questionnaire. On August 24, 2001, the Department postponed the preliminary determination for the India, Venezuela, and Kazakhstan investigation by 30 days. *See Silicomanganese from Kazakhstan, India, and Venezuela; Notice of Postponement of Preliminary Determination in Antidumping Duty Investigations,* 66 FR 45964 (August 31, 2001). On October 19, 2001, the Department determined the investigation is extraordinarily complicated and postponed the preliminary determination for India, Venezuela, and Kazakhstan to the full 50 days, until November 2, 2001. *See Notice of Extension of Preliminary Results of Silicomanganese from India, Venezuela, and Kazakhstan* 66 FR 26448 (October 19, 2001).

Period of Investigation

The period of investigation (''POI'') is October 1, 2000 through March 31, 2001. This period corresponds to the two most recent fiscal quarters prior to the month of the filing of the petition (April 6, 2001). *See* 19 CFR 351.204(b)(1).

Scope of Investigation

For purposes of this investigation, the products covered are all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferroalloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferrosilicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also the classified under HTSUS subheading 7202.99.5040. This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, our written description of the scope remains dispositive.

The low-carbon silicomanganese excluded from this scope is a ferroalloy with the following chemical specifications: Minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferromanganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.30.000.

Market Oriented Industry

On July 12, 2001, Kazchrome requested that the Department make a determination that the silicomanganese industry in Kazakhstan operates as a market-oriented industry (''MOI''). On August 14, 2001, petitioners submitted a response to Kazchrome's MOI claim. On August 23, 2001, petitioners submitted documents that were cited in the July 30, 2001 and August 14, 2001 submissions. On November 1, 2001, the Department issued a supplemental questionnaire requesting additional

information on Kazchrome's claim that it is operating in a market-oriented industry. Because we will not receive this response until after the preliminary determination, we will not be able to make a determination on the MOI request until the final determination.

Nonmarket Economy Country Status

On June 28, 2001, Kazechrome requested revocation of Kazakhstan's non-market economy status under section 771 (18) of the Act. Kazchrome requested that revocation be effective as of January 1, 2000. On July 5, 2001, the Ambassador of the Republic of Kazakhstan met with Import Administration officials and presented the GOK's submission requesting that Kazakhstan's non-market economy status be revoked. On July 30, 2001, petitioners submitted comments on why they believe Kazakhstan should remain a non-market economy. On August 14, 2001, Kazakhstan filed comments in response to petitioners' July 30, 2001 submission. On August 14, 2001, the GOK submitted a letter in which it concurred with the arguments made in Kazchrome's August 14, 2001 submission. On August 29, 2001, petitioners filed comments to Kazakhstan's August 14, 2001 submission.

The Department has treated Kazakhstan as a non-market economy (''NME'') country in all past antidumping investigations and administrative reviews. *See, e.g., Notice of Final Results of Antidumping Duty Administrative Review; Titanium Sponge From the Republic of Kazakhstan*, 64 FR 66169 (November 24, 1999); *Final Determinations of Sales at Less Than Fair Value: Ferrosilicon From Kazakhstan and Ukraine*, 58 FR 13050 (March 9, 1993); and *Preliminary Determinations of Sales at Less Than Fair Value*; *Uranium From Kazakhstan, Kyrgystan, Russia, Tajikistan, Ukraine and Uzbekistan*, 57 FR 23380 (June 3, 1992) (preliminary determination). A designation as a NME country remains in effect until it is revoked by the Department. *See* section 771(18)(C)(i) of the Act. The GOK, Kazchrome, and petitioners have filed extensive information on whether Kazakhstan should be granted market-economy status. The Department has not completed its evaluation of information obtained regarding Kazakhstan's NME status. In addition, we invite public comment with respect to Kazakhstan on factors listed in section 771(18) of the Act, which the Department must take into account in making a market/nonmarket economy determination. Any comments on Kazakhstan's NME status must be submitted no later than December 10, 2001. Accordingly, for this preliminary determination, the Department is continuing to treat Kazakhstan as a NME country.

When the Department is investigating imports from a NME country, normal value (''NV'') is based on the NME producer's factors of production, valued in a comparable market economy that is a significant producer of comparable merchandise, pursuant to section 773(c)(1) and (4) of the Act. The sources of individual factor values are discussed in the ''Normal Value'' section of this notice, *infra*,

Separate Rates

In a NME proceeding, the Department presumes that all companies within the country are subject to government control. Thus, it is the Department's policy to assign all producers of subject merchandise in a NME country a single rate, unless a producer can demonstrate that it is sufficiently independent so as to be entitled to a separate rate. Moreover, the Department generally assigns separate rates only to the entities that export to the United States, not their suppliers. *See Notice of Final Determination of Sales at Less Than Fair Value: Pure Magnesium in Granular Form From the People's Republic of China*, 66 FR 49345 (September 27, 2001) and accompanying Issues and Decision Memorandum, at Comment 2. In this instance, the exporter to the United States, Alloy 2000, is not located within Kazakhstan. Furthermore, its supplier, Kazchrome, stated in its June 26, 2001 Section A response that it has no knowledge that its sales to Alloy 2000 are destined for the United States. Therefore, Kazchrome is not eligible to receive a separate rate. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Automotive Glass Windshield From the People's Republic of China*. 66 FR 48233, 48235 (September 19, 2001). We have assigned Alloy 2000 a separate rate. *Id.* However, because the only subject merchandise from Kazakhstan sold by Alloy 2000 is produced by Kazchrome, and because the subject merchandise is merely transshipped through Russia and sold directly to the U.S. by Alloy 2000, Alloy 2000's normal value will be based on Kazchrome's factors of production. *See* section 773(a)(3) of the Act.

Kazakhstan-Wide Rate

All exporters and producers were given the opportunity to respond to the Department's questionnaire. As explained above, we received a timely Section A response from Kazchrome. Kazchrome stated that it is the only producer of silicomanganese in Kazakhstan. In Kazchrome's October 4, 2001 response, Kazchrome provided information from the GOK Statistics Agency, showing that for the 1st and 2nd quarters of 2001, its Aksu plant was the sole producer of ferrosilicomanganese, also known as silicomanganese, in the Republic of Kazakhstan. Moreover, the U.S. Geological Survey's (''USGS'') *Minerals Yearbook*, 1999, lists the Aksu plant as the only producer of silicomanganese in Kazakhstan. *See* USGS report by Richard M. Levine, in the USGS *Minerals Yearbook*, 1999, located at *http://minerals.usgs.gov/minerals/pubs/country/europe.htm1#kz* (October 2, 2001). Kazchrome states on page 5 of its Section A response that Aksu Ferro alloy Plant is a wholly-owned branch of Kazchrome. Moreover, the sole exporter, Alloy 2000, receives all of its subject merchandise produced in Kazakhstan from Kazchrome. Therefore, the Kazakhstan-wide rate will be the calculated margin for Alloy 2000, the sole exporter.

Surrogate Country

When the Department is investigating imports from NME country, section 773(c)(1) of the Act directs it to base NV, in most circumstances, on the NME producer's factors of production, valued in a surrogate market economy country or countries considered to be appropriate by the Department. In accordance with section 773(c)(4) of the Act, the Department, in valuing the factors of production, shall utilize, to the extent possible, the prices or costs of factors of production in one or more market economy countries that: (1) Are at level of economic development comparable to that of the NME country; and (2) are significant producers of comparable merchandise. The sources of the surrogate factor values are discussed under the NV section below.

The Department has determined that Egypt, the Philippines, Morocco, Ecuador, and Algeria are countries comparable to Kazakhstan in terms of economic development. *See Memorandum from Jeffrey May to Jean Kemp: Antidumping Duty Investigation on Silicomanganese from Kazakhstan,* dated June 12, 2001.

On July 6, 2001, we requested comments on surrogate country selection, significant production in the potential counties, and surrogate values for the factors of production. On July 24, 2001, we received comments from Kazchrome and Considar regarding selection of a market-economy surrogate country. Also of July 24, 2001, we

received comments from petitioners regarding selection of market-economy surrogate country. On October 1, 2001, the Department selected Egypt as the primary surrogate country for Kazakhstan to value the factors of production for this investigation. *See Memorandum from Cheryl Werner on Selection of a Surrogate Country: Preliminary Determination: Antidumping Investigation on Silicomanganese from Kazakhstan* (October 1, 2001).

Therefore, we have relied, where possible, on Egyptian information in calculating NV by using Egyptian prices to value Kazchrome's factors of production, when available and where appropriate. We have obtained and relied upon public information wherever possible. *See Factor Valuation Memo.*

In accordance with section 351.301(c)(3)(i) of the Department's regulations, for the final determination in an antidumping investigation, interested parties may submit publicly available information to value factors of production within 40 days after the date of publication of the preliminary determination.

Fair Value Comparisons

To determine whether sales of silicomanganese to the United States by Alloy 2000 were made at less than fair value, we compared constructed export price (''CEP'') to NV, as described in the ''Constructed Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Act, we calculated weighted-average CEPs.

Constructed Export Price

In accordance with section 772(b) of the Act, for Alloy 2000 we used CEP because the first sale on an unaffiliated customer in the United States was made in the United States by Considar, an affiliate of Alloy 2000. *See A.K. Steel Corp* v. *United States,* 226 F3d 1361 (Fed. Cir. 2000). Alloy 2000 is affiliated with Considar because there is an exclusive sales agency agreement between Considar and Alloy International S.A. for North America (*see Kazchrome and Considar's September 19, 2001 submission and October 4 and 5, 2001 supplemental questionnaire responses*), and because of the relationship between Alloy 2000 and Alloy International S.A. (*see Preliminary Analysis Memorandum*). Consistent with Department practice, in order to determine whether a principal/agent relationship exists between Alloy 2000 and Considar, we first examine whether an explicit agreement exists from the alleged principal authorizing the agent to act on its behalf in a specified context. This agreement must not only state that such a relationship exists, but the alleged agent must expressly consent to such representation on behalf of the principal. *See, e.g., Stainless Steel Sheet and Strip in Coils From Taiwan: Preliminary Results and Partial Rescission of Antidumping Duty Administrative Review,* 66 FR 41509, 41512 (August 8, 2001) and *Notice of Final Determination of Sales at Less than Fair Value: Engineered Process Gas Turbo-Compressor Systems, Whether Assembled or Unassembled, and Whether Complete or Incomplete, from Japan (''Gas Turbo Compressors*''), 62 FR 24392, 24402–24403 (May 5, 1997) (expressing the principal/agent test). Based on the Department's examination of the agreement between Alloy 2000 and Considar, and financial documents submitted by Alloy 2000 and Considar on October 16, 2001, detailing the payments between the parties on those sales, the Department preliminarily determines that there is a principal/agents relationship between Alloy 2000 and Considar and that Considar, the agent, has expressly consented to such representation on behalf of the principal, Alloy 2000.

On October 9, 2001, petitioners submitted a request that the Department require that Alloy 2000 submit its transaction prices to Considar as the U.S. sales in this investigation. On October 23, 2001, the Department requested further information from Considar and Alloy 2000 regarding their transactions which we will consider for the final determination in this investigation.

In accordance with section 777A(d)(1)(A)(i) of the Act, we compared POI-wide weighted-average CEPs to the NVs. We calculated weighted-average CEPs for Alloy 2000's U.S. sales made in the United States through Considar. We based CEP on prices to unaffiliated purchasers in the United States. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Act; these included, where appropriate, foreign inland freight from the plant to the port of exportation, vessel loading costs, global insurance expense from the factory to the U.S. customer (*i.e.,* domestic inland insurance, marine insurance, and U.S. inland insurance), international freight, U.S. customs duty, U.S. inland freight from the port to warehouse, U.S. warehousing costs (which, in certain instances, includes U.S. repacking costs), and U.S. inland freight from the warehouse to the U.S. customer. Kazchrome reported that it used a non-market economy carrier for foreign inland freight; therefore, we valued foreign inland freight using an appropriate surrogate value for rail transportation costs. Because foreign inland freight from the factory to the port occurred principally on railways in the Russian Federation, we valued the freight using a surrogate value from Thailand, a country at a similar level of economic development to Russia. *See Factor Valuation Memorandum.* In accordance with section 772(d)(1) of the Act, we deducted from CEP direct selling expenses (*i.e.,* imputed credit expenses) and indirect selling expenses including inventory carrying costs that were associated with Alloy 2000's and Considar's economic activities occurring in the United States. We also deducted early payment discounts from the gross unit price, where appropriate. Finally, we also made an adjustment for profit in accordance with section 772(d)(3) of the Act. *See Analysis Memorandum.*

Normal Value

Section 773(c)(1) of the Act provides that the Department shall determine the NV using a factors-of-production methodology if: (1) The merchandise is exported from an NME country; and (2) the information does not permit the calculation of NV using home-market prices, third-country prices, or constructed value under section 773(a) of the Act.

Factors of production include: (1) Hours of labor required; (2) quantities of raw materials employed; (3) amounts of energy and other utilities consumed; and (4) representative capital costs. We used factors of production, reported by Kazchrome, for materials, energy, labor, by-products, and packing. We valued all the input factors using publicly available information as discussed in the ''Surrogate Country'' and ''Factor Valuations'' sections of this notice.

In accordance with 19 CFR 351.408(c)(1), where a producer sources an input from a market economy and pays for it in market economy currency, the Department employs the actual price paid for the input to calculate the factors-based NV. *See also, Lasko Metal Products* v. *United States,* 437 F. 3d 1442, 1445–1446 (Fed. Cir. 1994) (''*Lasko*'').

Factor Valuations

In accordance with section 773(c) of the Act, we calculated NV based on factors of production reported by Kazchrome for the POI. To calculate NV, the reported per-unit factor quantities were multiplied by publicly available surrogate values. In selecting the surrogate values, we considered the

quality, specificity, and contemporaneity of the data. For a detailed description of all surrogate values used fro Kazchrome, *see Factor Valuation Memorandum.*

As appropriate, we adjusted input prices by including freight costs to derive delivered prices. We added to the surrogate values a surrogate freight cost using the shorter of the reported distance from the domestic supplier to the factory or the distance from the nearest seaport to the factory. This adjustment is in accordance with the Court of Appeals for the Federal Circuit's decision in *Sigma Corp. v. United States*, 117 F.3d 1401 (Fed. Cir. 1997).

For the raw material surrogate values, except for the surrogate value for manganese ore, we used values for Egypt as reported in the United Nations Statistical Division Commodity Trade Database System (''UNCTS'') for 1999, deducting those values from countries previously determined by the Department to be NME countries. As the UNCTS data are reported in U.S. dollars, we did not need to convert these values. Since the data from this publication were not contemporaneous with the POI, we adjusted material values for inflation by using the Producer Price Index (''PPI'') rate for the United States, as discussed in the ''Inflation/Deflation Factor'' section of the *Factor Valuation Memorandum*. Because the Egyptian values we found for manganese ore were aberrational in 1999, we used a surrogate value for manganese ore from 1996. *See Factor Valuation Memorandum.*

To value electricity, we have accepted Kazchrome and Considar's submitted rate of $0.0177/kWh for Egypt, which was from the Department's Trade Information Center (''TIC'') website (*http://www.trade.gov/td/tic*). *See Factor Valuation Memorandum.*

Kazchrome reported a byproduct gas; however, the gas byproduct is not sold nor used as an input in the silicomanganese production process and, therefore, we are not giving a credit for this byproduct. Kazchrome also reported utilizable manganese scrap as a byproduct of the production process. Since this credit is already reflected in Kazchrome's reported factor of production for manganese ore, we are not granting a by-product credit for this excess manganese ore. *See Factor Valuation Memorandum.*

To determine appropriate overhead, financial expense, selling, general and administrative (''SG&A'') expense, and profit percentages to be applied to the NV calculation, we used relevant data from a 1998 annual report of Alexandria National Iron & Steel Co. (''ANS Steel''), an Egyptian hot-rolled steel producer, because we were unable to locate an annual report for any Egyptian ferroalloy producers. While we could not determine a complete value for overhead using ANS Steel's financial statements, we were able to determine a value for depreciation, a component of overhead, and have used this value for overhead.

For labor, consistent with section 351.408(c)(3) of the Department's regulations, we used the Kazakhstan regression-based wage rate at Import Administration's home page, Import Library, Expected Wages of Selected NME Countries, revised in September 2001 (*see http://ia.ita.doc.gov/wages/99wages/99wages.htm*). The source of the wage rate data on the Import Administration's Web site is the *Year Book of Labour Statistics 2000*, International Labor Office (Geneva: 2000), Chapter 5B: Wages in Manufacturing.

Verification

As provided in section 782(i)(1) of the Act, we intend to verify all company and GOK information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all imports of subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. We will instruct the U.S. Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the CEP, as indicated below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Margin-weighted average percent
Alloy 2000, S.A.	180.86
Kazakhstan-Wide	180.86

International Trade Commission Notification

In accordance with section 733(f) of the Act, we have notified the ITC of our determination of sales at LTFV. If our final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after our final determination whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports, or sales (or the likelihood of sales) for importation, of the subject merchandise.

Public Comment

Cash briefs or other written comments may be submitted to the Assistant Secretary for Import Administration no later than fifty days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, no later than fifty-five days after the date of publication of this preliminary determination. *See* 19 CFR 351.309(c)(1)(i); 19 CFR 351.309(d)(1). A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. This summary should be limited to five pages total, including footnotes. In accordance with section 774 of the Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case of rebuttal briefs. Tentatively, any hearing will be held fifty-seven days after publication of this notice at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230, at a time and location to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the schedule date. Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the date of publication of this notice. *See* 19 CFR 351.310(c). Requests should contain: (1) The party's name, address, and telephone number, (2) the number of participants; and (3) a list of the issues to be discussed. At the hearing, each party may make an affirmative presentation only on issues raised in that party's case brief, and may make rebuttal presentations only on arguments included in that party's rebuttal brief. *See* 19 CFR 351.310(c).

If this investigation proceeds normally, we will make our final determination no later than 75 days after the date of the preliminary determination.

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act.

Dated: November 2, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–28226 Filed 11–8–01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–823]

Notice of Preliminary Determination of Sales at Less Than Fair Value; Silicomanganese From India

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

EFFECTIVE DATE: November 9, 2001.

FOR FURTHER INFORMATION CONTACT: Abdelali Elouaradia (Universal Ferro & Allied Chemicals) at (202) 482–1374, Elfi Blum (Nava Bharat Ferro Alloys Limited) at (202) 482–0197, or Sally C. Gannon at (202) 482–0162; Antidumping and Countervailing Duty Enforcement Group III, Import Administration, 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 Tariff Act of 1930 (the Tariff Act), as amended. In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations are to the regulations at 19 CFR part 351 (April 2001).

Preliminary Determination

We preliminarily determine that silicomanganese from India is being sold, or is likely to be sold, in the United States at less than fair value (LTFV), as provided in section 733 of the Tariff Act. The estimated margins of sales at LTFV are shown in the ''Suspension of Liquidation'' section of this notice.

Case History

On April 26, 2001 the Department initiated antidumping investigations of silicomanganese from Kazakhstan, India, and Venezuela. *See Initiation of Antidumping Duty Investigations: Silicomanganese from Kazakhstan, India, and Venezuela*, 66 FR 22209 (May 3, 2001) (*Initiation Notice*). Since the initiation of these investigations the following events have occurred.

In its initiation notice, the Department set aside a period for all interested parties to raise issues regarding product coverage. *See Initiation Notice*, 66 FR at 22209. On May 17, 2001, we received comments from Eramet Marietta, Inc. and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, Local 5–0639 (collectively, the petitioners) to amend the scope.

On May 9, 2001 the Department issued a letter to interested parties in all of the concurrent silicomanganese antidumping investigations, providing an opportunity to comment on the Department's proposed model matching characteristics and hierarchy. In that letter, the Department requested the comments to be filed by close of business May 16, 2001. Two interested parties, Universal Ferro & Allied Chemicals Ltd. (Universal) and Ispat Alloys Limited (Ispat), sent comments via facsimile, dated May 14, 2001, on the Department's proposed model match criteria. Another interested party, Nava Bharat Ferro Alloys Limited (Nava Bharat), mailed its comments, dated May 16, 2001, to the Department. In letters dated May 17, 2001, to Universal and Ispat, and May 30, 2001, to Nava Bharat, the Department informed the interested parties that their comments had not been properly filed and therefore could not be placed on the record of this case. Further, in that letter the Department informed the interested parties of the proper filing requirements in accordance with section 351.303 of the Department's regulations, and invited them to refile their comments accordingly. On June 19, 2001, the Department received the refiled comments from Nava Bharat. On May 16, 2001, petitioners submitted a letter suggesting certain modifications be made to the Department's proposed physical criteria which would be used for matching purposes. Petitioners suggested including options for Indian Grades 2 and 1 in the ''Grade'' field, and modifying the ''Size'' field to list only lump silicomanganese and fines. After reviewing comments submitted from all parties, the Department agreed with petitioners and included these proposals in its questionnaire.

On May 21, 2001, the United States International Trade Commission (ITC) notified the Department that it preliminarily determined there is a reasonable indication that an industry in the United States is materially injured by the reason of imports of the subject merchandise from India, Kazakhstan, and Venezuela. *See Silicomanganese from India, Kazakhstan, and Venezuela*, 66 FR 31258 (June 11, 2001).

On May 24, 2001, the Department issued an inquiry to 15 producers/exporters of silicomanganese to report quantity and value (Q&V) of sales of subject merchandise to the United States, the home market (HM), and third countries during the period of investigation (POI). The Department amended its inquiry regarding Q&V of sales on June 6, 2001, asking these 15 producers/exporters to separate out low carbon silicomanganese from subject merchandise when reporting to the Department, pending the Department's determination whether to exclude low-carbon silicomanganese from the scope, as requested by petitioners in their letter of May 17, 2001. The Department received a response to its Q&V inquiry from seven producers/exporters of subject merchandise, Universal, Ispat, Nava Bharat, Maharashtra Electrosmelts Ltd (Maharashtra), GMR Technologies and Industries Ltd. (GMR), Hira Ferro Alloys Limited (Hira Ferro), and Indsil Electrosmelts Ltd. (Indsil). Since the Department received Maharashtra's response late (dated August 18, 2001), the company was not considered in the respondent selection. Two companies, GMR and Hira Ferro, reported no shipments to the United States during the POI. Indsil informed the Department that, based on petitioners' request of May 17, 2001, to amend the scope, the company had no shipments of subject merchandise to the United States. For two more producers/exporters, Moldex International and Quality Steels & Forgings, the Department's inquiry of Q&V was undeliverable. Based on the information submitted, the Department selected the following two respondents: Universal and Nava Bharat. For further information, please *see Memorandum to Joseph Spetrini, Deputy Assistant Secretary, AD/CVD Enforcement, Group III, through Barbara E. Tillman, Director, Office of AD/CVD Enforcement VII, from Team: Antidumping Duty Investigation of Silicomanganese from India: Respondent Selection*, dated July 13, 2001. The public version is on file in the Central Records Unit, Room B–099 of the main Commerce Building (B–099).

On July 18, 2001, the Department issued an antidumping duty questionnaire to Universal and Nava Bharat, both producers/exporters of subject merchandise in India. We requested that both companies respond to section A (general information, corporate structure, sales practices, and merchandise produced), section B (home market or third-country sales), section C (U.S. sales), section D (cost of production/constructed value), and, if

applicable, section E (cost of further manufacture or assembly performed in the United States).

Nava Bharat and Universal submitted their initial responses to section A of the Department's questionnaire on August 8, 2001 and August 9, 2001, respectively. We received responses to sections B through D from Nava Bharat and Universal on September 4, 2001. Petitioners filed comments regarding section A and sections B through D of Nava Bharat's response on September 9, 2001 and September 13, 2001, respectively, and regarding section A and sections B through C and section D of Universal's response on September 12, 2001, September 13, 2001, and September 18, 2001, respectively. We issued a supplemental questionnaire to Nava Bharat for sections A through D on September 29, 2001, and we issued supplemental questionnaires to Universal for sections A through C on September 26, 2001, and for section D on October 2, 2001. Nava Bharat filed its response to our supplemental questionnaire on October 9, 2001. Universal filed its responses to our sections A through D supplemental questionnaire on October 11, 2001.

On July 16, 2001 petitioners filed an allegation that critical circumstances exist with respect to imports of silicomanganese from India. In its *Notice of Preliminary Determination Of Critical Circumstances; Silicomanganese from India*, 66 FR 53207 (October 19, 2001) (*Preliminary Determination of Critical Circumstances*), the Department preliminarily determined that critical circumstances exist for Universal and ''all others,'' but not for Nava Bharat.

Based on petitioners' request, the Department postponed the preliminary determination in the antidumping duty investigation by 30 days, until October 15, 2001. *See Silicomanganese from Kazakhstan, India and Venezuela; Notice of Postponement of Preliminary Determinations in Antidumping Duty Investigations*, 66 FR 45964 (August 31, 2001). Because the Indian investigation is extraordinarily complicated, and the case-specific information to be analyzed within the time constraints was voluminous, the Department postponed the preliminary determination for a second time, until November 2, 2001. *See Silicomanganese From Kazakhstan, India and Venezuela; Notice of Postponement of Preliminary Determinations in Antidumping Duty Investigations*, 66 FR 53206 (October 19, 2001).

Period of Investigation

The period of investigation (POI) is April 1, 2000 through March 31, 2001. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, April 2001), and is in accordance with our regulations. *See* 19 CFR 351.204(b)(1).

Scope of Investigation

For purposes of this investigation, the products covered are all forms, sizes and compositions of silicomanganese, except low-carbon silicomanganese, including silicomanganese briquettes, fines and slag. Silicomanganese is a ferro alloy composed principally of manganese, silicon and iron, and normally contains much smaller proportions of minor elements, such as carbon, phosphorous and sulfur. Silicomanganese is sometimes referred to as ferro silicon manganese. Silicomanganese is used primarily in steel production as a source of both silicon and manganese. Silicomanganese generally contains by weight not less than 4 percent iron, more than 30 percent manganese, more than 8 percent silicon and not more than 3 percent phosphorous. Silicomanganese is properly classifiable under subheading 7202.30.0000 of the Harmonized Tariff Schedule of the United States (HTSUS). Some silicomanganese may also be classified under HTSUS subheading 7202.99.5040. This scope covers all silicomanganese, regardless of its tariff classification. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, our written description of the scope remains dispositive.

The low-carbon silicomanganese excluded from this scope is a ferro alloy with the following chemical specifications: minimum 55 percent manganese, minimum 27 percent silicon, minimum 4 percent iron, maximum 0.10 percent phosphorus, maximum 0.10 percent carbon and maximum 0.05 percent sulfur. Low-carbon silicomanganese is used in the manufacture of stainless steel and special carbon steel grades, such as motor lamination grade steel, requiring a very low carbon content. It is sometimes referred to as ferro manganese-silicon. Low-carbon silicomanganese is classifiable under HTSUS subheading 7202.30.0000.

Product Comparisons

Pursuant to section 771(16) of the Tariff Act, all products produced by the respondent within the scope of the investigation, detailed above, and sold in the comparison market during the POI, are considered to be foreign like products. To match U.S. sales of subject merchandise to comparison-market sales of the foreign like product, we relied on two physical characteristics: grade and size. During the POI, Nava Bharat sold two products in both the HM and the United States. Universal sold three products in the HM and one in the United States. Since the products sold in both markets by both companies were identical, no matches of similar merchandise were utilized in our calculations.

Fair Value Comparisons

To determine whether sales of silicomanganese from India were made in the United States at less than fair value, we compared export price (EP) to normal value (NV), as described in the ''Export Price'' and ''Normal Value'' sections of this notice. In accordance with section 777A(d)(1)(A)(i) of the Tariff Act, we calculated weighted-average EPs for comparison to weighted-average NVs.

Export Price

Nava Bharat

Nava Bharat reported, as export price (EP) transactions, sales of subject merchandise sold to unaffiliated U.S. customers prior to importation. *See* Nava Bharat's section A response of August 8, 2001, at 10, and section C response of September 4, 2001, at Exhibit C–7. We calculated EP in accordance with section 772(a) of the Tariff Act because the merchandise was sold to the first unaffiliated purchaser in the United States prior to importation and the CEP methodology was not otherwise warranted, based on the facts of record. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act; these included, where appropriate, foreign inland freight and foreign brokerage and handling charges. *See Memorandum to File from Elfi Blum through Sally Gannon: Preliminary Determination of Antidumping Investigation of Silicomanganese from India-Analysis of Nava Bharat Ferro Alloys Limited* (November 2, 2001) (*Analysis Memorandum Nava Bharat*) (public version on file in the Department's Central Records Unit, in Room B–099). In addition, we did not add duty drawback to the starting price. Section 772(c)(1)(B) of the Tariff Act provides that export price (or constructed export price) shall be increased by ''the amount of any import duties imposed by the country of

exportation which have been rebated, or which have not been collected, by reason of the exportation of the subject merchandise to the United States.'' The Department determines that an adjustment to U.S. price for a claimed duty drawback is appropriate when a company can demonstrate that it meets both parts of our two-part test. There must be: (1) a sufficient link between the import duty and the rebates, and (2) a sufficient amount of raw materials imported and used in the production of the final exported product. *See e.g. Stainless Steel Wire Rod From India; Final Results of Antidumping Duty Administrative Review*, 65 FR 31302 (May 17, 2000) (*Steel Wire Rod from India*). In its supplemental response, Nava Bharat neither established the link between import duty and the rebates received from the Indian government, nor showed that it imported sufficient volume of raw materials to account for the level of duty drawback claimed for its exports to the United States during the POI.

Universal

Universal reported, as export price (EP) transactions, sales of subject merchandise sold to unaffiliated U.S. customers prior to importation. *See* Universal's section A response of August 9, 2001, and section C response of September 4, 2001. We calculated EP in accordance with section 772(a) of the Tariff Act because the merchandise was sold to the first unaffiliated purchaser in the United States prior to importation and CEP methodology was not otherwise warranted, based on the facts of record. We based EP on FOB price to unaffiliated purchasers in the United States. Since respondent sells to the United States in bulk and did not incur any packing costs, we did not include it in our calculations. We made deductions for movement expenses in accordance with section 772(c)(2)(A) of the Tariff Act; these included, where appropriate, foreign inland freight, foreign brokerage and handling charges, and insurance.

Level of Trade

In accordance with section 773(a)(1)(B)(i) of the Tariff 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 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 the exporter to the 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 sales, 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 a LOT adjustment under section 773(a)(7)(A) of the Tariff 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 differences in the levels between NV and CEP affect price comparability, we adjust NV under section 773(A)(7)(B) of the Tariff Act (the CEP offset provision). *See, e.g., Certain Carbon Steel Plate from South Africa, Final Determination of Sales at Less Than Fair Value*, 62 FR 61731 (November 19, 1997).

Under section 351.412(c)(2) of the Department's regulations, the Secretary will determine that sales are made at different levels of trade if they are made at different marketing stages (or their equivalent). According to this regulation, ''[s]ubstantial differences in selling activities are a necessary, but not sufficient, condition for determining that there is a difference in the stage of marketing'' and ''[s]ome overlap in selling activities will not preclude a determination that two sales are at different stages of marketing.''

Nava Bharat

In evaluating LOT for Nava Bharat, we obtained information from Nava Bharat about the marketing stages involved in its reported U.S. and home market sales, including a description of the selling activities performed by Nava Bharat for each channel of distribution.

In the home market, Nava Bharat reported two channels of distribution based on customer category. *See* Nava Bharat's August 8, 2001 response at page A–10 & 11, and its September 4, 2001 response at page B–5 & B–6. The selling activities did not differ significantly by channel of distribution. *See* page B–14. Because the selling functions performed for each channel are sufficiently similar, channels of distribution do not qualify as separate LOTs. Therefore, we preliminarily determine that one LOT exists for Nava Bharat's home market sales.

In the United States, Nava Bharat reported one channel of distribution for sales of subject merchandise during the POI (EP sales made directly to one customer category). For further proprietary details, *see Analysis Memorandum Nava Bharat.* Based on the information provided by Nava Bharat, we preliminarily determine that one LOT exists in the United States.

Nava Bharat claimed that its sales to home market customers were at a different LOT than its sales to U.S. customers and, therefore, claimed a LOT adjustment. Pursuant to section 351.412(c)(2) of the Department's regulations, substantial differences in selling activities are necessary in order to find a LOT difference. Also *see Notice of Final Determination of Sales at Less Than Fair Value; Honey from Argentina*, 66 FR 50611 (October 4, 2001), and accompanying Issues and Decision Memorandum at Comment 18, and *Grain-Oriented Electrical Steel From Italy: Final Results of Antidumping Administrative Review*, 66 FR 14887 (March 14, 2001), and accompanying Issues and Decisions Memorandum at Comment 2. The information submitted by Nava Bharat demonstrates only one difference in selling activities for one customer category in the home market. Based on the limited degree to which selling functions/services differ on Nava Bharat's sales to its home market customer category and Nava Bharat's sales to its U.S. customer category, we preliminarily determine that the U.S. LOT is comparable to the home market LOT. *See* Nava Bharat's supplemental response of October 9, 2001, at page 5.

Universal

In evaluating LOT for Universal, we obtained information from Universal about the marketing stages involved in its reported U.S. and home market sales, including a description of the selling activities performed by Universal for each channel of distribution.

In the home market, Universal reported two channels of distribution with respect to customer category and channel, one to distributors and one to end users. *See* Universal's August 9, 2001, response at page A–7 & 8, and its October 11, 2001 response at page A–4 & 5. Universal claims that more selling services are required in the home market because most of its customers are end users. Such activities include calling customers, negotiating for orders, arranging freight and delivery, and attending to quality-related matters. Universal did not specify what selling functions are required for sales to distributors, but it did state that sales made in the western region are handled

by an unaffiliated agent that earns three percent commission for his services. Universal did not fully explain the selling activities for its second channel of distribution and how the end user channel is different from the distributor channel in the home market. Therefore, based on the information on the record for this preliminary determination, we find that there is only one LOT. However, the Department will request further clarification from Universal through supplemental questionnaires and during verification.

In the United States, Universal states that the prices charged for United States sales are lower than the prices charged for home market sales because, in the United States, it sells to traders in bulk while, in the home market, it sells in bags of 50 kg to end users, and to some sales distributors. Id at A–9. In addition, Universal reported one channel of distribution for sales of subject merchandise during the POI (EP sales made directly to one customer category). For its U.S. sales, Universal claims that, aside from executing the sales transactions and arranging for freight and delivery, no other selling activities are provided on export sales.

Universal claims that its sales to home market customers were at a different LOT than its sales to U.S. customers and, therefore, the Department should adjust for the LOT difference. In this case, the selling activities for U.S. sales are similar if not identical to the selling activities for home market sales. For U.S. sales, just as for home market sales, Universal has to maintain contact with its customers, negotiate orders, and arrange for freight. Moreover, the only selling activity that is allegedly done in the home market and not the U.S. market is attending to quality-related matters. However, Universal failed to explain or quantify such selling activity. Furthermore, based on section 351.412(c)(2) of the Department's regulations, substantial differences in selling activities are necessary in order to find a LOT difference. Also *see Notice of Final Determination of Sales at Less Than Fair Value; Honey from Argentina*, 66 FR 50611 (October 4, 2001), and accompanying Issues and Decision Memorandum at Comment 18, and *Grain-Oriented Electrical Steel From Italy: Final Results of Antidumping Administrative Review*, 66 FR 14887 (March 14, 2001), and accompanying Issues and Decisions Memorandum at Comment 2. Therefore, based on the information provided by Universal, we preliminarily determine that one LOT exists in the United States and the home market.

Normal Value

Home Market Viability

In order to determine whether there was a sufficient volume of sales in the home market to serve as a viable basis for calculating NV (i.e., the aggregate volume of home market sales of the foreign like product was equal to or greater than five percent of the aggregate volume of U.S. sales), we compared Nava Bharat's and Universal's volume of home market sales of the foreign like product to the volume of U.S. sales of the subject merchandise, respectively, in accordance with section 773(a)(1)(C) of the Tariff Act. As both Nava Bharat's and Universal's aggregate volume of home market sales of the foreign like product was greater than five percent of its aggregate volume of U.S. sales of the subject merchandise, we determined that the home market was viable. Therefore, we have based NV on home market sales in the usual commercial quantities and in the ordinary course of trade.

Cost of Production Analysis

Based on allegations contained in the petition, and in accordance with section 773(b)(2)(A)(i) of the Tariff Act, we found reasonable grounds to believe or suspect that sales of silicomanganese in India were made at prices below the cost of production (COP). As a result, the Department initiated an investigation to determine whether Nava Bharat or Universal made home market sales during the POI at prices below their respective COP, within the meaning of section 773(b) of the Tariff Act. We conducted the COP analysis described below.

A. Calculation of COP

In accordance with section 773(b)(3) of the Tariff Act, we calculated COP based on the sum of Nava Bharat's and Universal's cost of materials and fabrication for the foreign like product, plus an amount for home market SG&A expenses, including interest expenses, and packing costs, where applicable. We relied on the home market sales and COP information provided by both respondents in their original and supplemental responses. Where appropriate, we made certain adjustments to Nava Bharat's and Universal's reported COP. *See Analysis Memorandum Nava Bharat; and Memorandum to the File, from Abdelali Elouaradia through Sally Gannon: Preliminary Calculation Memo*, (November 2, 2001) on file in room B–099 of the Main Commerce building.

B. Test of Home-Market Sales Prices

We compared the adjusted weighted-average COPs for Nava Bharat and Universal to the home market sales prices of the foreign like product, as required under section 773(b) of the Tariff Act, in order to determine whether these sales had been made at prices below the COP within an extended period of time (*i.e.,* a period of one year) in substantial quantities and whether such prices were sufficient to permit the recovery of all costs within a reasonable period of time. In accordance with section 773(b)(2)(C)(i) of the Tariff Act, we determined that sales made below the COP were made in substantial quantities if the volume of such sales represented 20 percent or more of the volume of sales under consideration for the determination of normal value.

On a model-specific basis, we compared the revised COP to the home market prices, less any applicable movement charges and other direct and indirect selling expenses.

C. Results of the COP Test

Pursuant to section 773(b)(2)(C) of the Tariff 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 POI were at prices less than the COP, we determined such sales to have been made in ''substantial quantities'' within an extended period of time in accordance with section 773(b)(2)(B) or the Tariff Act. In such cases, because we compared prices to POI-average costs, we also determined that such sales were not made 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 Tariff Act. Therefore, we disregarded the below-cost sales.

Nava Bharat

We found that for some of the models of silicomanganese sold in the home market, more than 20 percent of Nava Bharat's home market sales were made within an extended period of time at prices less than the COP. Further, the prices did not provide for the recovery of costs within a reasonable period of time. We therefore disregarded these below-cost sales and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Tariff Act. Since all U.S. sales of

silicomanganese were of a model identical or similar to that sold in the home market and there were sufficient above-cost sales of that model, we did not have to compare EP to CV in accordance with section 773(a)(4) of the Tariff Act.

Universal

We found that for some of the models of silicomanganese sold in the home market, more than 20 percent of Universal's home market sales were made within an extended period of time at prices less than the COP. Further, the prices did not provide for the recovery of costs within a reasonable period of time. We therefore disregarded these below-cost sales and used the remaining sales as the basis for determining NV, in accordance with section 773(b)(1) of the Tariff Act. Since all U.S. sales of silicomanganese were of a model identical to that sold in the home market and there were sufficient above-cost sales of that model, we did not have to compare EP to CV in accordance with section 773(a)(4) of the Tariff Act.

Price-to-Price Comparisons

Nava Bharat

We calculated NV based on the delivered prices to unaffiliated customers. We made deductions, where appropriate, from the starting price for inland freight. We made adjustments under section 773(a)(6)(C)(iii) of the Tariff Act for differences in circumstances of sale (COS) based on direct selling expenses. We have recalculated the value of other direct selling expenses, based on Nava Bharat's amended Exhibit D–8 in the supplemental response and included it in our calculations of the foreign unit price in dollars (FUPDOL). We also made COS adjustments for commissions. *See Analysis Memorandum Nava Bharat.* In addition, we made COS adjustments for imputed credit expenses. However, we did not rely on Nava Bharat's reported U.S. credit expenses, because Nava Bharat did not use the appropriate interest rate. Therefore, we recalculated credit expenses using the average short-term lending rates calculated by the Federal Reserve. We made deductions for home market packing costs.

Universal

We calculated NV based on the ex-factory prices to unaffiliated customers. We made adjustments under section 773(a)(6)(C)(iii) of the Tariff Act for differences in circumstances of sale for imputed credit expenses, interest revenue and banking charges. However, we did not rely on Universal's reported home market credit expenses because Universal calculated these expenses using a gross unit price inclusive of taxes. Therefore, we recalculated credit expenses using the gross unit price exclusive of any taxes. Universal paid commissions to unaffiliated sales intermediaries on some home market sales of silicomanganese but did not pay commissions on its U.S. sales. Therefore, in accordance with 19 CFR 351.410(e), we offset the commission incurred in the home market, with indirect selling expenses incurred on U.S. sales to the extent of the lesser of the commission or the indirect selling expenses. We made deductions for home market packing costs. However, we did not add U.S. packing costs to NV as the respondent reported that it incurred no such expenses in selling silicomanganese in the U.S. market.

Currency Conversions

We made currency conversions into U.S. dollars in accordance with section 773A(a) of the Tariff Act, based on the exchange rates in effect on the dates of the U.S. sales, as certified by the Federal Reserve Bank.

Verification

Pursuant to section 782(i) of the Tariff Act, we intend to verify all information relied upon in making our final determination.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Tariff Act, we are directing the Customs Service to suspend liquidation of all entries of silicomanganese from India that are entered, or withdrawn from warehouse, for consumption, as follows: For Nava Bharat, Customs should suspend liquidation on or after the date of publication of this notice in the **Federal Register**; for Universal, and ''all others,'' Customs should suspend liquidation on or after the date which is 90 days prior to the date of publication of this notice in the **Federal Register**, due to the *Preliminary Determination of Critical Circumstances.* We will instruct the Customs Service to require a cash deposit or the posting of a bond equal to the weighted-average amount by which the NV exceeds the EP, as indicated in the chart below. These suspension-of-liquidation instructions will remain in effect until further notice. The weighted-average dumping margins are as follows:

Exporter/manufacturer	Weighted-average margin percentage
Nava Bharat Ferro Alloys Ltd.	22.88
Universal Ferro and Allied Chemicals Ltd.	13.24
All Others	18.94

ITC Notification

In accordance with section 733(f) of the Tariff Act, we have notified the ITC of our determination. If our final antidumping determination is affirmative, the ITC will determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. The deadline for that ITC determination would be the later of 120 days after the date of this preliminary determination or 45 days after the date of our final determinations.

Public Comment

Unless otherwise notified by the Department, case briefs or other written comments in at least six copies must be submitted to the Assistant Secretary for Import Administration no later than fifty days after the date of publication of this notice, and rebuttal briefs, limited to issues raised in case briefs, no later than fifty-five days after the date of publication of this preliminary determination. A list of authorities used and an executive summary of issues should accompany any briefs submitted to the Department. Such summary should be limited to five pages total, including footnotes. Further, we would appreciate it if parties submitting written comments would provide the Department with an additional copy of the public version of any such comments on diskette. In accordance with section 774 of the Tariff Act, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on arguments raised in case or rebuttal briefs. Tentatively, any hearing will be held fifty-seven days after publication of this notice, time and room to be determined, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, within 30 days of the publication of this notice. Requests should contain: (1) The party's

name, address, and telephone number; (2) the number of participants; and (3) a list of the issues to be discussed. Oral presentations will be limited to issues raised in the case and rebuttal briefs. If this investigation proceeds normally, we will make our final determination no later than 75 days after the date of this preliminary determination.

This determination is issued published pursuant to sections 733(f) and 777(i)(1) of the Tariff Act.

Dated: November 2, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–28227 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Alcoa Point Comfort/Lavaca Bay NPL Site, Point Comfort, Texas; Notice of Availability

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Alcoa Point Comfort/Lavaca Bay NPL Site, Point Comfort, Texas: Notice of availability of the final damage assessment and restoration plan/environmental assessment for ecological injuries and service losses.

SUMMARY: Under the Comprehensive Environmental Response, Compensation and Liability Act regulations (CERCLA, 43 CFR sections 11.32 and 11.81–11.82), natural resource trustees are providing notice to the public on the availability of a document entitled, ''Final Damage Assessment and Restoration Plan and Environmental Assessment for the Point Comfort/Lavaca Bay NPL Site Ecological Injuries and Service Losses'' (Final DARP/EA). This document has been approved by the state and federal natural resource trustee agencies to address natural resource injuries and resource services losses of an ecological nature attributable to releases of hazardous substances from the Alcoa Point Comfort/Lavaca Bay NPL Site (Site). This DARP/EA finalizes the trustees' assessment of these natural resource injuries and service losses attributable to the Site, and the plan for restoring ecological resources and services to compensate for those injuries and losses. This Final DARP/EA also contains the trustees' evaluation of ecological losses after 1999 and all terrestrial resource injuries, and their corresponding restoration requirements, based on an anticipated final remedy. If the announced final remedy is consistent with this evaluation, this document will also constitute the final assessment and restoration plan for these remaining ecological losses.

The development of this Final DARP/EA included release of a Draft of this DARP/EA for public review and comment on July 14, 2000 (65 Fed. Reg. 43739, July 14, 2000; 25 Tex. Reg. 6843, July 14, 2000; *Port Lavaca Wave,* July 22 and 26, 2000; *Victoria Advocate,* July 25 and 27, 2000). The Draft DARP/EA described the trustees' assessment of the ecological injuries and services losses attributable to hazardous substances at the Site (including the evaluation of ecological losses after 1999 and terrestrial resource injuries based on the anticipated final remedy), evaluated a reasonable range of restoration actions with the potential to restore, replace or acquire similar resource services, and identified the restoration actions that were preferred for use to compensate for the resource injuries and losses being assessed. The period for public review and comment on the Draft DARP/EA, that ended on August 14, 2000, included a public meeting in Port Lavaca, Texas, on July 27, 2000. During the public review period, no written public comments on the document were received and all verbal comments at the public meeting were supportive of the actions proposed in the Draft DARP/EA. The Final DARP/EA has not been changed due to public review and input.

ADDRESSES: Requests for copies of this Final DARP/EA should be sent to Richard Seiler of the Texas Natural Resources and Conservation Commission (TNRCC), MC142, P.O. Box 13087, Austin, TX 78711–3087 or John Kern of the National Oceanic and Atmospheric Administration (NOAA), 9721 Executive Center Drive North, Suite 134, St. Petersburg, FL 33702. A copy of this Final DARP/EA is also available for downloading at *http://www.darp.noaa.gov/publicat.htm.*

FOR FURTHER INFORMATION CONTACT: Richard Selier at (512) 239–2523, e-mail: *rseiler@tnrcc.state.tx.us,* or John Kern at (727) 570–5391, ext 158, e-mail: *john.kern@noaa.gov.*

SUPPLEMENTARY INFORMATION: The Alcoa Point Comfort/Lavaca Bay NPL Site is located in Point Comfort, Calhoun County, Texas and encompasses releases of hazardous substances from Alcoa's Point Comfort Operations facility. Between 1948 and the present, Alcoa has constructed and operated several types of manufacturing processes at this facility, including aluminum smelting, carbon paste and briquette manufacturing, gas processing, chlor-alkali processing, and alumina refining. Past operations at the facility have resulted in the release of hazardous substances into the environment, including through the discharge of mercury-containing wastewater into Lavaca Bay from 1966 to 1970 and releases of mercury into the bay through a groundwater pathway. In April 1988, the Texas Department of Health (TDH) issued a ''closure'' order prohibiting the taking of finfish and crabs for consumption from a specified area of Lavaca Bay near the facility due to elevated mercury concentrations found in these species.

The Alcoa Point Comfort/Lavaca Bay Site was added to the National Priorities List (NPL), under section 105 of CERCLA, 42 U.S.C. 9601 *et seq.*, on March 25, 1994 (59 FR 8724; February 23, 1994). The Site was listed primarily due to the presence of mercury in several species of finfish and crabs in Lavaca Bay, the fishing closure imposed by TDH, and the presence of mercury and other hazardous substances in bay sediments adjacent to the facility. Alcoa, the State of Texas and the U.S. Environmental Protection Agency (EPA) signed an Administrative Order on Consent (AOC) under CERCLA in March 1994 for the conduct of a remedial investigation and feasibility study (RI/FS) for the Site.

The National Oceanic and Atmospheric Administration (NOAA, acting on behalf of the Department of Commerce), the United States Department of the Interior (DOI), the Texas Parks and Wildlife Department (TPWD), the Texas General Land Office (TGLO), and the Texas Natural Resources and Conservation Commission (TNRCC) are designated natural resource trustees under section 107(f) of CERCLA, section 311 of the Federal Water Pollution and Control Act (FWPCA), 33 U.S.C. section 1321, and other applicable federal or state laws, including subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR sections 300.600–300.615. As trustees, these agencies are authorized to act on behalf of the public under these authorities to protect and restore natural resources injured or lost as a result of discharges or releases of hazardous substances.

Paralleling the RI/FS process for the Site, the trustees have undertaken an assessment of the natural resource injuries and service losses attributable to hazardous substances at the Site. The assessment for this Site has been aided and supported by Alcoa's cooperation under a Memorandum of Agreement

between Alcoa and the Trustees, effective January 14, 1997. The Final DARP/EA released today has been developed under the cooperative assessment framework outlined in the MOA.

The Final DARP/EA released today is focused on natural resource injuries or services losses of an ecological nature caused by the hazardous substances at the Site. It completes the second stage of the assessment and restoration planning process for the Site. The first stage of the assessment process focused on recreational fishing service losses resulting from the fishing closure. The Final DARP/EA covering the recreational fishing service losses is also being released today and is the subject of a separate notice.

This Final DARP/EA finalizes the information and methods used to assess these ecological injuries and losses, including the scale of restoration actions, and the actions selected to restore, replace or acquire resources or services equivalent to those lost. The document's principal focus is on ecological losses due to known Site contamination and response actions initiated at the Site prior to the end of 1999. However, the document also includes the trustees' evaluation of ecological losses after 1999 and all terrestrial resource injuries, and their corresponding restoration requirements, based on an anticipated final remedy. If the announced final remedy is consistent with the remedy anticipated, this document will also constitute the final assessment and restoration plan for these ecological losses. If not, then additional assessment analyses may be necessary and a third and final stage DARP/EA may be required.

Dated: October 25, 2001.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–28095 Filed 11–8–01; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Alcoa Point Comfort/Lavaca Bay NPL Site, Point Comfort, TX; Notice of Availability

AGENCY: National Oceanic and Atmospheric Administration, Commerce.

ACTION: Alcoa Point Comfort/Lavaca Bay NPL Site, Point Comfort, Texas: Notice of availability of a final damage assessment and restoration plan/environmental assessment for recreational fishing service losses.

SUMMARY: Under the Comprehensive Environmental Response, Compensation and Liability Act regulations (CERCLA, 43 CFR sections 11.32 and 11.81–11.82), natural resource trustees are providing notice on the availability of a document entitled, ''Final Damage Assessment and Restoration Plan and Environmental Assessment for the Point Comfort/Lavaca Bay NPL Site Recreational Fishing Service Losses'' (Final DARP/EA). This document has been approved by the state and federal natural resource trustee agencies to address the recreational fishing service losses attributable to hazardous substances released from the Alcoa Point Comfort/Lavaca Bay NPL Site (Site). This DARP/EA finalizes the restoration plan that will be used to compensate for recreational fishing service losses associated with the fishing closure at the Site. In developing this Final DARP/EA, the trustees released a Draft DARP/EA on September 28, 1999, for public review and comment for a period of 30 days (64 Fed. Reg. 52294, September 28, 1999; 24 Tex. Reg. 8635, October 1, 1999; *Port Lavaca Wave,* September 20,1999). Based on the public comments received during this period, the trustees finalized their assessment of the recreational fishing service losses and selected two restoration actions for inclusion in the final plan, but found it necessary to propose other restoration alternatives to complete the restoration plan for the recreational fishing service losses. These revised, preferred alternatives were presented in a Revised Draft DARP/EA released on May 12, 2000, and were also available for public review and comment for a period of 30 days (65 Fed. Reg. 30565, May 12, 2000; 25 Tex. Reg. 4379, May 12, 2000; *Port Lavaca Wave,* May 10, 2000). The trustees received no public comments on the Revised Draft DARP/EA. In the Final DARP/EA released today, the alternative restoration projects have been selected to complete the restoration plan for the recreational fishing service losses.

ADDRESSES: Requests for copies of the Final DARP/EA should be sent to Richard Seiler of the Texas Natural Resources and Conservation Commission (TNRCC), MC142, P.O. Box 13087, Austin, TX 78711–3087 or Tony Penn of the National Oceanic and Atmospheric Administration (NOAA), 1305 East-West Highway, Station 10218, Silver Spring, MD 20910. A copy of the Final DARP/EA is also available for downloading at *http://www.darp.noaa.gov/publicat.htm.*

FOR FURTHER INFORMATION CONTACT: Richard Seiler at (512) 239–2523, email: *rseiler@tnrcc.state.tx.us,* or Tony Penn, at (301) 713–3038 x 197, email: *tony.penn@noaa.gov*

SUPPLEMENTARY INFORMATION: The Alcoa Point Comfort/Lavaca Bay NPL Site is located in Point Comfort, Calhoun County, Texas and encompasses releases of hazardous substances from Alcoa's Point Comfort Operations facility. Between 1948 and the present, Alcoa constructed and operated several types of manufacturing processes at this facility, including aluminum smelting, carbon paste and briquette manufacturing, gas processing, chlor-alkali processing, and alumina refining. Past operations at the facility resulted in the release of hazardous substances into the environment, including the discharge of mercury-containing wastewater into Lavaca Bay from 1966 to 1970 and releases of mercury into the bay through groundwater. In April 1988, the Texas Department of Health (TDH) issued a ''closure order'' prohibiting the taking of finfish and crabs for consumption from a specific area near the facility due to elevated mercury concentrations in these resources.

The Alcoa Point Comfort/Lavaca Bay Site was added to the NPL, under section 105 of CERCLA, 42 U.S.C. 9601, effective on March 25, 1994 (59 FR 8794; February 23, 1994). The Site was listed primarily due to the presence of mercury in several species of fish and crab in Lavaca Bay, the fishing closure imposed by TDH, and the presence of mercury and other hazardous substances in bay sediments adjacent to the facility. Alcoa, the State of Texas and the U.S. Environmental Protection Agency (EPA) signed an Administrative Order on Consent (AOC) under CERCLA in March 1994 providing for the conduct of a remedial investigation and feasibility study (RI/FS) for the Site.

The National Oceanic and Atmospheric Administration (NOAA, acting on behalf of the Department of Commerce), the United States Department of the Interior (DOI), the Texas Parks and Wildlife Department (TPWD), the Texas General Land Office (TGLO), and the Texas Natural Resources and Conservation Commission (TNRCC) are designated natural resource trustees under section 107(f) of CERCLA, section 311 of the Federal Water Pollution and Control Act (FWPCA), 33 U.S.C. section 1321, and other applicable federal or state laws, including subpart G of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR sections 300.600–300.615. As trustees,

these agencies are authorized to act on behalf of the public under these authorities to protect and restore natural resources and resource services injured or lost as a result of discharges or releases of hazardous substances.

Paralleling the RI/FS process for the Site, the trustees have undertaken an assessment of the natural resource injuries and service losses resulting from releases of hazardous substances attributable to the Site. This assessment process has been aided and supported by Alcoa's cooperation under a Memorandum of Agreement between Alcoa and the Trustees, effective January 14, 1997. The Final DARP/EA released today has been developed under the cooperative assessment framework outlined in the MOA.

The Draft DARP/EA released for public review on September 28, 1999, described the assessment procedures being used to define the recreational fishing service losses, including to scale restoration actions, and the restoration actions preferred for use to compensate for those losses. The choice of preferred restoration actions was based on the anticipated benefits of such actions to both pier- or shore-based and boat-based anglers. None of the public comments received on the Draft DARP/EA raised any issue regarding the identified assessment procedures or the two restoration actions proposed for use to compensate for pier- or shore-based fishing losses. Significant public comments, however, were received opposing the restoration action proposed in the Draft DARP/EA to address the boat-based fishing losses. In considering these comments, the trustees found it necessary to revise that portion of the restoration plan. The Revised Draft DARP/EA released on May 12, 2000 summarized the public comments received, finalized the assessment procedures, finalized the selection of the restoration actions for the pier- or shore-based fishing losses, identified alternative restoration projects as preferred to address the remainder of the recreational fishing service losses, and explained the basis and rationale for that change. The trustees received no comments on the Revised Draft DARP/EA and, therefore, have selected the alternative restoration projects for inclusion in the restoration plan for the recreational fishing service losses. The Final DARP/EA summarizes the assessment of recreational fishing service losses, summarizes this restoration planning history and completes the final restoration plan to compensate for those losses.

The Final DARP/EA released today only addresses recreational fishing service losses resulting from the fishing closure. Its release completes the first stage of the assessment and restoration planning process for the Site. Natural resource injuries or service losses of an ecological nature, including those due to early or anticipated future response actions, are being addressed as a separate, second stage of the assessment and restoration planning process. The Final DARP/EA for these ecological injuries and losses is also being released today and is the subject of a separate notice.

Dated: October 25, 2001.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–28096 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Draft Restoration Plan and Environmental Services Superfund Site (Shore Realty)

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

ACTION: Notice of availability of Draft Restoration Plan and Environmental Assessment for the Applied Environmental Services Superfund Site (Shore Realty); request for comments.

SUMMARY: The National Oceanic and Atmospheric Administration (NOAA) is providing notice of the availability of the Draft Restoration Plan and Environmental Assessment for the Applied Environmental Services (Shore Realty) Superfund Site for public review. NOAA, the United States Fish and Wildlife Service (USFWS), under the Department of the Interior, and the State of New York (New York), serve as natural resource trustees (Trustees) over natural resources adversely affected by releases of hazardous substances from the Shore Realty Superfund Site (the Site). NOAA, the lead administrative trustee, in consultation with the USFWS and New York, prepared this Draft Restoration Plan and Environmental Assessment (Draft RP/EA) which: (1) Explains the reasons for pursuing an off-site restoration project; (2) describes the various off-site restoration alternatives the Trustees considered; and (3) discusses the preferred restoration alternative which the Trustees have selected for implementation—the Bar Beach Lagoon project.

DATES: The Trustees will accept written comments on the Draft Restoration Plan and Environmental Assessment through December 10, 2001.

ADDRESSES: A copy of this Draft Restoration Plan and Environmental Assessment is available for review during office hours at the following locations: (1) Michelle Schimel, Town Clerk, Town of North Hempstead, 200 Plandome Road, Manhassett, NY 11030 (516–869–7646); (2) EPA Administrative Records Office, 290 Broadway, 18th Floor, New York, NY 10007 (212–637–4308); (3) Bryant Library, 2 Paper Mill Road, Roslyn, NY (516–621–2240); (4) Port Washington Library, Manorhaven Blvd., Port Washington (515–883–4400); (5) Lisa Holst, Long Island Sound Study Habitat Restoration, NYSDEC Bureau of Marine Resources, 205 North Belle Meade Road, Suite 1, East Setauket, NY (631–444–0469); (6) Steve Sanford , NYSDEC, Division of Fish, Wildlife, and Marine Resources, 625 Broadway, Albany, NY (518–402–8997). It is also available on NOAA's Web page *(http://response.restoration.noaa.gov/cpr/library/publications.html*) or through a link on USFWS's Web page (*http://contaminants.fws.gov/Issues/Restoration.cfm*). The Trustees will accept written comments via facsimile (fax) to Lisa Rosman, NOAA/CPRD, at 212–637–4207, or by e-mail at *lisa.rosman@noaa.gov*.

FOR FURTHER INFORMATION CONTACT: Lisa Rosman, NOAA Coastal Resource Coordinator, 212–637–3259, fax 212–637–4207, e-mail at *lisa.rosman@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

The Applied Environmental Services Superfund Site (the Site, or the Shore Realty site), is a 3.2 acre site located in Glenwood Landing, Nassau County, New York. Part of the Site is a peninsula surrounded by the waters of Motts Cove and Hempstead Harbor, located off of Long Island Sound. The Site was first used to store petroleum products in 1939. Subsequently, the Site was used for the distribution and storage of chemical solvents and the operation of a hazardous waste facility. Beginning in 1974, numerous organic chemical spills were reported to have occurred, including a 1978 spill of about 3,000 gallons of toluene. Several hazardous substances and materials, as defined by the United States Environmental Protection Agency (USEPA) and listed at 40 CFR 302.4, in accordance with section 102(a) of the Comprehensive Environmental Response, Compensation, and Liability Act

(CERCLA), contaminated the soil, groundwater, surface water, sediment, and air of the Site, including toluene, xylene, ethylbenzene, naphthalene, phthalates, and polychlorinated biphenlys (PCBs). See 40 CFR 302.4 and 42 U.S.C. 9602. In accordance with section 105 of CERCLA, the USEPA placed the Site on the National Priorities List in June, 1986. See 42 U.S.C.A. 9605(8)(B) and 40 CFR part 300, Appendix B.

In 1991, the USEPA issued a Record of Decision (ROD) for the Site. The selected remedy for the Site included: active venting, by vacuum extraction, of contaminated soils; collection of contaminated groundwater and treatment by air-stripping; re-injection of treated groundwater, nutrients, and a chemical source of oxygen to stimulate natural remediation of groundwater and saturated soils; and treatment of contaminant-laden vapors. The treatment plant has been operating since July1995 and will continue operation until site sampling data and analysis show that the performance standards set forth in the ROD are met. The performance standards include: reduction of concentrations of benzene, methylene chloride, and organic contaminants in soils to conformity with applicable state and federal standards; reduction of contaminants in groundwater to levels equal to or less than the groundwater standards for the State of New York; indirect remediation of Site sediments by treating contamination in other Site media (soils and groundwater), which serve as the source of contaminants to the sediments; elimination of exceedance of ambient air standards over the mudflats of the Site; and elimination of sheen on surface waters to comply with applicable surface water standards.

Under CERCLA, owners and operators of facilities where hazardous wastes were located, and those who generated or transported the hazardous substances, are liable for response costs and damages for ''injury to, destruction of, or loss of natural resources,'' including the reasonable costs of assessing those natural resource damages (42 U.S.C. 9607(a)). The President of the United States, and the Governor of each State whose resources have been affected by releases from a Site, have the authority to ''act on behalf of the public as trustees of such natural resources to recover such damages.'' (See 42 U.S.C. 9607(F)(1).) In accordance with CERCLA, the President delegated this trustee authority to the United States Department of Commerce (DOC), and the United States Department of the Interior (DOI) (42 U.S.C. 9607(f)(2)). The Secretary of Commerce delegated DOC trustee authority to the National Oceanic and Atmospheric Administration (NOAA). The Secretary of the Interior has delegated DOI trustee authority to the U.S. Fish and Wildlife Service (USFWS).

The Applied Environmental Services Superfund Site is located in Glenwood Landing, Nassau County, New York. Therefore, the federal trustees, NOAA and the USFWS, share trustee authority with the State of New York. The Governor of New York has delegated trustee authority to the New York State Department of Environmental Conservation (NYSDEC).

NYSDEC, NOAA, and the USFWS cooperatively serve as the natural resource trustees (the Trustees) for the natural resources affected by releases of hazardous substances at, or from, the Site. The Trustees are responsible for recovering damages for ''injury to, loss of, or destruction of natural resources.'' (See 42 U.S.C. 9607 (f)(1).) The Trustees must use any recovered funds to ''restore, replace, or acquire the equivalent of,'' the natural resources that have been injured by a release of a hazardous substance (42 U.S.C. 9607 (f)(1)). Approximately 2 to 3 acres of mudflat and saltmarsh cordgrass (*Spartina alterniflora*) were severely impacted as a result of hazardous releases at and from the Site. The Trustees are in the process of selecting a restoration project to address natural resources injured and ecological services lost due to the release of hazardous substances from the Site.

In 1992, the United States, the State of New York, and the Performing Parties Group (an entity composed of cooperating past and current owners, operators and generators who share liability for the releases from the Site, hereinafter referred to as ''the PPG'') entered into a Consent Judgment settling the liability of the responsible parties under CERCLA for response costs, natural resource damages, and the costs of assessing those damages related to the Site.

Section X. of the 1992 Consent Judgment specifically requires the PPG to restore saltmarsh in the mudflats to the east and south of the Site, in Hempstead Harbor and Motts Cove, after it is determined that ''* * * discharges to the shoreline and mud flats adjacent to the Site have been sufficiently abated by the remedial program.'' The Consent Judgment specifies that the PPG must plant saltmarsh grasses (e.g., *Spartina alterniflora, S. patens*, and/or *Distichlis spicata*) in these areas and may also need to regrade the sediments. If the initial plantings are unsuccessful, the PPG would be required to plant more halophytic grasses to ensure that the vegetation is sustainable and able to support biota, including marine and/or estuarine fish and invertebrate species. The Consent Judgment does not require the PPG to physically alter the mudflats (e.g., alter the elevation) to achieve optimal survival of the saltmarsh grasses over the broadest area. The PPG's monetary liability for performance of the on-site restoration is limited to $50,000. The PPG is also required to remit to the Trustees the sum of $60,000 for ''the design and implementation of a post-planting monitoring program,'' to determine the functional success of the wetlands restoration.

The PPG also paid $50,000 to the Federal Trustees to compensate for ''past injury to, destruction of, or loss of, natural resources,'' for the said purpose of, ''restoring, replacing or acquiring the equivalent of the affected natural resources,'' at an off-Site location. This $50,000 will be used for another off-Site enhancement project which will be addressed in a separate document.

The Trustees have determined, and the PPG agrees, that the restoration actions due to be implemented in areas of the Hempstead Harbor inlet and Motts Cove adjacent to the Site, should be relocated off-Site. The parties have concerns regarding the potential success of on-Site restoration, which are unrelated to historical releases of hazardous substances from the Site.

Two major factors have led to this determination. First, there are a number of nearby sources of pollution and debris that impact the original on-Site restoration areas. Storm water runoff, from storm water culverts draining the adjacent county road and upgradient areas east of the Site, directly impacts the Hempstead Harbor inlet (the inlet) and Motts Cove. The inlet is a natural collection point for trash and other floating debris in the Harbor. The inlet is not protected from wave action caused by marine traffic and storm events, and is also vulnerable to erosion events. The Motts Cove marsh area is adjacent to a boat marina, and is also a natural collection point for trash and other debris of various sizes, some of which is not readily removable (e.g., large concrete-based dock). The inlet and Motts Cove are subject to trespassing and potential incidental dumping. Second, and of greatest concern to the Trustees and the PPG, the current water levels in the areas of Hempstead Harbor and Motts Cove adjoining the Site do not provide optimum conditions for the long-term survival of a saltmarsh community.

Water depths on the Hempstead Harbor side (in the inlet) exceed those required for successful growth of *Spartina* for a substantial part of the area originally set aside for restoration. All of these factors would reduce the efficacy and acreage of *S. alterniflora* marsh ultimately restored in the areas. Likewise, the ecological services provided from such a restoration would be less than, or substantially different from, those originally envisioned.

Therefore, the Trustees have decided to seek an alternate restoration project/location to ensure that natural resources and the ecological services they provide are satisfactorily restored. This decision was made for the reasons discussed above, the restrictions set forth in Paragraph X.1. of the Consent Judgment, and the added costs to implement the activities (i.e., debris removal, excavation, fill to grade etc.) that would be required for successful on-Site restoration, but are not required under the terms of the original Consent Judgment. As noted above, under the terms of the 1992 Consent Judgment the PPG is not required to alter the elevation of the mudflats in order to make the area more suitable for salt marsh grasses, and the costs of altering the elevation would far exceed the PPG's $50,000 liability limit.

In lieu of conducting the restoration actions called for in the Consent Judgment, the Trustees and the PPG have explored other restoration options available in the Hempstead Harbor/Town of North Hempstead area. These options have a high probability of success and would produce ecological benefits at least equivalent to those derived from the restoration project presently required in the Consent Judgment. The PPG has indicated its desire to perform an alternative off-Site project for a cost not to exceed $50,000 (the maximum liability specified in the original Consent Judgment). In addition, the PPG participated in the identification and review of potential restoration alternatives, and has agreed to fund the design costs for the preferred restoration project. The PPG has also agreed to replace a deteriorating bulkhead at the Site in order to further remediation efforts.

II. Restoration Alternatives Considered and the Preferred Restoration Project Selected by the Natural Resource Trustees

The Trustees identified three desired characteristics for potential projects: (1) The habitat proposed to be restored must be similar in type to the habitat that was impacted, and potentially provide similar services; (2) the project must be in the same watershed as the impacted wetland; and (3) the project must provide long-term or perpetual benefits to the impacted resources, including fish and wildlife. Thirteen alternative restoration proposals were considered, including; a No Action alternative, the on-Site in-kind restoration specified in the 1992 Consent Judgment, and 11 off-Site, in-kind projects. The trustees comparatively evaluated each of the proposed alternatives based on seven additional selection criteria: effectiveness, protectiveness, technical feasibility, cross-benefits, collateral effects, consistency, and cost considerations. Details of the alternative analysis can be found in section 2.2.2.2. of the Draft Restoration Plan and Environmental Assessment.

Below is a description of the preferred restoration alternative selected by the Trustees—the Bar Beach Lagoon project. If this proposed project becomes final, the Trustees and the PPG will modify the 1992 Consent Judgment to specify that this off-Site project will be conducted in lieu of the on-Site restoration project specified in the 1992 Consent Judgment.

The Bar Beach Lagoon project area is located in the Town of North Hempstead, on municipal land. The proposed project area is located across from the Site on the western shore of Hempstead Harbor and immediately east of West Shore Road in Port Washington, New York. The proposed restoration site is a 5 +/- acre tidal cove situated within Bar Beach, a park owned by the Town of North Hempstead. The proposed project area consists of a mosaic of intertidal mudflat, sandflat, patchy low saltmarsh dominated by smooth cordgrass, and shellfish beds dominated by ribbed mussel and American oyster. Localized habitat loss and disturbances have degraded the habitat and adversely affected the full functioning of the saltmarsh.

The Bar Beach Lagoon restoration project will consist of several components. Restoration tasks, listed in order of decreasing significance as determined by the Trustees, will likely include: saltmarsh restoration, coastal shoreline restoration, phragmites removal or control, and erosion control through the retrofitting of a culvert. Priorities may change upon input from the contractor selected to design and oversee the project.

The Bar Beach Lagoon project would improve fish, bird, and shellfish habitat, enhance the detrital export functioning of this tidal community, and provide an opportunity for the public to enjoy this ecosystem due to its proximity to the North Hempstead Trail. Expected improvements include increased vegetative cover derived directly from plantings (approximately < 0.5 acre) and indirectly from site enhancement. The latter could augment the density and coverage of the existing saltmarsh (approximately 2 acres). Amelioration of substrate conditions (i.e., reduced erosion, reduced freshwater input) should increase the spatial coverage and/or density of Spartina over current conditions by fostering natural colonization. Habitat quality will improve due to increases in vegetative cover and structural complexity, thereby benefitting macroinvertebrates, fish and birds. Details of the project design can be found in section 3.2 of the Draft Restoration Plan and Environmental Assessment.

The PPG would be primarily responsible for implementing the project. As noted above, the PPG's liability under the terms of the Consent Judgment is limited to $50,000. However, the PPG has recently agreed to pay for the restoration design for the Bar Beach Lagoon project, in addition to their $50,000 liability. The Town of North Hempstead will provide additional funding, goods and services. The Town of North Hempstead recently received a NOAA/NMFS Community Outreach grant to partner with the Trustees and the PPG on the Bar Beach Lagoon restoration project. The additional funding and services the Town of North Hempstead will provide are valued at approximately $59,896. The Long Island Wetland Restoration Initiative Group may also contribute to the project by assisting with the mechanical or physical removal of phragmites, also known as common reed (an invasive and undesirable plant) pro bono.

The Trustees are seeking public comment on their: (1) Decision to shift from an on-Site, in-kind restoration project to an off-Site, in-kind restoration project, (2) evaluation of various restoration alternatives, and (3) selection of the Bar Beach Lagoon project as the preferred restoration alternative. All comments received on the Draft Plan will be considered and a response will be provided either through revision of this Draft Plan and incorporation into the Final Restoration Plan or by letter to the commentor once the comment period has ended. A Final Restoration Plan will then be published.

Authority: 42 U.S.C. 4321 *et seq.* and 9601 *et seq.*

Dated: November 1, 2001.

Jamison S. Hawkins,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–28216 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–JE–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110201B]

Caribbean Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Caribbean Fishery Management Council (Council) will hold meetings.

DATES: The meetings will be held on November 28-29, 2001. The Council will convene on Wednesday, November 28, 2001, from 8:30 a.m. to 5:30 p.m. through Thursday, November 29, 2001, from 9 a.m. to 5 p.m., approximately.

ADDRESSES: The meetings will be held at the Wyndham Sugar Bay Beach Club and Resort, St. Thomas, USVI.

FOR FURTHER INFORMATION CONTACT: Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918–2577; telephone: (787) 766–5926.

SUPPLEMENTARY INFORMATION: The Council will hold its 106th regular public meeting to discuss the items contained in the following agenda:

Call to Order
Adoption of Agenda
Consideration of 105th Council Meeting Summary Minutes
Executive Director's Report
Queen Conch Fisheries/Fishery Management Plan (QCFMP)
-Honduras Fisheries - Mr. Luis Morales
-U.S. Caribbean Data Update - Mrs. Monica Valle
-QCFMP Amendment 2/ Supplementary Environmental Impact Statement/UPDATE - E.V.E. Joy & J. Weaver
Reeffish Fisheries
-U.S. Caribbean Data Update - Dr. Nancie Cummings
-Marine Conservation District Update - Dr. Rick Nemeth
-Draft Amendment 4 to the Reeffish FMP
-Permit System
-Puerto Rico - R. Martinez
-U.S. Virgin Islands - B. Kojis
-Federal Government - B. Sutter
Administrative Committee Meeting
Dolphin/Wahoo FMP
-Council Consideration of Comments Received on Draft Enviromental Impact Statement
-Final Action - Submission to the Secretary
Essential Fish Habitat Option Paper - MRAG Americas
Enforcement
-Federal Government
-Puerto Rico
-U.S. Virgin Islands
Recommendations by the Administrative Committee
Scientific and Statistical Committee (SSC)/Advisory Panel (AP)/Habitat AP Membership
Meetings Attended by Council Members and Staff
-International Commission for the Conservation of Atlantic Tunas (ICCAT) Committee Meeting -Gulf and Caribbean Fishery Institute (GCFI) Meeting
-Marine Fisheries Advisory Committee (MAFAC) Meeting -Western Central Atlantic Fishery Commission (WECAFC) Meeting
Other Business
Next Council Meeting
Meetings Attended by Council Members and Staff
Other Business
Next Council Meeting

The meetings are open to the public, and will be conducted in English. Fishers and other interested persons are invited to attend and participate with oral or written statements regarding agenda issues.

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

Special Accommodations

These meetings are physically accessible to people with disabilities. For more information or request for sign language interpretation and/other auxiliary aids, please contact Mr. Miguel A. Rolón, Executive Director, Caribbean Fishery Management Council, 268 Muñoz Rivera Avenue, Suite 1108, San Juan, Puerto Rico 00918-2577; telephone: (787) 766–5926, at least 5 days prior to the meeting date.

Dated: November 2, 2001.

Richard W. Surdi,

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

[FR Doc. 01–28237 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110501D]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The NOAA Law Enforcement Office and the Gulf of Mexico Fishery Management Council (Council) will host a workshop on violations of closed shrimping areas in south Florida.

DATES: The joint NOAA Enforcement and Council meeting will be held November 28, 2001, from 1 p.m. to 4 p.m.

ADDRESSES: The meeting will be held at the at the Bayou La Batre Community Center, Padgett Switch Road, Bayou La Batre, AL 36509.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Dr. Richard L. Leard, Senior Fishery Biologist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The NOAA Law Enforcement Office and the Council will host a workshop for shrimp fishermen and dealers/processors to review the history of violations in the Tortugas Shrimp Closure and Southwest Florida Seasonal Trawl Closure. The primary purpose of the workshop is to advise industry representatives that violations have increased in these closed areas and other closed areas in state waters and to discuss the penalties that are levied for such violations. NOAA Enforcement representatives and perhaps other enforcement officers will review planned enforcement efforts for the upcoming season that generally begins in December. These officers as well as a Council staff representative will also be available to answer any questions regarding enforcement or management efforts.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those

issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

A copy of the agenda can be obtained by calling 813–228–2815.

The meeting is open to the public and is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by November 21, 2001.

Special Accommodations

The meeting is open to the public and is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by November 21, 2001.

Dated: November 6, 2001.

Richard W. Surdi,

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

[FR Doc. 01–28234 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110501E]

Gulf of Mexico Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council (Council) will convene a public meeting of the Socioeconomic Panel (SEP).

DATES: A meeting of the SEP will be held beginning at 8:30 a.m. on Wednesday, November 28, 2001, and will conclude at 4 p.m. on Thursday, November 29, 2001.

ADDRESSES: The meeting will be held at the Tampa Airport Hilton Hotel, 2225 Lois Avenue, Tampa, FL 33607; telephone: 813–877–6688.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Antonio B. Lamberte, Economist; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: The SEP will convene to review available social and economic information on gag, vermilion snapper, and gray triggerfish and to determine the social and economic implications of the levels of acceptable biological catch (ABC) recommended by the Council's Reef Fish Stock Assessment Panel (RFSAP). The SEP may recommend to the Council total allowable catch (TAC) levels for the 2002 fishing year and certain management measures associated with achieving the TACs. Assessments for mackerel and cobia will also be reviewed by the SEP. In addition, the SEP will review a charterboat/headboat study and hear a presentation on a recently completed study on fishing communities.

Composing the SEP membership are economists, sociologists, and anthropologists from various universities and state fishery agencies throughout the Gulf. They advise the Council on the social and economic implications of certain fishery management measures.

Although other non-emergency issues not on the agendas may come before the SEP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the SEP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

A copy of the agenda can be obtained by calling 813–228–2815.

Special Accommodations

The meeting is open to the public and is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office by November 21, 2001.

Dated: November 6, 2001.

Richard W. Surdi,

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

[FR Doc. 01–28235 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110201C]

Gulf of Mexico Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Gulf of Mexico Fishery Management Council will convene a public meeting of the Mississippi/Louisiana Habitat Protection Advisory Panel (AP).

DATES: The AP meeting is scheduled to begin at 9 a.m. on December 4, 2001, and will conclude by 4 p.m.

ADDRESSES: The meeting will be held at the New Orleans Airport Hilton, 901 Airline Highway, Kenner, LA 70062; telephone: 504-469-5000.

Council address: Gulf of Mexico Fishery Management Council, 3018 U.S. Highway 301 North, Suite 1000, Tampa, FL 33619.

FOR FURTHER INFORMATION CONTACT: Dr. Richard Leard, Senior Fishery Biologist, Gulf of Mexico Fishery Management Council; telephone: 813–228–2815.

SUPPLEMENTARY INFORMATION: At this meeting, the AP will discuss the progress of the coastal Mississippi Environmental Impact Statement; the Hancock County Board of Supervisors beach nourishment project; the Islander Casino and Resort project; the Caernarvon freshwater diversion impacts on fisheries; and review the Council's Freshwater Inflow Policy. The AP will also receive an update on the Essential Fish Habitat Environmental Impact Statement.

Although other non-emergency issues not on the agendas may come before the AP for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act, those issues may not be the subject of formal action during these meetings. Actions of the AP will be restricted to those issues specifically identified in the agendas and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take action to address the emergency.

The Mississippi/Louisiana Habitat AP is part of a three-unit Habitat Protection AP of the Gulf of Mexico Fishery Management Council (Council). The

principal role of the advisory panels is to assist the Council in addressing issues related to Essential Fish Habitat (EFH) and other habitat and ecological relationships supporting the marine resources of the Gulf of Mexico. Advisory panels serve as a first alert system to call to the Council's attention proposed projects being developed and other activities which may adversely impact the Gulf marine fisheries and their supporting habitat. The APs may also provide advice to the Council on EFH, as well as policies and procedures for addressing environmental affairs.

Copies of the agenda can be obtained by calling 813–228–2815.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Anne Alford at the Council (see **ADDRESSES**) by November 20, 2001.

Dated: November 2, 2001.

Richard W. Surdi,

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

[FR Doc. 01–28238 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 110501F]

Mid-Atlantic Fishery Management Council; Meetings

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

ACTION: Notice of public meeting(s).

SUMMARY: The Mid-Atlantic Fishery Management Council's Summer Flounder Monitoring Committee, Scup Monitoring Committee, and Black Sea Bass Monitoring Committee will hold a public meeting.

DATES: The meeting will be held on Wednesday, November 28, 2001, beginning at 10 a.m. with the Summer Flounder Monitoring Committee, followed by the Scup Monitoring Committee and the Black Sea Bass Monitoring Committee.

ADDRESSES: The meeting will be held at the Holiday Inn BWI, 890 Elkridge Landing Road, Baltimore, MD; telephone: 410–859–8400.

Council address: Mid-Atlantic Fishery Management Council, 300 S. New Street, Dover, DE 19904; telephone: 302–674–2331.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council, telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to recommend the 2002 recreational management measures for summer flounder, scup, and black sea bass.

Although non-emergency issues not contained in this agenda may come before the Committee for discussion, those issues may not be subject of formal Committee action during this meeting. Committee action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 205 (c) of the Magnuson-Stevens Act, provided the public has been notified of the Committee's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: November 6, 2001.

Richard W. Surdi,

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

[FR Doc. 01–28236 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 102301A]

Endangered and Threatened Species; Take of Anadromous Fish

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

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

SUMMARY: NMFS has evaluated the Tribal Resource Management Plan (Tribal Plan) submitted by the Nez Perce Tribe pursuant to the protective regulations promulgated for Snake River spring/summer chinook salmon under the Endangered Species Act (ESA). The Tribal Plan specifies the management of tribal and recreational fisheries (operated by the State of Oregon) in the Imnaha River, Oregon, that potentially affect listed Snake River spring/summer chinook salmon. This document serves to notify the public that NMFS, by delegated authority from the Secretary of Commerce, has determined that implementing and enforcing the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the Snake River spring/summer chinook salmon Evolutionarily Significant Unit (ESU). This document also includes a summary of the underlying biological analysis used in the determination (Evaluation).

DATES: The final determination on the take limit was made on August 31, 2001.

ADDRESSES: Hatcheries and Inland Fisheries Branch, Sustainable Fisheries Division, National Marine Fisheries Service, 525 NE Oregon Street, Suite 510, Portland, OR 97232–2737.

FOR FURTHER INFORMATION CONTACT: Herbert Pollard at: (208) 378–5614, or e-mail: *Herbert.Pollard@noaa.gov* regarding the Tribal Plan.

SUPPLEMENTARY INFORMATION: This notice is relevant to the Snake River spring/summer chinook salmon (*Oncorhynchus tshawytscha*) ESU.

Electronic Access

The final determination is available on the Internet at *http://www.nwr.noaa.gov/*.

Background

The Nez Perce Tribe developed a Tribal Plan specifying the management of tribal ceremonial and subsistence fisheries and non-tribal recreational fisheries in the Imnaha River basin. The Tribal Plan includes recreational fisheries specified by the Oregon Department of Fish and Wildlife, acting as an agent of the Nez Perce Tribe, that take place in the same waters and the same time frame as the tribal ceremonial and subsistence fisheries. The fisheries are intended to provide harvest opportunity for tribal and non-Indian fishers on spring chinook salmon returning to the Imnaha River in year 2001. The Tribal Plan also includes implementation, evaluation, enforcement, and reporting procedures designed to ensure the fisheries are consistent with continuing conservation and restoration objectives. The Tribal Plan describes fishery activities proposed to occur only in year 2001.

On May 16, 2001, at 66 FR 27069, NMFS published a notice of availability for public review and comment on its evaluation of how the Tribal Plan

addressed the standards of 50 CFR 223.209 (65 FR 42481, July 10, 2000), the ESA Tribal Plan Limit.

As required by § 223.209, NMFS must determine whether the Tribal Plan would appreciably reduce the likelihood of survival and recovery of the Snake River spring/summer chinook salmon ESU, and must seek public comment on its pending determination.

Discussion of the Biological Analysis Underlying the Determination

The Tribal Plan describes fishery management activities within the context of broader artificial propagation activities in the Imnaha River. The Nez Perce Tribe and the State of Oregon have co-manager responsibilities for spring chinook salmon within the Imnaha River sub-basin and manage this salmon population under cooperative agreements. The Tribe and state are responsible for managing fisheries and conservation-related artificial propagation programs that operate in the watershed. The objective of the Tribal Plan is to harvest spring chinook in a manner consistent with the overall objectives for chinook salmon in this watershed.

Impact levels to the listed spring chinook populations in the ESU are specified in the Tribal Plan. Analysis of the predicted return of naturally and hatchery-produced spring chinook salmon to the Imnaha River basin in year 2001 and the proposed harvest levels indicates that all hatchery brood stock and supplemental spawning needs will be met. Natural spawning escapement is projected to be approximately 133 percent of the previously highest count, after the proposed fisheries. The harvest proposal is based on a 10-percent impact on a total return that has been estimated at 6,700 fish. Included in the actions proposed by the Tribal Plan are tribal and state fisheries which would harvest 670 adult and jack chinook salmon. The Evaluation concludes that the proposed harvest will not interfere with brood stock collection goals and supplemental releases of fish for natural spawning while still allowing a projected return of over 3,000 adult naturally produced spring chinook. NMFS determined that the fishery management activities included in the Tribal Plan will not appreciably reduce the likelihood of survival and recovery of the ESU in the wild based on the current status of this component population. A comprehensive review of the Tribal Plan to evaluate whether the fisheries and listed spring chinook populations are performing as expected will be done at the end of the proposed 2001 season.

Summary of Comments Received in Response to the Proposed Evaluation and Recommendation Document

NMFS published notification of its draft evaluation and pending determination on the Tribal Plan for public review and comment on May 16, 2001 (66 FR 27069). The public comment period closed on May 29, 2001. NMFS received no comments concerning this document.

Based on its Evaluation and the fact that no public comments were received, NMFS issued its final determination on the Tribal Plan on August 31, 2001.

Under section 4 of the ESA, NMFS, by delegated authority from the Secretary of Commerce, is required to adopt such regulations as it deems necessary and advisable for the conservation of the species listed as threatened. The ESA Tribal Plan Limit at 50 CFR 223.209 states that the ESA section 9 take prohibitions will not apply to any activity undertaken by a tribe, tribal member, tribal permittee, tribal employee, or tribal agent in compliance with a Tribal Plan determined by NMFS to not appreciably reduce the likelihood of survival and recovery of the listed salmonids.

Dated: November 6, 2001.

Margaret Lorenz,

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

[FR Doc. 01–28239 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 103001A]

Endangered Species; Permit 1046 and 1067

AGENCY: National Marine Fisheries Service, National Oceanic and Atmospheric Administration, Commerce

ACTION: Issuance of modification 1 to permit 1046 and modification 3 to permit 1067.

SUMMARY: Notice is given that the National Marine Fisheries Service (NMFS) has issued modification 1 to permit 1046 to the National Park Service (NPS) and modification 3 to permit 1067 to the California Department of Fish and Game (CDFG). Both permit modifications authorize takes of Endangered Species Act-listed anadromous fish species for the purpose of rescue, subject to certain conditions set forth therein.

ADDRESSES: The applications and related documents are available for review in the following office, by appointment:

For permits 1046 and 1067: Protected Resources Division, NMFS, 777 Sonoma Avenue, Room 325, Santa Rosa, California 95404–6528

FOR FURTHER INFORMATION CONTACT: For permits 1046 and 1067: Daniel Logan, Protected Resources Division, NMFS, Santa Rosa, California, (707) 575–6053.

SUPPLEMENTARY INFORMATION:

Species Covered in this Notice

The following species and evolutionarily significant units (ESU's) are covered in this notice: Southern Oregon/Northern California Coasts (SONCC) coho salmon (*Oncorhynchus kisutch*) and Central California Coast (CCC) coho salmon.

Issuance of these permit modifications, as required by the ESA, was based on a finding that such modifications were: (1) applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permit; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. These modifications were issued in accordance with, and are subject to, 50 CFR part 222, the NMFS regulations governing listed species permits.

Modifications to Permits Issued

The NMFS has authorized the NPS to rescue juvenile coho salmon stranded in drying pools in streams in portions of the CCC coho salmon ESU. Also, NMFS has authorized the CDFG to rescue juvenile coho salmon stranded in drying pools in streams throughout the CCC and SONCC coho salmon ESU's. Annual rainfall totals for the 2001 water year for coastal northern California is 58% of normal. The reduced rainfall has led to reduced stream flows with pools having become disconnected from the streams.

Biologists from CDFG, NPS, and other entities have observed coho salmon in residual pools, and many pools have dried completely.

NMFS believes that the modifications to permits 1046 and 1067 authorizing rescues of stranded SONCC or CCC coho salmon is an appropriate emergency situation, consistent with 50 CFR 222.303(g). Therefore a public comment period was not commenced on this action. The issuance of the modifications to permits 1046 and 1067 allows NMFS to utilize its authority to further the purpose of the ESA; that is to lead to the recovery of listed species. Without intervention, thousands of juvenile CCC coho salmon will die.

Facilitating rescues of stranded SONCC coho salmon and CCC coho salmon will result in conservation of the threatened salmonid ESUs by preserving life or furthering our understanding of the species. By the very nature of the circumstances that trigger these actions, NMFS concludes that facilitating rescue activities is necessary and advisable.

For Modification 1 to permit 1046, the following change was incorporated into the take limits for the permit: The NPS is authorized to capture, transport, and release of 5000 juvenile CCC coho salmon associated with fish rescue operations within drainages on, and proximate to, National Park Service lands in Marin County, CA. The NPS may rescue juvenile CCC coho salmon, found in habitat areas were conditions are likely to result in eminent mortality; the fish must be released into habitat areas within the same watershed where the chance of long-term survival is increased.

For Modification 3 to permit 1067, the following changes were incorporated into the take limits for the permit: (1) The CDFG is authorized to capture, transport, and release 7,500 juvenile SONCC coho salmon associated with fish rescue operations throughout the California portion of the SONCC coho salmon ESU; (2) the CDFG is authorized to capture, transport, and release 7,500 juvenile CCC coho salmon associated with fish rescue operations throughout the CCC coho salmon ESU. The CDFG may rescue juvenile SONCC coho salmon and/or CCC coho salmon found in habitat areas where conditions are likely to result in eminent mortality; the fish must be released into habitat areas within the same watershed where the chance of long-term survival is increased.

Dated: November 6, 2001.

Margaret Lorenz,

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

[FR Doc. 01–28240 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 103001B]

Endangered and Threatened Species; Take of Anadromous Fish

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

ACTION: Amended notice for applications for scientific research permits 1156 and 1335.

SUMMARY: NMFS is amending the notice for applications for ESA scientific research permits from United States Environmental Protection Agency in Corvallis, OR (EPA) and United States Forest Service (USFS) in Corvallis, OR.

DATES: Comments or requests for a public hearing on any of the applications must be received at the appropriate address or fax number (see address) no later than 5 p.m. Pacific daylight time on December 10, 2001.

ADDRESSES: Written comments on the applications should be sent to Protected Resources Division (PRD), F/NWO3, 525 NE Oregon Street, Suite 500, Portland, OR 97232–2737 (503–230–5400). Comments may also be sent via fax to 503–230–5435. Comments will not be accepted if submitted via e-mail or the internet.

FOR FURTHER INFORMATION CONTACT: Cherelle Blazer, Portland, OR, phone: 503–231–2001, fax: 503–230–5435, e-mail: *Cherelle.Blazer@noaa.gov*.

SUPPLEMENTARY INFORMATION:

Species Covered in This Notice

Chinook salmon (*Oncorhynchus tshawytscha*): Endangered Upper Columbia River (UCR), Threatened Lower Columbia River (LCR), Threatened Puget Sound (PS)

Steelhead (*O. mykiss*): Endangered UCR, Threatened Middle Columbia River (MCR), T O. keta hreatened LCR, Threatened Upper Willamette River (UWR)

Chum salmon (*????*): Threatened Columbia River (CR), Threatened Hood Canal summer-run (HC)

Amended Notice

On April 19, 2000, NMFS published a notification (65 FR 20954) that EPA requested an amendment to a modification request for permit 1156. The request was to take LCR chinook salmon associated with research designed to collect data to enforce the Clean Water Act in the Pacific Northwest. EPA had also requested take of UW steelhead associated with the research but it was not included in the notice. The additional species were requested because an additional sampling location was added to the research to accommodate and coordinate with the Regional Environmental Monitoring and Assessment Program in the Cascades Ecoregion. The EPA proposes to capture (using electrofishing), examine, and release fish. The modification as amended is requested to be valid for the duration of the permit, which expires on December 31, 2002.

On July 20, 2001, NMFS published a notice (66 FR 37947) that USFS requested 5–year permit (1335) to take adult and juvenile CR chum salmon in three tributaries of the Columbia River in Washington state. EPA had also requested take of juvenile UCR, LCR, and PS chinook salmon; UCR, MCR, and LCR steelhead; and CR and HC chum salmon associated with the research but they were not included in the notice. USFS proposes to capture (using backpack electrofishing), anesthetize, measure, and release fish. USFS also requests juvenile fish indirect mortality associated with the research.

Dated: November 6, 2001.

Margaret Lorenz,

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

[FR Doc. 01–28241 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Performance Review Board (PRB)

AGENCY: United States Patent and Trademark Office, Commerce.

ACTION: Notice; update membership list of the United States Patent and Trademark Office Performance Review Board.

SUMMARY: In conformance with the Civil Service Reform Act of 1978, 5 U.S.C. 4314(c)(4), the United States Patent and Trademark Office announces the appointment of persons to serve as members of its Performance Review Board.

ADDRESSES: Director, Office of Human Resources, United States Patent and Trademark Office, One Crystal Park, Suite 707, Washington, DC 20231.

FOR FURTHER INFORMATION CONTACT: Sydney Rose at (703) 305–8062.

SUPPLEMENTARY INFORMATION: The membership of the United States Patent and Trademark Office Performance Review Board is as follows:

Clarence Crawford, Chair, Chief Financial Officer and Chief Administrative Officer, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2003.

Nicholas Godici, Commissioner for Patents, United States Patent and Trademark Office, Washington, DC

20231, Term expires September 30, 2003.

Anne Chasser, Commissioner for Trademarks, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2003.

Douglas Bourgeois, Chief Information Officer, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2004.

Esther Kepplinger, Deputy Commissioner for Patent Operations, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2003.

James Toupin, General Counsel, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2004.

Robert Anderson, Deputy Commissioner for Trademarks, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2003.

Robert Stoll, Administrator for External Affairs, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2003.

Dieter Hoinkes, Deputy Administrator for External Affairs, United States Patent and Trademark Office, Washington, DC 20231, Term expires September 30, 2003.

Bruce Campbell, Executive Associate Director, Operations Support Directorate, Federal Emergency Management Agency, Washington, DC 20742, Term expires September 30, 2002.

K. David Holmes, Jr., Deputy Assistant Secretary for Security, Department of Commerce, Washington, DC 20233, Term expires September 30, 2004.

Dated: November 6, 2001.

Nicholas P. Godici,

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

[FR Doc. 01–28251 Filed 11–8–01; 8:45 am]

BILLING CODE 3510–16–P

DEPARTMENT OF DEFENSE

Department of The Army

Second Record of Decision (ROD) of the Final Environmental Impact Statement (FEIS) on the Disposal and Reuse of the Stratford Army Engine Plant (SAEP), Stratford, CT

AGENCY: Department of The Army, DoD.

ACTION: Notice of availability.

SUMMARY: The Department of The Army announces the availability of the second ROD of the FEIS on the Disposal and Reuse of the Stratford Army Engine Plant, in accordance with the Defense Base Closure and Realignment Act of 1990, Pub. L. 101–510, as amended.

ADDRESSES: A copy of this ROD may be obtained by writing to Mrs. Shirley Vance, U.S. Army Materiel Command, ATTN: AMCIS–B, 5001 Eisenhower Avenue, Alexandria, VA 22333–0001. Copies of the FEIS may be obtained by writing to Mr. Joe Hand, Corps of Engineers, Mobile District, ATTN: PD–EC, PO Box 2288, Mobile, AL 36628–0001.

FOR FURTHER INFORMATION CONTACT: Mrs. Shirley Vance by facsimile at (703) 617–6447.

SUPPLEMENTARY INFORMATION: In the ROD, The Army concludes that the FEIS adequately addresses the impacts of property disposal and documents its decision to transfer the remaining approximately 4 acres of SAEP property as encumbered. The ROD concludes that approximately 4 acres remaining of the 75-acre SAEP property will be conveyed subject to restrictions, identified in the FEIS, that relate to the following: easements for avigation, other easements and rights-of-way, floodplains, a groundwater use prohibition, floodplains obligations, wetlands, land use restrictions, remedial activities and the requirement for a right of reentry for environmental cleanup. The Army's intent under the ROD is to transfer approximately 4 acres remaining of the SAEP property to the City of Bridgeport for airport purposes. If the City of Bridgeport is unable to acquire the necessary permits and approvals for their proposed activity on the approximately 4-acres within a reasonable period of time, The Army will convey the property to the SAEP LRA. The Army will impose deed restrictions or other requirements to ensure safety and protection of human health and the environment.

The Army has taken all practicable measures to avoid or minimize environmental harm associated with its preferred alternative of encumbered property disposal. Mitigation measures for reuse activities are identified in the FEIS.

Dated: November 5, 2001.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health) OASA(I&E).

[FR Doc. 01–28252 Filed 11–8–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army

Availability for Non-Exclusive, Exclusive, or Partially Exclusive Licensing of U.S. Patent Application Concerning Method of Treating, Preventing or Inhibiting Central Nervous System (CNS) Injuries and Diseases

AGENCY: U.S. Army Medical Research and Materiel Command, DoD.

ACTION: Notice.

SUMMARY: In accordance with 37 CFR 404.6, announcement is made of the availability for licensing of U.S. Patent Application No. 09/839,905 entitled ''Method of Treating, Preventing or Inhibiting Central Nervous System Injuries and Diseases'' and filed 20 April 2001. Foreign rights are also available (PCT/US01/13043). The United States Government, as represented by the Secretary of the Army, has rights in this invention.

ADDRESSES: Commander, U.S. Army Medical Research and Materiel Command, Attn.: Command Judge Advocate, MCMR–JA, 504 Scott Street, Fort Detrick, Frederick, MD 21702–5012.

FOR FURTHER INFORMATION CONTACT: For patent issues, Ms. Elizabeth Arwine, Patent Attorney, (301) 619–7808. For licensing issues, Dr. Paul Mele, Office of Research & Technology Assessment, (301) 619–5034. Both at telefax (301) 619–5034.

SUPPLEMENTARY INFORMATION: Method of preventing, treating or both preventing and treating CNS injury, disease, neurotoxicity or memory deficit in a subject by the administration of at least one lipoic acid compound to the subject are disclosed. Examples of CNS injuries or disease include traumatic brain injury (TBI), posttraumatic epilepsy (PTE), stroke, cerebral ischemia, neuorodegenerative diseases of the brain such as Parkinson's Disease, Dementia Pugilisitica, Huntington's disease and Alzheimer's disease, brain injuries secondary to seizures which are induced by radiation, exposure to ionizing or iron plasma, nerve agents, cyanide, toxic concentrations of oxygen, neurotoxicity due to CNS malaria or treatment with antimalaria agents, and other CNS traumas. Examples of lipoic acid compounds include α-lipoic acid (α-LA), dihydrolipoic acid (DHLA), 2-(N,N-dimethylamine) ethylamido lipoate-HCL (LA-plus), the oxidized or reduced R- or S-isomers thereof, the metabolites of α-lipoic acid such as 6,8-bisnorlipoic acid and tetranorlipoic acid

and analogs thereof. Also disclosed are pharmaceutical compositions and kits comprising at least one lipoic acid compound.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–28243 Filed 11–8–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF DEFENSE

Department of the Army; Corps of Engineers

Intent To Prepare a Draft Environmental Impact Statement (DEIS) for *El Rio Antiguo*, Rillito River, a Feasibility Study of a Portion of the Rillito River in the City of Tucson, Pima County, AZ

AGENCY: Army Corps of Engineers, DoD.

ACTION: Notice of intent.

SUMMARY: The Los Angeles District of the U.S. Corps of Engineers (the Corps) will initiate analyses of foreseeable environmental impacts from actions potentially to be implemented on a reach of the Rillito River. The Corps will prepare an Environmental Impact Statement (EIS) to accompany the Feasibility Report. Pima County will participate in the Feasibility Study.

The Rillito River flows from east to west along the south face of the Catalina Mountains, and is tributary to the Santa Cruz River. The study area extends from the confluence of Pantano and Tanque Verde Washes, which happens to coincide with Craycroft Road, downstream to Campbell Road. About 4.8 river miles lie between those limits. Except for a region on the south side approximately one mile long, all existing banks have been stabilized with soils cement. The study area will extend on the north side to include uplands in a region known locally as ''the bend'', and on the south side to encompass lands potentially to be acquired along Alvernon Way and at Campbell Road. Approximately 925 acres lie within the roughly defined study area, and of that about 525 acres would be called uplands. A habitat restoration project on the south bank of the Rillito (Continuing Authorities Program, section 1135 of the Water Resources Development Act of 1986, as amended) has been initiated within the proposed study area. Refinements of the study area, both additional inclusions and exclusions, can be expected during the course of the Feasibility Study as appropriate to the general study objectives.

The proposed project emphasizes opportunities to restore riparian habitat, address matters of surface and groundwater quality, explore aquifer recharge along the Rillito, restoration of natural riverbed conditions, fashion localized seasonal wetlands (known in the southwest by the Spanish noun *cienegas*) at opportune places in the river bottom, and create venues appropriate for recreational educational uses of the river. Flood damage reduction on the Rillito itself and washes entering it from foothills of the Catalinas will also constitute aspects of the Feasibility Study.

ADDRESSES: District Engineer, U.S. Army Corps of Engineers, Los Angeles District, ATTN: Dr. John E. Moeur, Regional Planning Section, CESPL–PD–RP, PO Box 532711, Los Angeles, California 90053–2325.

FOR FURTHER INFORMATION CONTACT: Dr. John E. Moeur, Environmental Manager, telephone (213) 452–3874.

SUPPLEMENTARY INFORMATION:

1. Authorization

The Feasibility Study for El Rio Antiguo has two distinct Congressional authorities. The more recent, House Resolution 2425 (dated 17 May 1994), directs:

> * * * the Secretary of the Army * * * to review reports of the Chief of Engineers on the State of Arizona * * * in the interest of flood damage reduction, environmental protection and restoration, and related purposes.

Congress previously authorized similar endeavors through section 6 of the Flood Control Act of 1938. The 75th Congress of the United States passed what became Public Law 761. This legislation states, in part:

> * * * the Secretary of War [Secretary of the Army since 1947] is hereby authorized and directed to cause preliminary examinations and surveys * * * at the following locations: * * * Gila River and tributaries, Arizona, * * *

2. Background

The Rillito River now appears as a broad dry, wash most of the year. Summer thunderstorms in its watershed may cause it run modestly, or in genuine flood, but it soon reverts to a dry desert wash.

It environs were much different a century and a half ago. A description written in 1910 portrays it before the Civil War as an unbroken gallery forest along the Rillito dominated by cottonwoods, willows, Arizona ash, Arizona walnut, diverse underbrush species adapted to the Sonoran Desert, interspersed with grasslands of sacaton and big galleta grass. Beavers dammed the Rillito in many places. Where water infiltrated somewhat faster, cienegas formed along the riverbed.

Diversion of surface waters, and then extraction by pumps of water from subsurface strata caused profound regional changes in hydrology starting about the turn of the last century. Thereafter, the Rillito began to decline.

3. Proposed Action

No explicit proposed alternative has yet been identified. The Feasibility Study to be evaluated by this EIS will evaluate impacts of viable alternatives once they have been framed in light of the topography, hydrology, biotic communities, and preferences of the local sponsor. A No action Alternative will form the basis for comparison for these evaluations. The EIS will address at least sixteen diverse kinds of resources important to the Sonoran Desert biome: Aesthetics, agriculture, air quality, biology, cultural, geology, groundwater recharge, hazardous wastes, land use, physical environment, recreation and education, safety, socioeconomic, sound and noise, transportation and communications, and water quality. The public will be afforded ample opportunity to comment on these analyses prior to taking any action to implement any alternative that may then be under consideration.

4. Scoping Process

The Corps will conduct a scoping meeting to aid in determining the importance of pertinent environmental issues. Participation of all interested Federal, State, and County resource agencies, as well as Native American peoples, groups with environmental interests, and all interested individuals is encouraged. Public involvement will be most beneficial and worthwhile in identifying pertinent environmental issues, offering useful information such as published or unpublished data. direct personal experience or knowledge which inform decision making, assistance in defining the scope of plans which ought to be considered, and recommending suitable mitigation measures warranted by such plans. Those wishing to contribute information, ideas, alternatives for actions, and so forth can furnish these contributions in writing to the points of contact indicated above, or by attending public scoping opportunities.

The scoping period will conclude 60 days after publication of this NOI and concurrent publication in newspapers circulated in the greater Tucson area.

5. Public Scoping Meeting

The Corps and the local sponsor invite all interested parties to a public

scoping meeting to discuss project goals and offer ideas essential to developing alternatives to achieve those goals. An initial public meeting for the proposed El Rio Antiguo study is scheduled for the evening of Tuesday, November 13, 2001. Please gather at 6 PM in the 1st Evangelical Free Church, located at 4700 N. Swan Road, in Tucson, Arizona. Individuals, organizations, and agencies who wish to offer information or data relevant to anticipated project objectives, alternatives, impacts, mitigation, or any similar consideration may do so by attending the public scoping meeting. If that means for communication proves infeasible, then kindly mail the information to any of the three addresses noted above.

Luz D. Ortiz,

Army Federal Register Liaison Officer.

[FR Doc. 01–28244 Filed 11–8–01; 8:45 am]

BILLING CODE 3710–KF–M

DEPARTMENT OF EDUCATION

[CFDA No. 84.116M]

Fund for the Improvement of Postsecondary Education—Special Focus Competition: US-Brazil Higher Education Consortia Program (Institutional Cooperation and Student Mobility in Postsecondary Education Between the United States and Brazil); Notice inviting applications for New Awards for Fiscal Year (FY) 2002.

Purpose of Program: To provide grants or enter into cooperative agreements to improve postsecondary education opportunities by focusing on problem areas or improvement approaches in postsecondary education.

Eligible Applicants: Institutions of higher education or combinations of institutions and other public and private nonprofit institutions and agencies.

Applications Available: November 9, 2001.

Deadline for Transmittal of Applications: March 29, 2002.

Deadline for Intergovernmental Review: May 28, 2002.

Estimated Available Funds: $300,000. The estimated amount of funds available for awards is based on the Administration's request for this program for FY 2002. The actual level of funding, if any, depends on final congressional action. However, we are inviting applications to allow enough time to complete the grant process if Congress appropriates funds for this program.

Estimated Range of Awards: $25,000-$30,000 for FY 2002; $190,000-$210,000 for 4-year duration of grant.

Estimated Average Size of Awards: $30,000 for FY 2002; $200,000 for 4-year duration of grant.

Estimated Number of Awards: 10.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 48 months.

Applicable Regulations: The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

SUPPLEMENTARY INFORMATION: This program is a Special Focus Competition under the Fund for the Improvement of Postsecondary Education (Title VII, Part B of the Higher Education Act of 1965, as amended) to support projects addressing a particular problem area or improvement approach in postsecondary education. The competition also includes an invitational priority to encourage proposals designed to support the formation of educational consortia of American and Brazilian institutions to encourage cooperation in the coordination of curricula, the exchange of students, and the opening of educational opportunities between the United States and Brazil. The invitational priority is issued in cooperation with Brazil. These awards support only the participation of US institutions and students in these consortia. Brazilian institutions participating in any consortium proposal responding to the invitational priority may apply, respectively, to the Coordination of Improvement of Personnel of Superior Level (CAPES), Brazilian Ministry of Education, for additional funding under a separate but parallel Brazilian competition.

Priority

Invitational Priority

We are particularly interested in applications that meet the following invitational priority:

Projects that support consortia of institutions of higher education that promote institutional cooperation and student mobility between the United States and Brazil.

Under 34 CFR 75.105(c)(1) we do not give an application that meets the priority a competitive or absolute preference over other applications.

Methods for Applying Selection Criteria

The Secretary gives equal weight to the listed criteria. Within each of the criteria, the Secretary gives equal weight to each of the factors.

Selection Criteria

In evaluating applications for grants under this program competition, the Secretary uses the following selection criteria chosen from those listed in 34 CFR 75.210.

(1) The significance of the proposed project, as determined by—

(a) The extent to which the proposed project involves the development or demonstration of promising new strategies that build on, or are alternatives to, existing strategies;

(b) The likely utility of the products (such as information, materials, processes, or techniques) that will result from the proposed project, including the potential for their being used effectively in a variety of other settings; and

(c) The importance or magnitude of the results or outcomes likely to be attained by the proposed project, especially improvements in teaching and student achievement.

(2) The quality of the design of the proposed project, as determined by—

(a) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable; and

(b) The extent to which the design of the proposed project is appropriate to, and will successfully address, the needs of the target population or other identified needs.

(3) The adequacy of resources, as determined by—

(a) The extent to which the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project;

(b) The potential for continued support of the project after Federal funding ends, including, as appropriate, the demonstrated commitment of appropriate entities to such support; and

(c) The relevance and demonstrated commitment of each partner in the proposed project to the implementation and success of the project.

(4) The quality of the project personnel, as determined by—

(a) The qualifications, including relevant training and experience, of key project personnel; and

(b) The extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. FAX: (301) 470–1244. If you use a

telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs at its web site: *http://www.ed.gov/pubs/edpubs.html*

Or you may contact ED Pubs at its e-mail address: *edpubs@inet.ed.gov*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.116M.

For Applications and Further Information Contact: Copies of the application materials and further program information may also be obtained from Levenia Ishmell, Fund for the Improvement of Postsecondary Education (FIPSE), U.S. Department of Education, 1990 K Street, NW., 8th Floor, Washington, DC 20006–8544. Telephone: (202) 502–7500. You may also request application guidelines by submitting the name of the competition (US-Brazil) and your name and postal address to: *fipse@ed.gov*

Applications are also available on the FIPSE Web site at: *http://www.ed.gov/offices/OPE/FIPSE/Brazil/*

Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under *For Applications and Further Information Contact.*

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting that person. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at the following site: *http://www.ed.gov/legislation/FedRegister*

To use PDF you must have Adobe Acrobat Reader, which is available free at this site. If you have questions about using PDF, call the U.S. Government Printing Office (GPO), toll free, at 1–888–293–6498; or in the Washington, DC, area at (202) 512–1530.

Note: The official version of this document is the document published in the **Federal Register**. Free Internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available on GPO Access at: *http://www.access.gpo.gov/nara/index.html*

Program Authority: 20 U.S.C. 1138–1138d.

Dated: November 6, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy Planning and Innovation, Office of Postsecondary Education.

[FR Doc. 01–28149 Filed 11–8–01; 8:45 am]

BILLING CODE 4001–01–U

DEPARTMENT OF EDUCATION

National Educational Research Policy and Priorities Board; Meeting

AGENCY: National Educational Research Policy and Priorities Board; Education.

ACTION: Notice of quarterly meeting.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Educational Research Policy and Priorities Board. This notice also describes the functions of the Board. Notice of this meeting is required under Section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the public of their opportunity to attend. Individuals who will need accommodations for a disability in order to attend the meeting (*i.e.,* interpreting services, assistive listening devices, materials in alternative format) should notify Mary Grace Lucier at (202) 219–2253 no later than November 15. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting site is accessible to individuals with disabilities.

DATES: November 30, 2001.

TIME: 8:30 a.m. to 5 p.m.

LOCATION: Room 100, 80 F St., NW., Washington, DC 20208–7564.

FOR FURTHER INFORMATION CONTACT: Mary Grace Lucier, Designated Federal Official, National Educational Research Policy and Priorities Board, 80 F St., NW., Washington, DC 20208–7564. Telephone: (202) 219–2253; fax: (202) 219–1528; e-mail: *Mary.Grace.Lucier@ed.gov.* Main telephone for Board office: (202) 208–0692.

SUPPLEMENTARY INFORMATION: The National Educational Research Policy and Priorities Board is authorized by Section 921 of the Educational Research, Development, Dissemination, and Improvement Act of 1994. The Board works collaboratively with the Assistant Secretary for the Office of Educational Research and Improvement to forge a national consensus with respect to a long-term agenda for educational research, development, and dissemination, and to provide advice and assistance to the Assistant Secretary in administering the duties of the Office.

The agenda for November 30 will cover a report from the National Research Council/National Academy of Sciences on a study commissioned by the Board on Scientific Principles in Educational Research. The Board will also consider its recommendations for the reauthorization of the Office of Educational Research and Improvement. A final agenda will be available from the Board's office on November 23, and will be posted on the Board's Web site, *http://www.ed.gov/offices/OPERI/NERPPB/.* Records are kept of all Board proceedings and are available for public inspection at the office of the National Educational Research Policy and Priorities Board, 80 F St. NW., Washington, DC 20208–7564.

Dated: November 2, 2001.

Rafael Valdivieso,

Executive Director.

[FR Doc. 01–28140 Filed 11–8–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Agency Information Collection Extension Under Review by the Office of Management and Budget

AGENCY: Department of Energy.

ACTION: Submission for OMB review; comment request.

SUMMARY: The Department of Energy (DOE) intends to extend an information collection package for a period of three years, pursuant to Section 3507(h)(1) with the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995. The Industrial Relations collection package, OMB Control Number 1910–0600, collects information from DOE's Facilities Management Contractors (formerly known as Management and Operating [M&O] Contractors, and Management and Operating Type [M&O Type] Contractors) concerning the management and administration of their workforce. This information is used to exercise management oversight and cost control of our contracts and the application of statutory and contractual requirements. The collection of this data is critical to the Department. It is used to ensure that the contractors satisfy their contractual obligations; contract funds are expended as intended; and to detect and eliminate fraud, waste, and

abuse. The data collected involves contractor equal employment opportunity and affirmative action program information.

DATES: Written comments and recommendations regarding this information collection package must be submitted to the OMB Desk Officer on or before December 10, 2001. If you wish to submit comments, but find it difficult to do so within the time period allowed, please notify the OMB Desk Officer of your intent as soon as possible. The Desk Officer may be reached at 202/395–3087. In addition, please notify the DOE contact listed below.

ADDRESSES: Address comments to the Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), DOE Desk Officer, New Executive Office Building, 725 17th St., Washington, DC 20503. Persons submitting comments to OMB are requested to send a copy to Ms. Susan L. Frey, U. S. Department of Energy, Director, Records Management Division, Office of the Chief Information Officer (SO–312), Germantown, MD 20874–1290. Ms. Frey can be contacted by telephone (301/903–3666) or email (Susan.Frey@hq.doe.gov). 1000 Independence Avenue, SW., Washington, DC 20585.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the Department's Paperwork Reduction Act Submission and other information please contact Susan L. Frey, at the above-mentioned address.

SUPPLEMENTARY INFORMATION: (1) *Title of the information collection package:* Industrial Relations; (2) *Current OMB control number:* 1910–0600; (3) *Type of respondents:* DOE Management and Operating Contractors (M&O) and Management and Operating type (M&O Type) Contractors; (4) *Estimated number of respondents:* 718; (5) *Estimated number of Burden Hours:* 10,138; (6) *Number of categories of information or record keeping requirements:* 19; and (7) *Purpose:* This information is required for management oversight of DOE M&O and M&O-Type Contracts/Contractors and to ensure that the programmatic and administrative management requirements of the contract are managed efficiently and effectively.

Statutory Authority: Section 3506(c)(2)(A) and Section 3507(h)(1) of the Paperwork Reduction Act of 1995 (Pub. L. No. 104–13).

Issued in Washington, DC, on November 1, 2001.

Susan L. Frey,

Director, Records Management Division, Office of Records and Business Management, Office of the Chief Information Officer.

[FR Doc. 01–28151 Filed 11–8–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

National Nuclear Security Administration; Notice of Availability of the Final Site-Wide Environmental Impact Statement for the Oak Ridge Y–12 Plant

AGENCY: Department of Energy, National Nuclear Security Administration.

ACTION: Notice of availability.

SUMMARY: The National Nuclear Security Administration (NNSA), a separately organized agency within the Department of Energy (DOE), announces the availability of the Final Site-Wide Environmental Impact Statement for the Oak Ridge Y–12 Plant [Y–12 Final SWEIS] (DOE/EIS–0309). The Y–12 Final SWEIS evaluates the potential environmental impacts associated with the continued operations of the Y–12 Plant, as well as with alternatives for modernizing Y–12 facilities to ensure its capability to meet future nuclear weapon stockpile needs in the post-Cold War era. The alternatives include construction and operation of new facilities for two of Y–12's missions: Highly Enriched Uranium (HEU) Materials Storage mission and Special Materials mission. The preferred alternative is to construct and operate a new HEU Materials Storage Facility and a new Special Materials Complex. The preferred site for the HEU Materials Storage Facility is Site A (West Portal Parking Lot). The preferred site for the Spcial Materials Complex Facility is Site 1 (northwest of Building 9114 and on the north side of Bear Creek Road).

ADDRESSES: Copies of the Y–12 Final SWEIS may be obtained by mail (U.S. Department of Energy, Oak Ridge Operations Office, Attn: Mr. Gary Hartman, P.O. Box 2001, Oak Ridge, TN 37831), by fax (1–865–576–1237), by phone (1–865–576–0273), or electronically (Y12EIS@oro.doe.gov). The Y–12 Final SWEIS is also available for review at the U.S. Department of Energy Public Reading Room at 230 Warehouse Road, Oak Ridge, TN 37830.

FOR FURTHER INFORMATION CONTACT: For general information on the NNSA NEPA process, please contact: Mr. James Mangeno, NEPA Compliance Officer for NNSA, U.S. Department of Energy/NNSA, 1000 Independence Avenue, SW., Washington, DC 20585; or telephone 1–800–832–0885, ext. 68395. For general information on the DOE NEPA process, please contact: Ms. Carol M. Borgstrom, Director, Office of NEPA Policy and Compliance (EH–42), U.S. Department of Energy, 1000 Independence Avenue, SW., Washington, DC 20585, telephone 202–586–4600, or leave a message at 1–800–472–2756.

SUPPLEMENTARY INFORMATION: The NNSA is responsible for providing the Nation with nuclear weapons and ensuring that those nuclear weapons remain safe, secure, and reliable. As one of the major production facilities, the Oak Ridge Y–12 Plant has been DOE's primary site for enriched uranium processing and storage, and one of the manufacturing facilities for maintaining the U.S. nuclear weapons stockpile. In recent years, the emphasis of the U.S. weapons program has shifted from developing and producing new weapons to dismantlement and maintenance of a smaller stockpile.

The Y–12 Final SWEIS evaluates the potential environmental impacts from continued operation of the Oak Ridge Y–12 Plant, and the construction and operation of new facilities for two of Y–12's missions: HEU Materials Storage mission and Special Materials mission. Alternatives considered for the HEU Materials Storage mission include constructing and operating a new HEU Materials Facility at one of two candidate sites, or expanding and operating Building 9215 (the preferred site is Site A). Three candidate sites are evaluated for a new Special Materials Complex for the Special Materials mission at Y–12 (the preferred site is Site 1). More specifically, the Y–12 Final SWEIS analyzes potential impacts on land uses, transportation, socioeconomics, geology and soils, hydrology, biological resources, air quality/noise, site facilities and support activities, waste management, and cultural resources. In addition, environmental justice, radiological and chemical impacts during normal operations, and effects of accidents on workers and the public are included in the assessment. The preferred alternative is to construct and operate a new HEU Materials Storage Facility at Site A and a new Special Materials Complex at Site 1. A Record of Decision is expected to be issued no sooner than 30 days from the date of this announcement.

Issued in Washington, DC this 5th day of November, 2001.

John Gordon,

Administrator, National Nuclear Security Administration, Department of Energy.

[FR Doc. 01–28153 Filed 11–8–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Environmental Management Site-Specific Advisory Board, Pantex

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Environmental Management Site-Specific Advisory Board (EM SSAB), Pantex. The Federal Advisory Committee Act (Pub. L. 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, November 27, 2001; 1 p.m.–5 p.m.

ADDRESSES: The Party Barn, 7200 Canyon Drive, Amarillo, Texas.

FOR FURTHER INFORMATION CONTACT: Jerry S. Johnson, Assistant Area Manager, Department of Energy, Amarillo Area Office, P.O. Box 30030, Amarillo, TX 79120; phone (806) 477–3125; fax (806) 477–5896 or e-mail *jjohnson@pantex.gov.*

SUPPLEMENTARY INFORMATION:

Purpose of the Board

The purpose of the Board is to make recommendations to DOE and its regulators in the areas of environmental restoration, waste management and related activities.

Tentative Agenda

1:00 Agenda Review/Approval of Minutes
1:15 Co-Chair Comments
1:30 Task Force/Subcommittee Reports
2:00 Ex-Officio Reports
2:15 Break
2:30 Updates—Occurrence Reports—DOE
3:00 Presentation (To Be Announced) 24 hr. information line: (806) 372–1945
4:00 Questions/Public Questions/Comments
5:00 Adjourn

Public Participation

The meeting is open to the public. Written statements may be filed with the Committee either before or after the meeting. Individuals who wish to make oral statements pertaining to agenda items should contact Jerry Johnson's office at the address or telephone number listed above. Requests must be received five days prior to the meeting and every reasonable provision will be made to accommodate the request in the agenda. The Designated Federal Officer is empowered to conduct the meeting in a fashion that will facilitate the orderly conduct of business. Each individual wishing to make public comment will be provided a maximum of five minutes to present their comments.

Minutes

Minutes of this meeting will be available for public review and copying at the Pantex Public Reading Rooms located at the Amarillo College Lynn Library and Learning Center, 2201 South Washington, Amarillo, TX phone (806) 371–5400. Hours of operation are from 7:45 a.m. to 10 p.m. Monday through Thursday; 7:45 a.m. to 5 p.m. on Friday; 8:30 a.m. to 12 noon on Saturday; and 2 p.m. to 6 p.m. on Sunday, except for Federal holidays. Additionally, there is a Public Reading Room located at the Carson County Public Library, 401 Main Street, Panhandle, TX phone (806) 537–3742. Hours of operation are from 9 a.m. to 7 p.m. on Monday; 9 a.m. to 5 p.m. Tuesday through Friday; and closed Saturday and Sunday as well as Federal holidays. Minutes will also be available by writing or calling Jerry S. Johnson at the address or telephone number listed above.

Issued at Washington, DC, on November 5, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–28152 Filed 11–8–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Long-Term Stewardship Study

AGENCY: Department of Energy.

ACTION: Notice of availability.

SUMMARY: The Department of Energy (DOE) announces the public availability of the final Long-Term Stewardship Study. The Study presents and discusses issues associated with the long-term stewardship of DOE sites where contaminated facilities, water, soil, and/or engineered units are likely to remain after cleanup activities are finished. The Study also provides DOE's responses to comments on the Draft Study. DOE prepared the Study in response to a settlement agreement.

ADDRESSES: You can obtain copies of the Study and other information related to long-term stewardship from the following sources:

- Long-Term Stewardship Information Center Internet site at the following address: *www.em.doe.gov/lts.*
- The Center for Environmental Management Information, 955 L'Enfant Plaza, North, SW., Suite 8200, Washington, DC 20024, 1–800–736–3282 (1–800–7EM–DATA). In Washington, DC, the phone number is 202–863–5084.
- DOE Reading Rooms (for locations of the DOE Reading Rooms or other public information repositories containing background information, please contact the Center for Environmental Management Information at the above address and telephone).

FOR FURTHER INFORMATION CONTACT: Letitia O'Conor, Office of Long-Term Stewardship (EM–51) on (202) 586–6570 or (202) 586–9280.

SUPPLEMENTARY INFORMATION:

Background

The Department of Energy has prepared this Long-Term Stewardship Study to comply with the terms of a settlement agreement between DOE and 38 plaintiffs [*Natural Resources Defense Council, et al.* v. *Richardson, et al.,* Civ. No. 97–936 (SS) (D.D.C. December 12, 1998)]. The Study presents information and discusses issues associated with long-term stewardship. The Study defines long-term stewardship as the physical controls, institutions, information and other mechanisms needed to ensure protection of people and the environment at sites where DOE has completed or plans to complete ''cleanup'' (e.g., landfill closures, remedial actions, removal actions, and facility stabilization). Depending on specific circumstances, long-term stewardship could include any combination of land-use controls, monitoring, maintenance and information management.

Study Development Process

In accordance with the terms of the settlement agreement, DOE followed the Council on Environmental Quality National Environmental Policy Act (NEPA) implementing procedures for public scoping, 40 CFR § 1501.7(a)(1)–(2), and, in general, DOE's NEPA procedures for public review of environmental impact statements, 10 CFR 1021.313, even though the Study is not a NEPA document or its functional equivalent.

DOE identified the issues addressed in the Study by conducting a public scoping process, soliciting public

comments on the Draft Study distributed to the public in October 2000, and considering other information from a variety of sources (both DOE and non-DOE) that have analyzed long-term stewardship. The Department received comments on the Draft Study from 50 sources, including state agencies, citizen groups, DOE advisory groups, private citizens, Tribal nations, and federal agencies. The Final Study reflects changes and clarifications made in response to those comments.

Issued in Washington D.C., October 26, 2001.

David Geiser,

Director, Office of Long-Term Stewardship, Department of Energy.

[FR Doc. 01–28150 Filed 11–8–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–409–000]

Calypso Pipeline, L.L.C.; Notice of Resource Agency Meeting

November 5, 2001.

On November 14, 2001, the Office of Energy Projects staff will attend a scheduled agency meeting with the Florida Department of Environmental Protection (FDEP), other environmental resource agencies, and representatives of Calypso Pipeline, L.L.C. The purpose of the meeting is to discuss permitting issues for the proposed Calypso Natural Gas Pipeline Project (Docket No. CP01–409–000). The meeting will be held at the FDEP office located at 400 North Congress Avenue, West Palm Beach, Florida.

For additional information, contact the Commission's Office of External Affairs at (202) 208–1088.

David P. Boergers,

Secretary.

[FR Doc. 01–28122 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–033]

Columbia Gulf Transmission Co.; Notice of Negotiated Rate Filing

November 5, 2001.

Take notice that on October 31, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following contract for disclosure of a recently negotiated rate transaction:

FTS–2 Service Agreement between Columbia Gulf Transmission Company and Duke Energy Trading and Marketing, L.L.C. dated October 30, 2001

Transportation service is to commence November 1, 2001 under the Agreement.

Columbia Gulf states that copies of the filing are being served on all parties identified on the official service list in Docket No. RP96–389.

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. 01–28128 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–220–010]

Great Lakes Gas Transmission Limited Partnership; Notice of Rate Agreement

November 5, 2001.

Take notice that on October 30, 2001, Great Lakes Gas Transmission Limited Partnership (Great Lakes) filed for disclosure, a transportation service agreement pursuant to Great Lakes' Rate Schedule FT entered into by Great Lakes and Nexen Marketing U.S.A. Inc. (Nexen) (FT Service Agreement). The FT Service Agreement being filed reflects a negotiated rate arrangement between Great Lakes and Nexen commencing November 1, 2001.

Great Lakes states that the FT Service Agreement is being filed to implement a negotiated rate contract as required by both Great Lakes' negotiated rate tariff provisions and the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines, issued January 31, 1996, at Docket Nos. RM95–6–000 and RM96–7–000.

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. 01–28133 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–81–011]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Negotiated Rates

November 5, 2001.

Take notice that on October 31, 2001, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1–A, Fifth Revised Sheet No. 4G and First Revised

Sheet No. 4I, to be effective November 1, 2001.

KMIGT states that the above-referenced tariff sheets reflect a negotiated rate contract effective November 1, 2001. The tariff sheets are being filed pursuant to section 36 of KMIGT's FERC Gas Tariff Fourth Revised Volume No. 1–A, and the procedures prescribed by the Commission in its December 31, 1996 ''Order Accepting Tariff Filing Subject to Conditions'', in Docket No. RP97–81 (77 FERC ¶ 61,350) and the Commission's Letter Orders dated March 28, 1997 and November 30, 2000 in Docket Nos. RP97–81–001, and RP01–70–000, respectively.

KMIGT states that a copy of this filing has been served upon all parties to this proceeding, KMIGT's customers and affected 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. 01–28130 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–041]

Natural Gas Pipeline Company of America; Notice of Negotiated Rates

November 5, 2001.

Take notice that on November 1, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to become part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets to be effective November 1, 2001.

Natural states that the purpose of this filing is to implement a negotiated rate transaction entered into by Natural and Aquila Energy Marketing Corporation under Natural's Rate Schedule FTS pursuant to section 49 of the General Terms and Conditions of Natural's Tariff. Natural states that the negotiated rate agreement does not deviate in any material respect from the applicable form of service agreement in Natural's Tariff.

Natural states that copies of the filing are being mailed to its customers, interested state commissions and all parties set out on the Commission's official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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. 01–28132 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER02–209–000]

New York Independent System Operator, Inc.; Notice of Filing

November 5, 2001.

Take notice that on October 24, 2001, the New York Independent System Operator, Inc. (NYISO), at the Direction of its independent Board of Directors, made a filing with the Federal Energy Regulatory Commission (Commission) pursuant to section 206 of the Federal Power Act to continue the effectiveness of provisions in its Market Administration and Control Area Services Tariff (Services Tariff) regarding certain market power mitigation penalties.

The NYISO has requested that the Commission make the filing effective on November 1, 2001.

The NYISO has served a copy of the filing on all parties that have executed Service Agreements under the NYISO's Open-Access Transmission Tariff or Services Tariff, on the New York State Public Service Commission, on the electric utility regulatory agencies in New Jersey and Pennsylvania and on all parties in Docket No. ER01–2489–000. The NYISO has also emailed a copy of this filing to all of the subscribers to the NYISO's Technical Information Exchange list.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's rules of practice and procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before November 14, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Commission's web site 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–28123 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–035]

Northern Natural Gas Co.; Notice of Negotiated Rates

November 5, 2001.

Take notice that on October 31, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets proposed to be effective on November 1, 2001:

22 Revised Sheet No. 66
13 Revised Sheet No. 66A

Northern states that the above sheets are being filed to implement a specific negotiated rate transaction with Reliant Energy Services, Inc. in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. 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. 01–28126 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–477–003]

TransColorado Gas Transmission Co.; Notice of Compliance Filing

November 5, 2001.

Take notice that on October 25, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing of its FERC Gas Tariff, Original Volume No. 1, Substitute Alternate Second Revised First Revised Sheet No. 247B, to be effective August 1, 2001.

TransColorado states that the filing is being made in compliance with the Commission's October 12, 2001, order in Docket No. RP01–477–000.

On October 12, 2001, the Commission issued an order in Docket No. RP01–477–001 and –002 (the October 12th order) approving TransColorado's August 21, 2001, filing of alternate proposed Sheet No. 247B, subject to TransColorado filing, within 20 days, a revised tariff sheet to provide that: (1) TransColorado will accrue and credit interest, using the interest rate set out in 18 CFR 154.501(d), on penalty revenues beginning from the collection date until the date refunds are made and (2) the penalty revenues will be credited to shippers within 90 days after the end of each calendar year.

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

Any person desiring to protest said filing should file a 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. 01–28127 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–288–017]

Transwestern Pipeline Company; Notice of Negotiated Rates

November 5, 2001.

Take notice that on October 31, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing to become part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets, proposed to become effective on November 1, 2001:

12 Revised Sheet No. 5B.05
Fourth Revised Sheet No. 5B.06

Transwestern states that the above sheets are being filed to amend the USGT negotiated transaction in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's rules and regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies

of this filing are on file with the Commission and are available for public inspection. 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. 01–28131 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–375–001]

Vector Pipeline L.P.; Notice of Negotiated Rates

November 5, 2001.

Take notice that on November 1, 2001, Vector Pipeline L.P. (Vector) tendered for filing the following tariff sheets for the disclosure of recently completed negotiated rate transactions with Reliant Energy Services, Inc. and Nexen Marketing U.S.A., Inc., respectively:

Original Sheet No. 173
Original Sheet No. 174.

Vector states that copies of its letter of transmittal and enclosures have been served upon Vector'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. 01–28134 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–28–006]

Wyoming Interstate Company, Ltd; Notice of Negotiated Rates

November 5, 2001.

Take notice that on October 23, 2001, Wyoming Interstate Company, Ltd (WIC) tendered for filing the following tariff sheets to its FERC Gas Tariff, Second Revised Volume No. 2, to become effective November 23, 2001:

First Revised Sheet Nos. 108–114

WIC states that the tendered tariff sheets are being filed to revise the Statement of Negotiated Rates sheets originally filed in this proceeding to better describe the terms of the negotiated rate transactions contained thereon.

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 § 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. 01–28129 Filed 11–8–01; 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

November 5, 2001.

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

a. *Application Type:* Amendment of License to Change Project Boundary and Approve Revised Exhibits.

b. *Project No:* 2058–020.

c. *Date Filed:* May 25, 2001.

d. *Applicant:* Avista Corporation.

e. *Name of Project:* Clark Fork Project.

f. *Location:* The project is located on the Clark Fork River in Bonner County, Idaho and Sanders County, Montana.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a) 825(r) and 799 and 801.

h. *Applicant Contact:* Steven A. Fry, Hydro Licensing and Safety Manager, Avista Corporation, 1411 East Mission Ave., P.O. Box 3727, Spokane, WA 99220–3727, (509) 495–4084.

i. *FERC Contact:* Any questions on this notice should be addressed to Mrs. Anumzziatta Purchiaroni at (202) 219–3297, or e-mail address: anumzziatta.purchiaroni@ferc.fed.us.

j. *Deadline for filing comments and or motions:* December 14, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Please include the project number (P–2058–020) on any comments or motions filed.

k. *Description of Request:* Avista filed revised exhibit F and G drawings for approval. The exhibits show the removal of the following land from the project boundary: (a) 0.90 acre of land including private properties known as Vermillion View; (b) 15.2 acres consisting of two segments of land

located along the Montana State Highway 200; (3) and 7.1 acres of property which contains a State Shop facility: Including gravel, stock pile, and maintenance shops. In the filing, Avista indicated that the lands to be removed are not necessary for project operation, and no federal lands are located within the parcels to be removed.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. 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 at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. *Comments, Protests, or Motions to Intervene*—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of practice and procedure, 18 CFR 385.210, 385.211, 385.214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. *Filing and Service of Responsive Documents*—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. *Agency Comments*—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

David P. Boergers,

Secretary.

[FR Doc. 01–28124 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application and Applicant Prepared Environmental Assessment Ready for Environmental Analysis and Requesting Comments, Final Terms and Conditions, Recommendations and Prescriptions; and Requesting Reply Comments

November 5, 2001.

Take notice that the following hydroelectric application and Applicant Prepared Environmental Assessment (APEA) has been filed with the Commission and is available for public inspection:

a. *Type of Application:* Major New License (Non-power).

b. *Project No.:* 2852–015.

c. *Date filed:* February 27, 2001.

d. *Applicant:* New York State Electric & Gas Corporation.

e. *Name of Project:* Keuka Project.

f. *Location:* The project is located on the Waneta and Lamoka Lakes, Keuka Lake, and Mud Creek, in Steuben and Schuyler Counties, New York. The project would not utilize any federal lands or facilities.

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

h. *Applicant Contact:* Mr. Robert L. Malecki; Manager, Licensing & Environmental Operations; New York State Electric & Gas Corporation; Corporate Drive, Kirkwood Industrial Park; Binghamton, NY 13902, (607) 762–7763; and Ms. Carol Howland, Project Environmental Specialist; New York State Electric & Gas Corporation; Corporate Drive, Kirkwood Industrial Park; Binghamton, NY 13902, (607) 762–8881.

i. *FERC Contact:* Any questions on this notice should be addressed to William Guey-Lee, E-mail address: *william.gueylee@ferc.fed.us*, or telephone (202) 219–2808.

j. *Deadline for filing comments, final terms and conditions, recommendations, and prescriptions:* 60 days from the issuance date of this notice.

The Commission directs, pursuant to 18 CFR 4.34(b) of the regulations, that all comments, recommendations, terms and conditions, and prescriptions concerning the application and APEA be filed with the Commission within 60 days from the issuance date of this notice. All reply comments must be filed with the Commission within 105 days from the date of this notice. All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First St. NE, Washington, DC 20426.

k. *Status of Environmental Analysis:* The application has been accepted for filing by earlier notice. The application is now ready for environmental analysis at this time.

l. *Description of Project:* The project consists of the following: (1) The Bradford Dam with an overall length of about 580 feet and crest elevation of 1,099 feet msl, consisting of a concrete section, earthen embankments, outlet works, and spillway; (2) Waneta and Lamoka Lakes with surface areas of 781 acres and 826 acres at elevation 1,099 feet msl, and total storage of 27,200 acre-feet; (3) a 9,300-foot-long power canal having an average width of 48 feet and an average depth of 3 feet; (4) a twin gated concrete box culvert, known as Wayne Gates, measuring 8 feet high by 6 feet wide; and (5) a 70-foot-long by 16-foot-high headgate structure. Under the non-power license, the 3,450-foot-long, 4-foot-diameter concrete penstock, the 835-foot-long, 42-inch-diameter steel penstock, and the 2.0-MW generating unit would be removed.

m. *Locations of the application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may 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 at the address in item h above.

n. *All filings must:* (1) Bear in all capital letters the title, ''COMMENTS,'' ''RECOMMENDATIONS,'' ''TERMS AND CONDITIONS,'' ''PRESCRIPTIONS,'' or ''REPLY COMMENTS;'' (2) set forth in the heading the name of the applicant and the project number of the application and APEA to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and

otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application and APEA directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to: Director, Division of Environmental and Engineering Review, Office of Energy Projects, Federal Energy Regulatory Commission, at the above address. Each filing must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

o. Comments 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. 01–28125 Filed 11–8–01; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7101–3]

Agency Information Collection Activities: Proposed Collection; Comment Request

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 the submission of three proposed Information Collection Requests (ICR) to the Office of Management and Budget (OMB) entitled Superfund Orphan Share Compensation Reform Survey ICR, EPA ICR 2035.01; Superfund De Minimis Settlement Reform Survey ICR, EPA ICR 2036.01; and PRP Oversight Reform Survey ICR, EPA ICR 2037.1.

Before submitting the ICRs to OMB for review and approval, EPA is soliciting comments on specific aspects of the information collections as described at the beginning of Supplementary Information.

DATES: Comments must be submitted on or before January 8, 2002.

ADDRESSES: United States Environmental Protection Agency, Office of Site Remediation Enforcement (MC 2273A), 1200 Pennsylvania Avenue, NW, Washington, DC 20460. Comments can also be submitted electronically via e-mail to *SFReformsICR@epa.gov.* A copy of an ICR and the associated survey may be obtained on EPA's web site at *http://es.epa.gov/oeca/osre/superfund.html*, or a hard copy of an ICR and the associated survey may be obtained without charge by contacting Kim Simms at 202–564–2420.

FOR FURTHER INFORMATION CONTACT: For specific information on the individual ICRs, please contact Bruce Pumphrey at (202) 564–6076, (202) 564–0074 (Fax), e-mail: *pumphrey.bruce@epa.gov.*

SUPPLEMENTARY INFORMATION:

For All ICRs

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 displayed in 40 CFR part 9.

The EPA would like to solicit comments to:

(i) 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;

(ii) Evaluate the accuracy of the Agency's estimate of the burden of the proposed collection of information;

(iii) Enhance the quality, utility, and clarity of the information to be collected; and

(iv) Minimize the burden of the collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

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.

A. List of ICRs Planned To Be Submitted

In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this notice announces that EPA is planning to submit the following three proposed Information Collection Requests (ICR) to the Office of Management and Budget (OMB):

(1) Superfund Orphan Share Compensation Reform Survey ICR, EPA ICR 2035.01.

(2) Superfund De Minimis Settlement Reform Survey ICR, EPA ICR 2036.01.

(3) PRP Oversight Reform Survey ICR, EPA ICR 2037.1

B. Contact Individual for ICRs

Bruce Pumphrey, (202) 564–6076, (202) 564–0074 (Fax), e-mail: *pumphrey.bruce@epa.gov.*

C. Individual ICRs

(1) Superfund Orphan Share Compensation Reform Survey ICR, EPA ICR 2035.01.

Affected Entities: Entities potentially affected by this action are persons who have participated in the orphan share compensation reform.

Abstract: This voluntary one-time information collection is for a survey of orphan share compensation reform participants who were offered orphan share compensation as part of the reform. The survey will be administered to a non-random sample consisting of one-third (33 percent) of the settlors and one-third (33 percent) of the non-settlors for each offer extended by the Agency, subject to a minimum of three offerees in each category. The information will not be generalized to the population of relevant offerees. The information collected from this survey will be used in a broader evaluation of the orphan share compensation reform's overall effectiveness. The information will also be used to identify any revisions to the reform necessary to achieve the goal of promoting settlements with responsible parties to perform or pay for response actions. No confidential information is being collected under this ICR.

Burden Statement: This ICR has an estimated respondent burden of 825 hours and $25,403. EPA estimates that 300 respondents will participate, with an average respondent burden of 2.75 hours and $84.68. Responses will be one-time and voluntary, and no capital or start-up expenses will be required.

(2) Superfund De Minimis Settlement Reform Survey ICR, EPA ICR 2036.01.

Affected Entities: Entities potentially affected by this action are persons who have participated in the de minimis settlement reform.

Abstract: This voluntary one-time information collection is for a survey of

de minimis settlement reform participants who were offered a de minimis settlement as part of the reform. The survey will be administered to a non-random sample consisting of one-fifth (20 percent) of the settlors and one-fifth (20 percent) of the non-settlors for each offer extended by the Agency, subject to a minimum of three offerees in each category. The information will not be generalized to the population of relevant offerees. The information collected from this survey will be used in a broader evaluation of the de minimis settlement reform's overall effectiveness in achieving the goals of the reform (promoting early settlement with small waste contributors and minimizing their legal transaction costs) and to identify any changes necessary to achieve these goals. No confidential information is being collected under this ICR.

Burden Statement: This ICR has an estimated respondent burden of 1041 hours and $32,743. EPA estimates that 347 respondents will participate, with an average respondent burden of 3 hours and $94.36. Responses will be one-time and voluntary, and no capital or start-up expenses will be required.

(3) PRP Oversight Survey ICR, EPA ICR 2037.1

Affected Entities: Entities potentially affected by this action are parties that did work during FY00 under settlement agreements with EPA that provide for payment of oversight costs.

Abstract: This voluntary one-time information collection is for a survey of parties that did work during FY00 under settlement agreements with EPA that provide for payment of oversight costs. The survey will be administered to all of the approximately 230 potential respondents that are willing to voluntarily participate. The information collected from this survey will be used in a broader evaluation of the PRP Oversight Reform's overall effectiveness in promoting effective and efficient PRP oversight and identifying best practices which could be more widely applied to meet the reform's goals and objectives. No confidential information is being collected under this ICR.

Burden Statement: This ICR has an estimated respondent burden of 210 respondents at $21,848, with an average respondent burden of 3 hours and $104.04. Responses will be one-time and voluntary, and no capital or start-up expenses will be required.

Dated: October 19, 2001.

Barry Breen,

Director, Office of Site Remediation Enforcement.

[FR Doc. 01–28193 Filed 11–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7101–2]

Agency Information Collection Activities: Proposed Collection; Comment Request; Regulatory Pilot Projects (Project XL)

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 EPA is planning to submit for renewal the following continuing Information Collection Request (ICR) to the Office of Management and Budget (OMB): *Regulatory Pilot Projects (Project XL)* (EPA ICR No. 1755.06) (OMB Control No. 2010–0026, current ICR expires February 28, 2002). Before submitting the ICR to OMB for review and approval, EPA is soliciting comments on specific aspects of the proposed information collection as described below.

DATES: Comments must be submitted on or before January 8, 2002.

ADDRESSES: The public may contact Mr. Brian Swett in EPA's Office of Environmental Policy Innovation for a paper copy of the ICR (free of charge). Mr. Swett may be reached by mail at the U.S. EPA Office of Environmental Policy Innovation (Mail Code 1807), 1200 Pennsylvania Avenue, NW., Washington, DC 20460; by telephone at (202) 260–1718, by e-mail at *swett.brian@epa.gov,* or by FAX at 202–260–1812.

FOR FURTHER INFORMATION CONTACT: Mr. Eric Marsh in the Office of Environmental Policy Innovation. Mr. Marsh may be reached by phone at (202) 260–2782, by e-mail at *marsh.eric@epa.gov,* or by FAX at 202–260–1812. Or contact Ms. Katherine Dawes in the Office of Environmental Policy Innovation. Ms. Dawes may be reached by phone at (202) 260–8394, by e-mail at *dawes.katherine@epa.gov,* or by FAX at 202–260–3125.

SUPPLEMENTARY INFORMATION:

Affected entities: Entities potentially affected by this action include XL project sponsors, XL project stakeholders, state, tribal and local regulatory agencies, select members of the business industry, environmental organizations, industry trade associations, academics, and community members.

Title: Regulatory Pilot Projects (EPA ICR No.1755.06) (OMB Control No. 2010–0026, current ICR expires February 28, 2002).

Abstract: In March 1995, the U.S. Environmental Protection Agency initiated Project XL in response to a challenge to transform the environmental regulatory system to better meet the needs of a rapidly changing society while maintaining the nation's commitment to protect human health and safeguard the natural environment. Project XL tests innovative ideas that demonstrate eXcellence and Leadership by those who must comply with EPA regulations and policies. To test these new ideas, Project XL gives companies, communities, local governments, military bases, and universities flexibility from certain environmental regulations in exchange for commitments to achieve superior environmental performance at less cost. Through site-specific agreements with project sponsors, EPA is gathering data and project experience that will help the Agency redesign current approaches to public health and environmental protection. Under Project XL, sponsors—private facilities, multiple facilities, industry sectors, Federal facilities, communities, universities, and states—can implement innovative strategies that produce superior environmental performance, provide flexibility, cost savings, paperwork reduction or other benefits to sponsors, and promote greater accountability to stakeholders.

The intent of Project XL is to allow the EPA to experiment with untried, potentially promising regulatory approaches, both to assess whether they provide superior environmental performance and other benefits at the specific facility affected, and whether they should be considered for wider application. Such pilot projects allow the EPA to proceed more quickly than would be possible when undertaking changes on a nationwide basis. EPA may modify rules, on a site-or state-specific basis, that represent one of several possible policy approaches within a more general statutory directive, so long as the alternative being used is permissible under the statute.

The adoption of such alternative approaches or interpretations in the context of a given project does not, however, signal EPA's willingness to

adopt that interpretation as a general matter, or even in the context of other XL projects. It would be inconsistent with the forward-looking nature of these pilot projects to adopt such innovative approaches prematurely on a widespread basis without first determining whether or not they are viable in practice and successful for the particular projects that embody them. These pilot projects are not intended to be a means for piecemeal revision of entire programs. Depending on the results in these projects, EPA may or may not be willing to consider adopting the alternative approach or interpretation again, either generally or for other specific facilities. EPA believes that adopting alternative policy approaches and/or interpretations, on a limited, site-or state-specific basis and in connection with a carefully selected pilot project is consistent with the expectations of Congress about EPA's role in implementing the environmental statutes (so long as EPA acts within the discretion allowed by the statute). Congress' recognition that there is a need for experimentation and research, as well as ongoing reevaluation of environmental programs, is reflected in a variety of statutory provisions.

Before submitting an official proposal to EPA, the project sponsor typically has informal discussions with EPA about proposal design. Once a formal proposal is submitted, EPA along with the corresponding state environmental agency then review the proposal. EPA bases acceptance of proposals on the extent to which proposals meet the following eight criteria: (1) Superior environmental performance, (2) cost savings and reduced paperwork, (3) stakeholder involvement, (4) innovation or pollution prevention, (5) transferability, (6) feasibility, (7) monitoring, reporting and evaluation, and (8) no shifting of risk burden. If the proposal is accepted, EPA and the partnering state agency negotiate the conditions of the proposal with the project sponsor along with other interested stakeholders, including local and national environmental groups and nearby community residents. Once an agreement is reached regarding the conditions of the proposal and the necessary regulatory flexibility, the Final Project Agreement (FPA) is signed and the project sponsor can begin implementation.

XL project proposals are collected by EPA's Office of Environmental Policy Innovation (OEPI) [formerly the Office of Reinvention], which has been given responsibility for implementation of this program. Since its inception in 1995, over 100 Project XL proposals have been received and reviewed, and over 50 pilot projects have been implemented. The program itself includes other offices within EPA headquarters, EPA regions, federal, state, tribal and local government agencies. The renewal of this ICR is important as it will allow the Agency to identify additional regulated entities who are interested in participating in Project XL pilot projects, the types of projects they are interested in pursuing, and the extent to which those projects meet our criteria for proposal selection.

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 EPA would like to solicit comments to:

(i) 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;

(ii) 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;

(iii) Enhance the quality, utility, and clarity of information to be collected: and

(iv) 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.

Burden Statement: This section presents EPA's estimates of the burden and cost to complete the information collection activities associated with this collection. In using this analysis, however, it should be remembered not only that all responses to this solicitation are voluntary, but also that respondents have some expected value attached with their participation. Fundamental to projects in this program will be reduced cost of compliance due to increased regulatory flexibility. Not unlike a contracts-based Request For Proposals, one would not expect a response from any entity where the burdens associated with preparing the response outweigh the expected benefits to the respondent.

EPA estimates the number of response proposals pursuant to this ongoing solicitation to be between 10 and 25 per year over the life of this ICR. Estimating respondent costs in developing proposals is made difficult by the wide variety of projects and the extremely flexible approach to this solicitation. Since the March 16, 1995 announcement of the program, EPA has received over 100 Project XL proposals. In the seventh year of the program, EPA continues to receive inquiries about the program as well as formal written proposals.

In March 2000, Resources for the Future (RFF) released a report titled ''The Cost of Developing Site Specific Environmental Regulations: Evidence from EPA's Project XL,'' which in part discussed survey data regarding the cost of Project XL proposal development for sponsors and EPA. The citation information for this report is: Blackman, Allen and Mazurek, Janice, ''The Cost of Developing Site-Specific Environmental Regulations: Evidence from EPA's Project XL,'' Resources for the Future, March 2000, Discussion Paper 99–35–REV. It can be found at: *http://www.rff.org/disc_papers/PDF_files/9935rev.pdf.* In the Fall of 1998, using a sample of 11 private sector sponsors, all of which submitted their proposals within the first six months of the initiation of Project XL, RFF conducted a survey of the sponsors and EPA regional offices on the cost of proposal development, including the monetized value of legal fees and person hours spent. In general, EPA regional offices are largely responsible for developing the proposal with the sponsor before its formal submission, and thus surveying the cost to EPA regional offices of proposal development captures the bulk of the total costs to EPA. Staff in the Office of Environmental Policy Innovation that work on Project XL have reviewed the cost findings of the report and found them to be reasonable and sound estimates of current and future costs.

In 1995, to estimate the cost in hours of proposal development, EPA asked (via telephone conversation) a sample of seven proposal sponsors to estimate the cost of preparing their submissions. While the monetary cost of person hours is well captured by the RFF study, it did not report specifically on the average hours spent, and thus the findings from this EPA survey are mentioned below.

The RFF study found that Project XL proposal development cost each sponsor an average of $64,637. Using this cost figure as our best estimate, total sponsor costs per year for proposal development for Project XL are estimated to be between $646,370 (10 proposals) and $1,615,925 (25 proposals).

The EPA survey found that development and preparation of a project XL proposal took approximately

150 hours per sponsor. Using this hour figure as our best estimate, total sponsor hours spent per year on proposal development for Project XL are estimated to be between 1,500 (10 proposals) and 3,750 (25 proposals).

The RFF study found that Project XL proposal development cost the EPA regional offices, our proxy for total EPA cost, an average of $11,339 per proposal. Using this cost figure as our best estimate, total EPA costs per year for proposal development for Project XL are estimated to be between $113,390 (10 proposals) and $283,475 (25 proposals).

Bottom line respondent costs for proposal solicitation and development are estimated to range between $646,370 and $1,615,925 per year. Bottom line EPA costs for processing specific proposals and supporting proposal development are estimated at between $113,390 and $283,475 per year. It should be noted that these estimates are probably on the high end of the true average cost of proposal development and submission. As the RFF study notes, due to several efforts and steps undertaken by EPA to better facilitate and streamline the proposal development and submission process, proposal development costs may be lower now than when the respondents were surveyed for the 2000 report.

No capital or start-up costs will be associated with this effort.

Burden means 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.

Dated: October 25, 2001.

Elizabeth A. Shaw,

Office Director, Office of Environmental Policy Innovation.

[FR Doc. 01–28194 Filed 11–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7101–4]

Environmental Laboratory Advisory Board (ELAB), Nominees, Meeting Dates, and Agenda

AGENCY: Environmental Protection Agency.

ACTION: Solicitation of nominees for membership and notice of open meeting.

SUMMARY: The Environmental Protection Agency (EPA) is soliciting nominees to serve on the Environmental Laboratory Advisory Board (ELAB). Nominees are being sought to fill vacancies in the following category: Field Testing. Terms of service will commence upon selection and terminate on July 27, 2003. Application forms must be submitted to provide information on experience, abilities, stakeholder interest, organizational description, and references. A copy of the application form can be obtained on the Internet (see address below). The Agency will convene an Open Forum on December 6th, 2001 from 5 p.m. to 6:30 p.m. at the Crystal Gateway Marriott at 1700 Jefferson Davis Highway, Arlington VA. The Open Forum will be structured to allow interested parties to present their views to ELAB. Allotted speaking time will be dependent upon the number of attendees wishing to speak. On December 7th from 9 a.m. to 12 p.m. at the same location, the ELAB board will meet to discuss the opinions and ideas presented on the previous day, and time permitting, will take questions from the public.

ELAB is soliciting input from the public on issues related to the NELAC environmental laboratory accreditation program and NELAC standards. The agenda of the ELAB December 7th meeting will be based on input gathered from the Open Forum as well as a review of recommendations and activities from earlier Board meetings. Written comments on NELAC laboratory accreditation and standards are encouraged and should be sent to Edward Kantor DFO, P.O. Box 93478, Las Vegas, NV 89193, or can be faxed to (702) 798–2261 or e-mailed to *kantor.edward@epa.gov.* ELAB nominee applications can be found at *http://www.epa.gov/ttn/nelac/arcmisc.html* and should be mailed, faxed, or e-mailed to the addresses previously given. *http://www.epa.gov/ttn/nelac/arcmisc.html.*

Henry L. Longest II,

Acting Assistant Administrator for Research and Development.

[FR Doc. 01–28196 Filed 11–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6623–4]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information (202) 564–7167 or *www.epa.gov/oeca/ofa.*

Weekly receipt of Environmental Impact Statements, Filed October 29, 2001 Through November 02, 2001, Pursuant to 40 CFR 1506.9.

EIS No. 010408, Final EIS, NPS, WA, Mount Rainier National Park General Management Plan, Implementation, Pierce and Lewis Counties, WA, Wait Period Ends: December 10, 2001, Contact: Eric Walkinshaw (360) 589–2211.

EIS No. 010409, Final EIS, NPS, CA, Lassen Volcanic National Park General Management Plan, Implementation, Lassen, Plumas, Shasta and Tehama Counties, CA, Wait Period Ends: December 10, 2001, Contact: Alan Schmierer (415) 427–1441.

EIS No. 010410, Final EIS, FHW, Interstate 215 (I–215) Transportation Improvements, From the short segments of CA–60 and CA–91 in the Cities of Riverside and Moreno Valley, Funding, Riverside County, CA, Wait Period Ends: December 10, 2001, Contact: Jeff Lewis (916) 498–5035.

EIS No. 010411, Draft Supplement, COE, FL, Central and Southern Florida Project, Indian River Lagoon-South Feasibility Study, Additional Information, Restoration, Protection and Preservation, Canals denoted; C–23, C–24, C–25 and C–44, Comprehensive Everglades Restoration Plan, (CERP), Martin and St. Lucie Counties, FL, Wait Period Ends: December 10, 2001, Contact: Laura Mahoney (904) 232–2646.

EIS No. 010412, Final EIS, BLM, OR, Southeastern Oregon Resource Management Plan, Implementation, Comprehensive Framework of Managing Public Land, Malheur, Jordan and Andrew Resource Areas, Vale and Burns Districts, Malheur, Harney and Grant Counties, OR, Wait Period Ends: December 24, 2001, Contact: Randy Eyre (541) 473–6279.

EIS No. 010413, Final EIS, FHW, MO, Interstate 70 Corridor Improvements,

Kansas City to St. Louis, Funding, US Army COE Section 404 and 10 and US Coast Guard Section 9 Permits Issuance, several counties, MO, Wait Period Ends: December 10, 2001, Contact: Allen Masuda (573) 638–2620. This document is available on the Internet at: *http://www.170study.org.*

EIS No. 010414, Draft Supplement, AFS, OR, Silvies Canyon Watershed Restoration Project, Additional Information, To Improve the Ecosystem Health of the Watershed, Grant and Harney Counties, OR, Comment Period Ends: December 31, 2001, Contact: James M. Keniston (541) 573–4300. This document is available on the Internet at: *http:///(www.fs.fed.us/r6/malheur.*

EIS No. 010415, Draft EIS, IBR, AZ, Reach 11 Recreation Master Plan, Central Arizona Project (CAP) Canal, Between Cave Creek and Scottdale Roads, For Recreational Purposes, Flood Detention Basin, City of Phoenix, Maricopa County, AZ, Comment Period Ends: January 18, 2002, Contact: Sandra Eto (602) 216–3857. This document is available on the Internet at: *http://www.apo.lc.usbr.gov.*

EIS No. 010416, Draft Supplement, NRC, Generic EIS—Decommissioning of Nuclear Facilities, Updated Information on Dealing With Decommissioning of Nuclear Power Reactors (NUREG–0586), Comment Period Ends: December 24, 2001, Contact: Dino C. Scaletti (301) 415–1104. This document is available on the Internet at: *http:/www.nrc.gov/NRC/NUREGS/indexnum.html.*

EIS No. 010417, Final EIS, UAF, VA, Initial F–22 Operational Wing Beddown Replacing the Existing F–15C at Langley (AFB) or one of the Four Alternative Locations, VA, Wait Period Ends: December 10, 2001, Contact: Brenda Cook (757) 764–5007.

Amended Notices

EIS No. 010305, Draft Supplement, FAA, MN, Flying Cloud Airport, Substantive Changes to Alternatives and New Information, Extension of the Runways 9R/27L and 9L/27R, Long-Term Comprehensive Development, In the City of Eden Prairie, Hennepin County, MN, Due: December 07, 2001, Contact: Glen Orcutt (612) 713–4354. Revision of FR Notice Published on 08/24/2001: CEQ Review Period Ending on 11/05/2001 has been Extended to 12/07/2001.

Dated: November 06, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–28217 Filed 11–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6623–5]

Environmental Impact Statements and Regulations; Availability of EPA Comments

Availability of EPA comments prepared pursuant to the Environmental Review Process (ERP), under section 309 of the Clean Air Act and section 102(2)(c) of the National Environmental Policy Act as amended. Requests for copies of EPA comments can be directed to the Office of Federal Activities at (202) 564–7167. An explanation of the ratings assigned to draft environmental impact statements (EISs) was published in FR dated May 18, 2001 (66 FR 27164).

Draft EISs

ERP No. D–AFS–J65351–MT Rating EC2, Beaverhead-DeerLodge National Forest, Noxious Weed Control Program, Implementation, Integrated Weed Management, Dillon County, MT.

Summary: EPA expressed environmental concerns regarding the potential for herbicide transport to surface and ground waters. EPA requested additional information on site-specific identification of weed species and weed coverage, application rates for herbicide treatments and herbicide transport and leaching potential. EPA recommended monitoring for herbicides in sensitive waters, a 300 foot buffer width for streams and flagging during aerial herbicide application.

ERP No. D–DOE–L08057–OR Rating LO, Umatilla Generating Project, Construction and Operation, Gas-Fired Combined Cycle Electric Power Generation Plant, Nominal Generation Capacity of 550 megawatts (MW) Connection to the Regional Grid at McNary Substation, Umatilla County, AZ.

Summary: EPA used a screening tool to conduct a limited review of the draft EIS and, based upon the screen, EPA does not foresee having any environmental objections to the project. Consequently, a detailed review of the draft EIS was not conducted.

ERP No. D–FRC–K05057–CA Rating EC2, Big Creek No. 4 Hydroelectric Project, Issuing New License, (FERC Project No. 2017), San Joaquin River Basin, Sierra National Forest, Fresno, Madera and Tulare Counties, CA.

Summary: EPA identified environmental concerns with the analysis, including segmenting the analysis of different projects and an insufficient range of alternatives. EPA recommended that the analysis of the Big Creek #4 Project be incorporated into the ongoing basin-wide analysis of the Big Creek System.

Final EISs

ERP No. F–AFS–J67022–MT, Asarco Rock Creek Copper and Silver Mining Construction and Operation Project, Plan of Operations Approval, Special Use Permit(s), Road Use Permit, Mineral Material Permit, Timber Sale Contract and COE Section 404 Permit Issuance, Kootenai National Forest, Sanders County, MT.

Summary: EPA expressed environmental concerns about the potential for elevated metals, particularly copper, to occur in mine drainage/seepage. EPA recommended that cement be added to the paste tailings as a mitigation measure and requested participation on post-EIS technical panels as well as adequate public disclosure and review of audit test results, paste tailings deposit design and environmental decisions.

ERP No. F–AFS–L65346–ID, Middle Fork Weiser River Watershed Project, Implementation of Vegetation Restoration, Landscape Fire Pattern and Watershed Restoration Objectives, Payette National Forest, Council Ranger District, Adams County, ID.

Summary: The final EIS fully responded to EPA's comments on the draft EIS and EPA has no objections to the action as proposed.

ERP No. F–BOP–E81039–00, Criminal Alien Requirement (CAR) II, To Contract for a Private Contractor-Owned/Contractor-Operated Correctional Facility in Florida, Mississippi, Georgia and Alabama to House Adult-Male and Non-US Citizen, AL, FL, GA and/or MS.

Summary: EPA expressed no environmental objection to the proposed project.

ERP No. F–GSA–D81032–MD, Suitland Federal Center, Construction and Operation of a 226-acre Federal Employment Center, Programmatic Development Plan and Phase I Implementation, Prince George's County, MD.

Summary: EPA has determined that the General Services Administration has adequately addressed its comments within the FEIS.

ERP No. F–IBR–L36114–WA, Keechelus Dam Project, Safety of Dams Modification, Implementation, COE Section 404 Permit, Yakima, Kittitas, Benton, and Klickitat Counties, WA.

Summary: EPA raised environmental concerns that the final EIS did not include or analyze dam building/reconstruction alternatives that

incorporate fish passage as a project alternative that should be evaluated.

ERP No. FB–COE–E32022–NC, Manteo (Shallowbay) Bay Project, Enlarging and Deepening Basin at Wanchese, Dare County, NC.

Summary: EPA continues to have environmental objections to this proposal based on our concerns about its potential long-term impacts on a regionally important commercial fishery resource, the difficulties associated with the construction and operation of the jetty system, especially its sand bypassing component, and the uncertainties regarding both the need for the project and its assumed economic benefits. EPA believes that the project would result in significant environmental impacts that should be avoided in order to ensure adequate protection of the environment.

Dated: November 6, 2001.

Joseph C Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–28218 Filed 11–8–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7101–5]

EPA National Advisory Council for Environmental Policy and Technology; Notification of Public Advisory Committee Teleconference Meeting

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notification of Public Advisory Committee teleconference meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act, Pub. L. 92–463, notice is hereby given that the National Advisory Council for Environmental Policy and Technology (NACEPT) will meet in a public teleconference on Tuesday, November 20, 2001 from 1 p.m. to 3 p.m. Eastern Time. The meeting will be hosted out of Conference Room #2530, U.S. EPA, Ariel Rios North Federal Building, 1200 Pennsylvania Avenue, NW, Washington, DC 20004. The meeting is open to the public, however, due to limited space, seating will be on a registration-only basis. For further information regarding the teleconference meeting, or how to register and obtain the phone number, please contact the individuals listed below.

Background: NACEPT is a federal advisory committee under the Federal Advisory Committee Act, Pub. L. 92463. NACEPT provides advice and recommendations to the Administrator and other EPA officials on a broad range of domestic and international environmental policy issues. NACEPT consists of a representative cross-section of EPA's partners and principle constituents who provide advice and recommendations on policy issues and serves as a sounding board for new strategies that the Agency is developing. The Administrator of EPA has asked NACEPT to act as a visionary group by periodically identifying emerging trends and issues that could impact the EPA's ability to protect public health and the environment. To address this charge, a subset of the NACEPT Council organized into an Emerging Trends and Issues Workgroup.

Purpose of Meeting: The NACEPT Council will review and comment on the Emerging Trends and Issues Workgroup's draft report which analyses environmental challenges over the next 5–10 years. The Council will comment on the draft report and begin to prioritize opportunities for EPA.

Availability of Review Materials: Sonia Altieri can be contacted for information regarding the NACEPT Emerging Trends and Issues Workgroup draft report (202–564–9788).

FOR FURTHER INFORMATION CONTACT: Members of the public wishing to gain access to the conference room on the day of the meeting must contact Mr. Peter G. Redmond, Designated Federal Officer for NACEPT, U.S. Environmental Protection Agency (1601A), Office of Cooperative Environmental Management, 1200 Pennsylvania Avenue, NW, Suite 6440, Washington, DC 20460; telephone/voice mail at (202) 564–1292, fax at (202) 501–0656; or via e-mail at *redmond.peter@epa.gov*. The agenda will be available to the public upon request. Written comments from the public are welcome any time before, during or after the meeting.

General Information: Additional information concerning the National Advisory Council for Environmental Policy and Technology (NACEPT) can be found on our web site (*http://www.epa.gov/ocem*).

Meeting Access: Individuals requiring special accommodation at this meeting, including wheelchair access to the conference room, should contact Mr. Redmond at least five business days prior to the meeting so that appropriate arrangements can be made.

Dated: November 2, 2001.

Peter G. Redmond,

Designated Federal Officer.

[FR Doc. 01–28197 Filed 11–8–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–7101–6]

Sources, Emission and Exposure for Trichloroethylene (TCE) and Related Chemicals

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of a final report.

SUMMARY: The National Center for Environmental Assessment, Office of Research and Development, U.S. Environmental Protection Agency, announces the availability of a final report, *Sources, Emission and Exposure for Trichloroethylene* (TCE) *and Related Chemicals* (EPA/600/R–00/099, March 2001). This report is an exposure assessment of Trichloroethylene (TCE), its metabolites, and other chemical compounds known to produce identical metabolites. In addition to TCE, other parent compounds considered here are 1,1,1-trichloroethane (methyl chloroform), tetrachloroethylene (PCE or PERC), 1,2-dichloroethylene (cis-, trans-, and mixed isomers), 1,1,1,2-tetrachloroethane, and 1,1-dichloroethane. The metabolites are chloral, chloral hydrate, monochloroacetic acid, dichloroacetic acid, trichloroacetic acid, and dichloro-vinyl cysteine (DCVC). Although listed here, no information was found for the metabolite, DCVC.

ADDRESSES: The document will be made available electronically through the National Center for Environmental Assessment's web site (www.epa.gov/ncea). A limited number of paper copies are available from EPA's National Service Center for Environmental Publications (NSCEP). To obtain copies, please contact NSCEP, P.O. Box 42419, Cincinnati, OH 45242; telephone: 1–800–490–9198 or 513–489–8190; facsimile: 513–489–8695. Please provide your name and mailing address and the title and EPA number of the requested publication.

FOR FURTHER INFORMATION CONTACT: Chieh Wu, National Center for Environmental Assessment-Washington Office (8623D), U.S. Environmental Protection Agency, Washington DC 20460; telephone: 202–564–3257; facsimile: 202–565–0076; e-mail: wu.chieh@epa.gov.

Dated: November 1, 2001.

George W. Alapas,

Acting Director, National Center for Environmental Assessment.

[FR Doc. 01–28195 Filed 11–8–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL HOUSING FINANCE BOARD

Announcing an Open Meeting of the Board

TIME AND DATE: 10 a.m., Wednesday, November 14, 2001.

PLACE: Board Room, Second Floor, Federal Housing Finance Board 1777 F Street, NW., Washington, DC 20006.

STATUS: The entire meeting will be open to the public.

MATTERS TO BE CONSIDERED DURING PORTIONS OPEN TO THE PUBLIC:

- Final Rule: Unsecured Credit Limits for the Federal Home Loan Banks.
- Proposed Rule: Amendments to the Affordable Housing Program.

CONTACT PERSON FOR MORE INFORMATION: Elaine L. Baker, Secretary to the Board, (202) 408–2837.

James L. Bothwell,

Managing Director.

[FR Doc. 01–28411 Filed 11–7–01; 2:48 pm]

BILLING CODE 6725–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0204]

Submission for OMB Review; Comment Request Entitled Commercial Delivery Schedule Clause and Notice of Shipment

AGENCY: Office of Acquisition Policy, GSA.

ACTION: Notice of a request for extension of the reinstated collection (3090–0204).

SUMMARY: Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the General Services Administration (GSA) has submitted to the Office of Management and Budget (OMB) a request to review and approve an information collection requirement concerning the Commercial Delivery Schedule (Multiple Award Schedule) clause and the Notice of Shipment clause. OMB reinstated the collection on July 20, 2001. Information collected under this authority is not otherwise required by regulation. A request for public comments was published at 66 FR 42864, August 15, 2001. No comments were received.

DATES: Comments may be submitted on or before December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Beverly Cromer, Office of GSA Acquisition Policy (202) 501–1224.

ADDRESSES: Comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, should be submitted to: Ed Springer, GSA Desk Officer, OMB, Room 10236, NEOB, Washington, DC 20503, and a copy to Stephanie Morris, General Services Administration, Acquisition Policy Division, 1800 F Street, NW, Room 4035, Washington, DC 20405.

SUPPLEMENTARY INFORMATION:

A. Purpose

The GSA is requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090–0204, concerning the Commercial Delivery Schedule (Multiple Award Schedule) clause. The Commercial Delivery Schedule (Multiple Award Schedule) clause required offerors to provide their commercial delivery terms and conditions. FSS awards contracts to commercial firms under terms and conditions that mirror commercial practices for the supplies and services. In order to ensure the Government obtains the supplies within the offeror's commercial delivery timeframe, the offeror must provide the information requested in the clause, Commercial Delivery Schedule (Multiple Award Schedule).

The GSA is requesting the Office of Management and Budget (OMB) to review and approve information collection, 3090–0204, concerning the Notice of Shipment clause. A Notice of Shipment clause is used when it is in the Government's interest to have a supply contractor furnish a notice of shipment. Such a notice is necessary when preparations need to be made for docking arrangements, storage, trans-shipment of materials handling equipment of supplies and equipment open delivery, labor and inside delivery at destination.

B. Annual Reporting Burden

Number of Respondents: 4109.
Total Annual Responses: 10,305.
Total Burden Hours: 2669.

Obtaining Copies of Proposals

Requester may obtain a copy of the proposal from the General Services Administration, Regulatory Secretariat (MVP), 1800 F Street, NW, Room 4035, Washington, DC 20405, telephone (202) 501–4755. Please cite OMB Control No. 3090–0204, Commercial Delivery Schedule (Multiple Award Schedule) clause and Notice of Shipment clause.

Dated: November 1, 2001.

Al Matera,

Director, Acquisition Policy Division.

[FR Doc. 01–28121 Filed 11–8–01; 8:45 am]

BILLING CODE 6820–34–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 02006]

Epidemiologic Studies of Reproductive and Developmental Outcomes—Denmark; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2002 funds for a cooperative agreement program for Epidemiologic Studies of Reproductive and Developmental Outcomes. This program addresses the ''Healthy People 2010'' focus area Maternal, Infant, and Child Health.

The purpose of the program is to investigate risk factors for poor reproductive and developmental outcomes including, but not limited to, autism, cerebral palsy, and fetal alcohol effects. Important risk factors include, but may not be limited to, adverse intrauterine exposures such as infection, alcohol and genetic conditions.

B. Eligible Applicants

Assistance will be provided only to the Danish Medical Research Council (DMRC), in the Danish Ministry of Information Technology and Research. No other applications are solicited.

Denmark has a singular combination of national public health data systems currently in place that are not found elsewhere in the U.S. or abroad. These data systems are developed and maintained by the Danish government/DMRC which is solely responsible for granting access to them. In the Danish government, the DMRC represents the most comprehensive scientific knowledge in Danish medical research and is responsible for providing financial and advisory support for medical research in Denmark. Among its supportive functions, the DMRC is responsible for promoting significant research tasks, especially in areas where the Danish research environment has special qualifications (such as the national data systems), and international research cooperation. This program falls within the jurisdiction of the DMRC.

The unique combination of Danish data systems includes nearly 200 long-established national disease and administrative registries and a long-established national biobank of archived newborn blood samples. Many of these data systems have been established for

several decades and have national coverage, thereby including information on thousands of individuals over time. These systems are regularly accessed by researchers to investigate a variety of health issues such as time trends in disease or disease characteristics that require large data bases. The data systems also include the Danish National Birth Cohort (DNBC) of 100,000 pregnant women and their children. The DNBC is uniquely conducting serial biosampling of the mother and newborn (to be archived in a biobank) and serial interviews of the mother concerning her health and behavior during pregnancy and postnatal development of her child. This unique combination of Danish data systems, that can be readily linked by a universal personal identifier, provides the necessary information (such as health, medical, and sociodemographic information) to carry out this program. Also, because these data systems contain information on large numbers of individuals over long periods of time, studies of relatively rare outcomes, such as autism and cerebral palsy, can be made with an unusually high level of statistical power.

Note: Title 2 of the United States Code, section 1611 states that an organization described in section 501(c)(4) of the Internal Revenue Code that engages in lobbying activities is not eligible to receive Federal funds constituting an award, grant, or loan.

C. Availability of Funds

Approximately $580,000 is available in FY 2002 to fund this award. It is expected that the award will begin on or about February 1, 2002, and will be made for a 12-month budget period within a project period of up to three years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Develop and implement epidemiologic studies of reproductive and developmental outcomes. The studies could include, but may not be limited to, (1) evaluation of pre-, peri-, and postnatal risk factors, including genetic factors and environmental exposures, and (2) identification of biomarkers.

b. Disseminate the findings in the form of reports, presentations to public and professional audiences, and published manuscripts.

2. CDC Activities

a. Provide, if requested, epidemiologic, statistical, and technical assistance throughout the study including development and implementation of studies.

b. Assist in the development of a research protocol for Institutional Review Board (IRB) review by all cooperating institutions participating in the research project. The CDC IRB will review and approve the protocol initially and on at least an annual basis until the research project is completed.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. The application will be evaluated on the criteria listed, so it is important to follow them in laying out the program plan. The narrative should be no more than 25 single-spaced pages, printed on one side, with one inch margins, and unreduced font.

F. Submission and Deadline

Submit the original and five copies of PHS–398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are available in the application kit and at the following Internet address: *www.cdc.gov/od/pgo/forminfo.htm*

On or before December 1, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: The application shall be considered as meeting the deadline if they are either:

1. Received on or before the deadline date; or

2. Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late: Applications which do not meet the criteria in 1. or 2. above will be returned to the applicant.

G. Evaluation Criteria

The application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Understanding the Problem (20 Points)

a. Extent to which applicant has a clear understanding of the requirements and purpose of the cooperative agreement.

b. Extent to which applicant understands the issues and challenges associated with developing and implementing epidemiologic studies of reproductive and developmental outcomes.

2. Goals and Objectives (20 Points)

a. Extent to which applicant clearly describes the goals and objectives of the project.

b. Extent to which applicant's goals and objectives are consistent with the stated goals and purpose of this announcement.

c. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

(1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

(2) The proposed justification when representation is limited or absent.

(3) A statement as to whether the design of the study is adequate to measure differences when warranted.

(4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

3. Description of Program and Methodology (40 Points)

Extent to which applicant describes the studies' methods including:

a. Study hypotheses and design,

b. Target population,

c. Relevant data sources and linkages,

d. Data base assembly,

e. Laboratory methods (where applicable), and

f. analytic approach.

4. Evaluation Plan (10 Points)

Extent to which applicant describes an evaluation plan that will monitor reliability, progress, timeliness, and completeness of the objectives and activities of the project.

5. Staffing and Management System (10 Points)

a. Extent to which key personnel have the qualifications, skills, and experience in epidemiologic and laboratory methods, data management, and analysis to develop and implement analytic studies of reproductive and developmental outcomes.

b. Extent to which the applicant has the ability to manage and coordinate the project.

c. Extent to which there is appropriate dedicated staff time to develop and implement the project.

d. Extent to which the applicant provides an appropriate time line and includes activities and personnel responsibilities.

e. Extent to which the applicant demonstrates an organizational structure (include an organizational chart) and facilities/space/equipment that are adequate to carry out the activities of the program.

6. Human Subjects Review (Not Scored).

The extent to which the applicant complies with 45 CFR Part 46 for the protection of human subjects.

7. Budget (Not Scored).

The extent to which the budget is reasonable, clearly justified, and consistent with the intended use of funds.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of—

1. Annual progress reports (English language only);
2. Financial status report, no more than 90 days after the end of the budget period (in US Dollars); and
3. Final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement in the application kit.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 307 of the Public Health Service Act, [42 U.S.C. section 2421], as amended. The Catalog of Federal Domestic Assistance number is 93.184.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—*http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To obtain business management technical assistance, contact: Nancy Pillar, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Announcement 02006, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: 770–488–2716, Email: *nfp6@cdc.gov.*

For program technical assistance, contact: Diana Schendel, Ph.D., Centers for Disease Control and Prevention, National Center on Birth Defects and Developmental Disabilities, 4770 Buford Highway, Mail Stop F–15, Atlanta, Georgia 30341, Telephone number: 770–488–7359, Email: *dcs6@cdc.gov.*

Dated: November 5, 2001.

Rebecca O'Kelley,

Acting Chief, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–28148 Filed 11–8–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Cooperative Research and Development Agreement (CRADA)

AGENCY: Centers for Disease Control and Prevention (CDC), Public Health Service, HHS.

ACTION: Notice.

SUMMARY: The Centers for Disease Control and Prevention (CDC) is seeking a CRADA partner(s) for collaboration to utilize the newly acquired knowledge that the CX3C chemokine region in the respiratory syncytial virus (RSV) G glycoprotein binds to the chemokine receptor CX3CR1 and this binding facilitates RSV infection of cells and induces chemokine-like responses to develop ways to treat or prevent RSV disease. The CRADA partner could be involved in all or part of studies examining (1) alteration of the CX3C region in the G glycoprotein of live viruses in such a way as prevent CX3C interaction with the CX3C receptor (CX3CR1) on cells and improve the safety and/or efficacy of a live virus vaccine; (2) alteration of the G glycoprotein to enhance induction of antibodies that block G glycoprotein binding to the CX3C chemokine receptor, CX3CR1, and treat or prevent RSV disease; (3) development of reagents (drugs, antibodies, peptides, polypeptides, etc.) that block interaction of the CX3C region in G glycoprotein with CX3CR1 on cells to treat or prevent RSV disease; (4) development of assays to detect blocking of G glycoprotein binding to the CX3C receptor, CX3CR1, or detect blocking of the biological activity initiated by G glycoprotein binding to CX3CR1 to identify reagents (drugs, antibodies, peptides, polypeptides, etc.) or evaluate candidate vaccines that might be used as prophylactic or therapeutic treatments for preventing RSV disease.

Because CRADAs are designed to facilitate the development of scientific and technological knowledge into useful, marketable products, a great deal of freedom is given to Federal agencies in implementing collaborative research. The CDC may accept staff, facilities, equipment, supplies, and money from the other participants in a CRADA; CDC may provide staff, facilities, equipment, and supplies to the project. There is a single restriction in this exchange: CDC MAY NOT PROVIDE FUNDS to the other participants in a CRADA.

DATES: This opportunity is available until December 10, 2001. Respondents may be provided a longer period of time to furnish additional information if CDC finds this necessary.

ADDRESSES: The responses must be made to: Lisa Blake-DiSpigna, Technology Development Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333.

FOR FURTHER INFORMATION CONTACT:

Technical: Ralph A. Tripp, Ph.D., Respiratory and Enteric Viruses, Division of Viral and Rickettsial Diseases, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop G–09, Atlanta, GA 30333, telephone (404) 639–3427.

Business: Lisa Blake-DiSpigna, Technology Development

Coordinator, National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Rd. NE., Mailstop C–19, Atlanta, GA 30333, telephone (404) 639–3227 or by E-Mail at *LCB3@CDC.GOV*.

SUPPLEMENTARY INFORMATION: The goal of this CRADA is to seek a partner(s) for collaboration to develop studies examining (1) live RSV vaccines produced by modifying the RSV G glycoprotein CX3C region to render it nonfunctional for viral attachment to host cells, (2) producing live or non-live RSV vaccines, or improving existing live or non-live RSV vaccines by modifying the CX3C region or proximal regions thereof so that when administered, higher titers of antibodies are produced that block the biological activity of the CX3C region on the G glycoprotein of subsequently infecting RSV viruses, (3) treatment provided by administration to an RSV infected individual an effective amount of a drug, antibody, peptide, polypeptide, or other molecule that block interaction of the CX3C region in G glycoprotein with CX3CR1 on host cells or the biological activity of the CX3C region in the G glycoprotein, and (4) development of assays to detect blocking of G glycoprotein binding to the CX3C receptor, CX3CR1, or detect blocking of the biological activity initiated by G glycoprotein binding to CX3CR1 to identify reagents (drugs, antibodies, peptides, polypeptides, etc.) that might be used as prophylactic or therapeutic treatments for preventing RSV disease.

Respondents should provide evidence of expertise in all or one of the following areas including the development and evaluation of RSV vaccines and vaccine agents, evidence of experience in animal models systems including non-human primate models, commercialization of vaccines and vaccine agents, and supporting data (e.g., publications, proficiency testing, certifications, resumes, etc.) of qualifications for the principle investigator who would be involved in the CRADA. The respondent will develop the final research plan in collaboration with CDC.

Applicant submissions will be judged according to the following criteria:

(1) Expertise in development and evaluation of RSV vaccines;

(2) Expertise in evaluation of RSV vaccines in animal model systems including non-human primates;

(3) Evidence of scientific credibility;

(4) Evidence of commitment and ability to produce RSV vaccines; and

(5) Evidence of an existing infrastructure to commercialize successful technologies.

With respect to Government IP rights to any invention not made solely by a CRADA partner's employees for which a patent or other IP application is filed, CDC has the authority to grant to the CRADA partner an exclusive option to elect an exclusive or nonexclusive commercialization license. This option does not apply to inventions conceived prior to the effective date of a CRADA that are reduced to practice under the CRADA, if prior to that reduction to practice, CDC has filed a patent application on the invention and has licensed it or offered to license it to a third party. This CRADA is proposed and implemented under the 1986 Federal Technology Transfer Act: Public Law 99–502, as amended.

Dated: November 5, 2001.

Karen Groux,

Deputy Associate Director for Management and Operations, Centers for Disease Control and Prevention.

[FR Doc. 01–28147 Filed 11–8–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Study Team for the Los Alamos Historical Document Retrieval and Assessment Project

The Centers for Disease Control and Prevention (CDC) and the Agency for Toxic Substances and Disease Registry (ATSDR) announce the following meeting.

Name: Public Meeting of the Study Team for the Los Alamos Historical Document Retrieval and Assessment Project.

Time and Date: 5 p.m.–7 p.m., November 27, 2001.

Place: Radisson Santa Fe Hotel (Board Room), 750 North Street Francis Drive, Santa Fe, New Mexico 87501, telephone 505–992–5800.

Status: Open to the public, limited only by the space available. The meeting room accommodates approximately 50 people.

Background: Under a Memorandum of Understanding (MOU) signed in December 1990 with Department of Energy (DOE) and replaced by an MOU signed in 1996, the Department of Health and Human Services (HHS) is given the responsibility and resources for conducting analytic epidemiologic investigations of residents of communities in the vicinity of DOE facilities, workers at DOE facilities, and other persons potentially exposed to radiation or to potential hazards from non-nuclear energy production use. HHS delegated program responsibility to CDC.

In addition, a memo was signed in October 1990 and renewed in November 1992 between the ATSDR and DOE. The MOU delineates the responsibilities and procedures for ATSDR's public health activities at DOE sites required under sections 104, 105, 107, and 120 of the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund). These activities include health consultations and public health assessments at DOE sites listed on, or proposed for, the Superfund National Priorities List and at sites that are the subject of petitions from the public; and other health-related activities such as epidemiologic studies, health surveillance, exposure and disease registries, health education, substance-specific applied research, emergency response, and preparation of toxicological profiles.

Purpose: This Study Team is charged with locating, evaluating, cataloguing, and copying documents that contain information about historical, chemical, or radionuclide releases from facilities at the Los Alamos National Laboratory since its inception. The purpose of this meeting is to review the goals, methods, and schedule of the project, discuss progress to date, provide a forum for community interaction, and serve as a vehicle for members of the public to express concerns and provide advice to CDC.

Matters to be Discussed: Agenda items include an update from the National Center for Environmental Health (NCEH) and its contractor regarding the information-gathering project that is underway. This will include discussion of the extent to which access to classified documents has been restored, limitations still in place, and the second draft of the project's historical operations and releases report, which will be issued in September. There will be time for public input, questions, and comments. All agenda items are subject to change as priorities dictate.

CONTACT PERSONS FOR ADDITIONAL INFORMATION: Robert C. Whitcomb, Ph.D., Radiation Studies Branch, Division of Environmental Hazards and Health Effects, NCEH, CDC, Building 6, Room T006, Executive Park Drive (E–39), Atlanta, GA 30329, telephone 404–498–1800, fax 404–498–1811.

The Director, Management Analysis and Services Office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities for both CDC and ATSDR.

Dated: November 6, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–28329 Filed 11–8–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Draft Guideline for Hand Hygiene in Healthcare Settings

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (DHHS).

ACTION: Notice of availability and request for public comment.

SUMMARY: This notice is a request for review of and comment on the Draft Guideline for Hand Hygiene in Healthcare Settings, available on the CDC website at *www.cdc.gov/ncidod/hip/hhguide.htm.* The guideline has been developed for practitioners who provide care for patients and who are responsible for monitoring and preventing infections in healthcare settings. The guideline is intended to replace the hand hygiene recommendations in Guideline for Handwashing and Hospital Environmental Control, 1985.

DATES: Comments on the Draft Guideline for Hand Hygiene in Healthcare Settings must be received in writing on or before December 24, 2001.

FOR FURTHER INFORMATION CONTACT: Requests for copies of the Draft Guideline for Hand Hygiene in Healthcare Settings should be submitted to the Resource Center, Attention: HHGuide, Division of Healthcare Quality Promotion, CDC, Mailstop E–68, 1600 Clifton Rd., NE., Atlanta, Georgia 30333; fax 404 498–1244; e-mail: *hhrequests@cdc.gov*; or Internet: *www.cdc.gov/ncidod/hip/hhguide.htm.*

ADDRESSES: Comments on the Draft Guideline for Hand Hygiene in Healthcare Settings should be submitted to the Resource Center, Attention: HHGuide, Division of Healthcare Quality Promotion, CDC, Mailstop E–68, 1600 Clifton Road, NE., Atlanta, Georgia 30333; fax 404 498–1244; e-mail: *hhcomments@cdc.gov*; or Internet: *www.cdc.gov/ncidod/hip/hhguide.htm.*

SUPPLEMENTARY INFORMATION: The Draft Guideline for Hand Hygiene in Healthcare Settings is designed to provide healthcare practitioners with (1) a thorough review of evidence dealing with handwashing and hand antisepsis in healthcare settings and (2) specific recommendations to promote improved hand hygiene practices and reduce transmission of pathogenic microorganisms to patients and personnel in healthcare settings. Part I: Review of Scientific Data on Hand Hygiene Practices in Healthcare Settings provides a historical perspective on hand hygiene and reviews in detail the efficacy of various agents used for handwashing and hand antisepsis and factors affecting adherence of healthcare personnel to recommended hand hygiene practices. Part I also discusses evidence documenting transmission of pathogens on hands, the relation between hand hygiene and acquisition of healthcare-acquired pathogens, and methods for improving hand hygiene. Part II: Recommendations provides consensus recommendations of the Healthcare Infection Control Practices Advisory Committee (HICPAC) and other professional societies for the practice of hand hygiene in healthcare settings, including hospitals and ambulatory care, home care, and long-term care settings.

HICPAC was established in 1991 to provide advice and guidance to the Secretary and the Assistant Secretary for Health, DHHS; the Director, CDC; and the Director, National Center for Infectious Diseases, regarding the practice of infection control and strategies for surveillance, prevention, and control of healthcare-associated infections in U.S. healthcare facilities. The committee advises CDC on guidelines and other policy statements regarding prevention of healthcare-associated infections and related adverse events.

Dated: November 5, 2001.

Karen Groux,

Deputy Associate Director for Management and, Operations Centers for Disease Control and Prevention.

[FR Doc. 01–28146 Filed 11–8–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Notice of Hearing: Reconsideration of Disapproval of Louisiana State Plan Amendment (SPA) 01–03

AGENCY: Centers for Medicare & Medicaid Services, HHS.

ACTION: Notice of hearing.

SUMMARY: This notice announces an administrative hearing to reconsider our decision to disapprove Louisiana SPA 01–03 on December 19, 2001, at 10 a.m.; at 1301 Young Street; Conference Room 1113; Dallas, Texas 75202.

Closing Date: Requests to participate in the hearing as a party must be received by the presiding officer by 15 days after publication.

FOR FURTHER INFORMATION CONTACT: Kathleen Scully-Hayes, Office of Hearings, Centers for Medicare & Medicaid Services, Suite L, 2520 Lord Baltimore Drive, Baltimore, Maryland 21244–2670, Telephone: (410) 786–2055.

SUPPLEMENTARY INFORMATION: This notice announces an administrative hearing to reconsider our decision to disapprove Louisiana SPA 01–03.

Section 1116 of the Social Security Act (the Act) and 42 CFR part 430 establish HHS procedures that provide an administrative hearing for reconsideration of a disapproval of a State plan or plan amendment. The Centers for Medicare & Medicaid Services (CMS) is required to publish a copy of the notice to a State Medicaid agency that informs the agency of the time and place of the hearing and the issues to be considered.

If we subsequently notify the agency of additional issues that will be considered at the hearing, we will also publish that notice.

Any individual or group that wants to participate in the hearing as a party must petition the presiding officer within 15 days after publication of this notice, in accordance with the requirements contained at 42 CFR 430.76(b)(2). Any interested person or organization that wants to participate as *amicus curiae* must petition the presiding officer before the hearing begins in accordance with the requirements contained at 42 CFR 430.76(c). If the hearing is later rescheduled, the presiding officer will notify all participants.

At issue is whether Louisiana may include in the calculation of disproportionate share hospital (DSH) payments the uncompensated costs of providing certain health care services that were not within the regulatory definition of hospital services and are not treated as hospital services for any other purpose. This amendment proposed including rural health clinic uncompensated care costs in a hospital's DSH payment calculation.

Section 1923(g)(1) of the Act sets forth a hospital-specific limit on DSH payments and permits only the costs of ''hospital services'' furnished by a hospital to be included in calculating this limit. Medicaid outpatient hospital services are defined in Federal regulations at 42 CFR 440.20(a). This regulation requires the services to be provided by an institution that is licensed or formally approved as a hospital by an officially designated authority for state standard setting. The institution also must meet the

conditions of participation in the Medicaid program. This means that a state may not include costs or revenues in the DSH calculation which are attributable to services rendered in a separately licensed/certified entity, even if that entity is owned by the same institution. Such health services are not ''hospital services.''

Louisiana SPA 01–03 is not consistent with either section 1923(g)(1) of the Act or 42 CFR 440.20, because it would include as hospital services (for purposes of the DSH calculations) health services that were not within the regulatory definition of hospital services or otherwise characterized as hospital services. Therefore, the CMS Administrator, after consulting with the Secretary as required by 42 CFR 430.15, informed Louisiana that Louisiana SPA 01–03 was disapproved.

The notice to Louisiana announcing an administrative hearing to reconsider the disapproval of its SPA reads as follows:

Mr. David W. Hood,

Secretary, Louisiana Department of Health and Hospitals, 1201 Capitol Access Road, P.O. Box 91030, Baton Rouge, LA 70821–9030

Dear Mr. Hood: I am responding to your request for reconsideration of the decision to disapprove Louisiana State Plan Amendment (SPA) 01–03.

At issue is whether Louisiana may include in the calculation of disproportionate share hospital (DSH) payments the uncompensated costs of providing certain health care services that were not within the regulatory definition of hospital services and are not treated as hospital services for any other purpose. This amendment proposed including rural health clinic uncompensated care costs in a hospital's DSH payment calculation.

Section 1923(g)(1) of the Social Security Act (the Act) sets forth a hospital-specific limit on DSH payments and permits only the costs of ''hospital services'' furnished by a hospital to be included in calculating this limit. Medicaid outpatient hospital services are defined in Federal regulations at 42 CFR 440.20(a). This regulation requires the services to be provided by an institution that is licensed or formally approved as a hospital by an officially designated authority for state standard setting. The institution also must meet the conditions of participation in the Medicaid program. This means that a state may not include costs or revenues in the DSH calculation which are attributable to services rendered in a separately licensed/certified entity, even if that entity is owned by the same institution. Such health services are not ''hospital services.''

Louisiana SPA 01–03 is not consistent with either section 1923(g)(1) of the Act or 42 CFR 440.20 because it would include as hospital services (for purposes of the disproportionate share calculations) health services that were not within the regulatory definition of hospital services or otherwise characterized as hospital services. Therefore, the Centers for Medicare & Medicaid Services' Administrator, after consulting with the Secretary as required by 42 CFR 430.15, informed Louisiana that Louisiana SPA 01–03 was disapproved.

I am scheduling a hearing on your request for reconsideration to be held on December 19, 2001, at 10 a.m.; 1301 Young Street; Conference Room 1113; Dallas, Texas 75202.

If this date is not acceptable, we would be glad to set another date that is mutually agreeable to the parties. The hearing will be governed by the procedures prescribed at 42 CFR, part 430.

I am designating Ms. Kathleen Scully-Hayes as the presiding officer. If these arrangements present any problems, please contact the presiding officer. In order to facilitate any communication which may be necessary between the parties to the hearing, please notify the presiding officer to indicate acceptability of the hearing date that has been scheduled and provide names of the individuals who will represent the State at the hearing. The presiding officer may be reached at (410) 786–2055.

Sincerely,

Thomas A. Scully,

Administrator.

(Sec. 1116 of the Social Security Act (42 U.S.C. 1316); 42 CFR 430.18)

(Catalog of Federal Domestic Assistance Program No. 13.714, Medicaid Assistance Program)

Dated: November 5, 2001.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

[FR Doc. 01–28220 Filed 11–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

Privacy Act of 1974; Report of New System

AGENCY: Department of Health and Human Services (HHS), Centers for Medicare & Medicaid Services (CMS) (formerly the Health Care Financing Administration).

ACTION: Notice of New System of Records (SOR).

SUMMARY: In accordance with the requirements of the Privacy Act of 1974, we are proposing to establish a new system of records. The proposed system is titled ''Inpatient Rehabilitation Facilities Patient Assessment Instrument (IRF-PAI), HHS/CMS/CMSO, 09–70–1518.'' CMS proposes to establish a new system of records containing data on the physical, cognitive, functional, and psychosocial status of all patients receiving the services of Inpatient Rehabilitation Facilities (IRF) that are approved to participate in the Medicare program. Information will not be retained in this system for those individuals who have non-Medicare payment sources.

The primary purpose of the IRF system of records is to support the IRF prospective payment system (PPS) for payment of the IRF Medicare Part A fee-for-services furnished by the IRF to Medicare beneficiaries. Other purposes for the system of records are to: (1) Help validate and refine the Medicare IRF-PPS; (2) study and help ensure the quality of care provided by IRFs; (3) enable CMS and its agents to provide IRFs with data for their own quality assurance and, (4) ultimately, quality improvement activities; (5) support agencies of the State government, deeming organizations or accrediting agencies to determine, evaluate and assess overall effectiveness and quality of IRF services provided in the State; (6) provide information to consumers to allow them to make better informed selections of providers; (7) support regulatory and policy functions performed within the IRF or by a contractor or consultant; (8) support constituent requests made to a Congressional representative; (9) support litigation involving the facility; and (10) support research on the utilization and quality of inpatient rehabilitation services; as well as, evaluation, or epidemiological projects related to the prevention of disease or disability, or the restoration or maintenance of health for understanding and improving payment systems. We have provided background information about the proposed system in the ''Supplementary Information'' section below. Although the Privacy Act requires only that the ''routine use'' portion of the system be published for comment, CMS invites comments on all portions of this notice. See ''Effective Dates section for comment period.

EFFECTIVE DATES: CMS filed a new system report with the Chair of the House Committee on Government Reform and Oversight, the Chair of the Senate Committee on Governmental Affairs, and the Administrator, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB) on November 2, 2001. In any event, we will not disclose any information under a routine use until 40 days after publication. We may defer implementation of this system of records or one or more of the routine use statements listed below if we receive comments that persuade us to defer implementation.

ADDRESSES: The public should address comments to: Director, Division of Data Liaison and Distribution (DDLD), CMS, Room N2–04–27, 7500 Security Boulevard, Baltimore, Maryland 21244–1850. Comments received will be available for review at this location, by appointment, during regular business hours, Monday through Friday from 9 a.m.–3 p.m., eastern time zone.

FOR FURTHER INFORMATION CONTACT: Centers for Medicare & Medicaid Services (CMS), Director, Survey and Certification Group, 7500 Security Boulevard, S2–12–25, Baltimore, Maryland 21244–1850.

SUPPLEMENTARY INFORMATION:

I. Description of The New System of Records

A.Glossary of IRF–PAI Terms

1. IRF–PAI Data Set—The IRF–PAI data set is the patient assessment instrument that contains the sum of the identifiers and information.

2. Identifiers—Identifiers are the data elements that can be used to determine a patient's identity. These are: patient's name, social security number, Medicaid number, Medicare number, and patient identification number.

3. IRF–PAI Information IRF–PAI information includes the clinical items listed below and case mix adjusters.

Patient History
Social Cognition
Functional Status
Bowel/Bladder Management
Diagnoses
Medical Complexities
Pain Status
Oral/Nutrition Status
Functional Prognosis
Safety
Resources for Discharge

B. Statutory and Regulatory Basis For System of Records

Section 1886 (j) (2) (D) of the Social Security Act authorizes the Secretary to collect the data necessary to establish and administer the payment system.

C. Data/Information

The IRF–PAI information may contribute to development of the patient care plan by identifying patients at risk for adverse outcomes, such as weight loss, aspiration, or pressure ulcers, and ensure that these patients are monitored to prevent such outcomes which might negatively impact patients' likelihood of optimal rehabilitation. The data collected will generate quality indicators that would allow providers to assess their performance, and to compare it against benchmarks derived from standards of care or the performance of peers. The detection of quality of care problems will guide CMS, the State survey agencies and accrediting agencies in surveying IRFs. This information will be valuable to CMS in fulfilling its responsibility for validating surveys conducted by accrediting agencies. Also, IRF-PAI items may be useful in developing core measures that provide meaningful information on patient characteristics and outcomes across post-acute care settings. We will monitor the data obtained from the IRF-PAI to assess the effects of implementing the changes in the payment system on the quality of care provided in post-acute care settings.

The system of records will contain clinical assessment information (IRF-PAI records) for all Medicare Part A fee-for-service patients receiving the services of a Medicare approved IRF.

II. Collection and Maintenance of Data in the System

A. Scope of the Data Collected

The IRF–PAI will be completed on all Medicare Part A fee-for-service patients who receive services under Part A from an IRF. The IRF–PAI may be completed on Medicare+Choice enrollees, but it is not a requirement. The IRF–PAI data set includes identifiers and information (the specific areas have already been identified in the **SUPPLEMENTARY INFORMATION** section IA).

B. Agency Policies, Procedures, and Restrictions on the Routine Use

The Privacy Act permits us to disclose information without an individual's consent if the information is to be used for a purpose that is compatible with the purpose(s) for which the information was collected. Any such disclosure of data is known as a ''routine use.'' The government will only release IRF–PAI information that can be associated with an individual patient as provided for under ''Section III. Entities Who May Receive Disclosures Under Routine Use.'' Both identifiable and non-identifiable data may be disclosed under a routine use. Identifiable data includes individual records with IRF–PAI information and identifiers. Non-identifiable data includes individual records with IRF–PAI information and masked identifiers or IRF–PAI information with identifiers stripped out of the file.

We will only disclose the minimum personal data necessary to achieve the purpose of the IRF–PAI. CMS has the following policies and procedures concerning disclosures of information that will be maintained in the system. In general, disclosure of information from the SOR will be approved only for the minimum information necessary to accomplish the purpose of the disclosure after CMS:

1. Determines that the use or disclosure is consistent with the reason that the data is being collected; e.g., developing and refining payment systems and monitoring the quality of care provided to patients.

2. Determines that:

a. The purpose for which the disclosure is to be made can only be accomplished if the record is provided in individually identifiable form;

b. The purpose for which the disclosure is to be made is of sufficient importance to warrant the effect and/or risk on the privacy of the individual that additional exposure of the record might bring; and

c. There is a strong probability that the proposed use of the data would in fact accomplish the stated purpose(s).

3. Requires the information recipient to:

a. Establish administrative, technical, and physical safeguards to prevent

b. Unauthorized use of disclosure of the record;

c. Remove or destroy at the earliest time all patient-identifiable information; and

d. Agree to not use or disclose the information for any purpose other than the stated purpose under which the information was disclosed.

4. Determines that the data are valid and reliable.

III. Proposed Routine Use Disclosures of Data in the System

A. Entities Who May Receive Disclosures Under Routine Use

These routine uses specify circumstances, in addition to those provided by statute in the Privacy Act of 1974, under which CMS may release information from the IRF–PAI without the consent of the individual to whom such information pertains. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. We are proposing to establish the following routine use disclosures of information maintained in the system:

1. To agency contractors, or consultants who have been contracted by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual or similar agreement with a third party to assist in accomplishing agency business functions relating to purposes for this system of records.

CMS occasionally contracts out certain of its functions when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor whatever information is necessary for the contractor to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor from using or disclosing the information for any purpose other than that described in the contract and requires the contractor to return or destroy all information at the completion of the contract.

2. To a Peer Review Organization (PRO) in order to assist the PRO to perform Title XI and Title XVIII functions relating to assessing and improving IRF quality of care. PROs will work with IRFs to implement quality improvement programs, provide consultation to CMS, its contractors, and to State agencies.

The PROs may use these data to support quality improvement activities and other PRO responsibilities as detailed in Title XI, Sections 1151–1164.

3. To another Federal or State agency:

a. To contribute to the accuracy of CMS's proper payment of Medicare benefits,

b. To enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds, or

c. To improve the state survey process for investigation of complaints related to health and safety or quality of care and to implement a more outcome oriented survey and certification program.

Other Federal or State agencies in their administration of a Federal health program may require IRF–PAI information in order to support evaluations and monitoring of quality of care for special populations or special care areas, including proper payment for services provided. Releases of information would be allowed if the proposed use(s) for the information proved compatible with the purpose for which CMS collects the information.

4. To an individual or organization for research on the utilization of inpatient rehabilitation services as well as evaluation or epidemiological projects related to the prevention of disease or disability, the restoration or maintenance of health, or for understanding and improving payment projects.

The IRF–PAI data will provide an opportunity for comprehensive research, evaluation and epidemiological projects regarding IRF patients. CMS anticipates that many researchers will have legitimate requests to use these data in projects that could ultimately improve the care provided to IRF patients and the policy that governs the care.

5. To a Member of Congress or to a congressional staff member in response to an inquiry of the Congressional Office made at the written request of the constituent about whom the record is maintained.

Beneficiaries sometimes request the help of a Member of Congress in resolving some issue relating to a matter before CMS. The Member of Congress then writes CMS, and CMS must be able to give sufficient information to be responsive to the inquiry.

6. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof, or

b. Any employee of the agency in his or her official capacity; or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee, or

d. The United States Government;

Is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation.

Whenever CMS is involved in litigation, or occasionally when another party is involved in litigation and CMS's policies or operations could be affected by the outcome of the litigation, CMS would be able to disclose information to the DOJ, court or adjudicatory body involved. A determination would be made in each instance that, under the circumstances involved, the purposes served by the use of the information in the particular litigation is compatible with a purpose for which CMS collects the information.

7. To a CMS contractor (including, but not necessarily limited to fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such program.

We contemplate disclosing information under this routine use only in situations in which CMS may enter into a contractual relationship or grant with a third party to assist in accomplishing CMS functions relating to the purpose of combating fraud and abuse.

CMS occasionally contracts out certain of its functions and makes grants when doing so would contribute to effective and efficient operations. CMS must be able to give a contractor or grantee whatever information is necessary for the contractor or grantee to fulfill its duties. In these situations, safeguards are provided in the contract prohibiting the contractor or grantee from using or disclosing the information for any purpose other than that described in the contract and requiring the contractor or grantee to return or destroy all information.

8. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such programs.

Other agencies may require IRF–PAI information for the purpose of combating fraud and abuse in such Federally funded programs. Releases of information would be allowed if the proposed use(s) for the information proved compatible with the purposes of collecting the information.

9. To a national accrediting organization whose accredited facilities are presumed to meet certain Medicare requirements for inpatient hospital rehabilitation services (e.g., the Joint Commission for the Accreditation of Healthcare Organizations (JCAHO), the American Osteopathic Association (AOA) or the Commission on Accreditation of Rehabilitation Facilities (CARF)). Information will be released to these organizations only for those facilities that they accredit and that participate in Medicare.

At this time, CMS anticipates providing accrediting organizations with IRF–PAI information to enable them to target potential or identified problems during the organization's

accreditation review process of the facility.

10. To insurance companies, third party administrators (TPA), employers, self-insurers, managed care organizations, other supplemental insurers, non-coordinating insurers, multiple employer trusts, group health plans (i.e., health maintenance organizations (HMO) or a competitive medical plan (CMP)) with a Medicare contract, or a Medicare-approved health care prepayment plan (HCPP), directly or through a contractor, and other groups providing protection for their enrollees. Information to be disclosed shall be limited to Medicare entitlement data. In order to receive the information, they must agree to:

a. Certify that the individual about whom the information is being provided is one of its insured or employees, or is insured and/or employed by another entity for whom they serve as a third party administrator;utilize the information solely for the purpose of processing the individual's insurance claims; and

b. Safeguard the confidentiality of the data and prevent unauthorized access. Other insurers, CMP, HMO, and HCPP may require IRF–PAI information in order to support evaluations and monitoring of Medicare claims information of beneficiaries, including proper payment for services provided.

B. Additional Provisions Affecting Routine Use Disclosures

In addition, our policy will be to prohibit release even of non-identifiable data, except pursuant to one of the routine uses, if there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that individuals who are familiar with the enrollees could, because of the small size, use this information to deduce the identity of the beneficiary).

This System of Records contains Protected Health Information as defined by the Department of Health and Human Services' regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, 65 FR 82462 as amended by 66 FR 12434). Disclosures of Protected Health Information authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.''

IV. Safeguards

The HHS IRF–PAI system will conform to applicable law and policy governing the privacy and security of Federal automated information systems. These include but are not limited to: the Privacy Act of 1984, Computer Security Act of 1987, the Paperwork Reduction Act of 1995, the Clinger-Cohen Act of 1996, and OMB Circular A–130, Appendix III, ''Security of Federal Automated Information Resources.'' HCFA has prepared a comprehensive system security plan as required by OMB Circular A–130, Appendix III. This plan conforms fully to guidance issued by the National Institute for Standards and Technology (NIST) in NIST Special Publication 800–18, ''Guide for Developing Security Plans for Information Technology Systems.'' Paragraphs A–C of this section highlight some of the specific methods that HCFA is using to ensure the security of this system and the information within it.

A. Authorized Users

Personnel having access to the system have been trained in Privacy Act requirements. Employees who maintain records in the system are instructed not to release any data until the intended recipient agrees to implement appropriate administrative, technical, procedural, and physical safeguards sufficient to protect the confidentiality of the data and to prevent unauthorized access to the data. Records are used in a designated work area and system location is attended at all times during working hours.

To ensure security of the data, the proper level of class user is assigned for each individual user level. This prevents unauthorized users from accessing and modifying critical data. The system database configuration includes five classes of database users:

- Database Administrator class owns the database objects (e.g., tables, triggers, indexes, stored procedures, packages) and has database administration privileges to these objects.
- Quality Control Administrator class has read and write access to key fields in the database;
- Quality Index Report Generator class has read-only access to all fields and tables;
- Policy Research class has query access to tables, but are not allowed to access confidential patient identification information; and
- Submitter class has read and write access to database objects, but no database administration privileges.

B. Physical Safeguards

All server sites will implement the following minimum requirements to assist in reducing the exposure of computer equipment and thus achieve an optimum level of protection and security for the CMS system:

Access to all servers is to be controlled, with access limited to only those support personnel with a demonstrated need for access. Servers are to be kept in a locked room accessible only by specified management and system support personnel. Each server is to require a specific log-on process. All entrance doors are identified and marked. A log is kept of all personnel who were issued a security card, key and/or combination, which grants access to the room housing the server, and all visitors are escorted while in this room. All servers are housed in an area where appropriate environmental security controls are implemented, which include measures implemented to mitigate damage to Automated Information Systems (AIS) resources caused by fire, electricity, water and inadequate climate controls.

Protection applied to the workstations, servers and databases include:

- User Log-on—Authentication is to be performed by the Primary Domain Controller/Backup Domain Controller of the log-on domain.
- Workstation Names—Workstation naming conventions may be defined and implemented at the agency level.
- Hours of Operation—May be restricted by Windows NT. When activated all applicable processes will automatically shut down at a specific time and not be permitted to resume until the predetermined time. The appropriate hours of operation are to be determined and implemented at the agency level.
- Inactivity Lockout—Access to the NT workstation is to be automatically locked after a specified period of inactivity.
- Warnings—Legal notices and security warnings are to be displayed on all servers and workstations.
- Remote Access Security—Windows NT Remote Access Service (RAS) security handles resource access control. Access to NT resources is to be controlled for remote users in the same manner as local users, by utilizing Windows NT file and sharing permissions. Dial-in access can be granted or restricted on a user-by-user basis through the Windows NT RAS administration tool.

C. Procedural Safeguards

All automated systems must comply with Federal laws, guidance, and policies for information systems security. These include, but are not limited to: the Privacy Act of 1974; the Computer Security Act of 1987; OMB

Circular A–130, revised; Information Resource Management (IRM) Circular #10; HHS Automated Information Systems Security Program; the CMS Information Systems Security Policy, Standards, and Guidelines Handbook; and other CMS systems security policies. Each automated information system should ensure a level of security commensurate with the level of sensitivity of the data, risk, and magnitude of the harm that may result from the loss, misuse, disclosure, or modification of the information contained in the system.

V. Effects of the New System on Individual Rights

CMS proposes to establish this system in accordance with the principles and requirements of the Privacy Act and will collect, use, and disseminate information only as prescribed therein. Data in this system will be subject to the authorized releases in accordance with the routine uses identified in this system of records.

CMS will monitor the collection and reporting of IRF–PAI data. IRF–PAI information on patients is completed by the IRF and submitted to CMS through standard systems. Accuracy of the data is important since incorrect information could result in the wrong payment for services and a less effective process for assuring quality of services. CMS will utilize a variety of onsite and offsite edits and audits to increase the accuracy of IRF–PAI data.

CMS will take precautionary measures (see item IV. above) to minimize the risks of unauthorized access to the records and the potential harm to individual privacy or other personal or property rights of patients whose data is maintained in the system. CMS will collect only that information necessary to perform the system's functions. In addition, CMS will make disclosure from the proposed system only with consent of the subject individual, or his/her legal representative, or in accordance with an applicable exception provision of the Privacy Act.

CMS, therefore, does not anticipate an unfavorable effect on individual privacy as a result of maintaining this system of records.

Dated: November 2, 2001.

Thomas A. Scully,

Administrator, Centers for Medicare & Medicaid Services.

09–70–1518.

SYSTEM NAME:

Inpatient Rehabilitation Facilities Patient Assessment Instrument (IRF PAI), HHS/CMS/CMSO.

SECURITY CLASSIFICATION:

Level 3, Privacy Act Sensitive.

SYSTEM LOCATION:

CMS Data Center, 7500 Security Boulevard, North Building, First Floor, Baltimore, Maryland 21244–1850 and CMS contractors and agents at various locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The system of records will contain clinical assessment information (IRF-PAI records) for all Medicare Part A fee-for-service patients receiving the services of a Medicare approved Inpatient Rehabilitation Facility (IRF). Information will be retained in the system of records only for those individuals whose payments come from Medicare.

CATEGORIES OF RECORDS IN THE SYSTEM:

This system of records will contain individual-level demographic and identifying data, as well as clinical status data for patients with the payment source of traditional Medicare Part A fee-for-service and Medicare+Choice Enrollees.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1886 (j) (2) (D) of the Social Security Act authorizes the Secretary to collect the data necessary to establish and administer the payments system

PURPOSE(S) OF THE SYSTEM:

The primary purpose of the IRF system of records is to support the IRF prospective payment system (PPS) for payment of the IRF Medicare Part A fee-for-services furnished by the IRF to Medicare beneficiaries. Other purposes for the system of records are to: (1) Help validate and refine the Medicare IRF-PPS; (2) study and help ensure the quality of care provided by IRFs; (3) enable CMS and its agents to provide IRFs with data for their own quality assurance and, (4) ultimately, quality improvement activities; (5) support agencies of the State government, deeming organizations or accrediting agencies to determine, evaluate and assess overall effectiveness and quality of IRF services provided in the State; (6) provide information to consumers to allow them to make better informed selections of providers; (7) support regulatory and policy functions performed within the IRF or by a contractor or consultant; (8) support constituent requests made to a Congressional representative; (9) support litigation involving the facility; and (10) support research on the utilization and quality of inpatient rehabilitation services; as well as, evaluation, or epidemiological projects related to the prevention of disease or disability, or the restoration or maintenance of health for understanding and improving payment systems.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OR USERS AND THE PURPOSES OF SUCH USES:

These routine uses specify circumstances, in addition to those provided by statute in the Privacy Act of 1974, under which CMS may release information from the IRF-PAI without the consent of the individual to whom such information pertains. Each proposed disclosure of information under these routine uses will be evaluated to ensure that the disclosure is legally permissible, including but not limited to ensuring that the purpose of the disclosure is compatible with the purpose for which the information was collected. In addition, our policy will be to prohibit release even of non-identifiable data, except pursuant to one of the routine uses, if there is a possibility that an individual can be identified through implicit deduction based on small cell sizes (instances where the patient population is so small that individuals who are familiar with the enrollees could, because of the small size, use this information to deduce the identity of the beneficiary). Be advised, this System of Records contains Protected Health Information as defined by the Department of Health and Human Services' regulation ''Standards for Privacy of Individually Identifiable Health Information'' (45 CFR parts 160 and 164, 65 FR 8462 as amended by 66 FR 12434). Disclosures of Protected Health Information authorized by these routine uses may only be made if, and as, permitted or required by the ''Standards for Privacy of Individually Identifiable Health Information.''

1. To agency contractors or consultants who have been contracted by the agency to assist in the performance of a service related to this system of records and who need to have access to the records in order to perform the activity.

2. To a Peer Review Organization (PRO) in order to assist the PRO to

perform Title XI and Title XVIII functions relating to assessing and improving IRF quality of care. PROs will work with IRFs to implement quality improvement programs, provide consultation to CMS, its contractors, and to State agencies.

3. To another Federal or State agency:

a. To contribute to the accuracy of CMS's proper payment of Medicare benefits,

b. To enable such agency to administer a Federal health benefits program, or as necessary to enable such agency to fulfill a requirement of a Federal statute or regulation that implements a health benefits program funded in whole or in part with Federal funds, or

c. To improve the state survey process for investigation of complaints related to health and safety or quality of care and to implement a more outcome oriented survey and certification program.

4. To an individual or organization for research on the utilization of inpatient rehabilitation services as well as evaluation or epidemiological projects related to the prevention of disease or disability, or the restoration or maintenance of health epidemiological, or for understanding and improving payment projects.

5. To a member of Congress or to a congressional staff member in response to an inquiry of the Congressional Office made at the written request of the constituent about whom the record is maintained.

6. To the Department of Justice (DOJ), court or adjudicatory body when:

a. The agency or any component thereof; or

b. Any employee of the agency in his or her official capacity; or

c. Any employee of the agency in his or her individual capacity where the DOJ has agreed to represent the employee; or

d. The United States Government; is a party to litigation or has an interest in such litigation, and by careful review, CMS determines that the records are both relevant and necessary to the litigation and the use of such records by the DOJ, court or adjudicatory body is compatible with the purpose for which the agency collected the records.

7. To a CMS contractor (including, but not necessarily limited to fiscal intermediaries and carriers) that assists in the administration of a CMS-administered health benefits program, or to a grantee of a CMS-administered grant program, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such program.

8. To another Federal agency or to an instrumentality of any governmental jurisdiction within or under the control of the United States (including any State or local governmental agency), that administers, or that has the authority to investigate potential fraud or abuse in, a health benefits program funded in whole or in part by Federal funds, when disclosure is deemed reasonably necessary by CMS to prevent, deter, discover, detect, investigate, examine, prosecute, sue with respect to, defend against, correct, remedy, or otherwise combat fraud or abuse in such programs.

9. To a national accrediting organization that has been approved for deeming authority for Medicare requirements for inpatient rehabilitation services (i.e., the Joint Commission for the Accreditation of Healthcare Organizations, the American Osteopathic Association and the Commission on Accreditation of Rehabilitation Facilities). Data will be released to these organizations only for those facilities that participate in Medicare by virtue of their accreditation status.

10. To insurance companies, third party administrators (TPA), employers, self-insurers, managed care organizations, other supplemental insurers, non-coordinating insurers, multiple employer trusts, group health plans (i.e., health maintenance organizations (HMO) or a competitive medical plan (CMP)) with a Medicare contract, or a Medicare-approved health care prepayment plan (HCPP), directly or through a contractor, and other groups providing protection for their enrollees. Information to be disclosed shall be limited to Medicare entitlement data. In order to receive the information, they must agree to:

a. Certify that the individual about whom the information is being provided is one of its insured or employees, or is insured and/or employed by another entity for whom they serve as a third party administrator;

b. Utilize the information solely for the purpose of processing the individual's insurance claims; and

c. Safeguard the confidentiality of the data and prevent unauthorized access

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

All records are stored on magnetic media.

RETRIEVABILITY:

The Medicare records are retrieved by health insurance claim (HIC) number, social security number.

SAFEGUARDS:

CMS has safeguards for authorized users and monitors such users to ensure against excessive or unauthorized use. Personnel having access to the system have been trained in the Privacy Act and systems security requirements. Employees who maintain records in the system are instructed not to release any data until the intended recipient agrees to implement appropriate administrative, technical, procedural, and physical safeguards sufficient to protect the confidentiality of the data and to prevent unauthorized access to the data.

In addition, CMS has physical safeguards in place to reduce the exposure of computer equipment and thus achieve an optimum level of protection and security for the CMS system. For computerized records, safeguards have been established in accordance with HHS standards and National Institute of Standards and Technology guidelines; e.g., security codes will be used, limiting access to authorized personnel. System securities are established in accordance with HHS, Information Resource Management (IRM) Circular #10, Automated Information Systems Security Program; CMS Information Systems Security, Standards Guidelines Handbook and OMB Circular No. A–130 (revised) Appendix III.

RETENTION AND DISPOSAL:

CMS will retain identifiable IRF–PAI data for a total period of 15 years.

SYSTEM MANAGER AND ADDRESSES:

Health Care Financing Administration, Center for Medicaid and State Operations, Director, Survey and Certification Group, 7500 Security Boulevard, S2–12–25, Baltimore, Maryland 2124–1850.

NOTIFICATION PROCEDURE:

For purpose of access, the subject individual should write to the system manager who will require the system name, health insurance claim number, and for verification purposes, the subject individual's name (woman's maiden name, if applicable), address, age, and sex, and social security number (SSN) (furnishing the SSN is voluntary, but it may make searching for a record easier and prevent delay).

RECORD ACCESS PROCEDURE:

For purpose of access, use the same procedures outlined in Notification

Procedures above. Requestors should also reasonably specify the record contents being sought. (These procedures are in accordance with Department regulation 45 CFR 5b.5(a)(2).)

CONTESTING RECORD PROCEDURES:

The subject individual should contact the system manager named above, and reasonably identify the record and specify the information to be contested. State the corrective action sought and the reasons for the correction with supporting justification. (These procedures are in accordance with Department regulation 45 CFR 5b.7.)

RECORD SOURCE CATEGORIES:

Inpatient Rehabilitation Facilities—Patient Assessment Instrument.

SYSTEMS EXEMPTED FROM CERTAIN PROVISIONS OF THE ACT:

None.

[FR Doc. 01–28219 Filed 11–8–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0335]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Food Labeling: Nutrition Labeling of Dietary Supplements on a ''Per Day'' Basis

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments on the collection of information by December 10, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Stuart Shapiro, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Food Labeling: Nutrition Labeling of Dietary Supplements on a ''Per Day''' Basis

Section 403(q)(5)(F) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 343(q)(5)(F)) provides that dietary supplements must bear nutrition labeling in a manner that is appropriate for the product and that is specified in regulations issued by FDA. FDA issued regulations establishing the requirements for dietary supplements in nutrition labeling in 21 CFR 101.36 in the September 23, 1997, final rule (62 FR 49826). FDA published a proposed rule in the **Federal Register** of January 12, 1999 (64 FR 1765), to amend its nutrition labeling regulations for dietary supplements. This amendment would provide that the quantitative amount and the percentage of the daily value of a dietary ingredient may be voluntarily presented on a ''per day'' basis in addition to the required ''per serving'' basis. The proposed rule stated that this voluntary information may be provided if a dietary supplement label recommends that the dietary supplement be consumed more than once per day. These proposed provisions are in response to a citizen petition submitted by a manufacturer and marketer of dietary supplements. This proposed action would provide suppliers of dietary supplements flexibility to present additional label information voluntarily to consumers.

In the **Federal Register** of August 14, 2001 (66 FR 42663), the agency requested comments on the proposed collection of information. No comments were received.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Operating & Maintenance Costs	Total Hours
101.36(d)	85	10	850	0.25	$83,000	213

[1] There are no capital costs associated with this collection of information.

These estimates are based on agency communications with industry and FDA's knowledge of, and experience with, food labeling. FDA estimated in the September 23, 1997, final rule (62 FR 49826 at 49846) that there was a maximum of 850 suppliers of dietary supplements and that, on average, each supplier had 40 products whose labels required revision. FDA estimates that only 10 percent, or 85 of the dietary supplement suppliers, would revise the labels of their products to incorporate nutrition levels for the daily use of their products. FDA also estimates that daily use levels for nutrition information would generally be placed on at most 25 percent, or at most 10 of a firm's estimated 40 products, although this number would vary by firm based on the types of products that it produces. FDA also believes that the burden associated with the proposed disclosure of nutrition information on a daily use basis for dietary supplements would be a one-time burden for the small number of firms that would decide voluntarily to add this additional information to the labels for their products. FDA estimates that at least 90 percent of firms would coordinate the addition of daily use nutrition information with other changes in their labels, in which case the voluntary cost of transmitting the information to consumers in labeling would be subsumed almost entirely in the cost of these other voluntary or required labeling changes. The incremental cost for these 76 firms would be approximately $50 per label for 760 labels, or $38,000 total. For the remaining 9 firms that would not coordinate changes with other labeling changes, FDA estimates that the cost would be approximately $500 per label (64 FR 1765 at 1769) for 90 labels, or $45,000 total. The estimated total operating costs in table 1 of this

document are, therefore, $83,000. Respondents are already required to disclose the quantitative amount and the percentage of the daily value of a dietary ingredient on a per serving basis as part of the nutrition information for dietary supplements. Respondents may also provide such information on a per unit basis. The information provided for under the proposed rule would be generated by simple extrapolation from that information.

Dated: November 2, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–28105 Filed 11–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01F–0484]

Anitox Corp.; Filing of Food Additive Petition (Animal Use); Formaldehyde

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that Anitox Corp. has filed a petition proposing that the food additive regulations be amended to allow a variable usage rate of 2.0 to 5.4 pounds (lb) of formaldehyde (CAS No. 50–00–0; 37 percent aqueous solution) per ton of animal feeds for feed ingredients.

DATES: Submit written or electronic comments on the petitioner's environmental assessment by January 23, 2002.

ADDRESSES: Submit written comments to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments.

FOR FURTHER INFORMATION CONTACT: Henry E. Ekperigin, Center for Veterinary Medicine (HFV–222), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0174.

SUPPLEMENTARY INFORMATION: Under the Federal Food, Drug, and Cosmetic Act (sec. 409(b)(5) (21 U.S.C. 348(b)(5))), notice is given that a food additive petition (FAP 2245) has been filed by Anitox Corp., 1055 Progress Circle, P.O. Box 490310, Lawrenceville, GA 30043. The petition proposes to amend the food additive regulations in part 573—Food Additives Permitted in Feed and Drinking Water of Animals (21 CFR part 573) to allow a variable usage rate of 2.0 to 5.4 lb of formaldehyde (CAS No. 50–00–0; 37 percent aqueous solution) per ton of animal feeds for feed ingredients.

The potential environmental impact of this action is being reviewed. To encourage public participation consistent with regulations issued under the National Environmental Policy Act (40 CFR 1501.4(b)), the agency is placing the environmental information submitted with the petition that is the subject of this notice on public display at the Dockets Management Branch (address above) for public review and comment.

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments by January 23, 2002. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday. FDA will also place on public display any amendments to, or comments on, the petitioner's environmental assessment without further announcement in the **Federal Register**. If, based on its review, the agency finds that an environmental impact statement is not required and this petition results in a regulation, the notice of availability of the agency's finding of no significant impact and the evidence supporting that finding will be published with the regulation in the **Federal Register** in accordance with 21 CFR 25.40(c).

Dated: October 31, 2001.

Stephen F. Sundlof,

Director, Center for Veterinary Medicine.

[FR Doc. 01–28103 Filed 11–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00D–1277]

Guidance for Industry: Fumonisin Levels in Human Foods and Animal Feeds; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a final guidance document entitled ''Guidance for Industry: Fumonisin Levels in Human Foods and Animal Feeds.'' The purpose of this guidance is to identify for the industry fumonisin levels that FDA considers adequate to protect human and animal health and that are achievable in human foods and animal feeds with the use of good agricultural and good manufacturing practices. FDA considers this guidance to be a prudent public health measure during the development of a long-term risk management policy and program by the agency for the control of fumonisins in human foods and animal feeds. The agency is also announcing the availability of the final supporting documents entitled ''Background Paper in Support of Fumonisin Levels in Corn and Corn Products Intended for Human Consumption,'' and ''Background Paper in Support of Fumonisin Levels in Animal Feed.''

DATES: Submit written or electronic comments concerning the final guidance and the final supporting documents at any time.

ADDRESSES: Submit written comments on the final guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. Submit electronic comments to http://www.fda.gov/dockets/ecomments. Submit written requests for single copies of the final guidance entitled ''Guidance for Industry: Fumonisin Level in Human Foods and Animal Feeds'' to Henry Kim, Center for Food Safety and Applied Nutrition (CFSAN) (address below), or Communications Staff (HFV–12), Center for Veterinary Medicine (CVM), 7500 Standish Pl., Rockville, MD 20855, 301–594–1755. Send one self-adhesive address label to assist that office in processing your request. See the **SUPPLEMENTARY INFORMATION** section for electronic access to these documents.

FOR FURTHER INFORMATION CONTACT:

Henry Kim, Center for Food Safety and Applied Nutrition (HFS–306), Food and Drug Administration, 200 C St. SW., Washington, DC 20204, 202–260–0631, or

Randall Lovell, Center for Veterinary Medicine (HFV–222), Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–0176.

SUPPLEMENTARY INFORMATION:

I. Background

On June 6, 2000, FDA issued a draft guidance document that presented recommended levels of fumonisins in corn used for production of human

foods and animal feeds. The purpose of the draft guidance was to identify for the industry fumonisin levels that FDA considers adequate to protect human and animal health and that are achievable in human foods and animal feeds with the use of good agricultural and good manufacturing practices. In the **Federal Register** notice of June 6, 2000 (65 FR 35945) announcing the availability of the draft guidance document, FDA provided a 60-day period for comment on the recommended fumonisin levels.

FDA received 12 comments in response to the June 6, 2000, draft guidance. The comments represented the views of seven trade associations representing manufacturers of dry and wet milled corn products, popcorn, snack foods, processed grain and feed products, food and other consumer products, and pet foods; a snack food company; a dry miller of corn; a food and food ingredient company; a State health department; and a life science society. The majority of the comments stated that they supported the recommended fumonisin levels in corn used for production of human foods and animal feeds. A number of comments suggested changes or modification to the various recommended fumonisin levels. FDA has considered the submitted comments and has revised the supporting documents as appropriate.

II. Conclusion

The agency is adopting the recommended fumonisin levels in human foods and animal feeds as presented in the draft guidance document. The majority of the comments that the agency received supported the recommended fumonisin levels. Further, after considering carefully the comments that the agency received that suggested modification or opposition to aspects of the recommended levels in the draft guidance, the agency has determined that no changes are warranted. The final supporting documents explain the agency's reasoning in selecting the recommended levels.

FDA considers the final guidance to be a prudent public health measure during the development of a long-term risk management policy and program by the agency for the control of fumonisins in human foods and animal feeds. Based on information obtained from future national and international workshops on the risk from exposure to fumonisins, FDA will consider whether to establish tolerances, regulatory limits, or action levels, as appropriate, for fumonisins in human foods and animal feeds, respectively, under 21 CFR part 109—Unavoidable Contaminants in Food for Human Consumption and Food-Packaging Material and under 21 CFR part 509—Unavoidable Contaminants in Animal Food and Food-Packaging Material.

The final guidance document is being issued as a level 1 guidance, consistent with FDA's good guidance practices regulation (21 CFR 10.115). The final guidance represents the agency's current thinking on the control of fumonisins in human foods and animal feeds as a prudent public health measure. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statute and regulations.

III. Comments

Interested persons may submit to the Dockets Management Branch (address above) written or electronic comments regarding the final guidance at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The final guidance, the final supporting documents entitled ''Background Paper in Support of Fumonisin Levels in Corn and Corn Products Intended for Human Consumption,'' and ''Background Paper in Support of Fumonisin Levels in Animal Feed,'' and received comments are available in the Dockets Management Branch between 9 a.m. and 4 p.m. Monday through Friday.

IV. Electronic Access

The final guidance, as well as the final supporting documents entitled ''Background Paper in Support of Fumonisin Levels in Corn and Corn Products Intended for Human Consumption,'' and ''Background Paper in Support of Fumonisin Levels in Animal Feed,'' may be accessed from the home pages of CFSAN and CVM on the Internet at http://www.cfsan.fda.gov and http://www.fda.gov/cvm, respectively.

Dated: November 1, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–28104 Filed 11–8–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Advisory Committee; Notice of Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following Health Professions and Nurse Education Special Emphasis Panel Meetings.

Name: Minority Faculty Fellowship Program Peer Review Group.
Date and Time: November 27–30, 2001.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: November 27, 2001, 8:00 a.m. to 10:00 a.m.
Closed on: November 27, 2001, 10:00 a.m. to 6:00 p.m.; November 28–30, 2001, 8:00 a.m. to 6:00 p.m.

Name: Nursing Faculty Development in Geriatrics Program Peer Review Group.
Date and Time: January 14–17, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: January 14, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: January 14, 2002, 10:00 a.m. to 6:00 p.m.; January 15–17, 2002, 8:00 a.m. to 6:00 p.m.

Name: Geriatric Nursing Knowledge and Experience in Long Term Care Facilities for Baccalaureate Nursing Students Program Peer Review Group
Date and Time: January 14–17, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: January 14, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: January 14, 2002, 10:00 a.m. to 6:00 p.m.; January 15–17, 2002, 8:00 a.m. to 6:00 p.m.

Name: Centers of Excellence Program Peer Review Group.
Date and Time: January 22–25, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: January 22, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: January 22, 2002, 10:00 a.m. to 6:00 p.m.; January 23–25, 2002, 8:00 a.m. to 6:00 p.m.

Name: Nursing Workforce Diversity Program Peer Review Group.
Date and Time: January 28–31, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: January 28, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: January 28, 2002, 10:00 a.m. to 6:00 p.m.; January 29–31, 2002, 8:00 a.m. to 6:00 p.m.

Name: Model State-Supported Area Health Education Centers Program Peer Review Group.
Date and Time: February 4–7, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: February 4, 2002, 8:00 a.m. to 10:00 a.m.

Closed on: February 4, 2002, 10:00 a.m. to 6:00 p.m.; February 5–7, 2002, 8:00 a.m. to 6:00 p.m.

Name: Basic/Core Area Health Education Centers Program Peer Review Group.
Date and Time: February 4–7, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: February 4, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: February 4, 2002, 10:00 a.m. to 6:00 p.m.; February 5–7, 2002, 8:00 a.m. to 6:00 p.m.

Name: Advanced Education Nursing Grants Program Peer Review Group I.
Date and Time: February 11–14, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: February 11, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: February 11, 2002, 10:00 a.m. to 6:00 p.m.; February 12–14, 2002, 8:00 a.m. to 6:00 p.m.

Name: Advanced Education Nursing Program Peer Review Group. II.
Date and Time: February 19–22, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: February 19, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: February 19, 2002, 10:00 a.m. to 6:00 p.m.; February 19–22, 2002, 8:00 a.m. to 6:00 p.m.

Name: Health Careers Opportunity Program Peer Review Group
Date and Time: April 22–25, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: April 22, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: April 22, 2002, 10:00 a.m. to 6:00 p.m.; April 23–25, 2002, 8:00 a.m. to 6:00 p.m.

Name: Basic Nurse Education and Practice Grants Program Peer Review Group I.
Date and Time: April 29–May 2, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: April 29, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: April 29, 2002, 10:00 a.m. to 6:00 p.m.; April 30–May 2, 2002, 8:00 a.m. to 6:00 p.m.

Name: Basic Nurse Education and Practice Grants Program Peer Review Group II.
Date and Time: May 6–9, 2002.
Place: Holiday Inn Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.
Open on: May 6, 2002, 8:00 a.m. to 10:00 a.m.
Closed on: May 6, 2002, 10:00 a.m. to 6:00 p.m.; May 7–9, 2002, 8:00 a.m. to 6:00 p.m.

Purpose: The Health Professions and Nurse Education Special Emphasis Panel shall advise the Associate Administrator for Health Professions on the technical merit of grants to improve the training, distribution, utilization, and quality of personnel required to staff the Nation's health care delivery system.

Agenda: The open portion of each meeting will cover welcome and opening remarks, financial management and legislative implementation updates, and overview of the review process. The meetings will be closed at approximately 10:00 a.m. on the first day of each meeting until adjournment for the review of grant applications. The closing is in accordance with the provision set forth in section 552b(c)(6), Title 5 U.S. Code, and the Determination by the Associate Administrator for Management and Program Support, Health Resources and Services Administration, pursuant to Public Law 92–463.

Anyone wishing to obtain a roster of members or other relevant information should write or contact Ms. Theresa Derville, Acting Director, Office of Peer Review, Bureau of Health Professions, Parklawn Building, Room 8C–23, 5600 Fishers Lane, Rockville, Maryland 20857, telephone 301–443–6339.

Dated: November 2, 2001.

Jane M. Harrison,

Director, Division of Policy Review and Coordination.

[FR Doc. 01–28108 Filed 11–8–01; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4652–N–17]

Notice of Proposed Information Collection for Public Comment—Mortgage Credit Analysis for Loan Guarantee Program and Transmittal for Payment of Loan Guarantee Fee

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comments Due Date:* January 8, 2002.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name and/or OMB Control number and should be sent to: Mildred M. Hamman, Reports Liaison Officer, Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street, SW., Room 4238, Washington, DC 20410–5000.

FOR FURTHER INFORMATION CONTACT: Mildred M. Hamman, (202) 708–3642, extension 4128, for copies of the proposed forms and other available documents. (This is not a toll-free number).

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected agencies concerning the proposed collection of information to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility: (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of the information to be collected; and (4) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated collection techniques or other forms of information technology; e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Mortgage Credit Analysis for Loan Guarantee Program and Transmittal for Payment of Loan Guarantee Fee.

OMB Control Number: 2577–0200.

Description of the need for the information and proposed use: The information is required by section 184 of the Housing and Community Development Act of 1994, as amended by section 701 of the Native American Housing Assistance and Self-Determination Act of 1996 and implementing regulations at 24 CFR section 1005. HUD has the authority to guarantee loans for the construction, acquisition, or rehabilitation of 1- to 4-family homes to be owned by Native Americans on restricted Indian lands. Mortgage lenders (mortgages) approved by HUD provide borrower and lender information to HUD for guarantee of the loan. If the information were not provided on Forms HUD–53036 and HUD–53038, HUD would be unable to guarantee lenders and as a result to provide financing to Native Americans.

Agency form numbers, if applicable: HUD–53036 and HUD–53038.

Members of affected public: Businesses or Other For-profit.

Estimation of the total number of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: 1,000 responses (500 × 2 forms), on occasion, ten minutes to prepare HUD–53036, eight minutes to prepare HUD–53038, 92 hours total reporting burden.

Status of the proposed information collection: Extension.

Authority: Section 3506 of the paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: November 2, 2001.

Michael Liu,

Assistant Secretary for Public and Indian Housing.

BILLING CODE 4210–33–M

Mortgage Credit Analysis Worksheet

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No.2577-0200 (exp. 12/31/2001)

Native American Loan Guarantee Program

See the Public Reporting Burden and Privacy Act statements on back

Section 184 Case Number				Type of Construction (check one) ☐ Existing Construction ☐ Proposed Construction		
1a. Borrower's name	2a. Social Security Number	3a. Age	4. Dependents a.Numbers	b. Ages	5. Marital Status a. ☐ Married	
1b. Co–Borrower's name	2b. Social Security Number	3b. Age			b. ☐ Separated c. ☐ Unmarried	

6a. Mortgage **without** LG Fee	6b. Total LG Fee (1% of maximum mortgage)	6c. Mortgage **with** LG Fee	7. a. Total Closing Costs b. Less Paid by Seller _____ c. Borrower's Closing Costs

8. Current housing expenses	9. Term of loan (years)	10. Interest rate (%)	11. First–time Homebuyer? ☐ Yes ☐ No	12. Adj. buy-down interest rate %	13. Appraised Value

14. **Settlement Requirements / Mortgage Calculation**	
a. Contract Sales Price or Construction Cost	
b. Repairs & Improvements	
c. Borrower-paid Closing Costs (from line 7c)	
d. Sales Concessions (subtract)	
e. Acquisition Cost (sum of lines 14a + b + c minus 14d)	
f. Multiply Acquisition Cost (line 14e) by	
0.9775 if greater than $50,000	
0.9875 if $50,000 or less	
g. Mortgage (without LG Fee)(lowest of 14f, 18b, or 18e)	
h. Required investment (line 14e minus line 14g)	
i. Discounts	
j. Prepayable expenses	
k. LG Fee paid in cash	
l. Non-Realty and other items (see 14d)	
m. Total requirements (sum of lines 14h - 14l)	
n. Amount paid in ☐ cash ☐ other (explain)	
o. Amount **to be** paid in ☐ cash ☐ other	
p. Assets available	
q. 2nd mortgage proceeds (if applicable)	

15. **Monthly Effective Income**	
a. Borrower's base pay	
b. Borrower's other earnings (explain)	
c. Co-borrower's base pay	
d. Co-borrower's other earnings (explain)	
e. Net income from real estate	
f. Gross monthly income	

Remarks: (attach additional paper if needed)

16. **Debts & Obligations**	Monthly Payment	Unpaid Balance
a. Total installment debt		
b. Child support, etc.		
c. Other		
d. Total monthly payments		

17. **Future Monthly Payments**	
a. Principal & Interest – 1st mortgage	
b. Homeowners Association Fee	
c. Ground rent	
d. Principal & Interest – 2nd mortgage	
e. Hazard insurance	
f. Taxes & special assessments	
g. Total mortgage payment	
h. Recurring expenses (from line 16d)	
i. Total fixed payment	

18. **Ratios / Residual Income**	
a. Loan–to–value (line 14g ÷ item 13)	. %
b. Value	
(item 13) x 0.9775 if greater than $50,000	
(item 13) x 0.9875 if $50,000 or less	
c. Total fixed payment–to–income (line 17i ÷ line 15f)	. %
d. Residual Income (15f x 0.80 - 17g - 16d)	
e. 150% of FHA Mortgage Limit	

19. **Borrower Rating** (enter "A" for acceptable or "R" for reject)	
a. Credit characteristics	
b. Adequacy of effective income	
c. Stability of effective income	
d. Adequacy of available assets	

20. Contract Sales Price of Property (line 14a)
a. 6% of line 20
b. Total Seller Contribution
c. Excess Contribution

21. Borrower's CAIVR number	Co–borrower's CAIVR number

22. Total Amount of Gifts
$

I hereby certify that all the information stated herein, as well as any information provided in the accompaniment herewith, is true and accurate.

Warning: HUD will prosecute false claims and statements. Conviction may result in criminal and/or civil penalties. (18 U.S.C. 1001, 1010, 1012; 31 U.S.C. 3729, 3802)

Final application decision	**Underwriter's signature & date**	**HUD Representative's signature & date**
☐ Approve ☐ Reject	X	X

Public reporting burden for this collection of information is estimated to average 6 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required by Section 184 of the Housing and Community Development Act of 1992, as amended by Section 701 of the Native American Housing Assistance and Self-Determination Act of 1996 and implementing regulations at 24 CFR Section 1005. HUD has the authority to guarantee loans for the construction, acquisition, or rehabilitation of 1- to 4-family homes to be owned by Native Americans on restricted Indian lands. Mortgage lenders (mortgagees) provide borrower and lender information to HUD for the guarantee of the loan. Responses to the collection of information are required to obtain a benefit. The information requested is considered sensitive and is protected by the Privacy Act.

Sensitive Information: The information collected on this form is considered sensitive and is protected by the Privacy Act. The Privacy Act requires that these records be maintained with appropriate administrative, technical, and physical safeguards to ensure their security and confidentiality. In addition, these records should be protected against any anticipated threats or hazards to their security or integrity which could result in substantial harm, embarrassment, inconvenience, or unfairness to any individual on whom the information is maintained.

Line 14d (Subtract Sales Concessions): Refers to seller-paid prepaid items, personal property items, seller concessions exceeding 6% from Attachment A, etc. This does not include seller-paid closing costs from line 7b. This amount should also appear on line 14l to correctly determine total cash requirements.

Transmittal for
Loan Guarantee Fee (LGF)
Native American Loan Guarantee Program

U.S. Department of Housing and Urban Development
Office of Public and Indian Housing

OMB Approval No. 2577-0200 (exp. 12/31/2001)

Public reporting burden for this collection of information is estimated to average 5 minutes per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. This agency may not collect this information, and you are not required to complete this form, unless it displays a currently valid OMB control number.

This information is required by Section 184 of the Housing and Community Development Act of 1992, as amended by Section 701 of the Native American Housing Assistance and Self-Determination Act of 1996 and implementing regulations at 24 CFR Section 1005. HUD has the authority to guarantee loans for the construction, acquisition, or rehabilitation of 1- to 4-family homes to be owned by Native Americans on restricted Indian lands. Mortgage lenders (mortgagees) provide borrower and lender information to HUD for the guarantee of the loan. Responses to the collection of information are required to obtain a benefit. The information requested does not lend itself to confidentiality.

This transmittal shall be prepared by the remitting mortgagee to accompany all LGF payments sent to HUD. Incomplete and/or inaccurate data may delay endorsement of the 184 case involved.

Mail all transmittals to: HUD c/o Processing Center, PO Box 198353, Atlanta, GA 30384-8353.

Part 1 Lender Information

1a. Reason for Payment
☐ Initial Fee on a new loan ☐ Additional Fee on an underpayment ☐ Late Charge/ Interest

1b. Lender's Name (print)

1c. Lender Number (10 digits)

1d. Name of Person to be contacted regarding this payment

1e. Phone Number (include area code & extension)

Instructions: Part 1 Lender Information

1a. Check the appropriate box(es) to indicate the purpose of the transmittal.

1b. Enter the name of the remitting Lender.

1c. Enter the remitting Lender's ID number. The LGF statement of account confirming receipt of the funds will be sent to the related address in HUD's records.

Part 2 Mortgage Data

2a. 184 Case Number (10 digits, 3 +7)

2b. Closing Date (mm/dd/yy)

2c. Term in Months
(1) ☐ 1 to 215 months
(2) ☐ 216 to 264 months
(3) ☐ 265 to 300 months
(4) ☐ over 300 months

LG Fee Financed?
☐ Yes
☐ No

2d. Mortgage Amount
$

2e. Percentage of the LGF Financed
%

2f. Borrower's Loan Number or Last name

Instructions: Part 2 LGF Mortgage Data

2a. Enter the 184 Case Number assigned by HUD.

2b. Enter the closing date of the mortgage.

2c. Check the box indicating the number of payments in the mortgage.

2d. Enter the mortgage amount.

2e. Enter the percent of LGF financed, e.g. 0% or 100%

2f. Enter the borrower's loan number or the borrower's last name. HUD will include this information on the LGF statement of account to assist mortgagees in matching statements to the appropriate mortgage file.

Part 3 Loan Guarantee Fee Data

3a. Fee Amount for Mortgage
$

3b. Late Charge Due (4% of 3a)
$

3c. Interest Due
$

3d. Total Amount of Check (3a plus 3b plus 3c)
$

Instructions: Part 3 LGF Data

3a. Enter the LGF due HUD as shown on form HUD-1, Settlement Statement, or if applicable, the additional LGF being remitted.

3b. A 4% late charge shall be paid if the LGF is not expected to reach HUD within 15 days of the closing date entered in item 2b. Enter 4% of the Net LGF shown in item 3a.

3c. In addition to the late charge, daily interest shall be paid on the Net LGF (item 3a) from the closing date if the LGF payment is not expected to reach HUD within 30 days of the closing date. Use the current value of Federal funds rate (published annually in the Federal Register) to compute the interest due.

3d. Enter the total of items 3a plus 3b plus 3c. This amount must equal the amount of the check. An individual check is required for each form HUD-53038. **Do not combine remittances.**

form **HUD-53038** (10/94)

[FR Doc. 01–28115 Filed 11–8–01; 8:45 am]
BILLING CODE 4210–33–C

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket Nos. FR–4340–FA–12; FR–4410–FA–15; and FR–4560–FA–20]

Announcement of Funding Awards Fair Housing Initiatives Program Fiscal Years 1998, 1999, 2000

AGENCY: Office of the Assistant Secretary for Fair Housing and Equal Opportunity, HUD.

ACTION: Announcement of funding awards.

SUMMARY: In accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989, this document notifies the public of the fiscal years 1998, 1999, 2000 funding awards made under the Fair Housing Initiatives Program (FHIP). The purpose of this document is to announce the names and addresses of the award winners and the amount of the awards to be used to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing.

FOR FURTHER INFORMATION CONTACT: Lauretta Dixon, Director, FHIP/FHAP Support Division, Office of Programs, Room 5230, 451 Seventh Street, SW., Washington, DC 20410. Telephone number (202) 708–2215 (this is not a toll-free number). A telecommunications device (TTY) for hearing and speech impaired persons is available at 1–800–290–1617 (this is a toll-free number).

SUPPLEMENTARY INFORMATION: Title VIII of the Civil Rights Act of 1968, as amended, 42 U.S.C. 3601–19 (the Fair Housing Act) charges the Secretary of Housing and Urban Development with responsibility to accept and investigate complaints alleging discrimination based on race, color, religion, sex, handicap, familial status or national origin in the sale, rental, or financing of most housing. In addition, the Fair Housing Act directs the Secretary to coordinate with State and local agencies administering fair housing laws and to cooperate with and render technical assistance to public or private entities carrying out programs to prevent and eliminate discriminatory housing practices.

Section 561 of the Housing and Community Development Act of 1987, 42 U.S.C. 3616 note, established the FHIP to strengthen the Department's enforcement of the Fair Housing Act and to further fair housing. This program assists projects and activities designed to enhance compliance with the Fair Housing Act and substantially equivalent State and local fair housing laws. Implementing regulations are found at 24 CFR part 125.

The FHIP has four funding categories: The Administrative Enforcement Initiative (AEI), the Education and Outreach Initiative (EOI), the Private Enforcement Initiative (PEI) and the Fair Housing Organizations Initiative (FHOI). This Notice announces awards made, primarily, under the EOI, the PEI and the FHOI.

The Department announced in the **Federal Register** on March 31, 1998 (63 FR 15535) the availability of $11,500,000 and on April 30, 1998 (63 FR 23969) the availability of $3,500,000. Both of these amounts came from the $15,000,000 appropriation to be utilized for the Fair Housing Initiatives Program in 1998. Under the first Super Notice of Funding Availability (SuperNOFA) for 1998, funding was made available for projects and activities designed to enforce and enhance compliance with the Fair Housing Act through the PEI, EOI, and FHOI. Under the second SuperNOFA for 1998, funding was made available for projects and activities under the National Education and Outreach Initiative. This Notice announces awards of approximately $15,000,000 to 50 organizations that submitted applications under both SuperNOFAs for FY 1998.

Additionally, the Department announced in the **Federal Register** on February 26, 1999 (64 FR 9677) the availability of $15,000,000 from the Fiscal Year 1999 appropriation of $23,500,000 to be utilized for three Initiatives (PEI, EOI, and FHOI) under the FHIP. The remaining $8,500,000 was made available for separate Requests for Proposals. This Notice was amended on April 27, 1999 (64 FR 22634) to extend the application due date from April 27, 1999 to June 30, 1999, and to make certain modifications. A second amendment was issued on June 30, 1999 (64 FR 35175) to advise of certain additional modifications in the FHIP NOFA. This Notice announces awards to 62 organizations for Fiscal Year 1999, including the National Housing Discrimination Audit that was awarded to the Urban Institute for approximately $7,360,000.

Finally, the Department announced in the **Federal Register** on February 24, 2000 (65 FR 9485), the availability of $18,000,000 of the Fiscal Year 2000 appropriation of $24 million, to be utilized for the Fair Housing Initiatives Program with $6 million designated to the National Housing Discrimination Audit. This Notice announces awards to 65 organizations that submitted applications under the FY 2000 SuperNOFA for FHIP, including the award to the Urban Institute of the $6,000,000 for the National Housing Discrimination Audit. Also, the FY 2000 application of the Leadership Conference Education Fund was awarded funding of $1,000,000 out of FY 1999 funds. No applications were submitted under the Model Codes Partnership Component for FY 2000.

The Catalog of Federal Domestic Assistance Numbers for the Fair Housing Initiatives Program are 14.408, 14.409, 14.410 and 14.413.

The Department reviewed, evaluated and scored the applications received based on the criteria in the fiscal years 1998, 1999, and 2000 SuperNOFAs. As a result, HUD has funded the applications announced in Appendices A, B, and C, and in accordance with section 102(a)(4)(C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is hereby publishing details concerning the recipients of funding awards in Appendices A, B, and C of this document.

Dated: August 29, 2001.

Floyd O. May,

Deputy Assistant Secretary for Operations and Management.

Appendix A

FY 1998 FAIR HOUSING INITIATIVES PROGRAM AWARDS

Applicant name and address	Contact name and phone number	Region	Award amount
National Education and Outreach Initiative—Nationwide Education Project			
Consumer Action, 717 Market Street, Suite 310, San Francisco CA 94103.	Ken McEldowney (415) 777–9648 ..	9	$1,999,711.00

FY 1998 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name and address	Contact name and phone number	Region	Award amount
National Education and Outreach Initiative—Community Tensions Project			
Leadership Conference Education Fund, 1629 K Street, NW, Washington DC 20006.	Karen McGill Lawson (202) 466–3434.	3	1,499,931.00
Fair Housing Organizations Initiative—Establishing New Organizations Component			
National Fair Housing Alliance, 1212 New York Avenue, NW, Suite 530, Washington DC 20005.	Shanna Smith (202) 898–1661	3	399,989.00
Fair Housing Organizations Initiative—Continuing Development Component			
Arizona Center for Disability Law, 3839 North Third Street, #209, Phoenix AZ 85012.	Leslie Cohen (520) 327–9547	9	200,000.00
Judge David L. Bazelon Center for Mental Health, 1101 15th Street, NW, Suite 1212, Washington DC 20005.	Robert Bernstein (202) 467–5730 ...	3	93,259.00
Memphis Area Legal Services, 109 N. Main, Suite 200, Memphis TN 38103–5013.	Webb Brewer (901) 523–8822	4	124,618.00
Mobile Fair Housing Center, Inc., P.O. Box 1351, Mobile AL 36633	Nancy Bunin (334) 433–8070	4	$199,287.00
Oregon Advocacy Center, 20 SW Fifth Ave., 5th Floor, Portland, OR 97204–1428.	Robert Joondaph (503) 243–2081 ..	10	182,847.00
Private Enforcement Initiative—General Component			
Access Living of Metropolitan Chicago, 310 South Peoria, Suite 201, Chicago IL 60607.	Renee David Luna (312) 226–5900	5	350,000.00
Asian Americans for Equality, Inc., 111 Division Street, New York NY 10002.	Margaret Chin (212) 964–6023	2	213,626.00
Community Legal Services, Inc., 2 West Santa Clara Street, San Jose, CA 95109–1840.	Tamara Dahn (408) 283–3844	9	350,000.00
Fair Housing Center of Metro. Detroit, 1249 Washington Blvd., #1312, Detroit MI 48226.	Clifford Schrupp (313) 963–1274	5	347,861.00
Fair Housing Council of Northern New Jersey, 131 Main Street, Hackensack NJ 07601.	Lee Porter (201) 489–3552	2	350,000.00
Fair Housing Council of Riverside County, Inc., 3600 Lime Street, Suite 613, Riverside CA 92501.	Rose Mayes (909) 682–6581	9	202,357.00
Fair Housing Council of San Gabriel Valley, 1020 N. Fair Oaks Avenue, Pasadena CA 91103.	Frances Espinoza (626) 791–0211	9	291,850.00
Greater New Orleans F.H. Action Center, Inc., 938 LaFayette Street, Suite 413, New Orleans LA 70113.	Stacy Seicshnaydre (504) 596–2100.	6	350,000.00
Housing Opportunities Made Equal of Richmond, Inc., 1218 West Cary Street, Richmond VA 23220.	Constance Chamberlin (804) 354–0641, (804) 354–0641.	3	350,000.00
John Marshall Law School, The, 315 S. Plymouth Court, Chicago IL 60604.	Robert Johnson (312) 987–1429	5	349,972.00
Kansas City Fair Housing Center, 3033 Prospect Avenue, Kansas City MO 64128.	Thomas Randolph (816) 923–1788	7	350,000.00
Lexington F.H. Council, P.O. Box 12217, Lexington KY 40581	Mae Cleveland (606) 255–3247	4	349,995.00
Metro Fair Housing Services, Inc., P.O. Box 5467, 1083 Austin Avenue, NE, Atlanta GA 30307.	Robert Shifalo (404) 221–0874	4	277,000.00
Montana Fair Housing, Inc., 904 A Kensington Avenue, Missoula MT 59801.	Susan Fifield (406) 542–2611	8	350,000.00
National Fair Housing Alliance, 1212 New York Avenue, NW, Suite 530, Washington DC 20005.	Shanna Smith (202) 898–1661	3	399,989.00
Nevada Fair Housing Center, Inc., 2725 E. Desert Inn Road, Suite 180, Las Vegas NV 89121.	Gail Burks (702) 731–6095 x113	9	204,679.00
Newsed Community Development Corporation, 1029 Santa Fe Drive, Denver CO 80204.	Kathie Cheever (303) 534–8324	8	305,158.00
North Carolina Fair Housing Center, P.O. Box 28958, Raleigh NC 27611.	Stella Adams (919) 856–2166	4	348,557.00
Northwest Fair Housing Alliance, 1613 W. Gardner Avenue, Spokane WA 99201.	Florence Brassier, (509) 325–2665	10	350,000.00
Northwest Indiana Open Housing Center, Inc., 650 South Lake Smith, Gary IN 46403.	Constance Mack-Ward (219) 938–3910.	5	218,366.00
Open Housing Center, Inc., 594 Broadway, Suite 608, New York NY 10012.	Sylvia Kramer (212) 941–6101	2	350,000.00
Reading-Berks Human Relation Council, 602–04 Court Street, Reading PA 19601.	Steven McCracken (610) 375–8852	3	160,000.00
San Antonio Fair Housing Council, Inc., 4414 Centerview Drive, Suite 170, San Antonio TX 78228.	L.L. Lewis-Miles (210) 733–3247	6	350,000.00
Sentinel Fair Housing, 1611 Telegraph Avenue, Suite 1410, Oakland CA 95612.	Maria Breed (510) 836–2687	9	349,899.00

FY 1998 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name and address	Contact name and phone number	Region	Award amount
Southern Minnesota Regional Legal Services, 700 Minnesota Building, 46 East Fourth Street, St. Paul MN 55101.	Bruce Beneke (612) 228–9823	5	337,750.00
Tenants' Action Group of Philadelphia, 21 South 12th Street, 12th Floor, Philadelphia PA 19107.	Elizabeth Hersh (215) 575–0707	3	350,000.00
Tennessee Fair Housing Council, 719 Thompson Lane, Suite 200, Nashville TN 37204.	Tracey McCartney (383) 383–6155	4	349,875.00
Private Enforcement Initiative—Joint Enforcement Program Component			
Fair Housing of Marin, Inc., 615 B Street, San Rafael CA 94901	Nancy B. Kenyon (415) 457–5025 ..	9	297,485.00
Fair Housing Opportunities of NW Ohio, Inc., 2116 Madison Avenue, Toledo OH 43624–1131.	Lisa Rice Coleman (419) 243–6163	5	300,000.00
Housing Discrimination Project, Inc., 57 Suffolk Street, Holyoke MA 01040.	Erin Kemple (413) 539–9796	1	243,430.00
Public Interest Law Center of Philadelphia, 125 South 9th Street, Suite 700, Philadelphia PA 19107.	Michael Churchill (215) 627–7100 ..	3	300,000.00
Education and Outreach Initiative—Regional/Local/Community-Based Component			
Austin Tenants' Council, Inc., 1619 East Cesar Chavez, Austin TX 78702.	Katherine Stark (512) 474–7007	6	93,999.00
Billings Community Housing Resource Board, 1440 Lewis Avenue, Billings MT 59102.	Janet Ludwig (406) 656–8688	8	75,685.00
California Rural Legal, 631 Howard Street, Suite 300, San Francisco CA 94105.	Jose Padilla (415) 777–2752	9	100,000.00
Fair Housing Agency of Alabama, Inc., The, 1111 Beltline Highway, Suite 109, Mobile AL 36606.	Enrique Larrion Lang (334) 471–9333.	4	92,787.00
Fair Housing Council of Fresno County, 2014 Tulare Street, Suite 413, Fresno CA 93721.	M. J. Borelli (209) 498–6174	9	100,000.00
Greater Upstate Law Project, Inc., 80 St. Paul Street, Suite 660, Rochester NY 14604.	Steven Brown (716) 454–6500	2	80,180.00
Hidalgo County, TX Council, 100 East Cano, 2nd Floor, Edinburg TX 78539.	Jose Eloy Pulido (956) 318–2619 ...	6	88,488.00
Latinos United, 36 S. Wabash, Suite 1226, Chicago IL 60603	Carlos DeJesus (312) 782–7500	5	100,000.00
Metro St. Louis Equal Housing Opportunity Council, 1027 South Vandeventer Avenue, 4th Floor, St. Louis MO 63110.	Browen Zwirmer (314) 534–5800, (314) 534–5800.	7	71,282.00
St. Clair County, 19 Public Square, Suite 200, Belleville IL 62220	Thelma Chalmers (618) 277–6790	5	99,994.00
Winston-Salem Human Relations Commission, 2301 N. Patterson, P.O. Box 2511, Winston-Salem NC 27105.	Eugene Williams (336) 727–2429 ...	4	100,000.00

Appendix B

FY 1999 FAIR HOUSING INITIATIVES PROGRAM AWARDS

Applicant name and address	Contact name and phone number	Region	Award amount
National Education and Outreach Initiative—Best Practices Component			
The Equal Rights Center/Fair Housing Partnership, 1212 New York Avenue, NW, Suite 500, Washington DC 20005.	Veralee Leban (202) 289–5360	3	$225,000.00
National Community Reinvestment Coalition, 733 15th Street, NW Suite 540, Washington DC 20005.	Janice Shields (202) 628–8866	3	225,000.00
Fair Housing Organizations Initiative—Establishing new Organizations Component			
Montana Fair Housing, Inc., 904 A Kensington Avenue, Missoula MT 59801.	Susan Fifield (406) 542–2611	8	400,000.00
West Tennessee Legal Services, Inc., 210 West Main Street, Jackson TN 38302.	Carol Gish (901) 426–1309	4	400,000.00
Fair Housing Organizations Initiative—Continuing Development Component			
Asian Americans for Equality Fair Hsg. Center, 40–34 Main Street, 2nd Floor, Flushing NY 11354.	Margaret Chin (718) 539–7290	2	200,000.00
Nevada Fair Housing Center, Inc., 2725 E. Desert Inn Road, Las Vegas NV 89121.	Gail Burks (702) 731–6095	9	194,798.00

FY 1999 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name and address	Contact name and phone number	Region	Award amount
Private Enforcement Initiative—General Component			
Arkansas Fair Housing Council, The, 708 Clinton St., Suite 111, Arkadelphia AR 71923.	Dan Pless (870) 245–3855	6	298,578.00
Austin Tenants' Council, Inc., 1619 E. Cesar Chavez Street, Austin TX 78702.	Katherine Stark (512) 474–5444	6	299,943.00
Chicago Lawyers Committee for Civil Rights, 100 North Lassie Street Suite 60, Chicago IL 60602.	Galena Henry (312) 630–9744	5	284,460.00
Community Health Law Project, 185 Valley Street, South Orange NJ 07079.	Harold Garwin (973) 275–1175	2	300,000.00
Connecticut Fair Housing Center, Inc., 221 Main Street, 2nd Floor, Hartford CT 06106.	Nancy Downing (860) 247–4400	1	300,000.00
Fair Housing Council of CNY, Inc., 327 W. Fayette Street, Syracuse NY 13202.	Merrilee Witherell (315) 471–0420	2	293,441.00
The Equal Rights Center, 1212 New York Avenue, NW, Washington DC 20005.	Veralee Leban (202) 289–5360	3	300,000.00
Fair Housing Council of Suburban Philadelphia, 225 South Chester Road, Swarthmore PA 19081.	James Berry (610) 604–4411	3	300,000.00
Fair Housing Institute, 11925 Wilshire Blvd., Suite 308, Los Angeles CA 90025.	Ruth Seroussi (310) 312–4835	9	295,076.00
Fair Housing of Marin, 615 B Street, San Rafael CA 94901	Nancy Kenyon (415) 457–5025	9	298,172.00
Fair Housing Partnership of Gtr. Pittsburgh, 7 Wood Street, Suite 602, Pittsburgh PA 15222.	Andrea Blinn (412) 391–2535	3	300,000.00
HOPE Fair Housing Center, 2100 Manchester Road, Wheaton IL 60187	Bernard Kleina (630) 690–6500	5	300,000.00
Housing Discrimination Project, Inc., 57 Suffolk Street, Holyoke MA 01040.	Erin Kemple (413) 539–9796	1	298,472.00
Housing for All, Metro Denver Fair Housing Center, 2855 Tremont Place, Suite 205, Denver CO 80205.	Donna Hilton (303) 296–6949	8	297,526.00
Housing Opportunities Made Equal, Inc., 700 Main Street, Buffalo NY 14202.	Scott Gahl (716) 854–1400	2	299,000.00
Housing Opportunities Project for Excellence, 18441 NW 2nd Avenue, Suite 2, Miami FL 33169.	William Thompson (305) 571–8522	4	300,000.00
Interfaith Housing Center of the Northern Suburbs, 650 Lincoln Avenue, Winnetka IL 60093.	Gail Schechner (847) 501–5760	5	300,000.00
Jacksonville Area Legal Aid, Inc., 126 West Adams Street, 7th Floor, Jacksonville FL 32202.	Michael Figgins (904) 356–8371	4	299,987.00
Legal Aid of Western Missouri, 1005 Grand Blvd., Suite 600, Kansas City MO 64106.	Richard Haliburton (816) 474–6750	7	98,006.00
Legal Aid Society of Albuquerque, 121 Tijeras NE, Suite 3100, Albuquerque NM 87125.	Juan Gonzales (505) 243–7871	6	200,000.00
Legal Aid Society of Minneapolis, 430 1st Avenue, North, Minneapolis MN 55401.	Roger Cobb (612) 334–5785,	5	300,000.00
Metropolitan Milwaukee Fair Housing Council, 600 East Mason Street, Suite 40, Milwaukee WI 53202.	William Tisdale (414) 278–1240	5	598,260.00
Metropolitan St. Louis Equal Housing Oppt. Council, 1027 S. Vandventer Ave., St. Louis MO 63110.	Bronwen Zwimer (314) 534–5800, (314) 534–5800.	7	299,999.00
Metropolitan Strategy Group Education Fund, 3130 Meyfield Road, W207, Cleveland Heights OH 44118.	Charles Bromley (216) 371–4285	5	600,000.00
Monroe County Legal Assistance Corp., 80 St. Paul St, Suite 700, Rochester NY 14604.	LeAnne Hart (716) 325–2520	2	382,070.00
New Hampshire Legal Assistance, 1361 Elm Street, Suite 307, Manchester NH 03101.	Karen Rosenberg (603) 669–4966	1	299,791.00
Protection and Advocacy Systems, Inc., 1720 Louisiana Blvd. N.E., Albuquerque NM 87110.	Jim Jackson (505) 256–3100	6	270,470.00
Southern Arizona Housing Center, 2030 East Broadway, Suite 101, Tucson AZ 85719.	Richard Rey (520) 798–1568	9	585,795.00
West Tennessee Legal Services, Inc., 210 West Main Street, Jackson TN 38302.	Carol Gish (901) 426–1309	4	300,000.00
Education and Outreach Initiative—Regional/Local/Community-Based Component			
Access Living of Metropolitan Chicago, 310 S. Peoria, Ste. 201, Chicago IL 60607.	James Charlton (312) 226–5900	5	125,000.00
Alaska State Commission For Human Rights, 800 A Street, Suite 204, Anchorage AK 99501.	Paula Haley (907) 276–7474	10	59,246.00
Arizona Center for Disability Law, 3839 North 3rd Street, Suite 209, Phoenix AZ 85012.	Leslie Cohen (520) 327–9547	9	150,000.00
CCCS of Central Valley, Inc., 4969 E. McKinley Ave., Suite 1, Fresno CA 93727.	Jacqueline Williams (559) 454–1700.	9	150,000.00
Central Alabama Fair Housing Center, 207 Montgomery Street, Suite 725, Montgomery AL 36104.	Faith Cooper (334) 263–4663	4	300,000.00

FY 1999 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name and address	Contact name and phone number	Region	Award amount
City of Anderson, South Carolina, 401 South Main Street, Anderson SC 29624.	Erica Craft (864) 231–2242	4	134,093.00
City of Savannah, P.O. Box 1027, Savannah GA 31402	Robin Gunn (912) 651–6520	4	131,846.00
Coalition of Responsible Disabled, 612 N. Maple Street, Spokane WA 99201.	Linda Schappals-McClain (509) 326–6355.	10	150,000.00
Colorado Coalition for the Homeless, 2100 Broadway, Denver CO 80205.	Tracy Eilers (303) 297–1034	8	45,570.00
Community Reinvestment Association of N.C., P.O. Box 28958, Raleigh NC 27611.	Peter Skillern (919) 856–2143	4	299,911.00
DNA-Peoples Legal Service, Inc., P.O. Box 306, Window Rock AZ 86515.	Theresa Yaman (505) 368–3217	9	29,285.00
Fort Worth Human Relations Commision, 1000 Throckmorton, Fort Worth TX 76102.	Vanessa Ruiz-Boling (817) 871–7534.	6	241,292.00
HOME Headquarters, 120 E. Jefferson Street, Syracuse NY 13202	Kerry Quaglia (315) 474–1939	2	88,745.00
Housing Council in the Monroe County Area, 183 East Main Street, Rochester NY 14604.	Anne Peterson (716) 546–3700	2	130,000.00
Housing Education & Economic Development, Inc., 3405 Medgar Evers Blvd., Jackson MS 39213.	Charles Harris (601) 981–1960	4	183,813.00
Iowa Civil Rights Commission, 211 East Maple, Des Moines IA 50309	Diann Wilder-Tomlin (515) 281–8084.	7	69,279.00
Legal Services of Northern California, 517 12th Street, Sacramento CA 95814.	Lorili Ostman (916) 551–2117	9	131,613.00
LINK, Inc., 2401 E. 13th Street, Hays KS 67601	Robin Trooper (785) 625–6942	7	149,436.00
Mental Health Advocacy, 1336 Wilshire Blvd., Suite 102, Los Angeles CA 90017.	James Preis (213) 484–1628	9	77,000.00
Minnesota Fair Housing Center, 2469 University Ave., West, St. Paul MN 55114.	Lawrence Winans (651) 917–8869	5	299,522.00
Mobile Fair Housing Center, Inc., P.O. Box 1351, Mobile AL 36633	Tracy McCracken-Cherry (334–433–8070).	4	299,440.00
NCRIMS, 1714 Jefferson Street, Napa CA 94559	Jean Barston (707) 253–2700	9	84,861.00
Neighborhood Economic Development Advocacy, 126 University Place, 5th Floor, New York NY 10003.	Sarah Ludwig (212) 633–8585	2	286,270.00
Neighborhood Housing Services of the Inland, Empire, Inc., 1390 North D Street, San Bernardino CA 92405.	Edward Moncrief (909) 884–6891	9	100,000.00
Three Rivers Legal Services, 111 Southwest First Street, Gainsville FL 32601.	Allison Thompson,(352) 372–0519	4	185,265.00
Utah State University, Logan UT 84322 2949 University Blvd	Leona Hawks, 435–797–1529	9	I7,997.00
National Housing Discrimination Audit Project			
Urban Institute, 2100 M Street, N.W., Washington DC 20037	Margery Turner, 435–797–1529	3	7,359,901.00

Appendix C

FY 2000 FAIR HOUSING INITIATIVES PROGRAM AWARDS

Applicant name	Contact person	Region	Award amount
Education and Outreach Initiative/Disability Component			
Aids Legal Referral Panel, 582 Market #912, San Francisco CA 94104–5310.	Bill Hirsh, 415–248–3974	9	$65,194.00
Central Florida Legal Services, Inc., 128–A Orange Ave., Daytona Beach FL 32114–4310.	William Abbuehl, 904–255–6573	4	150,000.00
Housing Consortium for Disabled Individuals, 4040 Market St. STE 300, Philadelphia PA 19104.	Lee Capkin, 215–895–5694	3	149,998.00
Independent Resources, Two Fox Point Centre 6 Denny Road, Suite 205, Wilmington DE 19809.	Linda Williams, 302–735–4599	3	85,097.00
Vermont Center for Independent Living, 11 East State St., Montpelier VT 05602.	Deborah Baker 802–229–0501	1	149,714.00
Volar Center For Independent Living, 8929 Viscount Suite 101, El Paso TX 79925.	Luis Chew, 915–591–0800	6	149,995.00
Education and Outreach Initiative/Fair Housing Partnership Component			
Asian Americans For Equality Fair Housing Center, Inc., 40–34 Main St., 2nd. floor, Flushing NY 11354.	Margaret Chin, 718–539–7290	2	250,000.00
Austin Tenants Council, 1619 E. Cesar Chavez St., Austin TX 78702	Katherine Stark, 512–474–5444	6	220,641.00
Fair Housing Center of Greater Palm Beach, Inc., 1300 W Lantana Rd. Ste, 100, Lantana FL 33462.	Vince Larkins, 561–533–8717	4	150,000.00

FY 2000 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name	Contact person	Region	Award amount
Fair Housing Center of South Puget Sound, 625 Commerce, Suite 430, Tacoma WA 98402.	Lauren Walker, 253–572–4347	10	250,000.00
Legal Aid Society of Palm Beach County Fair Housing, 423 Fern Street, Ste. 200, West Palm FL 33401.	Robert Bertisch, 561–655–8944	4	116,530.06
North Carolina Fair Housing Center, P.O. Box 1929, Durham NC 27702	Stella Adams, 919–667–0888	4	233,555.74
Northwest Indiana Open Housing Center, Inc., 650 South Lake St., Gary IN 46403.	Constance Mack-Ward, 219–938–3910.	5	150,000.00
Rhode Island Legal Services, 56 Pine St., fourth floor, 401–274–2652 Providence RI 02903.	Robert Barge, 401–274–2652	1	229,273.00
United Cerebral Palsy of Tarrant County, Inc., 1555 Merrimac Circle, Ste. 102, Fort Worth TX 76107.	Monica Prather, 817–332–7171	6	150,000.00
Education and Outreach Initiative/General Component			
ACORN Fair Housing, a project of the American Institute for Social Justice, 739 8th St. S.E., Washington DC 20003.	Carolyn Carr, 202–547–2500	3	300,000.00
Columbia EnterLight Ministries, CDC, 605 N. Providence Rd., Columbia MO 65203.	Roderick Williams, 573–443–0611 ..	7	165,168.00
Fair Housing Council of San Gabriel, 1020 N. Fair Oaks Ave., Pasedena CA 91103.	Frances Espinoza, 626–791–0211	9	35,249.00
Indiana Civil Rights Commission, 100 N. State Ave. Rm N103, Indianapolis IN 46204.	Sandra Leek, 317–232–2614	5	298,491.00
Kansas Legal Services, 712 South Kansas Ave. #200, Topeka KS 66603.	Roger McCollister, 785–233–2068 ..	7	81,563.00
Legal Aid Services of Oregon, 700 Southwest Taylor St. #300, Portland OR 97205.	Ira Zarov, 503–224–4094	10	289,964.00
Minneapolis Urban League, 2000 Plymouth Ave., Minneapolis MN 55411.	Clarence Hightower, 612–302–3100	5	196,282.00
New Jersey Department of Community Affairs, 101 South Broad Street P.O. Box 806, Trenton NJ 08625–0806.	Keith A. Jones, 609–633–6303	2	194,861.00
Piedmont Housing Alliance, 515 Park S.T., Charlottesville VA 22902	Stuart Armstrong, 804–817–2436 ...	3	138,409.00
Southern Rural Development Initiative, 128 East Hargrett ST. #202, Raleigh NC 27601.	Deborah Warren, 919–829–5900	4	300,000.00
Fair Housing Organizations Initiative/Establishing New Organizations Component			
Housing Opportunities for Excellence, Inc., 18441 N.W. 2nd Ave. #218, Miami FL 33169.	William Thompson, 305–651–4673	4	400,000.00
Metropolitan Milwaukee Fair Housing Council, Inc., 600 East Mason S.T. #401, Milwaukee WI 53202.	William Tisdale, 414–278–1240	5	399,252.00
National Fair Housing Alliance, 1212 New York Ave, N.W. #525, Washington DC 20005.	Shanna Smith, 202–898–1661	3	399,999.00
Private Enforcement Initiative/Fair Housing Partnership Component			
Equal Rights Center, 1212 New York Ave., NW, Washington DC 20005	Veralee Leban, 202–289–5360	3	212,114.50
Family Housing Advisory Services, Inc., 2416 Lake Street, Omaha NE 68111.	Kevin Biltz-Danler, 402–934–7921 ..	7	151,009.00
Housing Discrimination Project, Inc., 57 Suffolk St., Holyoke MA 01040	Erin Kemple, 413–539–9796	1	250,000.00
Housing Opportunites Made Equal Of Greater Cincinnati, Inc., 2400 Reading Rd. Suite 109, Cincinnati OH 45202–1429.	Karla Irvine, 513–721–4663	5	249,284.00
Jacksonville Area Legal Aid, Inc., 126 W. Adams Street, Jacksonville FL 32202–3849.	Michael Figgins, 904–356–8371	4	148,543.58
Miami Valley Fair Housing Center, Inc., 211 S. Main St. Suite 900, Dayton OH 45402.	James McCarthy, 937–223–6035 ...	5	249,623.00
Northwest Fair Housing Alliance, 1613 West Gardner Ave., Spokane WA 99201.	Florence Brassier, 509–325–2665 ..	10	250,000.00
San Antonio Fair Housing Council, Inc., 4414 Centerview Drive, Ste. 170, San Antonio TX 78228.	L. Lewis-Miles, 210–733–3247	6	239,426.00
Private Enforcement Initiative/General Component			
Access Living of Metropolitan Chicago, 310 South Peoria ST. #201, Chicago IL 60607.	Rosa Villarreal, 312–226–5900	5	300,000.00
Central Alabama Fair Housing Center, 207 Montgomery St. #725, Montgomery AL 36104.	Faith Cooper, 334–263–4663	4	300,000.00
Champlain Valley O.E.O Inc., P.O.B. #1603, Burlington VT 05402	Tim Searles, 802–862–2771	1	299,989.00
Fair Housing Center, 2116 Madison Ave, Toledo OH 43624	Lisa Rice, 419–243–6163	5	300,000.00
Fair Housing Center of Northern Alabama, 2000 First Ave. North #529, Birmingham AL 35203.	Bobby Wilson, 205–324–0111	4	300,000.00
Fair Housing Center of South Puget Sound, 625 Commerce, Suite 430, Tacoma WA 98402.	Lauren Walker, 253–572–4343	10	300,000.00

FY 2000 FAIR HOUSING INITIATIVES PROGRAM AWARDS—Continued

Applicant name	Contact person	Region	Award amount
Fair Housing Continuum, Inc., 840 N. Cocoa Blvd #C, Cocoa FL 32922	David Baade, 321–633–4551	4	299,998.77
Fair Housing Council, 835 W Jefferson St. STE100, Louisville KY 40202	Galen Martin, 502–583–3247	4	600,000.00
Fair Housing Council of Central California, 2014 Tulare St. #413, Fresno CA 93721.	Steven Elberg, 559–498–6174	9	300,000.00
Fair Housing Council of Oregon, 310 Southwest 4th Ave. 430, Portland OR 97204.	Cynthia Ingebretson, 503–223–3542.	10	300,000.00
Family Housing Advisory Services, Inc., 2416 Lake St., Omaha NE 68111.	Kevin Danler, 402–934–7921	7	300,000.00
Greater New Orleans Fair Housing Action Center, Inc., 938 Lafayette St. 413, New Orleans LA 70113.	Stacy Seicshnaydre, 504–596–2100	6	300,000.00
Inland Fair Housing and Mediation Board, 1005 Begonia Avenue, Ontario CA 91762.	Betty Davidow, 909–984–2254	9	258,336.00
Intermountain Fair Housing Council, 310 N. 5th S.T., Boise ID 83702	Richard Mabbutt, 208–383–0695	10	298,970.00
John Marshall Law School, 315 South Plymouth Court, Chicago IL 60604–3907.	Robert Johnston, 312–987–1429	5	118,966.00
Legal Aid of Western Missouri, 1005 Grand Blvd Suite 600, Kansas City MO 64106.	Richard Halliburton, 816–474–6750	7	252,937.92
Legal Services of Eastern Michigan, 547 South Saginaw, Flint MI 48502	Edward Hoort, 810–234–2621	5	127,500.00
Lexington Fair Housing Council, Inc., 205 East Reynolds Rd. #E, Lexington KY 40517.	Teresa Isaac, 859–971–8067	4	299,999.77
Mobile Fair Housing Center, Inc., 951 Government S.T. 100, Mobile AL 36633–1351.	Tracy Cherry, 334–433–8070	4	299,946.00
Montana Fair Housing, 904 A Kensington Ave., Missoula MT 59801	Susan Fifield, 406–544–2611	8	300,000.00
North Dakota Fair Housing Council, Inc., 533 Airport Rd. Suite C, Bismarck ND 58504.	Amy Nelson, 701–221–2530	8	299,999.00
North Delta Mississippi Enterprise Community Development Corp., P.O. Box 330, Sardis MS 38666.	Robert Avant, 662–382–7651	4	298,100.00
Project Sentinel, 430 Sherman Ave. #308, Palo Alto CA 94306	Ann Marquart, 415–321–6291	9	596,633.00
San Antonio Fair Housing Council, Inc., 4414 Cenerview Suite 170, San Antonio TX 78228.	Lewis Miles, 210–733–3247	6	299,452.00
South Suburban Housing Center, 18220 Harwood Ave. #1, Homewood IL 60430.	John Petruszak, 708–957–4674	5	300,000.00
Southern Minnesota Regional Legal Services, Inc., 700 Minnesota Building, 46 E. Fourth Street, St. Paul MN 55101.	Bruce A. Beneke, 651–228–9823	5	300,000.00
Tennessee Fair Housing Council, Inc., 719 Thompson Lane #200, Nashville TN 37204.	Tracey McCartney, 615–383–6155	4	299,921.00
Truckee Meadows Fair Housing, 654 Tahoe S.T. P.O.B 3935, Reno NV 89505–3935.	Katherine Copeland, 775–324–0990	9	300,000.00
National Housing Discrimination Audit Project			
Urban Institute, 2100 M Street, NW., Washington DC 20037	Margery Turner, 435–797–1529	3	6,000,000.00

FY 2000 FAIR HOUSING INITIATIVES PROGRAM AWARD OUT OF 1999 FUNDING

Applicant name	Contact person	Region	Award amount
National Education and Outreach Initiative—Community Tensions Component			
Leadership Conference Education Fund, 1629 K Street, Suite 1010, Washington DC 20006.	Karen Lawson (202) 466–3434	3	$1,000,000.00

[FR Doc. 01–28114 Filed 11–8–01; 8:45 am]
BILLING CODE 421P–28–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–45]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, room 7266, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565 (these telephone numbers are not toll-free);, or call the toll-free Title V information line at 1-800-927-7588.

SUPPLEMENTARY INFORMATION: In accordance with 24 CFR part 581 and section 501 of the Stewart B. McKinney Homeless Assistance Act (42 U.S.C. 11411), as amended, HUD is publishing this Notice to identify Federal buildings and other real property that HUD has reviewed for suitability for use to assist the homeless. The properties were reviewed using information provided to HUD by Federal landholding agencies regarding unutilized and underutilized buildings and real property controlled by such agencies or by GSA regarding its inventory of excess or surplus

Federal property. This notice is also published in order to comply with the December 12, 1988 Court Order in *National Coalition for the Homeless* v. *Veterans Administration*, No. 88–2503–OG (D.D.C.).

Properties reviewed are listed in this Notice according to the following categories: Suitable/available, suitable/unavailable, suitable/to be excess, and unsuitable. The properties listed in the three suitable categories have been reviewed by the landholding agencies, and each agency has transmitted to HUD: (1) Its intention to make the property available for use to assist the homeless, (2) its intention to declare the property excess to the agency's needs, or (3) a statement of the reasons that the property cannot be declared excess or made available for use as facilities to assist the homeless.

Properties listed as suitable/available will be available exclusively for homeless use for a period of 60 days from the date of this Notice. Where property is described as for ''off-site use only'' recipients of the property will be required to relocate the building to their own site at their own expense. Homeless assistance providers interested in any such property should send a written expression of interest to HHS, addressed to Brian Rooney, Division of Property Management, Program Support Center, HHS, room 5B–41, 5600 Fishers Lane, Rockville, MD 20857; (301) 443–2265. (This is not a toll-free number.) HHS will mail to the interested provider an application packet, which will include instructions for completing the application. In order to maximize the opportunity to utilize a suitable property, providers should submit their written expressions of interest as soon as possible. For complete details concerning the processing of applications, the reader is encouraged to refer to the interim rule governing this program, 24 CFR part 581.

For properties listed as suitable/to be excess, that property may, if subsequently accepted as excess by GSA, be made available for use by the homeless in accordance with applicable law, subject to screening for other Federal use. At the appropriate time, HUD will publish the property in a Notice showing it as either suitable/availabe or suitable/unavailable.

For properties listed as suitable/unavailable, the landholding agency has decided that the property cannot be declared excess or made available for use to assist the homeless, and the property will not be available.

Properties listed as unsuitable will not be made available for any other purpose for 20 days from the date of this Notice. Homeless assistance providers interested in a review by HUD of the determination of unsuitability should call the toll free information line at 1–800–927–7588 for detailed instructions or write a letter to Clifford Taffet at the address listed at the beginning of this Notice. Included in the request for review should be the property address (including zip code), the date of publication in the **Federal Register,** the landholding agency, and the property number.

For more information regarding particular properties identified in this Notice (*i.e.,* acreage, floor plan, existing sanitary facilities, exact street address), providers should contact the appropriate landholding agencies at the following addresses: **Army:** Mr. Jeff Holste, Military Programs, U.S. Army Corps of Engineers, Installation Support Center, Planning Branch, Attn: CEMP–IP, 441 G Street, NW., Washington, DC 20314–1000; (202) 761–5737; **DOT:** Mr. Rugene Spruill, Space Management, SVC–140, Transportation Administrative Service Center, Department of Transportation 400 7th Street, SW. Room 2310, Washington, DC 20590; (202) 366–4246; **GSA:** Mr. Brian K. Polly, Assistant Commissioner, General Services Administration, Office of Property Disposal, 18th and F Streets, NW., Washington, DC 20405; (202) 501–0052; **Navy:** Mr. Charles C. Cocks, Director, Department of the Navy, Real Estate Policy Division, Naval Facilities Engineering Command, Washington Navy Yard, 1322 Patterson Ave., SE., Suite 1000, Washington, DC 20374–5065; (202) 685–9200; (These are not toll-free numbers).

Dated: November 1, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

TITLE V, FEDERAL SURPLUS PROPERTY PROGRAM FEDERAL REGISTER REPORT FOR 11/9/01

Suitable/Available Properties

Buildings (by State)

Massachusetts

Aircraft Hanger
Hanscom Air Force Base
Concord Co: MA
Landholding Agency: GSA
Property Number: 54200140007
Status: Excess
Comment: 40,000 sq. ft., off-site use only, relocating property may not be feasible
GSA Number: 1–D–MA–0857679

New York

ROVA NHS Laboratory
4097 Albany Post Road
Hyde Park Co: NY 12538–
Landholding Agency: GSA
Property Number: 54200140008
Status: Excess
Comment: 2491 sq. ft., pre-engineered metal, most recent use—lab/storage, off-site use only
GSA Number: 1–I–NY–891

North Dakota

Storage Bldg.
117 W. Main St.
Bismarck Co: Burleigh ND 58501–
Landholding Agency: GSA
Property Number: 54200140009
Status: Surplus
Comment: 3200 sq. ft., most recent use—storage, eligible for listing on the Natl Register for Historic Places
GSA Number: 7–G–ND–0406

Land (by State)

California

Portion of Land
Naval Base, Point Loma
Murphy Canyon
San Diego Co: CA 92124–
Landholding Agency: Navy
Property Number: 77200140012.
Status: Unutilized
Comment: 24,350 sq. ft. of parking lot, adjacent to environmentally sensitive area

Suitable/Unavailable Properties

Buildings (by State)

Kentucky

Soc. Sec. Admin. Fed. Bldg.
614 Master Street
Corbin Co: KY 40702–
Landholding Agency: GSA
Property Number: 54200120001
Status: Excess
Comment: Republished; approx. 9078 sq. ft., some repair needed, presence of asbestos/lead paint, most recent use—offices
GSA Number: 4–G–KY–609

Maryland

La Plata Housing
Radio Station Rd.
La Plata Co: Charles MD
Landholding Agency: GSA
Property Number: 54200110006
Status: Excess
Comment: Republished; townhouse complex of 20 units, 3-bedroom units=997 sq. ft., 1115 sq. ft., and 1011 sq. ft., needs rehab, presence of asbestos/lead paint
GSA Number: 4–N–MD–601

South Carolina

SSA/Fed. Bldg.
404 East Main St.
Rock Hill Co: York SC 29730–
Landholding Agency: GSA
Property Number: 54200120013
Status: Surplus
Comment: Republished; 4585 sq. ft., presence of asbestos, most recent use—office
GSA Number: 4–G–SC–600

Tennessee

Marine Corps Rsv Center
2109 W. Market St.
Johnson City Co: Washington TN 37604–
Landholding Agency: GSA

Property Number: 54200120003
Status: Surplus
Comment: Republished; 4 bldgs., presence of asbestos/lead paint, possible environmental restrictions, most recent use—training/storage
GSA Number: 4–N–TN–0651

Unsuitable Properties

Buildings (by State)

Alabama

Bldg. T00401
Fort McClellan
Ft. McClellan Co: Calhoun AL 36201–
Landholding Agency: Army
Property Number: 21200140001
Status: Underutilized
Reason: Gas chamber

Alaska

Bldg. B000
Point Higgins
Ketchikan Co: AK 99901–
Landholding Agency: DOT
Property Number: 87200140012
Status: Excess
Reason: Extensive deterioration

Arizona

Bldg. 00003
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140002
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material Secured Area

Bldg. S0044
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140003
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. S0213
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140004
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 00217
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140005
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. S0220
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140006
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material, Secured Area, Extensive deterioration

Bldg. S0250
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140007
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. 00310
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140008
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. S0322
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140009
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Secured Area; Extensive deterioration

Bldg. S0327
Camp Navajo
Bellemont Co: AZ 86015–
Landholding Agency: Army
Property Number: 21200140010
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Arkansas

Bldg. 1336
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–1370
Landholding Agency: Army
Property Number: 21200140011
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1759
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–1370
Landholding Agency: Army
Property Number: 21200140012
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 2037, 2219
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–1370
Landholding Agency: Army
Property Number: 21200140013
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 2513, 2515
Fort Chaffee
Ft. Chaffee Co: Sebastian AR 72905–1370
Landholding Agency: Army
Property Number: 21200140014
Status: Unutilized
Reason: Extensive deterioration

California

Bldg. S–493, S–494
Fort Irwin
Ft. Irwin Co: San Bernardino CA 92310–
Landholding Agency: Army
Property Number: 21200140015
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. PM388
Naval Air Station, Point Mugu
Oxnard Co: Ventura CA 93042–5000
Landholding Agency: Navy
Property Number: 77200140010
Status: Unutilized
Reason: Extensive deterioration

Georgia

Bldg. 710
Fort Gillem
Ft. Gillem Co: GA
Landholding Agency: Army
Property Number: 21200140016
Status: Unutilized
Reason: Secured Area; Extensive deterioration

Bldg. 736
Fort Gillem
Ft. Gillem Co: GA
Landholding Agency: Army
Property Number: 21200140017
Status: Unutilized
Reasons: Secured Area; Extensive deterioration

Bldg. 331
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200140018
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1624
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200140019
Status: Unutilized
Reason: Extensive deterioration

Bldg. 1625
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200140020
Status: Unutilized
Reason: Extensive deterioration

Bldg. 10941
Fort Benning
Ft. Benning Co: Muscogee GA 31905–
Landholding Agency: Army
Property Number: 21200140021
Status: Unutilized
Reason: Extensive deterioration

8 Bldgs.
Fort Gordon
Ft. Gordon Co: Richmond GA 30905–
Location: #2303, 2315, 2317, 2319, 2321, 2323, 2331, 2333
Landholding Agency: Army
Property Number: 21200140022
Status: Unutilized
Reason: Extensive deterioration

Hawaii

Bldg. P–13, 14, 18
Kahuku Training Area
Kahuku Co: HI 96731–
Landholding Agency: Army
Property Number: 21200140023
Status: Unutilized
Reason: Extensive deterioration

Bldg. P–20
Kahuku Training Area
Kahuku Co: HI 96731–
Landholding Agency: Army
Property Number: 21200140024

Status: Unutilized
Reason: Extensive deterioration

Bldg. P–28
Kahuku Training Area
Kahuku Co: HI 96731–
Landholding Agency: Army
Property Number: 21200140025
Status: Unutilized
Reason: Extensive deterioration

Bldg. S–151
Kahuku Training Area
Kahuku Co: HI 96731–
Landholding Agency: Army
Property Number: 21200140026
Status: Unutilized
Reason: Extensive deterioration

Bldg. P–152
Kahuku Training Area
Kahuku Co: HI 96731–
Landholding Agency: Army
Property Number: 21200140027
Status: Unutilized
Reason: Extensive deterioration

9 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 3403, 3409, 3419, 3423, 3515, 3518, 3508, 3603, 3611
Landholding Agency: Army
Property Number: 21200140028
Status: Unutilized
Reason: Extensive deterioration

7 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 3427, 3432, 3440, 3610, 3621, 3805, 3810
Landholding Agency: Army
Property Number: 21200140029
Status: Unutilized
Reason: Extensive deterioration

31 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 3434, 3436, 3438, 3442, 3448, 3716, 3717, 3721, 3605, 3617, 3618, 3620, 3624–3627, 3630, 3631, 3701, 3702, 3711, 3722, 3802, 3803, 3809, 3704, 3706, 3707, 3710, 3814, 3815
Landholding Agency: Army
Property Number: 21200140030
Status: Unutilized
Reason: Extensive deterioration

34 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 3401–3402, 3405–3406, 3410–3411, 3413–3417, 3420–3421, 3514, 3517, 3520, 3522, 3523, 3501–3503, 3505–3506, 3509–3510, 3512–3513, 3601, 3604, 3424, 3426, 3524, 3613–3614
Landholding Agency: Army
Property Number: 21200140031
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 3430, 3608, 3713, 3720
Landholding Agency: Army
Property Number: 21200140032
Status: Unutilized
Reason: Extensive deterioration

3 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 3636, 3638, 3641
Landholding Agency: Army
Property Number: 21200140033
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 3637, 3642, 3646, 3648
Landholding Agency: Army
Property Number: 21200140034
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4114
Schofield Barracks
Wahiawa Co: HI 96786–
Landholding Agency: Army
Property Number: 21200140035
Status: Unutilized
Reason: Extensive deterioration

Bldg. 4226
Schofield Barracks
Wahiawa Co: HI 96786–
Landholding Agency: Army
Property Number: 21200140036
Status: Unutilized
Reason: Extensive deterioration

4 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 9004, 9022, 9106, 9110
Landholding Agency: Army
Property Number: 21200140037
Status: Unutilized
Reason: Extensive deterioration

18 Bldgs.
Schofield Barracks
Wahiawa Co: HI 96786–
Location: 9008, 9010, 9014, 9060, 9064, 9068, 9120, 9124, 9134, 9136, 9144, 9146, 9148, 9150, 9152, 9154, 9164, 9170
Landholding Agency: Army
Property Number: 21200140038
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9012
Schofield Barracks
Wahiawa Co: HI 96786–
Landholding Agency: Army
Property Number: 21200140039
Status: Unutilized
Reason: Extensive deterioration

Bldg. 9024
Schofield Barracks
Wahiawa Co: HI 96786–
Landholding Agency: Army
Property Number: 21200140040
Status: Unutilized
Reason: Extensive deterioration

7 Bldgs.
Aliamanu Military
Reservation
Honolulu Co: HI 96818–
Location: 200, 403, 419, 432, 938, 1249, 1321
Landholding Agency: Army
Property Number: 21200140041
Status: Unutilized
Reason: Extensive deterioration

3 Bldgs.
Aliamanu Military
Reservation
Honolulu Co: HI 96818–
Location: 1418, 1455, 1459
Landholding Agency: Army
Property Number: 21200140042
Status: Unutilized
Reason: Extensive deterioration

Illinois

Bldg. 53
Rock Island Arsenal
Rock Island Co: IL 61299–5000
Landholding Agency: Army
Property Number: 21200140043
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material; Extensive deterioration

Bldg. 86
Rock Island Arsenal
Rock Island Co: IL 61299–5000
Landholding Agency: Army
Property Number: 21200140044
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Bldgs. 122/123
Rock Island Arsenal
Rock Island Co: IL 61299–5000
Landholding Agency: Army
Property Number: 21200140045
Status: Unutilized
Reason: Secured Area

Bldg. 206
Rock Island Arsenal
Rock Island Co: IL 61299–5000
Landholding Agency: Army
Property Number: 21200140046
Status: Unutilized
Reason: Within 2000 ft. of flammable or explosive material

Kentucky

Bldg. T00834
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 21200140047
Status: Unutilized
Reason: Extensive deterioration

Bldg. T00836
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 21200140048
Status: Unutilized
Reason: Extensive deterioration

3 Bldgs.
Fort Campbell
T002131, T002135, T002137
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 21200140049
Status: Unutilized
Reason: Extensive deterioration

Bldg. T02156
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 21200140050
Status: Unutilized
Reason: Extensive deterioration

Bldgs. T02446, T02158
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 21200140051
Status: Unutilized

Reason: Extensive deterioration

Bldg. T002708
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 21200140052
Status: Unutilized
Reason: Extensive deterioration

Bldg. T05328
Fort Campbell
Ft. Campbell Co: Christian KY 42223–
Landholding Agency: Army
Property Number: 21200140053
Status: Unutilized
Reason: Extensive deterioration

Louisiana

Bldg. 4962
Fort Polk
Ft. Polk Co: Vernon Parish LA 71459–
Landholding Agency: Army
Property Number: 21200140054
Status: Unutilized
Reason: Floodway

Maryland

Bldgs. 03753, 03754
Aberdeen Proving Ground
Aberdeen Co: Hartford MD 21005–5001
Landholding Agency: Army
Property Number: 21200140055
Status: Unutilized
Reason: Extensive deterioration

Bldg. 175
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 21200140056
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 186, 249
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 21200140057
Status: Unutilized
Reason: Extensive deterioration

Bldg. 948
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 21200140058
Status: Unutilized
Reason: Extensive deterioration

Bldg. 951
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 21200140059
Status: Unutilized
Reason: Extensive deterioration

Bldgs. 968, 978, 988, 998
Ft. George G. Meade
Ft. Meade Co: Anne Arundel MD 20755–
Landholding Agency: Army
Property Number: 21200140060
Status: Unutilized
Reason: Extensive deterioration

Michigan

Calfac Building
Keweenaw Peninsula Waterway
Hancock Township Co: Houghton MI
Landholding Agency: DOT
Property Number: 87200140013
Status: Unutilized
Reason: Secured Area

New York

Bldgs. 2228, 2229
Stewart Newburgh USARC
New Windsor Co: Orange NY 12553–9000
Landholding Agency: Army
Property Number: 21200140061
Status: Unutilized
Reason: Secured Area

Bldg. 222
Ernie Pyle USARC
Ft. Totten
Flushing Co: Queens NY 11359–1016
Landholding Agency: Army
Property Number: 21200140062
Status: Unutilized
Reason: Secured Area

Bldgs. 201–205, 231, 219, 217
Orangeburg USARC
Orangeburg Co: Rockland NY 10962–2209
Landholding Agency: Army
Property Number: 21200140063
Status: Unutilized
Reason: Secured Area

North Carolina

Bldgs. 2–1452, 2–6105
Fort Bragg
Ft. Bragg Co: Cumberland NC 28310–5000
Landholding Agency: Army
Property Number: 21200140064
Status: Unutilized
Reason: Extensive deterioration

Bldg. H–39
Marine Corps Base
Camp LeJeune Co: NC 28542–0004
Landholding Agency: Navy
Property Number: 77200140011
Status: Excess
Reason: Extensive deterioration

Ohio

Bldgs. 24, 25, 26, 28, 29
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200140065
Status: Unutilized
Reason: Extensive deterioration

Bldg. 31
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200140066
Status: Unutilized
Reason: Extensive deterioration

Bldg. 7310
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200140067
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–311
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200140068
Status: Unutilized
Reason: Extensive deterioration

Bldg. 312
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200140069
Status: Unutilized
Reason: Extensive deterioration

Bldg. T–313
Defense Supply Center
Columbus Co: Franklin OH 43216–5000
Landholding Agency: Army
Property Number: 21200140070
Status: Unutilized
Reason: Extensive deterioration

Pennsylvania

Bldg. 76
Defense Distribution Depot
New Cumberland Co: York PA 17070–5002
Landholding Agency: Army
Property Number: 21200140071
Status: Unutilized
Reason: Secured Area

Washington

Bldgs. 1161, 1163
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21200140072
Status: Excess
Reason: Extensive deterioration

Bldg. 1162
Fort Lewis
Ft. Lewis Co: Pierce WA 98433–9500
Landholding Agency: Army
Property Number: 21200140073
Status: Excess
Reason: Extensive deterioration

Land (by State)

Illinois

7 Parcels
Illinois Waterway, Cal-Sag
Channel
Chicago Co: Cook IL 60633–
Landholding Agency: GSA
Property Number: 54200140006
Status: Excess
Reason: Within 2000 ft. of flammable or explosive material
GSA Number: 1–D–IL–654–A

[FR Doc. 01–27903 Filed 11–8–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Availability of Comprehensive Conservation Plan for North Platte National Wildlife Refuge, Scottsbluff, NE

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of availability.

SUMMARY: Pursuant to the Refuge Improvement Act of 1997, the U.S. Fish and Wildlife Service has published the North Platte National Wildlife Refuge Comprehensive Conservation Plan and Summary. This Plan describes how the FWS intends to manage the North Platte NWR for the next 10–15 years.

ADDRESSES: A copy of the Plan or Summary may be obtained by writing to

U.S. Fish and Wildlife Service, North Platte National Wildlife Refuge, 115 Railway Street, Suite C109, Scottsbluff, NE 69363–1346; or download from *http://www.r6.fws.gov/larp*.

FOR MORE INFORMATION CONTACT: Brad McKinney, U.S. Fish and Wildlife Service, North Platte NWR, 115 Railway Street, Suite C109, Scottsbluff, NE 69363–1346, phone 308/635–7851; fax 308/635–7841; E-Mail: *brad_mckinney@fws.gov*.

SUPPLEMENTARY INFORMATION: The 2,722-acre North Platte National Wildlife Refuge is located in the Nebraska Panhandle, within the Central Flyway and Kansas/Platte Rivers ecosystem, about eight miles north of the city of Scottsbluff, NE. This Refuge is superimposed over or adjoining three Bureau of Reclamation reservoirs consisting of Lake Minatare, Winters Creek Lake, and Lake Alice. The North Platte NWR was established by Executive Order in 1916 as a ''preserve and breeding ground for native birds.'' Since the Refuge is superimposed over Bureau lands, it remains subordinate to ''Reclamation service uses.'' Management of the North Platte NWR will be guided by its purpose to provide a preserve and breeding ground for migratory birds as well as to provide for the life requirements of other species of wildlife, subject to Bureau uses, and to provide compatible, high quality environmental education and wildlife-oriented recreational opportunities.

Dated: September 21, 2001.

John A. Blankenship,

Regional Director, Denver, Colorado.

[FR Doc. 01–28159 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ID–095–1430–NJ]

Emergency Closure of Public Lands

AGENCY: Bureau of Land Management, Interior.

ACTION: Emergency closure of public lands for access on all roads, trails and cross country travel to mechanized vehicles (motorized vehicles of all types) on BLM administered lands in Elmore County, Idaho, containing 480 acres.

SUMMARY: The operation of all mechanized vehicles (motorized vehicles of all types) on public lands administered by BLM on the S½, Section 19, and N½N½, Section 30; T. 1 S., R. 5 E., Boise Meridian, Elmore County, Idaho is hereby prohibited. The emergency access closure is intended to protect special status plant species, and their habitats, from further degradation and demise. Also, due to the unauthorized road excavation over an existing petroleum pipeline this unauthorized activity has made the pipeline dangerously close to the surface putting the public's health, safety and well-being at extremely high risk. The closure will go into effect immediately and will expire October 4, 2003. Exceptions to this closure may include vehicle use for administrative and emergency purposes. Under special circumstances, the authorized officer may issue a permit allowing vehicle access into the area for specific purposes.

Definitions: (a) ''Public lands'' means any lands or interests in lands owned by the United States and administered by the Secretary of the Interior through the Bureau of Land Management. (b) ''Authorized Officer'' means any employee of the Bureau of Land Management who has been delegated the authority to perform the duties described in this order. (c) ''Emergency vehicles'' means any fire or law enforcement vehicle use for emergency purposes. (d) '' Administrative vehicles'' refers to any vehicles used by an employee, agent or designated representative of the federal government, or one of it's contractors, in the course of their employment, agency or representation.

EFFECTIVE DATE: This Emergency Access Closure Order is effective immediately through October 4, 2003.

ADDRESSES: Bureau of Land Management, Four Rivers Field Office, 3948 Development Ave., Boise, Idaho 83705.

FOR FURTHER INFORMATION CONTACT: Daryl Albiston, Four Rivers Field Manager, (208) 384–3300.

SUPPLEMENTARY INFORMATION: This emergency closure is being established and administered by the Bureau of Land Management. Authority for this action is found in CFR Title 43, subpart 8360.0–3 and complies with CFR Title 43, subpart 8364.1 Closure and Restriction Orders. Violation of this closure order is in accordance with CFR Title 43, subpart 8360.0–7 punishable by a fine not to exceed $1,000 and/or imprisonment not to exceed 12 months. Such violations may also be subject to the enhanced fines provided for by the Title 18 U.S.C. 3571.

Dated: October 5, 2001.

Daryl Albiston,

Four Rivers Field Manager.

[FR Doc. 01–28112 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–GG–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–020–1310–AC]

Notice of meeting

AGENCY: Bureau of Land Management (BLM), Montana, Billings and Miles City Field Offices, Interior.

ACTION: Notice of meeting.

SUMMARY: The Eastern Montana Resource Advisory Council will have a meeting on December 13, 2001 at the Hampton Inn Conference Room, 5110 Southgate Drive, Billings, Montana starting at 8 a.m. Primary agenda topics include an update on the Oil and Gas EIS, a report on the Pryor Mountain wild horse gather, rangeland monitoring, and a presentation by the Montana Sage Grouse Technical Committee.

The meeting is open to the public and the public comment period is set for 1 p.m. The public may make oral statements before the Council or file written statements for the Council to consider. Depending on the number of persons wishing to make an oral statement, a per person time limit may be established. Summary minutes of the meeting will be available for public inspection and copying during regular business hours.

FOR FURTHER INFORMATION CONTACT: Marilyn Krause, Public Affairs Specialist, Miles City Field Office, 111 Garryowen Road, Miles City, Montana 59301, telephone (406) 233–2831.

SUPPLEMENTARY INFORMATION: The purpose of the Council is to advise the Secretary of the Interior, through the BLM, on a variety of planning and management issues associated with public land management. The 15 member Council includes individuals who have expertise, education, training or practical experience in the planning and management of public lands and their resources and who have a knowledge of the geographical jurisdiction of the Council.

Dated: October 22, 2001.

David McIlnay,

Field Manager.

[FR Doc. 01–28110 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–$$–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–032–02–1430–EU]

Realty Action; Recreation and Public Purpose Act Classification; Benzie County, MI

AGENCY: Bureau of Land Management, Milwaukee Field Office.

ACTION: Notice of Realty Action; Bureau Motion; Recreation and Public Purposes Act (R&PP) Classification; Michigan.

SUMMARY: The following public lands near the community of Frankfort, Benzie County, Michigan have been examined and found suitable for classification and opening under the provisions of the Recreation and Public Purposes Act of 1926, as amended (43 U.S.C. 869 *et seq.*). In accordance with section 7 of the Act of June 28, 1934, as amended, 43 U.S.C. 315f and EO 6964, the described lands are hereby classified as suitable for disposal under the authority of the Recreation and Public Purposes Act of 1926, as amended; 43 U.S.C. 869 *et seq.*

Michigan Meridian

T. 26 N., R. 16 W.,
Lot 10 and Lot 12, section 4
The above lands aggregate 4.05 acres

This action is a motion by the Bureau of Land Management to make the lands identified above available for disposal through the Recreation and Public Purposes Act of 1926 (43 U.S.C. 869 *et seq.*) to protect the historic lighthouse, associated structures and the surrounding lands. The subject lands were identified in the Michigan Resource Management Plan Amendment, approved June 30, 1997, as not needed for Federal purposes and having potential for disposal to protect the historic structures and surrounding lands. Lease or conveyance of the lands for recreational and public purpose use would be in the public interest. Detailed information concerning this action is available for review at the office of the Bureau of Land Management, Milwaukee Field Office, Wisconsin.

FOR FURTHER INFORMATION CONTACT: Paul J. Salvatore, Realty Specialist, Bureau of Land Management, Milwaukee Field Office, 310 West Wisconsin Avenue, Suite 450, Milwaukee, Wisconsin 53203, (414) 297–4413.

SUPPLEMENTARY INFORMATION: Pursuant to the Executive Order dated July 24, 1875, a parcel of public located in Benzie County, Michigan was reserved for lighthouse purposes. The parcel contains the Point Betsie Lighthouse and is located on the eastern shore of Lake Michigan near the city of Frankfort and has subsequently been resurveyed and divided into three (3) separate lots: Lot 10—1.70 acres, Lot 11—3.52 acres and Lot 12—2.35 acres.

The Department of Transportation, United States Coast Guard, submitted a Notice of Intent (NOI) to relinquish custody, accountability and control of Lot 10 on January 6, 1984. Lot 10 was determined suitable for return to public domain on November 21, 1995. A second Notice of Intent to relinquish custody, accountability and control was submitted for Lot 12 on August 12, 1998. Lot 12 was determined suitable for return to public domain on December 6, 2000. Lot 11 has not been relinquished.

Lease or conveyance of the above described public lands will be subject to the following terms, conditions and reservations:

1. Provisions of the Recreation and Public Purposes Act and to all applicable regulations of the Secretary of the Interior.
2. All valid existing rights documented on the official public land records at the time of lease/patent issuance.
3. All minerals shall be reserved to the United States, together with the right to prospect for, mine and remove the minerals.
4. Any terms and conditions identified through the site specific environmental analysis.
5. Any other reservations that the authorized office deems appropriate to ensure public access and proper management of Federal lands and interest therein.

Upon publication of this notice in the **Federal Register**, the above described lands will be segregated from all forms of appropriation under the public land laws, except for lease or conveyance under the Recreation and Public Purposes Act of 1926 (43 U.S.C. 869 *et seq.*) and leasing under the mineral leasing laws.

For a period of 45 days after issuance of this notice, interested parties may submit comments regarding the proposed classification to the Field Manager, Milwaukee Field Office, Bureau of Land Management, 310 West Wisconsin Avenue, Suite 450, Milwaukee, Wisconsin 53203. Any adverse comments will be evaluated by the State Director who may sustain, vacate, or modify this realty action. In the absence of any adverse comments, the classification will become effective 60 days from the date of publication of this notice.

Upon the effective date of classification, the lands will be open to the filing of applications under the Recreation and Public Purposes Act of 1926 (43 U.S.C. 869 *et seq.*) by any interested, qualified applicant. If, after 9 months following the effective date of the classification, an application has not been filed, the segregative effect of the classification shall automatically expire and the lands classified shall return to their former status without further action by the authorized officer.

Dated: October 16, 2001.

Chris Hanson,
Acting Milwaukee Field Manager.

[FR Doc. 01–28113 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–PN–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[MT–926–02–1420–BJ]

Montana: Filing of Plat of Survey

AGENCY: Bureau of Land Management, Montana State Office, Interior.

ACTION: Notice.

SUMMARY: The plat of survey of the following described land is scheduled to be officially filed in the Montana State Office, Billings, Montana, thirty (30) days from the date of this publication.

Principal Meridian, Montana

T. 6 N., R. 52 E.

The plat, representing the dependent resurvey of a portion of the subdivisional lines and the adjusted original meanders of the right bank of the Powder River, downstream, through section 32, the survey of the new meanders of the present right bank of the Powder River, downstream, through section 32 and certain division of accretion lines in section 32, Township 6 North, Range 52 East, Principal Meridian, Montana, was accepted September 17, 2001.

This survey was executed at the request of the Bureau of Land Management, Miles City Field Office, and was necessary to identify accretion in section 32 of this township.

A copy of the preceding described plat will be immediately placed in the open files and will be available to the public as a matter of information.

If a protest against this survey, as shown on this plat, is received prior to the date of the official filing, the filing will be stayed pending consideration of the protest.

This particular plat will not be officially filed until the day after all protests have been accepted or dismissed and become final or appeals from the dismissal affirmed.

FOR FURTHER INFORMATION CONTACT: Bureau of Land Management, 5001 Southgate Drive, P.O. Box 36800, Billings, Montana 59107–6800.

Dated: September 26, 2001.

Steven G. Schey,

Chief Cadastral Surveyor, Division of Resources.

[FR Doc. 01–28111 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–DN–P

DEPARTMENT OF THE INTERIOR

Bureau of Reclamation

North of the Delta Offstream Storage, California

AGENCY: Bureau of Reclamation, Interior.

ACTION: Notice of intent to prepare an environmental impact report/environmental impact statement (EIR/EIS).

SUMMARY: The Bureau of Reclamation (Reclamation) intends to participate with the California Department of Water Resources (DWR) in the North of the Delta Offstream Storage (NDOS). Pursuant to the National Environmental Policy Act (NEPA) of 1969 (as amended), and the California Environmental Quality Act (CEQA), Reclamation and DWR propose to prepare a joint (EIR/EIS) for the NDOS. NDOS will evaluate potential surface storage north of the Delta in the Sacramento Valley watershed. The CALFED Programmatic Environmental Impact Statement/Report (PEIS/PEIR) and Record of Decision (ROD) identified the NDOS. Reclamation will use the results of this environmental analysis and other studies to seek Congressional authority as necessary for implementation of the preferred alternative.

DATES: Reclamation and DWR will hold three scoping meetings to seek public input on alternatives, concerns, and issues to be addressed in the EIR/EIS. The dates are:

- January 8, 2002, 1 to 4 p.m, Sacramento, California
- January 9, 2002, 6 to 9 p.m., Maxwell, California
- January 15, 2002, 6 to 9 p.m., Fresno, California

Written comments on the scope of alternatives and impacts to be considered should be sent to DWR at the address below by Friday, January 25, 2002.

ADDRESSES: Meeting locations are:

- Sacramento at the Bonderson Building Hearing Room, 901 P Street
- Maxwell at the Maxwell Inn, 81 Oak Street
- Fresno at the Piccadilly Inn—University, 4961 N. Cedar

Written comments on the scope of the EIR/EIS should be sent to Scott D. Woodland, P.E., Department of Water Resources, Division of Planning and Local Assistance, PO Box 942836, Sacramento, CA 94236, or faxed to (916) 651–9289.

FOR FURTHER INFORMATION CONTACT: Scott Woodland at (916) 651–9278, or email at *woodland@water.ca.gov;* or Donna Garcia, Bureau of Reclamation, Division of Planning, 2800 Cottage Way, Sacramento, CA, telephone: (916) 978–5009.

SUPPLEMENTARY INFORMATION:

Sacramento Valley Resources

Roughly three-quarters of California's runoff occurs north of Sacramento, while about three-quarters of California's water is used south of Sacramento. This imbalance in the location of water supply and demand has continually placed pressure on the Sacramento Valley watersheds. In recent years, demand for water supply has grown, not only due to increased population but also due to efforts to protect California's water quality and its ecological resources. To better manage Sacramento Valley water resources, the water supply system requires new infrastructure, regulatory stability, and increased system flexibility.

CALFED

The CALFED Bay-Delta Program (CALFED) is a cooperative, interagency effort of 23 State and Federal agencies established to develop and implement a long-term comprehensive plan that will restore ecological health and improve water management for beneficial uses of the Bay-Delta system and its tributary watersheds. These watersheds include the Sacramento Valley and watersheds located south of the Delta that use water from the Sacramento Valley in addition to local water supplies.

The CALFED agencies completed the PEIS/PEIR process in July 2000 and filed the ROD in August 2000. The PEIS/PEIR concluded a process of broad environmental analysis that evaluated a wide range of concepts. The ROD sets forth the Preferred Program Alternative and the strategy for implementation of that alternative. The descriptions of the alternatives are programmatic in nature, defining broad approaches to meet Program purposes. The Preferred Program Alternative includes eight program elements: Levee System Integrity, Water Quality, Ecosystem Restoration, Water Use Efficiency, Water Transfer, Watershed, Conveyance, and Storage. The ROD states: ''Expanding water storage capacity is critical to the successful implementation of all aspects of the CALFED Program. Not only is additional storage needed to meet the needs of a growing population but, if strategically located, it will provide much needed flexibility in the system to improve water quality and support fish and wildlife restoration efforts. Water supply reliability depends upon capturing water during peak flows and during wet years, as well as more efficient water use through conservation and recycling.''(ROD, page 42).

Associated Programs

In addition to the CALFED Stage 1 actions to expand surface and groundwater storage, there are several Northern Sacramento Valley programs under way that are expected to contribute to water supply reliability or habitat restoration. Development and evaluation of alternatives for augmenting storage and system flexibility in the northern Sacramento Valley will consider the potential outcomes and information from the CALFED Integrated Storage Investigations' Groundwater/Conjunctive Use program and Onstream Storage Enlargement (Enlarged Shasta) investigation and from other Sacramento Valley water management programs. Some of the larger programs include:

- Sacramento Valley Agreement (Phase 8 Bay-Delta Settlement Agreement)
- Sacramento Valley Basinwide Management Plan
- CALFED Ecosystem Restoration Program Sacramento River Conservation Area (SB 1086)
- Sacramento/San Joaquin River Comprehensive Study

North of the Delta Offstream Storage

The CALFED ROD specified two actions to be completed before deciding whether to proceed with offstream storage north of the Bay-Delta. The first was to create a partnership with local water interests and the second was to complete environmental review and planning documentation for a reservoir with a capacity of up to 1.9 MAF by August 2004. DWR and Reclamation have completed the first of these directives and are working on the second. In order to comply with all environmental laws, DWR and Reclamation will examine a broad range of alternatives in an open and inclusive process. The investigation will analyze alternatives in terms of how well they

meet the objectives described below and their beneficial and adverse impacts.

Objectives

The ROD gives direction on objectives for north of the Delta offstream storage:

- Enhance water management flexibility in the Sacramento Valley.
- Reduce water diversion on the Sacramento River during critical fish migration periods.
- Increase reliability of supplies for a portion of the Sacramento Valley.
- Provide storage and operational benefits for other CALFED programs including Delta water quality and the EWA.

Possible Alternatives

Since this EIR/EIS will be a tiered document from the CALFED PEIS/PEIR, the scope of alternatives will be limited to issues directly associated with water storage located north of the Delta. The following possible alternatives for the NDOS have been identified, and will be included in the alternative analysis along with other alternatives developed during the scoping process. The alternatives evaluated in the EIR/EIS will include consideration of CALFED Stage 1 actions as defined in the ROD:

1. No Project (Present Condition)

This alternative would be defined as present conditions when the Notice of Preparation and Notice of Intent are filed, and without a north of the Delta offstream storage project. Neither the potential environmental benefits nor adverse effects would occur.

2. No Action (Future Condition)

The No Action Alternative is a description of the anticipated physical, project operation, and regulatory features that would be in place in 2020 without a north of the Delta offstream storage project. The No Action Alternative is used as a basis for comparison of the project alternatives in 2020.

3. Sites Reservoir Alternative

This alternative would consist of an offstream reservoir with a capacity of up to 1.9 million acre-feet in size and would be located approximately 10 miles west of Maxwell. The reservoir would inundate the community of Sites and most of Antelope Valley. The main dams would be constructed on Funks Creek and on Stone Corral Creek. Up to nine saddle dams would be needed. This alternative will be evaluated with different levels of conjunctive use.

Source and conveyance options for this reservoir include:

a. The use of the Glenn-Colusa Irrigation District Diversion and Canal, either in its current capacity or in an enlarged capacity.

b. The use of the Tehama-Colusa diversion and canal in its current capacity or in an enlarged capacity.

c. A new diversion and conveyance facility from the Sacramento River near Moulton Weir.

d. A new conveyance facility from the Colusa Basin Drain. Diversions and conveyance tunnels from East Park Reservoir and/or Stony Gorge Reservoir.

e. A combination of these options.

New or existing delivery facilities from the reservoir would be required, depending on the beneficial uses served.

4. Newville Reservoir Alternative

This alternative would consist of an offstream reservoir with a capacity between 1.9 million and 3.0 million acre-feet in size and would be located approximately 18 miles west of the City of Orland. A single earth embankment dam on North Fork Stony Creek along with various saddle dams would create the impoundment area. Since North Fork Stony Creek is a very small drainage area, diversion and conveyance facilities would be needed. This alternative will be evaluated with different levels of conjunctive use. The following options are being considered.

a. Stony Creek Diversion which would move water from Black Butte Lake to the Reservoir by canal via a new, smaller reservoir, Tehenn Reservoir. Tehenn Reservoir would serve as a forebay/afterbay to the Newville Reservoir.

b. A direct canal from Black Butte Reservoir to Newville to avoid an historical cemetery.

c. A diversion from nearby Thomes Creek which has an annual runoff of approximately 200,000 acre-feet. This diversion would require a small dam and a pipeline over a ridge that separates the creek from Newville Reservoir.

d. Diversion and conveyance facility from the Sacramento River.

e. A combination of the above options.

New or existing delivery facilities from the reservoir would be required, depending on the beneficial uses served.

5. Other Possible Alternatives

As stated earlier, storage projects are not to be developed in isolation but rather as part of an overall water management strategy. Thus, this EIR/EIS will evaluate whether other possible alternatives meet the NDOS objectives. Two possible alternatives include the conjunctive use and enlarged Shasta programs mentioned in the above Associated Programs section. These could be evaluated as stand-alone alternatives or as sub-alternatives operated in conjunction with north of the Delta offstream storage to optimize system flexibility and efficiency.

These and other possible alternatives will be considered and developed through comments received during the scoping process. During scoping, DWR and Reclamation will be seeking input about possible methods for evaluating conjunctive water management that will meet CALFED criteria for local management of conjunctive use projects.

Our practice is to make comments, including names and home addresses of respondents, available for public review. Individual respondents may request that we withhold their home address from public disclosure, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold a respondent's identity from public disclosure, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comment. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public disclosure in their entirety.

Dated: October 26, 2001.

Frank Michny,

Regional Environmental Officer.

[FR Doc. 01–28138 Filed 11–8–01; 8:45 am]

BILLING CODE 4310–MN–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,035 and NAFTA–04767]

Twist Drill Co., Sandvik Division, Crystal Lake, Illinois, Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Twist Drill Co., Sandvik Division, Crystal Lake, Illinois. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–39,035 and NAFTA–04767;

Twist Drill Co., Sandvik Division,

Crystal Lake, Illinois (October 26, 2001)

Signed at Washington, DC, this 5th day of November, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–28176 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,897]

American Steel & Wire Division of Birmingham Steel, Cuyahoga Heights, OH; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 27, 2001, in response to a worker petition filed on behalf of workers at American Steel & Wire, a Division of Birmingham Steel, Cuyahoga Heights, Ohio.

The petitioning group of workers is subject to an ongoing investigation (TA–W–39,639). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 31st day of October, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–28175 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,900]

Borg Warner Air/Fluid Systems Corporation, Water Valley, Mississippi; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of September 17, 2001, a petitioner requested administrative reconsideration of the Department of Labor's Notice of Negative Determination Regarding Eligibility to Apply for Worker Adjustment Assistance, applicable to workers of the subject firm. The denial notice was signed on June 8, 2001, and published in the **Federal Register** on June 27, 2001 (66 FR 34254).

The petitioner asserts that the layoffs pertaining to the original investigation are the direct result of cost cutting and the anticipated reduced orders from the subject's major customer. The petitioner further asserts that the Department of Labor reviewed the wrong sales and production period.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 29th day of October, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–28168 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,070]

Engelhard Corporation, McIntyre, GA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on September 4, 2001, in response to a petition filed by a company official on behalf of workers at Engelhard Corporation, McIntyre, Georgia.

The company official submitting the petition has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed at Washington, DC, this 30th day of October, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–28172 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,775]

Harriet & Henderson Yarns, Inc., Henderson, NC; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on August 6, 2001, in response to a petition filed on behalf of workers at Harriet & Henderson Yarns, Inc., located in Henderson, North Carolina.

A company official 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 30th day of October, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–28171 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221(a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221(a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 19, 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 November 19, 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 15th day of October, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 10/15/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
40,197	Lucent Technologies/Bell (IBEW)	Oklahoma City, OK	09/26/2001	Telephone Switching Equipment.
40,198	Scion Valley, Inc. (Co)	Meridian, TX	09/03/2001	Medical Devices.
40,199	Washington Group, Int'l (Wrks)	Boise, ID	09/26/2001	Mine Copper for Equatorial.
40,200	International Paper Co (Wrks)	Washington, GA	09/27/2001	Dimentional Lumber.
40,201	Asia Perez (Co.)	New York, NY	09/22/2001	Men and Women Clothing Samples.
40,202	Renaissance Woodworking (Wrks)	Brooklyn, NY	09/28/2001	Tables, Bases, Lamps.
40,203	Hamrick's, Inc. (Co.)	St. Matthews, SC	09/27/2001	Ladies' Pants.
40,204	Fisher-Rosemount (Wrks)	Austin, TX	09/28/2001	Process Control Systems, and Parts.
40,205	Burlington Performance (Wrks)	Hurt, VA	09/23/2001	Textiles, Clothing.
40,206	Fujitsu Microelectronics (Wrks)	Gresham, OR	09/13/2001	Semiconductors.
40,207	Alabama River Pulp Co (Wrks)	Perdue Hill, AL	09/23/2001	Pulp.
40,208	Joseph L. Ertl, Inc (Co.)	Dyersville, IA	09/24/2001	Farm Toys.
40,209	Laclede Steel Co. (Co.)	Fairless Hills, PA	09/26/2001	Steel Bars, Semi-Finished Blooms.
40,210	Tepro of Florida (Wrks)	Clearwater, FL	08/23/2001	Wirewound Resistors.
40,211	DM II, Inc (Wrks)	New York, NY	09/24/2001	Ladies' Dresses.
40,212	GE Capital/Card Service (Wrks)	Bloomington, MN	09/06/2001	Light Bulbs.
40,213	Communications of Power (Co.)	Palo Alto, CA	10/04/2001	High Power Amplifiers.
40,214	Inter Metro Ind. (USWA)	Wilkes Barre, PA	09/28/2001	Shelving and Transport Products.
40,215	Armstrong-Hunt, Inc (Wrks)	Milton, FL	09/26/2001	Heat Exchangers.
40,216	Paul Flagg Leather Co. (Co.)	Sheboygan, WI	10/03/2001	Tanners of Cow Hides.
40,217	Shirts Plus II, Inc (Wrks)	Loretto, TN	09/17/2001	Blank Tees for Tommy Hilfiger.
40,218	DMI Furniture, Inc. (Co.)	Huntinburg, IN	09/21/2001	Bedroom Furniture.
40,219	Tyco Electronic Power (Wrks)	Mesquite, TX	10/02/2001	Power Supplies.
40,220	Eagle Knit, Inc. (Co.)	Norwood, NC	09/25/2001	Knit Fabric.
40,221	Olympic Mill Services (Wrks)	Lemont, IL	09/26/2001	Rebar Steel and Billets.
40,222	Richmond Technology (Wrks)	Redlands, CA	10/08/2001	Flexible packaging.
40,223	Supreme Machined Products (Co.)	Spring Lake, MI	09/28/2001	Precision Screw Machine parts.
40,224	Munsey Products, Inc. (Co.)	Little Rock, AR	10/01/2001	Bakers and Broilers.
40,225	Atotech USA, Inc. (Co.)	State College, PA	10/04/2001	Printed Wiring Boards.
40,226	Columbian Rope Co. (Wrks)	Guntown, MS	09/25/2001	Rope Products.
40,227	Delphi Harrison Thermal (Wrks)	Moraine, OH	09/21/2001	Compressors.
40,228	Omaha Fixture Mfg (Wrks)	Omaha, NE	10/03/2001	Retail Clothing Store Fixtures.
40,229	Eastwood Industrial, Inc. (Wrks)	Albemarle, NC	10/04/2001	Ladies' Apparel.
40,230	B.F. Goodrich (IAMAW)	Palmyra, NY	10/02/2001	Seals, Rubber Goods.

[FR Doc. 01–28163 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Notice of Determinations Regarding Eligibility To Apply for Worker Adjustment Assistance and NAFTA Transitional Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974, as amended, the Department of Labor herein presents summaries of determinations regarding eligibility to apply for trade adjustment assistance for workers (TA–W) issued during the period of October, 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 of 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–40,090; New England Castings LLC, Hiram, MI

TA–W–39,841; Harney Coach Works, Hines, OR

TA–W–39,487; Perlos, Inc., Fort Worth, TX

TA–W–38,904; Schott Corp., Marshall, MN

TA–W–39,758; Citation Corp., Mansfield, OH

TA–W–39,997; Keokuk Ferro-Sil, Inc., Keokuk, IA

TA–W–39,338; Illinois Tool Works, Inc., ITW Electronic Packaging Systems, Camtex/Caritech, Arlington, TX

TA–W–39,799; Greensboro Printing Co., Greensboro, NC

TA–W–39,246; ABB Automation, Williamsport, 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 separation at the firm.

TA–W–40,196; Motorola, Atlanta Order Fulfillment Center & Consumer Products Div., Suwanee, GA

TA–W–39,784; Elcom, Inc., El Paso, TX

TA–W–40,206; Fujitsu Microelectronics, Inc., Gresham Manufacturing Div., Gesham, OR

TA–W–39,933; Helca Mining Co., Lucky Friday Unit, Mullan, ID

The workers firm does not produce an article as required for certification under section 222 of the Trade Act of 1974.

TA–W–40,212; General Electric Capital, Card Services, Bloomington, MN

Affirmative Determinations for Worker Adjustment Assistance

The following certifications have been issued; the date following the company name and location of each determination references the impact date for all workers of such determination.

TA–W–38,998; Dye Works, Inc., Trenton, NJ: March 21, 2000.
TA–W–39,925; National Steel Corp., Portage, IN: March 9, 2000.
TA–W–40,115; Sunrise Apparel, Inc., Concord, NC: September 19, 2000.
TA–W–39,418; MCMS, Inc., Nampa, ID: May 22, 2000.
TA–W–39,734; Yale Hoists, Forrest City, AR: July 19, 2000.
TA–W–39,642; Ceres Candles and Gifts, Inc., Hayward, CA: June 27, 2000.
TA–W–40,093; Revere Ware, Clinton, IL: June 4, 2001.
TA–W–39,641 and A; Agilent Technologies, Inc., Service Test Div., Westford, MA and Marlborough, MA: June 28, 2000.
TA–W–39,981; B and L Sportswear, Four Oaks, NC: August 20, 2000.
TA–W–39,757; International Paper, Corinth, NY: May 19, 2001.
TA–W–39,796; Scapa North America, Watertown, NY: July 30, 2000.
TA–W–40,080; Lyon Fashions, Inc., McAlisterville, PA: September 13, 2000.
TA–W–39,556; Ademco Group, Syosset, NY: October 10, 2000.
TA–W–39,965; Fishman and Tobin, Inc., Cutting Dept., Medley, FL: August 16, 2000.
TA–W–39,768; Power One, Allston, MA: July 20, 2000.
TA–W–39,630; John Cane, Inc., Crystal Lake, IL: June 19, 2000.
TA–W–39,913; Gilbert Wood Products, Greenwood, ME: August 13, 2000.
TA–W–39,750; Arvin Meritor, Inc., Light Vehicle Aftermarket, Pulaski, TN: July 18, 2000.
TA–W–40,185; Northrop Gruman, Formerly Known as Litton Winchester Electronics, Watertown, CT: September 26, 2000.
TA–W–39,635; Alpha Industries, Inc., Knoxville, TN: June 27, 2000.
TA–W–39,527; International Wire Group, Camden Wire Division, Camden, NY and A; OWI—Camden Division, Camden, NY, B; Omega Wire Division, Williamstown, NY, C; OWI—Jordan Division, Jordan, NY and D; Omega—Rome Division, Rome, NY: June 15, 2000.
TA–W–39,876; Elastic Corporation of America, Inc., Hemingway, SC: July 31, 2000.
TA–W–39,495; Cold Metal Products, Inc., Finishing, Shipping and Receiving Departments, New Britain, CT: June 1, 2000.
TA–W–40,081 & A; Goss Graphic Systems, Inc., Cedar Rapids, IA and Westmont, IL: September 1, 2000.
TA–W–39,824; Amerbelle Corp., Vernon, CT: August 13, 2000.
TA–W–39,843; Ciba Specialty Chemicals, Old Bridge, NJ: August 8, 2000.
TA–W–39,937; Sanmina Corp., Pleasant Prairie, WI: August 14, 2000.
TA–W–40,130; Greenway Mfg. Co., Spartanburg, SC: September 11, 2000.
TA–W–40,114 & A; Phoenix Apparel Resources, Greensboro, NC and Sanford, NC: September 19, 2000.

Also, pursuant to title V of the North American Free Trade Agreement Implementation Act (P.L. 103–182) concerning transitional adjustment assistance hereinafter called (NAFTA–TAA) and in accordance with section 250(a), subchapter D, chapter 2, Title II, of the Trade Act as amended, the Department of Labor presents summaries of determinations regarding eligibility to apply for NAFTA–TAA issued during the month of October, 2001.

In order for an affirmative determination to be made and a certification of eligibility to apply for NAFTA–TAA the following group eligibility requirements of section 250 of the Trade Act must be met:

(1) that a significant number or proportion of the workers in the workers' firm, or an appropriate subdivision thereof, (including workers in any agricultural firm or appropriate subdivision thereof) have become totally or partially separated from employment and either—

(2) that sales or production, or both, of such firm or subdivision have decreased absolutely,

(3) that imports from Mexico or Canada of articles like or directly competitive with articles produced by such firm or subdivision have increased, and that the increases imports contributed importantly to such workers' separations or threat of separation and to the decline in sales or production of such firm or subdivision; or

(4) that there has been a shift in production by such workers' firm or subdivision to Mexico or Canada of articles like or directly competitive with articles which are produced by the firm or subdivision.

Negative Determinations NAFTA–TAA

In each of the following cases the investigation revealed that criteria (3) and (4) were not met. Imports from Canada or Mexico did not contribute importantly to workers' separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

NAFTA–TAA–05353 & A; Phoenix Apparel Resources, Greensboro, NC and Sanford, NC
NAFTA–TAA–05244; Hecla Mining Co., Lucky Friday Unit, Mullan, ID
NAFTA–TAA–05200; Greensboro Printing Co., Greensboro, NC
NAFTA–TAA–05055; Alpha Industries, Inc., Knoxville, TN
NAFTA–TAA–05377; Fujitsu Microelectronics, Inc., Gresham Manufacturing Div., Gresham, OR
NAFTA–TAA–05165; Elcom, Inc., El Paso, TX
NAFTA–TAA–05336; Greenway Mfg. Co., Spartanburg, SC
NAFTA–TAA–05305; Flomatic International, Div. of Servend International, Clackamas, OR
NAFTA–TAA–04683; National Steel Corp., Portage, IN
NAFTA–TAA–04915; Equitable Resources, div. of Kentucky West Virginia Gas Co. LLC, Prestonburg, KY

Affirmative Determinations NAFTA–TAA

NAFTA–TAA–05124; Superior Electric, Bristol, CT: June 23, 2000.
NAFTA–TAA–04931; MCMS, Inc., Nampa, ID: May 22, 2000.
NAFTA–TAA–05373; Northrop Grumman, formerly known as Litton Winchester Electronics, Watertown, CT: September 26, 2000.
NAFTA–TAA–05104; Ceres Candles and Gifts, Inc., Hayward, CA: June 28, 2000.
NAFTA–TAA–05378; Burle Industries, Inc., Lancaster, PA: September 28, 2000.
NAFTA–TAA–05120; Arvin Meritor, Inc., Light Vehicle Aftermarket, Pulaski, TN: July 18, 2000.
NAFTA–TAA–05105; Ademco Group, Syosset, NY: October 10, 2000.
NAFTA–TAA–05049; John Crane, Inc., Crystal Lake, IL: June 21, 2000.
NAFTA–TAA–05238; Sanmina Corp., Pleasant Prairie, WI: August 27, 2000.
NAFTA–TAA–04676; Dye Works, Inc., Trenton, NJ: March 21, 2000.
NAFTA–TAA–04638; Schott Corp., Marshall, MN: March 6, 2000.
NAFTA–TAA–05339; Steele Apparel, Inc., Kilmichael, MS: September 5, 2000.

I hereby certify that the aforementioned determinations were issued during the month of October, 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: November 5, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–28165 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,520]

Nokia, Inc., Nokia Mobile Phones Alliance Gateway, Fort Worth, TX; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on July 2, 2001 in response to a worker petition which was filed on behalf of workers at Nokia, Inc., Nokia Mobile Phones, Alliance Gateway, Fort Worth, TX.

An active certification covering the petitioning group of workers is already in effect (TA–W–39,300). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 26th day of October, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–28169 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–39,450]

Northwestern Steel and Wire Company Sterling, IL; Notice of Affirmative Determination Regarding Application for Reconsideration

By letter of September 24, 2001, the company requested administrative reconsideration of the Department's negative determination regarding eligibility to apply for Trade Adjustment Assistance (TAA), applicable to workers and former workers of the subject firm. The denial notice was signed on September 5, 2001, and was published in the **Federal Register** on September 21, 2001 (66 FR 48706).

Information provided by the company reveals that further investigation is warranted regarding imports of articles like or directly competitive with those produced by workers at Northwestern Steel and Wire Company, Sterling, Illinois.

Conclusion

After careful review of the application, I conclude that the claim is of sufficient weight to justify reconsideration of the Department of Labor's prior decision. The application is, therefore, granted.

Signed at Washington, DC, this 26th day of October, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–28167 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,750]

Porex Technologies, College Point, NY; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Porex Technologies, College Point, New York. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–38,750; Porex Technologies College Point, New York (November 1, 2001)

Signed at Washington, DC, this 5th day of November, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–28178 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,107]

Timex Corporation, Little Rock, AR; Dismissal of Application for Reconsideration

Pursuant to 29 CFR 90.18(C) an application for administrative reconsideration was filed with the Director of the Division of Trade Adjustment Assistance for workers at Timex Corporation, Little Rock, Arkansas. The application contained no new substantial information which would bear importantly on the Department's determination. Therefore, dismissal of the application was issued.

TA–W–38,107; Timex Corporation Little Rock, Arkansas (November 1, 2001)

Signed at Washington, DC, this 5th day of November, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–28177 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–40,194]

Tyco Electronics/AMP Carlisle, PA; Notice of Termination of Investigation

Pursuant to section 221 of the Trade Act of 1974, an investigation was initiated on October 9, 2001, in response to a petition filed by workers on behalf of all workers at Tyco Electronics/AMP, Carlisle, Pennsylvania.

The petition group of workers is under an existing petition investigation for which a determination has not been issued (TA–W–39,972). Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, DC, this 30th day of October, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–28170 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

Investigations Regarding Certifications of Eligibility To Apply for Worker Adjustment Assistance

Petitions have been filed with the Secretary of Labor under section 221 (a) of the Trade Act of 1974 (''the Act'') and are identified in the Appendix to this notice. Upon receipt of these petitions, the Director of the Division of Trade Adjustment Assistance, Employment and Training Administration, has instituted investigations pursuant to section 221 (a) of the Act.

The purpose of each of the investigations is to determine whether the workers are eligible to apply for adjustment assistance under Title II, Chapter 2, of the Act. The investigations

will further relate, as appropriate, to the determination of the date on which total or partial separations began or threatened to begin and the subdivision of the firm involved.

The petitioners or any other persons showing a substantial interest in the subject matter of the investigations may request a public hearing, provided such request is filed in writing with the Director, Division of Trade Adjustment Assistance, at the address shown below, not later than November 19, 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 November 19, 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, N.W., Washington, DC 20210.

Signed at Washington, DC, this 22nd day of October, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

APPENDIX

[Petitions instituted on 10/22/2001]

TA–W	Subject firm (petitioners)	Location	Date of petition	Product(s)
40,231	Weiser Lock (Co.)	Tucson, AZ	10/12/2001	Residential Door Hardware.
40,232	Exide Technologies (UAW)	Burlington, IA	10/08/2001	Lead Acid Automotive Batteries.
40,233	Garan Manufacturing (Wkrs)	Adamsville, TN	10/02/2001	Children's Apparel.
40,234	Agere Systems (IBEW)	Orlando, FL	09/19/2001	Semiconductor Products.
40,235	Ericsson (Wkrs)	Research Tri Pk, NC	10/04/2001	Wireless Handsets.
40,236	Strippit LVD (IAMAW)	Akron, NY	10/03/2001	Metal Forming Machines.
40,237	A and E Products (Wkrs)	Forest City, NC	09/30/2001	Plastic Hangers.
40,238	Mueller Electric Co. (Wkrs)	Cleveland, OH	10/03/2001	Electric Test Clips.
40,239	W.G. Benjey, Inc (Wkrs)	Alpena, MI	09/23/2001	Assembly Fixtures.
40,240	SBF—Formfit Apparel (Wkrs)	Lafayette, TN	09/15/2001	Intimate Apparel.
40,241	L and R Aquaculture (Wkrs)	Old Ocean, TX	09/28/2001	Farm Raise Catfish.
40,242	Complex Tooling & Molding (Wkrs)	Boulder, CO	10/09/2001	Plastic Injection Parts.
40,243	Paulsen Wire Rope (Co.)	Sunbury, PA	10/04/2001	Wire Rope.
40,244	Winchester Electronics (Wkrs)	Watertown, CT	10/05/2001	Rack and Panel Brazing Assembly.
40,245	3M, Inc. (Wkrs)	Guin, AL	11/02/2001	Sheeting for Road Signs.
40,246	Incoe Corporation (Wkrs)	Frankfort, MI	10/03/2001	Injection Molding Components.
40,247	IFF, Inc. (Wkrs)	Salem, OR	10/02/2001	Concentrated Fruit Juice.
40,248	ISG/Avne Systems, Ltd (Wkrs)	Bronx, NY	10/04/2001	Sports Collection Cards.
40,249	Liebert Corporation (Wkrs)	Irvine, CA	09/27/2001	Power Supplies, Display Panels.
40,250	Urick Foundry (USWA)	Erie, PA	10/01/2001	Ground Tools and Tooling.
40,251	Pratt and Austin (Wkrs)	Holyoke, MA	10/07/2001	Boxed Stationery, Tablets.
40,252	Blue Ridge Textile (Co.)	Stateville, NC	10/02/2001	Printed Sheeting.
40,253	Mauney Hosiery Mills (Co.)	Kings Mountain, NC	10/10/2001	Socks.
40,254	Graphic Packaging (AWPPW)	Portland, OR	10/09/2001	Carton Packaging.
40,255	Thermatex Corporation (PACE)	Newton Falls, OH	10/03/2001	Ceramic Fiber Insulation.
40,256	Lucent Technologies (Wkrs)	Columbus, OH	10/10/2001	Circuit Packs.
40,257	H.R. Jones Veneer, Inc. (Co.)	Grand Ronde, OR	09/28/2001	Alder Veneer.
40,258	Eudora Garment (Wkrs)	Eudora, AR	10/02/2001	Work Pants, Collars and Scrubs.

[FR Doc. 01–28164 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–38,790; TA–W–38,790B; TA–W–38,790C]

Wilkins Industries, Inc.; McRae, GA; Jefferson, GA; and New York Sales Office New York, NY; 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 March 30, 2001, applicable to workers of Wilkins Industries, Inc., McRae, Georgia. The notice was published in the **Federal Register** on May 2, 2001 (66 FR 22006).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the Jefferson, Georgia and the New York Sales Office, New York, New York locations of Wilkins Industries, Inc. The Jefferson, Georgia workers are engaged in the production of women's jeanswear. The New York Sales Office workers provide sales, designing and marketing function services for the subject firm's production facilities including McRae, Georgia.

Based on these findings, the Department is amending the certification to include workers of Wilkins Industries, Inc., Jefferson Georgia and the New York Sales Office, New York, New York.

The intent of the Department's certification is to include all workers of Wilkins Industries, Inc. who were adversely affected by increased imports.

The amended notice applicable to TA–W–38,790 is hereby issued as follows:

All workers of Wilkins Industries, Inc., Athens, Georgia (TA–W–38,790), Jefferson, Georgia (TA–W–38,790B) and New York Sales Office, New York, New York (TA–W–38,790C) who became totally or partially separated from employment on or after February 24, 2001, through March 30, 2003, are eligible to apply for adjustment assistance under section 223 of the Trade Act of 1974.

Signed at Washington, DC this 26th day of October, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–28166 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04372]

Bermo Incorporated, Sauk Rapids, MN; Notice of Negative Determination Regarding Application for Reconsideration

By application of May 31, 2001, the IUE–CWA Local 1140 requested administrative reconsideration of the Department's negative determination regarding eligibility for workers and former workers of the subject firm to apply for North American Free Trade Agreement-Transitional Adjustment Assistance. The denial notice applicable to workers of Bermo Incorporated, Sauk Rapids, MN was April 19, 2001 and published in the **Federal Register** on May 3, 2001 (66 FR 22262).

Pursuant to 29 CFR 90.18(c) reconsideration may be granted under the following circumstances:

(1) If it appears on the basis of facts not previously considered that the determination complained of was erroneous;

(2) if it appears that the determination complained of was based on a mistake in the determination of facts not previously considered; or

(3) if in the opinion of the Certifying Officer, a misinterpretation of facts or of the law justified reconsideration of the decision.

The NAFTA–TAA petition for the same worker group was denied because criteria (3) and (4) of the group eligibility requirements in paragraph (a)(1) of section 250 of the Trade Act, as amended, were not met. Imports from Canada or Mexico did not contribute importantly to worker separations. There was no shift in production from the subject firm to Canada or Mexico during the relevant period.

The union (including written notarized statements by subject plant workers) allege that the company moved subject plant equipment (i.e., tooling, presses and some machines) to Guadalajara, Mexico.

A shift in plant equipment (new or used) to Mexico is not relevant to this petition that was filed on behalf of workers producing electronic closures. A shift in the production of the actual products produced at the subject plant is necessary as described in criterion (4). Although the company shifted plant machinery to Mexico, the company indicated that no plant production was transferred from the Sauk Rapids facility to Guadalajara, Mexico. The electronic enclosures produced at the subject plant were produced for a specific customer and that production was not shifted to Mexico. The small amount of production performed at the Guadalajara facility consisted of products not produced at the subject plant. The company sold the Guadalajara plant shortly after production commenced.

Conclusion

After review of the application and investigation findings, I conclude that there has been no error or misinterpretation of the law of of the facts which would justify reconsideration of the Department of Labor's prior decisions. Accordingly, the application is denied.

Signed at Washington, DC, this 25th day of October, 2001.

Edward A. Tomchick,

Director, Division of Trade Adjustment Assistance.

[FR Doc. 01–28173 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04602; NAFTA–04602B; NAFTA–4602C]

Wilkins Industries, Inc.; McRae, GA; Jefferson, GA; and New York Sales Office, New York, NY; Amended Certification Regarding Eligibility To Apply for NAFTA-Transitional Adjustment Assistance

In accordance with section 250(A), subchapter D, chapter 2, Title II, of the Trade Act of 1974 (19 USC 2273), the Department of Labor issued a Certification for NAFTA Transitional Adjustment Assistance on March 30, 2001, applicable to workers of Wilkins Industries, Inc., McRae, GA. The notice was published in the **Federal Register** on May 2, 2001 (66 FR 22008).

At the request of the company, the Department reviewed the certification for workers of the subject firm. The company reports that worker separations occurred at the Jefferson, Georgia and the New York Sales Office, New York, New York locations of Wilkins Industries, Inc. The Jefferson, Georgia workers are engaged in the production of women's jeanswear. The New York Sales Office workers provide sales, designing and marketing function services for the subject firm's production facilities including McRae, Georgia.

Based on these findings, the Department is amending the certification to include workers of Wilkins Industries, Inc., Jefferson, Georgia and the New York Sales Office, New York, New York.

The intent of the Department's certification is to include all workers of Wilkins Industries, Inc., who were adversely affected by a shift of production of women's jeanswear to Mexico.

The amended notice applicable to NAFTA–04602 is hereby issued as follows:

All workers of Wilkins Industries, Inc., McRae, Georgia (NAFTA–04602), Jefferson, Georgia (NAFTA–04602B) and New York Sales Office, New York, New York (NAFTA–04602C) who became totally or partially separated from employment on or after February 24, 2001, through March 30, 2003, are eligible to apply for NAFTA–TAA under section 250 of the Trade Act of 1974.

Dated: Signed at Washington, DC, this 26th of October, 2001.

Linda G. Poole,

Certifying Officer, Division of, Trade Adjustment Assistance.

[FR Doc. 01–28174 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration; Wage and Hour Division

Minimum Wages for Federal and Federal Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The determinations in these decisions of prevailing rates and fringe benefits have been made in accordance with 29 CFR part 1, by authority of the Secretary of Labor pursuant to the provisions of the Davis-Bacon Act of March 3, 1931,

as amended (46 Stat. 1494, as amended, 40 U.S.C. 276a) and of other Federal statutes referred to in 29 CFR part 1, Appendix, as well as such additional statutes as may from time to time be enacted containing provisions for the payment of wages determined to be prevailing by the Secretary of Labor in accordance with the Davis-Bacon Act. The prevailing rates and fringe benefits determined in these decisions shall, in accordance with the provisions of the foregoing statutes, constitute the minimum wages payable on Federal and federally assisted construction projects to laborers and mechanics of the specified classes engaged on contract work of the character and in the localities described therein.

Good cause is hereby found for not utilizing notice and public comment procedure thereon prior to the issuance of these determinations as prescribed in 5 U.S.C. 553 and not providing for delay in the effective date as prescribed in that section, because the necessity to issue current construction industry wage determinations frequently and in large volume causes procedures to be impractical and contrary to the public interest.

General wage determination decisions, and modifications and supercedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department.

Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Consitution Avenue, NW., Room S–3014, Washington, DC 20210.

Modification to General Wage Determination Decisions

The number of the decisions listed to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

New York
NY010007 (Mar. 2, 2001)

Volume II

None

Volume III

Florida
FL010001 (Mar. 2, 2001)
FL010009 (Mar. 2, 2001)
FL010016 (Mar. 2, 2001)
FL010034 (Mar. 2, 2001)
FL010066 (Mar. 2, 2001)
FL010076 (Mar. 2, 2001)
FL010100 (Mar. 2, 2001)

Volume IV

Illinois
IL010001 (Mar. 2, 2001)
IL010002 (Mar. 2, 2001)
IL010006 (Mar. 2, 2001)
IL010007 (Mar. 2, 2001)
IL010008 (Mar. 2, 2001)
IL010009 (Mar. 2, 2001)
IL010011 (Mar. 2, 2001)
IL010013 (Mar. 2, 2001)
IL010021 (Mar. 2, 2001)
IL010022 (Mar. 2, 2001)
IL010023 (Mar. 2, 2001)
IL010024 (Mar. 2, 2001)
IL010027 (Mar. 2, 2001)
IL010028 (Mar. 2, 2001)
IL010029 (Mar. 2, 2001)
IL010030 (Mar. 2, 2001)
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IL010036 (Mar. 2, 2001)
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IL010042 (Mar. 2, 2001)
IL010043 (Mar. 2, 2001)
IL010044 (Mar. 2, 2001)
IL010045 (Mar. 2, 2001)
IL010046 (Mar. 2, 2001)
IL010049 (Mar. 2, 2001)
IL010050 (Mar. 2, 2001)
IL010051 (Mar. 2, 2001)
IL010052 (Mar. 2, 2001)
IL010054 (Mar. 2, 2001)
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General Wage Determination Publication

General wage determinations issued under the Davis-Bacon and related Acts,

including those noted above, may be found in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon And Related Acts''. This publication is available at each of the 50 Regional Government Depository Libraries and many of the 1,400 Government Depository Libraries across the country.

General wage determinations issued under the Davis-Bacon and related Acts are available electronically at no cost on the Government Printing Office site at *www.access.gpo.gov/davisbacon.* They are also available electronically by subscription to the Davis-Bacon Online Service (*http://davisbacon.fedworld.gov*) of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068. This subscription offers value-added features such as electronic delivery of modified wage decisions directly to the user's desktop, the ability to access prior wage decisions issued during the year, extensive Help desk Support, etc.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate Volumes, arranged by States. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, DC, this 1st day of November 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–27787 Filed 11–8–01; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–140)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astronomical Search for Origins and Planetary Systems Subcommittee (OS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, Astronomical Search for Origins Planetary Systems Subcommittee.

DATES: Monday, December 3, 2001, 8:30 a.m. to 5 p.m., and Tuesday, December 4, 2001, 8:30 to 5 p.m.

ADDRESSES: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Avenue, Cocoa Beach, Florida 32931–3268.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Code SB, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–4452.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Origins Roadmap
—Astronomy and Physics Research Programs
—Astrobiology
—Stratospheric Observatory for Infrared Astronomy
—Government Performance and Results Act

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–28141 Filed 11–8–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–141)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Sun-Earth Connection Advisory Subcommittee (SECAS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a forthcoming meeting of the NASA Advisory Council, Space Science Advisory Committee, Sun-Earth Connection Advisory Subcommittee.

DATES: Monday, December 3, 2001, 8:30 a.m. to 5 p.m., and Tuesday, December 4, 2001, 8:30 a.m. to 5 p.m.

ADDRESSES: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Avenue, Cocoa Beach, Florida 32931–3268.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Code SB, National Aeronautics and Space Administration, Washington, DC 20546, 202/358–4452.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Sun-Earth Connection Program Overview
—Living With a Star Update
—Sun-Earth Connection Roadmap and Strategic Plan
—Discussion and Writing Groups

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–28142 Filed 11–8–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–142)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Solar System Exploration Subcommittee (SSES), Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Solar System Exploration Subcommittee.

DATES: Monday, December 3, 2001, 8:30 a.m. to 5 p.m., and Tuesday, December 4, 2001, 8:30 to 5 p.m.

ADDRESSES: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Avenue, Cocoa Beach, Florida 32931–3268.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Code SB, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–4452.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Solar System Program Update
—Space Science Update
—Mars Program
—Outer Planets Program
—Inner Planets Program
—Technology Issues
—Research and Data Analysis

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–28143 Filed 11–8–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice (01–143)]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Structure and Evolution of the Universe Subcommittee (SEUS); Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Structure and Evolution of the Universe Subcommittee.

DATES: Monday, December 3, 2001, 8:30 a.m. to 5 p.m., and Tuesday, December 4, 2001, 8:30 to 5 p.m.

ADDRESSES: Hilton Cocoa Beach Oceanfront, 1550 North Atlantic Avenue, Cocoa Beach, Florida 32931–3268.

FOR FURTHER INFORMATION CONTACT: Ms. Marian Norris, Code SB, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–4452.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting includes the following topics:

—Associate Administrator's Report
—Division Director's Report
—Research and Analysis Program Update
—Report from Roadmap Team
—Updates on Roadmap Missions
—Evaluation of SEU Program

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–28144 Filed 11–8–01; 8:45 am]

BILLING CODE 7510–01–P

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of pending NRC action to submit an information collection request to OMB and solicitation of public comment.

SUMMARY: The NRC is preparing a submittal to OMB for review of continued approval of information collections under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

Information pertaining to the requirement to be submitted:

1. *The title of the information collection:* Part 61—Licensing Requirements for Land Disposal of Radioactive Waste.

2. *Current OMB approval number:* 3150–0135.

3. *How often the collection is required:* Applications for licenses are submitted as needed. Other reports are submitted annually and as other events require.

4. *Who is required or asked to report:* Applicants for and holders of an NRC license for land disposal of low-level radioactive waste, and all generators, collectors, and processors of low-level waste intended for disposal at a low-level waste facility.

5. *The number of annual respondents:* 3.

6. *The number of hours needed annually to complete the requirement or request:* 4,059 hours (42 hours for reporting plus 4,017 hours for recordkeeping) or approximately 4.7 hours per response.

7. *Abstract:* Part 61 establishes the procedures, criteria, and license terms and conditions for the land disposal of low-level radioactive waste. Reporting and recordkeeping requirements are mandatory or, in the case of application submittals, are required to obtain a benefit. The information collected in the applications, reports, and records is evaluated by the NRC to ensure that the licensee's or applicant's physical plant, equipment, organization, training, experience, procedures, and plans provide an adequate level of protection of public health and safety, common defense and security, and the environment.

Submit, by January 8, 2002, comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility?

2. Is the burden estimate accurate?

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection be minimized, including the use of automated collection techniques or other forms of information technology?

A copy of the draft supporting statement may be viewed free of charge at the NRC Public Document Room located at One White Flint North, 11555 Rockville Pike, Rockville, MD. OMB clearance requests are available at the NRC worldwide web site (http://www.nrc.gov/NRC/PUBLIC/OMB/index.html). The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions about the information collection requirements may be directed to the NRC Clearance Officer, Brenda Jo. Shelton, U.S. Nuclear Regulatory Commission, T–6 E 6, Washington, DC 20555–0001, by telephone at (301) 415–7233, or by Internet electronic mail at BJS1@NRC.GOV.

Dated at Rockville, Maryland, this 2nd day of November, 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–28184 Filed 11–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Amergen Vermont, LLC; Notice of Withdrawal of Application for Approval of Direct and Indirect License Transfers

The U.S. Nuclear Regulatory Commission (the Commission) has permitted the withdrawal by AmerGen Vermont, LLC of its August 14, 2000, application for approval of certain proposed direct and indirect transfers of Facility Operating License No. DPR–28 for the Vermont Yankee Nuclear Power Station, located in Windham County, Vermont.

The approval of the proposed direct and indirect license transfers would have allowed the transfer of Vermont Yankee Nuclear Power Station under several scenarios from Vermont Yankee Nuclear Power Corporation to AmerGen Vermont, LLC. The transfer of the facility to AmerGen Vermont, LLC will no longer occur.

The Commission had previously issued a Notice of Consideration of Approval of Proposed Direct and Indirect License Transfers published in the **Federal Register** on August 31, 2000 (65 FR 53037). However, by letter dated August 27, 2001, the applicant withdrew the request for approval.

For further details with respect to this action, see the license transfer application dated August 14, 2000, and the applicant's letter dated August 27, 2001, which withdrew the application. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index/html*. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 5th day of November 2001.

For the Nuclear Regulatory Commission.

Robert M. Pulsifer,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–28185 Filed 11–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–271]

Amergen Vermont, LLC; Notice of Withdrawal of Application for Approval of Indirect License Transfer

The U.S. Nuclear Regulatory Commission (the Commission) has permitted the withdrawal by AmerGen Vermont, LLC of its February 28, 2000, application, as supplemented on May 12, June 1, and June 28, 2000, for consent to the indirect transfer of Facility Operating License No. DPR–28 for the Vermont Yankee Nuclear Power Station, located in Windham County, Vermont.

The proposed indirect license transfer would have occurred in connection with the restructuring of AmerGen Vermont, LLC's parent organization following the direct transfer of the Vermont Yankee Nuclear Power Station operating license from Vermont Yankee Nuclear Power Corporation to AmerGen Vermont, LLC. The direct transfer to AmerGen Vermont, LLC, previously approved by the Commission, will no longer occur.

The Commission had previously issued a Notice of Consideration of Approval of Transfer of facility operating license published in the **Federal Register** on July 19, 2000 (65 FR 44841). However, by letter dated August 27, 2001, the applicant withdrew the request for approval.

For further details with respect to this action, see the license transfer application dated February 28, 2000, supplements dated on May 12, June 1, and June 28, 2000, and the applicant's letter dated August 27, 2001, which withdrew the application. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site *http://www.nrc.gov/NRC/ADAMS/index/html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 5th day of November 2001.

For the Nuclear Regulatory Commission.

Robert M. Pulsifer,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–28186 Filed 11–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Nuclear Waste; Notice of Meeting

The Advisory Committee on Nuclear Waste (ACNW) will hold its 130th meeting on November 27–29, 2001, at 11545 Rockville Pike, Rockville, Maryland, Room T–2B3.

The entire meeting will be open to public attendance.

The schedule for this meeting is as follows:

Tuesday, November 27, 2001

A. *8:30–9:30 A.M.: Opening Statement/Planning and Procedures* (Open)—The Chairman will open the meeting with brief opening remarks. The Committee will then review items under consideration at this meeting and consider topics proposed for future ACNW meetings.

B. *9:45–10:00 A.M.: Introductory Comments Statement of Objectives and Overview* (Open)—The Chairman will state the objectives of the Workshop and provide an overview.

C. *10:00–10:45 A.M.: Technical Issues Associated with Future Regulatory Decisions* (Open)—Panelists will discuss forthcoming regulatory issues and the additional work required from their perspective to provide the information needed for the future regulatory decisions.

D. *10:45–4:30 P.M. : Knowledge and Technical Tools Needed for Future Regulatory Decisions* (Open)—Presentations will be provided on the knowledge and technical tools needed for future regulatory decisions, focusing on radionuclide transport and source term. A panel discussion will formally conclude this session and audience participation will be invited.

E. *4:30–5:15 P.M.: Performance Confirmation for the Proposed High Level Waste Repository at Yucca Mountain, NV* (Open)—The Committee

will receive an information briefing on the NRC staff's performance confirmation plans for Yucca Mountain, NV.

F. *5:30–6:00 P.M.: Discussion of Proposed ACNW Reports* (Open)—The Committee will discuss proposed ACNW reports on Yucca Mountain Performance Confirmation, ACRS/ACNW November 14, 2001 Joint Subcommittee Meeting on Risk-Informed Regulation in NMSS, GTCC Waste and Sealed Source Issue and Conservatism.

Wednesday, November 28, 2001

G. *8:30–8:35 A.M.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

H. *8:35–9:00 A.M.: Summary of Discussion from the First Day* (Open)—Members, with input from workshop participants, will summarize key observations from first day presentations/ discussions.

I. 9:00–12:15 P.M.: Knowledge and Technical Tools Needed for Future Regulatory Decisions-What Research is Needed (Open)—Presentations will be provided by experts in selected areas as to how research can be used to develop the needed knowledge and technical tools.

J. 1:15–4:30 P.M.: Prioritization of NRC-Sponsored Research—How Should It Be Done (Open)—Panelists will present their perspectives as to how to address what research projects are necessary and will add the most value to the relevant regulatory decisions.

K. 4:30–5:30 P.M.: Workshop Summary and General Discussion (Open)—Discussion among Members and meeting participants as to workshop findings and a summarization of key observations resulting from this two day workshop.

L. 5:45–6:00 P.M.: Preparation for Meeting with the NRC Commissioners (Open)—The next meeting with the Commissioners is scheduled to be held in the Commission Conference Room at 9:30 a.m. in One White Flint North on January 9, 2002. The Committee will review its proposed presentations. The following items will be discussed:

- Sufficiency Review
- TSPA–SR
- Research Program in Radioactive Waste
- Chemistry Issues
- Risk-Informed Performance-Based Regulation of Waste

Thursday, November 29, 2001

M. *8:30–8:35 A.M.: Opening Remarks by the ACNW Chairman* (Open)—The ACNW Chairman will make opening remarks regarding the conduct of the meeting.

N. *8:35–11:45 A.M.: Supplemental Science and Performance Analysis (SSPA)* (Open)—The Committee will receive input on the SSPA from representatives from the following: NRC, Clark County, NV, and DOE.

O. *12:45–3:30 P.M.: Preparation of ACNW Reports* (Open)—The Committee will continue its discussion of proposed ACNW reports.

P. *3:30–4:00 P.M.: Miscellaneous* (Open)—The Committee will discuss matters related to the conduct of Committee activities and matters and specific issues that were not completed during previous meetings, as time and availability of information permit.

Procedures for the conduct of and participation in ACNW meetings were published in the **Federal Register** on October 3, 2001 (66 FR 50461). In accordance with these procedures, oral or written statements may be presented by members of the public, 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 Committee, its consultants, and staff. Persons desiring to make oral statements should notify Howard J. Larson, ACNW, as far in advance as practicable so that appropriate arrangements can be made to schedule the necessary time during the meeting for such statements. Use of still, motion picture, and television cameras during this meeting will be limited to selected portions of the meeting as determined by the ACNW Chairman. Information regarding the time to be set aside for taking pictures may be obtained by contacting the ACNW office, prior to the meeting. In view of the possibility that the schedule for ACNW meetings may be adjusted by the Chairman as necessary to facilitate the conduct of the meeting, persons planning to attend should notify Mr. Larson as to their particular needs. Further information regarding topics to be discussed, whether the meeting has been canceled or rescheduled, the Chairman's ruling on requests for the opportunity to present oral statements and the time allotted therefore can be obtained by contacting Mr. Howard J. Larson, ACNW (Telephone 301/415–6805), between 8:00 A.M. and 4:00 P.M. EST.

ACNW meeting notices, meeting transcripts, and letter reports are now available for downloading or viewing on the internet at *http://www.nrc.gov/ACRSACNW.*

Videoteleconferencing service is available for observing open sessions of ACNW meetings. Those wishing to use this service for observing ACNW meetings should contact Mr. Theron Brown, ACNW Audiovisual Technician (301/415–8066), between 7:30 a.m. and 3:45 p.m. EST at least 10 days before the meeting to ensure the availability of this service. Individuals or organizations requesting this service will be responsible for telephone line charges and for providing the equipment and facilities that they use to establish the videoteleconferencing link. The availability of videoteleconferencing services is not guaranteed.

Dated: October 5, 2001.

Andrew L. Bates,

Advisory Committee Management Officer.

[FR Doc. 01–28183 Filed 11–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Advisory Committee on Reactor Safeguards Joint Meeting of the Subcommittees on Human Factors and Safety Research Program; Postponed

The joint meeting of the ACRS Subcommittees on Human Factors and Safety Research Program scheduled to be held on November 15, 2001, in Room T–2B3, 11545 Rockville Pike, Rockville, Maryland has been postponed at the request of the NRC staff. Notice of this meeting was published in the **Federal Register** on Friday, November 2, 2001 (66 FR 55710). Rescheduling of this meeting will be announced in a future **Federal Register** Notice.

For further information contact: Mr. Michael T. Markley, cognizant ACRS staff engineer (telephone 301/415–6885) between 7:30 a.m. and 4:15 p.m. (EST) or by e-mail: *MTM@NRC.gov.*

Dated: November 5, 200l.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–28181 Filed 11–8–01; 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 November 29, 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:

Thursday, November 29, 2001–8:30 a.m. until 12:00 Noon.

The Subcommittee will hear presentations from representatives of the staff and the Nuclear Energy Institute (NEI) concerning the latest revision of NEI 97–06, ''Steam Generator Program Guidelines,'' and the Generic License Change Package Issues. The purpose of this meeting is to gather information, analyze relevant issues and facts, and 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, NEI, 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. (EST). 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: November 5, 2001.

Sher Bahadur,

Associate Director for Technical Support, ACRS/ACNW.

[FR Doc. 01–28182 Filed 11–8–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Notice of Availability of the Draft Supplement to the Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities and Notice of Public Meetings

Notice is hereby given that the U.S. Nuclear Regulatory Commission (NRC) has published draft Supplement 1 to NUREG–0586, ''Final Generic Environmental Impact Statement on Decommissioning of Nuclear Facilities [GEIS],'' dealing with decommissioning of nuclear power reactors.

The draft supplement to the GEIS is available electronically through the NRC's Public Electronic Reading Room (PERR) found on the Internet at the following web address: *http://www.nrc.gov/NRC/ADAMS/index.html.* From this site, the public can gain access to the NRC's Agencywide Document Access and Management Systems (ADAMS), which provides text and image files of NRC's public documents. The draft report can also be examined, or copied for a fee, at the NRC's Public Document Room found at One White Flint North, 11555 Rockville Pike (first floor), Rockville, MD. If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, or 301–415–4737, or by e-mail to *pdr@nrc.gov.*

Any interested party may submit comments on the draft supplement to the GEIS for consideration by the NRC staff. To be certain of consideration, comments on the draft supplement to the GEIS and the proposed action must be received by December 31, 2001. Comments received after the due date will be considered if it is practical to do so, but the NRC staff is able to assure consideration only for comments received on or before this date. Written comments on the draft supplement to the GEIS should be sent to: Chief, Rules and Directives Branch, Division of Administrative Services, Mailstop T 6 D 59, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

Comments may be hand-delivered to the NRC at 11545 Rockville Pike, Rockville, Maryland, between 7:45 a.m. and 4:15 p.m. on Federal workdays. Comments may be submitted electronically to the NRC to the e-mail address *dgeis@nrc.gov.* All comments received by the NRC, including those made by Federal, State, and local agencies; Indian tribes; or other interested persons, will be accessible electronically through NRC's PERR link listed above, and can be examined, or copied for a fee, at the NRC's Public Document Room in Rockville, Maryland.

Notice is hereby given that the NRC staff will hold four public meetings to present an overview of the draft supplement to the GEIS and to accept public comments on the document. The public meetings will be held at the following locations and dates:

December 4, 2001

The Argent Hotel, 50 Third Street, San Francisco, CA 94103, 1–415–974–6400

December 10, 2001

Boston Marriott Copley Place, 110 Huntington Avenue, Boston, MA 02116, –617–236–5800

December 6, 2001

The Drake, 140 East Wallon Place, Chicago, IL 60611, 1–312–787–2200

December 12, 2001

Marriott Marquis, 265 Peachtree Center Avenue, Atlanta, GA 30303, 1–404–521–0000

The meetings will commence at 7 p.m. and will continue until 10 p.m. All meetings will be transcribed and will include (1) a presentation of the contents of the draft supplement to the GEIS, and (2) the opportunity for interested government agencies, organizations, and individuals to provide comments on the draft report. Additionally, the NRC staff will host informal discussions one hour prior to the start of each session. No comments on the draft supplement to the GEIS will be accepted during the informal discussions. To be considered, comments must be provided either at the transcribed public meetings or in writing, as discussed below. Persons may register to attend or present oral comments at a meeting by contacting Mr. Dino Scaletti by telephone at 1–800–368–5642, extension 1104, or by Internet to the NRC at *dgeis@nrc.gov* no later than November 27, 2001. Members of the public may also register to provide oral comments within 15 minutes of the start of each session. Individual oral comments may be limited by the time available, depending

on the number of persons who register. If special equipment or accommodations are needed to attend or present information at the public meeting, the need should be brought to Mr. Scaletti's attention no later than November 27, 2001, to provide the NRC staff adequate notice to determine whether the request can be accommodated.

FOR FURTHER INFORMATION CONTACT: Mr. Dino Scaletti, Risk-Informed Initiatives, Environmental, Decommissioning, and Rulemaking Branch, Division of Regulatory Improvement Programs, U.S. Nuclear Regulatory Commission, Washington, DC 20555. Mr. Scaletti may be contacted at the aforementioned telephone number or e-mail address.

Dated at Rockville, Maryland, this 2nd day of November, 2001.

For the Nuclear Regulatory Commission.

Cynthia A. Carpenter,

Chief, Risk Informed Initiatives, Environmental, Decommissioning, and Rulemaking Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulations.

[FR Doc. 01–28088 Filed 11–8–01; 8:45 am]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Review of an Information Collection: Standard Form 2800 and SF 2800A

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Pub. L. 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget a request for review of an information collection. SF 2800, Application for Death Benefits Under the Civil Service Retirement System (CSRS), is needed to collect information so that OPM can pay death benefits to the survivors of Federal employees and annuitants. SF 2800A, Documentation and Elections in Support of Application for Death Benefits When Deceased Was an Employee at the Time of Death, is needed for deaths in service only so that survivors can make the needed elections regarding military service.

Comments are particularly invited on:

—Whether this collection of information is necessary for the proper performance of functions of OPM, and whether it will have practical utility;

—Whether our estimate of the public burden of this collection is accurate, and based on valid assumptions and methodology; and

—Ways in which we can minimize the burden of the collection of information on those who are to respond, through use of the appropriate technological collection techniques or other forms of information technology.

Approximately 68,000 SF 2800's are processed annually. The form requires approximately 45 minutes to complete. An annual burden of 51,000 hours is estimated.

Approximately 6,800 applicants will use SF 2800A annually. This form also requires approximately 45 minutes to complete. An annual burden of 5,100 hours is estimated. The total burden is 56,100 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, FAX (202) 418–3251 or E-mail to *mbtoomey@opm.gov.* Please include your mailing address with your request.

DATES: Comments on this proposal should be received on or before January 8, 2002.

ADDRESSES: Send or deliver comments to Ronald W. Melton, Chief, Operations Support Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW, Room 3349A, Washington, DC 20415–3540.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Team Leader, Forms Analysis and Design, Budget & Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Kay Coles James,

Director.

[FR Doc. 01–28055 Filed 11–8–01; 8:45 am]

BILLING CODE 6325–50–P

DEPARTMENT OF STATE

[Public Notice 3826]

Bureau of Educational and Cultural Affairs Request for Grant Proposals: Exchanges and Training Programs for Europe and Eurasia: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russia, Turkmenistan, Ukraine, and Uzbekistan

SUMMARY: The Office of Citizen, Europe/Eurasia Division, of the Bureau of Educational and Cultural Affairs announces an open competition for Exchanges and Training Programs for Europe and Eurasia: Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russia, Turkmenistan, Ukraine, and Uzbekistan.

Public and private non-profit organizations meeting the provisions described in Internal Revenue Code section 26 USC 501(c)(3) may submit proposals to conduct exchanges and training programs.

Program Information

Overview

The Bureau of Educational and Cultural Affairs (ECA) invites applicants to submit proposals that encourage the growth of democratic institutions in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russia, Turkmenistan, Ukraine, and Uzbekistan. (**Note:** The Department previously referred to this region as the New Independent States (NIS). It is now being referenced as Europe and Eurasia.) Exchanges and training programs supported by institutional grants from ECA should operate at two levels: they should enhance institutional partnerships, and they should offer practical information to individuals and groups to assist them with their professional and volunteer responsibilities.

Strong proposals usually have the following characteristics: an active, existing partnership between a U.S. organization and an in-country institution(s); a proven successful track record for conducting program activity; cost-sharing from U.S. and in-country sources, including donations of air fares, hotel and/or housing costs, ground transportation, interpreters, room rentals, etc.; experienced staff with language ability; a clear, convincing plan outlining exactly how the program components will be carried out and how permanent results will be accomplished as a result of the grant; and a follow-on plan that extends beyond the ECA grant period. Knowledge of the current technological capacity (Internet connectivity, email, hardware and software) of in-country partners and their countries and/or regions, and a description of the role of technology in the proposed program, are essential. Cost sharing, which should be included in the budget, must be in tangible forms, both in-kind and monetary. Cost sharing may be contributed to the program by the prospective grantee institution, in-country partners and by third party sources.

Unless otherwise specified below: (1) Program activity may include: ''training of trainers (TOT),'' internships, short-term training, consultations, study tours, site visits, and extended,

intensive workshops; and (2) programming may take place in the United States and/or, when possible, in Armenia, Azerbaijan, Georgia, Kazakhstan, Kyrgyzstan, Russia, Turkmenistan, Ukraine, and Uzbekistan. Proposals should reflect a practical understanding of the current political, economic and social environment that is relevant to the theme addressed in the proposal. In order to avoid the duplication of activities and programs, proposals should also indicate knowledge of similar projects being conducted in the region.

Applicants are expected to identify the U.S. and in-country partner organizations and individuals with whom they are proposing to collaborate and describe in detail previous cooperative projects. Specific information about in-country partners' activities and accomplishments is required and should be included in the section on ''Institutional Capacity.'' Resumes for individuals mentioned in the proposal should be provided, including proposed U.S. and in-country staff, trainers, consultants, etc. Letters of support from partner organizations as well as internship and site visit hosts should be included in the proposal.

Programs should be designed so that the sharing of information and training that occurs during the grant period will continue long after the grant period is over. Proven methods of sustainability include, but are not limited to: a model TOT program that would include initial training, practice presentation sessions for the in-country participants, followed by training activities coordinated and implemented by the in-country participants in their home countries; a commitment to create or support in-country training/resource centers; plans to create online communities, professional networks or professional associations; regularly published electronic and/or hard-copy newsletters; and ongoing mentoring through Internet communication.

To be eligible for a grant award under this competition, the proposed training and exchange programs must address one of the following specific themes for single country projects. Multi-country projects are not eligible for this competition. Proposals for projects in Belarus, Moldova and Tajikistan are not eligible.

- Media Training (Armenia or Azerbaijan or Kazakhstan or Kyrgyzstan or Russia)
- Press Spokesperson Training (Georgia or Uzbekistan)
- Tourism and Economic Development (Armenia or Ukraine)
- Business Development (Azerbaijan)
- Library Exchanges (Georgia or Ukraine)
- Youth Issues (Russia)
- Civil Rights (Kazakhstan)
- Lawmaker Exchange (Turkmenistan)
- Public Health (Russia)

Media Training

ECA is interested in proposals from applicants who possess a thorough understanding of the current state and needs of the media in Armenia, Azerbaijan, Kazakhstan, Kyrgyzstan and Russia. Training activities should not duplicate the work done under recent or existing media training programs, but should complement those efforts. Proposals should include in-country and U.S.-based training activities for journalists and/or media outlet managers. When proposing a U.S.-based component, the program should include a hands-on internship training component at an appropriate media outlet. For these internships, the names of those media outlets willing to host participants should be provided, and the applicant should describe why these media establishments have been chosen. Internships may be developed for individuals or small groups consisting of not more than three persons. If the small group format is used, the internships must have a practical program component with hands-on experience. Efforts should be made to recruit participants who possess a working knowledge of the English language. If participants who do not speak English are nominated for the U.S.-based program, the applicant should explain how the interpreting needs of those participants will be met. In-country activities may include workshops and seminars. These seminars and workshops may be led by the participants themselves, or by U.S. trainers. Continuous activities, including mentoring and consultations between U.S.-based trainers/hosts and participants, should be conducted throughout the life of the grant and described in detail.

For Armenia

Media programs for Armenia should focus on television production and broadcasting. Programs should include a two-way exchange whereby an expert (or experts) in production and broadcast techniques will travel to Armenia to conduct practical seminars. At the conclusion of the seminars, the experts, in consultation with the Public Affairs Section (PAS) at the American Embassy in Yerevan, will designate teams composed of journalists and cameramen, as well as producers to be sent to the U.S. for an internship of approximately one month at comparable television stations.

For Azerbaijan

Media programs for Azerbaijan should promote the development of an independent media sector that is both professionally competent and economically viable. Print and/or broadcast media may be addressed, but all projects should include a two-way exchange and include hands-on internships in the U.S. that emphasize methods of income generation, better fiscal management practices, and a commitment to objective reporting.

For Kazakhstan

Media training for Kazakhstan should include a two-way exchange and offer hands-on internships in the U.S. that emphasize methods of income generation, better fiscal management practices, and a commitment to objective reporting. Programs designed for Kazakhstan should also emphasize the role of media in reporting on minority and conflict issues.

For Kyrgyzstan

Media training for Kyrgyzstan should concentrate on teaching objective reporting, ethical standards, and business management skills for professionals in print media. The program should involve a two-way exchange that links Kyrgyz and U.S. media institutions. Participants should include faculty from departments of journalism, and media managers and journalists from independent media outlets from both countries. Awareness of Kyrgyz cultural issues and the media climate in Kyrgyzstan is essential.

For Russia

For Russia, media programs should include a two-way exchange and include hands-on, U.S.-based internships that emphasize developing new methods of income generation, better fiscal management practices, and a commitment to objective reporting. Participants must be recruited from cities outside of Moscow and St. Petersburg. Applicants should explain in detail activities and components that will ensure long-term relationships between the Russian participants and their U.S. hosts.

Press Spokespersons Training

For Georgia

ECA welcomes proposals that provide an in-depth, comprehensive training program that will raise the level of professionalism among Georgian government spokespersons and

introduce them to their U.S. counterparts. Program activities should cover such topics as how public affairs offices function in government; the importance of transparency in government; communicating openly with citizens and journalists; crisis communication; strategic planning; press office management; and the provision of accurate, timely information to the public. Applicants should have a good understanding of the cultural contexts in Georgia. Training should include a two-way exchange.

For Uzbekistan

ECA is interested in proposals that provide intensive, hands-on training to Uzbek national and government spokespersons as well as spokespersons from non-governmental entities. Proposals should focus on public affairs and public information as they are handled by government and non-governmental institutions. Program activities should cover such topics as how public affairs offices function in government; the importance of transparency in government; communicating openly with citizens and journalists; crisis communication; strategic planning; press office management; and the provision of accurate, timely information to the public.

Programs should consist of a Washington, DC, component, including meetings with the public affairs offices and spokespersons of federal agencies and departments, as well as meetings and shadowing experiences with state or local governments and non-governmental organizations. A train-the-trainers component should be included. In-country workshops should also be implemented, during which Uzbek participants from the U.S. program will work as co-trainers, and will reach out to a larger audience of Uzbek governmental and non-governmental spokespersons. Media representatives should also participate in the in-country training program.

The Public Affairs Section (PAS) in Tashkent will be responsible for selecting participants through an open, merit-based process designed jointly by the grantee and PAS.

Tourism and Economic Development

For Armenia

ECA is seeking a project that will match Armenian tourism professionals with their U.S. colleagues for professional exchange and consultations. The central training component of the program should be a one-month, interactive internship for Armenian tourism professionals at tourism service providers in the U.S. Visits to Armenia by U.S. hosts may also be conducted. Networking among the Armenian and U.S. participants should be facilitated throughout the grant period to ensure ongoing cooperation.

For Ukraine

This project should provide an opportunity for local government and business leaders from Ukraine to examine the experience of U.S. towns and cities, where preservation of cultural heritage and historic sites has been combined with tourism infrastructure development. Strategies that have led to reversing economic decline (i.e. aggressive marketing and the incorporation of heritage tourism into local economic development plans) should be examined. ECA is seeking proposals that will allow U.S. communities to share this experience and expertise with Ukrainian local governments, NGOs, and business leaders in selected smaller cities with potential for the development of cultural tourism. Multiple trips in both directions, including a hands-on, U.S.-based internship or study tour, should be proposed. Continuous communication, mentoring, and consultations between Ukrainian participants and trainers/mentors, should be described in detail and conducted throughout the life of the grant.

Business Development

For Azerbaijan

ECA welcomes proposals that will foster the development of small and medium businesses in Azerbaijan. Given the international community's focus on the energy sector, projects should involve other industries. Topics to be addressed may cover management, marketing, business-government relations, use of innovative business technologies and business association development. Programs may include a variety of training opportunities such as internships, hands-on workshops and case studies. Azeri participants should be linked with U.S. counterparts with similar work responsibilities, in order to ensure ongoing professional interaction.

Library Exchanges

For Georgia

One of the many challenges libraries in Georgia are facing is a lack of continuing education for their staff. This is due to information isolation and lack of finances to support this type of service. Georgian library professionals would benefit greatly from exposure to U.S. libraries and library professionals. Projects should match Georgian library employees with their U.S. colleagues from similar-sized libraries for training and consultations by means of reciprocal visits and virtual communication. One or multiple trips between the U.S. and Georgia by library professionals may be proposed. Continuous activities, including mentoring and consultations between partnered libraries, should be conducted throughout the life of the grant and described in detail.

For Ukraine

U.S. libraries, whose traditional role has been changing in recent years, have much to offer their Ukrainian counterparts. Recently, a program called the Library Electronic Access Project (LEAP) was launched in Ukraine. *(http://usinfo.usemb.kiev.ua/press/010307—leap eng.html).* The purpose of the LEAP project is to assist participating libraries with the development of Internet access projects for its local users. In addition, participating libraries will work together in setting up standardized training approaches, and will network with one another and share their experiences in order to identify and utilize best practices. ECA is seeking projects that build on LEAP's foundation by facilitating interaction and exchange between U.S. library professionals and LEAP libraries. This exchange should focus on transforming these libraries into community resource centers that will serve as communication facilitators between citizens and local government, as educational outreach centers, and as focus points for civic involvement. One or multiple trips between the U.S. and Ukraine by library professionals may be proposed.

Youth Issues

For Russia

ECA is seeking projects that focus on how NGOs and communities can organize productive and attractive activities for young people. Participants should be representatives of youth-oriented NGOs and local government entities charged with managing youth programs. Topics to be addressed might include community service, vocational training, and drug and alcohol awareness. Projects should include a U.S. component. Small, provincial cities in Russia should be targeted.

Civil Rights

For Kazakhstan

In Kazakhstan, people lack a general understanding of their civil rights, specifically knowledge of existing laws. ECA is seeking a project that would support a public education campaign on laws, legislation, and citizen rights. Project activities should be primarily conducted in Kazakhstan, but may include U.S.-based training activities, if justified. Grantees should partner with NGOs in Kazakhstan that are working to address human rights concerns. One such NGO is ''The International Bureau of Human Rights and the Rule of Law.'' *(http://www.bureau.kz/index eng.shtml).* Project partnerships with other local organizations may also be proposed.

Lawmaker Exchange

For Turkmenistan

ECA is seeking projects that will provide members of Turkmenistan's parliament, the Mejlis, with the opportunity to meet with U.S. members of Congress, state-level lawmakers, lawyers, and other individuals involved in or knowledgeable of the U.S. lawmaking process, in order to gain a better understanding of their role as parliamentarians in the lawmaking process. The central project activity should be a training visit to Washington, DC and a state capital that would include shadowing of members of Congress and state-level lawmakers, and interactive discussions with lawyers and other experts on lawmaking and governance. Of particular interest to participants will likely be the congressional committee system and the other group structures used for lawmaking management. Visits to Turkmenistan by U.S. lawmakers and experts may also be proposed. Grantee organizations will work very closely with the U.S. Embassy in Ashgabat throughout the project.

Public Health

For Russia

Russia's difficult transition to a market economy has had negative effects on the public health system throughout the country and has weakened the government's ability to respond to and raise awareness of serious public health issues, such as tuberculosis, HIV/AIDS, alcoholism and sexually transmitted diseases.

ECA welcomes proposals that are designed to improve public health standards and awareness in regions throughout Russia. Specifically, ECA is interested in training and exchanges that will improve the skills of local and regional government officials whose responsibilities include developing public health policy, disease control and prevention, and emergency management issues. Proposals should stress how health officials and non-governmental entities collaborate to view public health as a regional policy issue. Programs should provide practical, hands-on methodologies to strengthen participants' skills and may consist of a two-way exchange that includes shadowing opportunities, case studies, internships and interactive workshops. Applicants should plan a broad-based training workshops. Applicants should plan a broad-based training program for a particular region that includes exposure to comparable U.S. public health models.

Guidelines

Pending the availability of FY–2002 funding, it is anticipated that approximately one to two projects for each country listed under each topic will be supported. Subject to the availability of funds, ECA anticipates that grant periods will begin in August, 2002.

Selection of Participants

Except in cases noted above where the Embassies' Public Affairs Sections will nominate participants, a competitive selection process is required. The majority of proposals should include a description of an open, merit-based participant selection process, including advertising, recruitment and selection. A sample application should be submitted with the proposal. Applicants should expect to carry out the entire selection process, with the understanding that ECA and the Public Affairs Sections of the U.S. Embassies abroad must be consulted during the recruitment and selection procedures. ECA and the U.S. Embassies retain the right to nominate participants and to approve or reject participants recommended by the grantee institution. Priority must be given to foreign participants who have not traveled to the United States.

Visa Regulations

Foreign participants on programs sponsored by ECA are granted J–1 Exchange Visitor visas by the U.S. Embassy in the sending country. All programs must comply with J–1 visa regulations. Please refer to the Proposal Submission Instructions (PSI) for further information.

Project Funding

Budget Guidelines

Although no set funding limit exists, proposals for less than $150,000 will receive preference. Grants awarded to eligible organizations with less than four years of experience in conducting international exchange programs will be limited to $60,000. Applicants must submit a comprehensive line item budget based on the model in the Proposal Submission Instructions, but are encouraged to provide the optional separate sub-budgets for each program component, location or activity in order to facilitate decisions on funding. Applicants should include a budget narrative or budget notes for clarification of each line item.

Cost sharing: Since ECA's grant assistance constitutes only a portion of total project funding, proposals should list and provide evidence of other sources of cost sharing, including financial and in-kind support. Proposals with substantial private sector support from foundations, corporations, and other institutions will be considered highly competitive. Please refer to the statement on cost sharing in the Proposal Submission Instructions.

The Following Program Costs Are Eligible for Funding Consideration

1. *Transportation.* International and domestic airfares (per the Fly America Act), transit costs, ground transportation costs, and visas for U.S. participants (visas for ECA-supported participants from Europe and Eurasia to travel to the U.S. are issued at no charge).

2. *Per Diem.* For U.S.-based programming, organizations should use the published Federal per diem rates for individual U.S. cities. For activities in Europe and Eurasia, ECA strongly encourages applicants to budget realistic costs that reflect the local economy. Domestic per diem rates may be accessed at: *http://www.policyworks.gov/* and foreign per diem rates can be accessed at: *http://www.state.gov/www/perdiems/index.html.*

3. *Interpreters.* Local interpreters with adequate skills and experience may be used for program activities. Typically, one interpreter is provided for every four visitors who require interpreting, with a minimum of two interpreters. ECA grants do not pay for foreign interpreters to accompany delegations from their home country. Salary costs for local interpreters must be included in the budget. Costs associated with using their services may not exceed rates for U.S. Department of State interpreters. ECA strongly encourages

applicants to use local interpreters. U.S. Department of State Interpreters may be used for highly technical programs with the approval of the Office of Citizen Exchanges. Proposal budgets should contain a flat $170/day per diem for each U.S. Department of State interpreter, as well as home-program-home air transportation of $400 per interpreter, reimbursements for taxi fares, plus any other transportation expenses during the program. Salary expenses are covered centrally and should not be part of an applicant's proposed budget.

4. *Book and cultural allowance.* Foreign participants are entitled to a one-time cultural allowance of $150 per person, plus a book allowance of $50. Interpreters should be reimbursed up to $150 for expenses when they escort participants to cultural events. U.S. program staff, trainers or participants are not eligible to receive these benefits.

5. *Consultants.* Consultants may be used to provide specialized expertise or to make presentations. Daily honoraria cannot exceed $250 per day. Subcontracting organizations may also be used, in which case the written agreement between the prospective grantee and subcontractor should be included in the proposal. Subcontracts should be itemized in the budget.

6. *Room rental.* Room rental may not exceed $250 per day.

7. *Materials development.* Proposals may contain costs to purchase, develop and translate materials for participants. ECA strongly discourages the use of automatic translation software for the preparation of training materials or any information distributed to the group of participants or network of organizations. Costs for good-quality translation of materials should be anticipated and included in the budget. Grantee organizations should expect to submit a copy of all program materials to ECA.

8. *Equipment.* Proposals may contain costs to purchase equipment for Europe/Eurasia-based programming such as computers, fax machines and copy machines. Costs for furniture are not allowed. Equipment costs must be kept to a minimum.

9. *Working meal.* Only one working meal may be provided during the program. Per capita costs may not exceed $5–8 for a lunch and $14–20 for a dinner, excluding room rental. The number of invited guests may not exceed participants by more than a factor of two-to-one. Interpreters must be included as participants.

10. *Return travel allowance.* A return travel allowance of $70 for each foreign participant may be included in the budget. The allowance may be used for incidental expenses incurred during international travel.

11. *Health Insurance.* Foreign participants will be covered under the terms of a Bureau-sponsored health insurance policy. The premium is paid by ECA directly to the insurance company. Applicants are permitted to include costs for travel insurance for U.S. participants in the budget.

12. *Administrative Costs.* Costs necessary for the effective administration of the program may include salaries for grantee organization employees, benefits, and other direct and indirect costs per detailed instructions in the Application Package. While there is no rigid ratio of administrative to program costs, priority will be given to proposals whose administrative costs are less than twenty-five (25) per cent of the total requested from ECA. Proposals should show strong administrative cost-sharing contributions from the applicant, the in-country partner and other sources.

Please refer to the Proposal Submission Instructions (PSI) for complete budget guidelines.

Announcement Title and Number: All correspondence with ECA concerning this RFGP should reference the above title and number ECA/PE/C/EUR–02–32.

FOR FURTHER INFORMATION CONTACT:

By mail: United States Department of State, SA–44, Bureau of Educational and Cultural Affairs, Office of Citizen Exchanges (ECA/PE/C), Room 220, Washington, DC 20547, attn: Europe and Eurasia Exchanges & Training.

By phone: Tel: (202) 619–5328 (Kendra Davis), (202) 619–5327 (Henry Scott); fax: 202–619–4350.

By e-mail: *kldavis@pd.state.gov* or *hscott@pd.state.gov.*

Interested applicants may request the Application Package, which includes the Request for Grant Proposals (RFGP) and the Proposal Submission Instructions (PSI). Please specify Kendra Davis or Henry Scott on all inquiries and correspondence.

Please read the complete Federal Register announcement before sending inquiries or submitting proposals. Once the RFGP deadline has passed, Bureau staff may not discuss this competition with applicants until the proposal review process has been completed.

To Download a Solicitation Package Via Internet

The entire Solicitation Package may be downloaded from ECA's web site at *http://exchanges.state.gov/education/RFGPs.* Please read all information before downloading.

Deadline for Proposals

All proposal copies must be received at the Bureau of Educational and Cultural Affairs by 5 p.m. Washington, DC time on Friday, January 25, 2002. Faxed documents will not be accepted at any time. Documents postmarked the due date but received on a later date will not be accepted. Each applicant must ensure that the proposals are received by the above deadline.

Applicants must follow all instructions in the Solicitation Package. The original and eight copies (unbound) of the application should be sent to:

U.S. Department of State, SA–44, Bureau of Educational and Cultural Affairs, Ref.: ECA/PE/C/EUR–02–32, Program Management, ECA/EX/PM, Room 534, 301 4th Street, SW., Washington, DC 20547.

Diversity, Freedom and Democracy Guidelines

Pursuant to ECA's authorizing legislation, programs must maintain a non-political character and should be balanced and representative of the diversity of U.S. political, social, and cultural life. ''Diversity'' should be interpreted in the broadest sense and encompass differences including, but not limited to ethnicity, race, gender, religion, geographic location, socio-economic status, and physical challenges. Applicants are strongly encouraged to adhere to the advancement of this principle both in program administration and in program content. Please refer to the review criteria under the 'Support for Diversity' section for specific suggestions on incorporating diversity into the total proposal. Pub. L. 104–319 provides that ''in carrying out programs of educational and cultural exchange in countries whose people do not fully enjoy freedom and democracy,'' ECA ''shall take appropriate steps to provide opportunities for participation in such programs to human rights and democracy leaders of such countries.'' Pub. L. 106–113 requires that the governments of the countries described above do not have inappropriate influence in the selection process. Proposals should reflect advancement of these goals in their program contents, to the full extent deemed feasible.

Review Process

ECA will acknowledge receipt of all proposals and will review them for technical eligibility. Proposals will be deemed ineligible if they do not fully adhere to the guidelines stated herein and in the Solicitation Package. All eligible proposals will be reviewed by

the program office, as well as the Public Diplomacy section overseas, where appropriate. Eligible proposals will be subject to compliance with Federal and ECA regulations and guidelines and forwarded to ECA grant panels for advisory review. Proposals may also be reviewed by the Office of the Legal Adviser or by other Department elements. Final funding decisions are at the discretion of the Department of State's Assistant Secretary for Educational and Cultural Affairs. Final technical authority for assistance awards resides with ECA's Grants Officer.

Review Criteria

Technically eligible applications will be competitively reviewed according to the criteria stated below. These criteria are not rank ordered and all carry equal weight in the proposal evaluation: Technically eligible applications will be competitively reviewed according to the criteria stated below. Proposals should adequately address each area of review. These criteria are not rank ordered.

1. *Program Planning and Ability to Achieve Objectives:* Program objectives should be stated clearly and precisely and should reflect the applicant's expertise in the subject area and the region. Objectives should respond to the priority topics in this announcement and should relate to the current conditions in the included countries. Objectives should be reasonable and attainable. A detailed work plan should explain step-by-step how objectives will be achieved and should include a timetable for completion of major tasks. The substance of workshops, internships, seminars, presentations and/or consulting should be described in detail. Sample training schedules should be outlined. Responsibilities of in-country partners should be clearly described.

2. *Institutional Capacity:* The proposal should include (1) the U.S. institution's mission and date of establishment (2) detailed information about the in-country partner institution's capacity and the history of the U.S. and in-country partnership (3) an outline of prior awards—U.S. government and private support received for the target theme/region (4) descriptions of experienced staff members who will implement the program. Proposed personnel and institutional resources should be adequate and appropriate to achieve the program's goals. The narrative should demonstrate proven ability to handle logistics. The proposal should reflect the institution's expertise in the subject area and knowledge of the conditions in the target country/region(s).

3. *Cost Effectiveness and Cost Sharing:* Overhead and administrative costs for the proposal, including salaries, honoraria and subcontracts for services, should be kept to a minimum. Priority will be given to proposals whose administrative costs are less than twenty-five (25) per cent of the total funds requested from ECA. Applicants are encouraged to cost share a portion of overhead and administrative expenses. Cost-sharing, including contributions from the applicant, the in-country partner, and other sources should be included in the budget.

4. *Program Evaluation:* Proposals must include a plan and methodology to evaluate the program's successes, both as the activities unfold and at the program's conclusion. ECA recommends that the proposal include a draft survey questionnaire or other technique (such as a series of questions for a focus group). The evaluation plan should show a clear link between program objectives and expected outcomes in the short- and medium-term, and provide a well-thought-out description of performance indicators and measurement tools.

5. *Multiplier Effect/Impact:* Proposals should show how the program will strengthen long-term mutual understanding and institutionalization of program goals. Applicants should describe how responsibility and ownership of the program will be transferred to the in-country participants to ensure continued activity and impact. Programs that include convincing plans for sustainability will be given top priority.

6. *Follow-on Activities:* Proposals should provide a plan for continued follow-on activity (beyond ECA grant period) ensuring that the ECA-supported programs are not isolated events. Follow-on activities should be clearly outlined.

7. *Support of Diversity:* Proposals should demonstrate substantive support of ECA's policy on diversity. Program content (orientation, evaluation, program sessions, resource materials, follow-on activities) and program administration (selection process, orientation, evaluation) should address diversity in a comprehensive and innovative manner. Applicants should refer to ECA's Diversity, Freedom and Democracy Guidelines on page four of the Proposal Submission Instructions (PSI).

Authority

Overall grant making authority for this program is contained in the Mutual Educational and Cultural Exchange Act of 1961, Pub. L. 87–256, as amended, also known as the Fulbright-Hays Act. The purpose of the Act is ''to enable the Government of the United States to increase mutual understanding between the people of the United States and the people of other countries* * *; to strengthen the ties which unite us with other nations by demonstrating the educational and cultural interests, developments, and achievements of the people of the United States and other nations* * *and thus to assist in the development of friendly, sympathetic and peaceful relations between the United States and the other countries of the world.'' The funding authority for the program above is provided through the Fulbright-Hays Act and the FREEDOM Support Act.

Notice

The terms and conditions published in this RFGP are binding and may not be modified by any ECA representative. Explanatory information provided by ECA that contradicts published language will not be binding. Issuance of the RFGP does not constitute an award commitment on the part of the Government. ECA reserves the right to reduce, revise, or increase proposal budgets in accordance with the needs of the program and the availability of funds. Awards made will be subject to periodic reporting and evaluation requirements.

Notification

Final awards cannot be made until funds have been appropriated by Congress, allocated and committed through internal Bureau procedures.

Dated: October 30, 2001.

Patricia S. Harrison,

Assistant Secretary for Educational and Cultural Affairs, U.S. Department of State.

[FR Doc. 01–28247 Filed 11–8–01; 8:45 am]

BILLING CODE 4710–05–P

DEPARTMENT OF STATE

[Public Notice 3825]

Notice of Meeting of the Cultural Property Advisory Committee

AGENCY: Department of State.

ACTION: Notice.

The Cultural Property Advisory Committee will meet on Tuesday, November 27, from approximately 9 a.m. to 5 p.m., and on Wednesday, November 28, from approximately 9 a.m. to 3 p.m., at the Department of State, Annex 44, Room 800–A, 301 4th St., SW., Washington, DC to review the

proposal to extend the ''Agreement between the Government of the United States of America and the Government of Canada Concerning the Imposition of Import Restrictions on Certain Categories of Archaeological and Ethnological Material.''

The Committee's responsibilities are carried out in accordance with provisions of the Convention on Cultural Property Implementation Act (19 U.S.C. 2601 *et seq.*). A copy of the Act, the subject Agreement, and related information may be found at this web site: *http://exchanges.state.gov/education/culprop.*

During its meeting on Tuesday, November 27, the Committee will hold an open session, from 1:30–3:30 p.m. to receive oral public comment on the proposal to extend the Agreement. Persons wishing to attend this open session should notify the Cultural Property office at (202) 619–6612 by Monday, November 20, to arrange for admission, as seating is limited. Those who wish to make oral presentations should also request to be scheduled, and submit a written text of the oral comments, by November 20 to allow time for distribution of them to Committee members prior to the meeting. Oral comments will be limited to five minutes each to allow time for questions from members of the Committee and must specifically address the proposal to extend the Agreement with particular attention to determinations that will be made under Section 303 (a)(1) of the Convention on Cultural Property Implementation Act, 19 U.S.C. 2602. The Committee also invites written comments and asks that they be submitted by November 20. All written materials, including the written texts of oral statements, should be faxed to (202) 619–5177.

Other portions of the meeting on November 27 and 28 will be closed pursuant to 5 U.S.C. 552b(c)(9)(B) and 19 U.S.C. 2605(h).

Dated: November 1, 2001.

Patricia S. Harrison,

Assistant Secretary of State for Educational and Cultural Affairs Department of State.

[FR Doc. 01–28246 Filed 11–8–01; 8:45 am]

BILLING CODE 4710–11–P

DEPARTMENT OF STATE

[Public Notice No. 3804]

Advisory Committee on International Economic Policy; Open Meeting Notice

The Advisory Committee on International Economic Policy (ACIEP) will meet from 10 a.m. to 12 p.m. on Tuesday, November 20, 2001, in Room 1107, U.S. Department of State, 2201 C Street, NW, Washington, DC 20520. The meeting will be hosted by Committee Chairman R. Michael Gadbaw and Assistant Secretary of State for Economic and Business Affairs E. Anthony Wayne.

The ACIEP serves the U.S. Government in a solely advisory capacity concerning issues and problems in international economic policy. The objective of the ACIEP is to provide expertise and insight on these issues that are not available within the U.S. Government.

Topics for the November 20 meeting will be:

- China's Accession to the WTO
- Results of the Doha WTO Ministerial
- The Campaign Against International Terrorism

The public may attend these meetings as seating capacity allows. The media is welcome but discussions are off the record. Admittance to the Department of State building is by means of a pre-arranged clearance list. In order to be placed on this list, please provide your name, title, company or other affiliation if appropriate, social security number, date of birth, and citizenship to the ACIEP Executive Secretariat by fax (202) 647–5936 (Attention: Raynell Bowling); Tel: (202) 647–0847; or e-mail: (*bowlingra@state.gov*) by November 16th. On the date of the meeting, persons who have pre-registered should come to the 23rd Street entrance. One of the following valid means of identification will be required for admittance: a U.S. driver's license with photo, a passport, or a U.S. Government ID.

For further information about the meeting, contact Deborah Grout, ACIEP Secretariat, U.S. Department of State, Bureau of Economic and Business Affairs, Room 3526, Main State, Washington, DC 20520. Tel: 202–647–1826.

Dated: November 1, 2001.

Deborah Grout,

Executive Secretary, Advisory Committee on International Economic Policy, Department of State.

[FR Doc. 01–28245 Filed 11–8–01; 8:45 am]

BILLING CODE 4710–07–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2001–10941]

Navigation Safety Advisory Council; Meeting

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Navigation Safety Advisory Council (NAVSAC) will meet to discuss various issues relating to the safety of navigation. The meetings are open to the public.

DATES: NAVSAC will meet on Monday and Tuesday, December 10 and 11, 2001, from 8:30 a.m. to 5 p.m., and on Wednesday, December 12, 2001, from 8 a.m. to 12 noon. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before November 28, 2001. Requests to have material distributed to each member of the Council prior to the meeting should reach the Executive Director of NASAC along with 25 copies of the material on or before November 21, 2001.

ADDRESSES: NAVSAC will meet at The Embassy Suites Hotel, 601 Pacific Highway, San Diego, CA 92101. Send written material and requests to make oral presentations to Ms. Margie G. Hegy, Commandant (G–MW), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001. This notice is available on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION CONTACT: Ms. Margie G. Hegy, Executive Director of NAVSAC, telephone 202–267–0415, fax 202–267–4700.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda includes the following:

(1) Maritime security briefing and member information exchange.

(2) Update on the Marine Transportation System (MTS) Initiative.

(3) Presentation on International Safety Management (ISM) Code.

(4) Status report on ballast water issues.

(5) Acceleration of Automatic Identification System (AIS) Implementation.

(6) Presentation on Pacific States/British Columbia Oil Spill Task Force's Offshore Vessel Traffic Risk Management Project.

(7) Council planning session for 2002.

Procedural

All meetings are open to the public. Please note that the meeting may close early if all business is finished. At the Chair's discretion, members of the public may make oral presentations during the meetings. If you would like to make an oral presentation, please notify the Executive Director no later than November 28, 2001. Written material for distribution at a meeting should reach the Coast Guard no later than November 28, 2001. If you would like a copy of your material distributed to each member of the Council in advance of the meeting, please submit 25 copies to the Executive Director no later than November 21, 2001.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities or to request special assistance at the meetings, contact the Executive Director as soon as possible.

Dated: November 5, 2001.

Jeffrey P. High,

Director of Waterways Management.

[FR Doc. 01–28161 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Aviation Administration.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), this notice with the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for extension of the currently approved collection. The ICR describes the nature of the information collection and the expected burden. The Federal Register Notice with a 60-day comment period soliciting comments on the following collection of information was published on August 21, 2001, pages 43950–43951.

DATES: Comments must be submitted on or before December 10, 2001. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Judy Street on (202) 267–9895.

SUPPLEMENTARY INFORMATION:

Federal Aviation Administration (FAA)

Title: Criteria for Internet Communications of Aviation Weather, NOTAM, and Aeronautical Data.

Type of Request: New collection.

OMB Control Number: None.

Form(s): None.

Affected Public: An estimated 10 interested persons or organizations desiring to become Qualified Internet Communications Providers(QICP).

Abstract: The Department of Transportation, in accordance with 49 CFR 1.47, delegated responsibility for aviation safety oversight to the FAA. The FAA has proposed the development of an advisory circular (AC) that establishes criteria for Qualified Internet Communications Providers (QICP), who provide access to aviation weather, Notice to Airmen (NOTAM) and aeronautical data via the Public Internet. The AC describes procedures for a provider to become and remain an FAA approved QICP.

Estimated Annual Burden Hours: 5,680 hours.

ADDRESS: Send comments to the Office of Information and Regulatory, Office of Management and Budget, 725 17th Street, NW., Washington, DC 20503, Attention FAA Desk Officer.

Comments are invited on: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimates of the burden of the proposed information collection; ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued in Washington, DC on November 5, 2001.

Steve Hopkins,

Manager, Standards and Information Division, APF–100.

[FR Doc. 01–28119 Filed 11–08–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Transport Airplane and Engine Issues—New Task

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of new task assignment for the Aviation Rulemaking Advisory Committee (ARAC).

SUMMARY: The FAA assigned the Aviation Rulemaking Advisory Committee a new task to review the acceptable design precautions for showing compliance with 25.903(d)(1), 23.903(b)(1), and 25.905 as described in AC 20–128A/ACJ25.903 and develop additional design precautions to mitigate shortfalls previously identified by ARAC.

FOR FURTHER INFORMATION CONTACT: Mike Kaszycki, Federal Aviation Administration, Northwest Mountain Region Headquarters, 1601 Lind Avenue, SW., Renton, Washington, 98055, *mike.kaszycki@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA established the Aviation Rulemaking Advisory Committee to provide advice and recommendations to the FAA Administrator on the FAA's rulemaking activities with respect to aviation-related issues. This includes obtaining advice and recommendations on the FAA's commitments to harmonize Title 14 of the Code of Federal Regulations (14 CFR) with its partners in Europe and Canada.

The Task

- Review the acceptable design precautions for showing compliance with 25.903(d)(1), 23.903(b)(1), and 25.905 as described in AC 20–128A/ACJ 25.903, and develop additional design precautions to mitigate shortfalls previously identified by ARAC.
- Develop a report that recommends the requirements for minimizing the hazards from uncontained engine, auxiliary power unit (APU) and propeller debris. This report should describe how to develop methods to determine ''practicability'' of controversial design precautions, recommend the location of these requirements within the rule or interpretive materials, and provide cost estimates using a format to be prescribed by the FAA.
- Recommend the necessary revisions to AC 20–128A and any further development of advisory materials necessary to address issues that may arise as a result of changes to the regulations.
- If as a result of the recommendations, FAA publishes an NPRM and/or notice of availability of proposed advisory circular for public comment, FAA may ask ARAC to review all comments and provide the agency a recommendation for the disposition of those comments.

Schedule: Required completion is no later than November 7, 2003.

ARAC Acceptance of Task

ARAC accepted the task and assigned the task to the Powerplant Installation Harmonization Working Group, Transport Airplane and Engine Issues. The working group serves as staff to ARAC and assists in the analysis of assigned tasks. ARAC must review and approve the working group's recommendations. If ARAC accepts the working group's recommendations, it will forward them to the FAA.

Working Group Activity

The Powerplant Installation Harmonization Working Group must comply with the procedures adopted by ARAC. As part of the procedures, the working group must:

1. Recommend a work plan for completion of the task, including the rational supporting such a plan for consideration at the next meeting of the ARAC on transport airplane and engine issues held following publication of this notice.
2. Give a detailed conceptual presentation of the proposed recommendations prior to proceeding with the work stated in item 3 below.
3. Draft the appropriate documents and required analyses and/or any other related materials or documents.
4. Provide a status report at each meeting of the ARAC held to consider transport airplane and engine issues.

Participation in the Working Group

The Powerplant Installation Harmonization Working Group is composed of technical experts having an interest in the assigned task. A working group member need not be a representative or a member of the full committee.

An individual who has expertise in the subject matter and wishes to become a member of the working group should write to the person listed under the caption **FOR FURTHER INFORMATION CONTACT** expressing that desire. The individual should describe his or her interest in the task, and state the expertise he or she would bring to the working group. We must receive all request by December 7, 2001. The requests will be reviewed by the assistant chair, the assistant executive director, and the working group co-chairs. Individuals will be advised whether or not their request can be accommodated.

Individuals chosen for membership on the working group must represent their aviation community segment and actively participate in the working group (e.g., attend all meetings, provide written comments when requested to do so, etc.). The must devote the resources necessary to support the working group in meeting any assigned deadlines. Members must keep their management chain and those they may represent advised of working group activities and decisions to ensure that the proposed technical solutions do not conflict with their sponsoring organization's position when the subject being negotiated is presented to ARAC for approval. Once the working group has begun deliberations, members will not be added or substituted without the approval of the assistant chair, the assistant executive director, and the working group co-chairs.

The Secretary of Transportation determined that the formation and use of the ARAC is necessary and in the public interest in connection with the performance of duties imposed on the FAA by law.

Meetings of the ARAC will be open to the public. Meetings of the Powerplant Installation Harmonization Working Group will not be open to the public, except to the extent that individuals with an interest and expertise are selected to participate. The FAA will make no public announcement of working group meetings.

Issued in Washington, DC, on November 2, 2001.

Anthony F. Fazio,

Executive Director, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–28120 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 198 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 198: Next-Generation Air/Ground Communications System (NEXCOM).

DATES: The meeting will be held on November 28–29, 2001, starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, 1828 L Street, Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; Web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 198 meeting. The agenda will include:

- November 28:
- Working Group 3, Voice Data Link (VDL)–3 Principles of Operation.
- November 29:
- Opening Plenary Session (Welcome and Introductory Remarks, Introduction of Working Group Chairs and Secretaries, Review of Minutes of Previous Meeting).
- Program Management Committee Actions; SC–198 Terms of Reference.
- Working Group 3 Status Report.
- Closing Plenary Session (Date and Place of Next Meeting).

Attendance is open to the interested public but limited to space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 1, 2001.

Jane P. Caldwell,

Program Director, System Director, System Engineering Resource Management.

[FR Doc. 01–28249 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

RTCA Special Committee 189/EUROCAE Working Group 53: Air Traffic Services (ATS) Safety and Interoperability Requirements

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of RTCA Special Committee 189/EUROCAE Working Group 53 meeting.

SUMMARY: The FAA is issuing this notice to advise the public of a meeting of RTCA Special Committee 189/ERUOCAE Working Group 53: Air Traffic Services (ATS) Safety and Interoperability Requirements.

DATES: The meeting will be held December 3–7, 2001 starting at 9 a.m.

ADDRESSES: The meeting will be held at RTCA, Inc., 1828 L Street, NW., Suite 805, Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: (1) RTCA Secretariat, 1828 L Street, NW., Suite 805, Washington, DC 20036; telephone (202) 833–9339; fax (202) 833–9434; web site *http://www.rtca.org.*

SUPPLEMENTARY INFORMATION: Pursuant to section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463, 5 U.S.C., Appendix 2), notice is hereby given for a Special Committee 189/EUROCAE Working Group 53 meeting. The agenda will include:

- December 3:
- Opening Plenary Session (Welcome and Introductory Remarks, Review/Approval of Meeting Agenda, Review/Approval of Meeting Minutes)
- Sub-group and related reports; Position papers planned for plenary agreement; SC–189/WG–53 co-chair progress report
- December 4–6:
- PUB, Publications Integration Sub-group and Chair meetings
- INTEROP, Interoperability Sub-group
- ICSPR, Initial Continental Safety and Performance Requirements Sub-group
- IOSPR, Initial Oceanic Safety and Performance requirements Sub-group
- December 7:
- Closing Plenary Session (Welcome and Introductory Remarks, Review/Approval of Meeting Agenda)
- Sub-group and related reports; Position papers planned for plenary agreement; SC–189/WG–53 co-chair progress report and wrap-up

Attendance is open to the interested public but limited space availability. With the approval of the chairmen, members of the public may present oral statements at the meeting. Persons wishing to present statements or obtain information should contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Members of the public may present a written statement to the committee at any time.

Issued in Washington, DC, on November 1, 2001.

Jane P. Caldwell,

Program Director, System Engineering Resource Management.

[FR Doc. 01–28250 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration Federal Highway Administration

Environmental Impact Statement (EIS) for the I–90 Project; Notice of Intent

AGENCIES: Federal Transit Administration, DOT and Federal Highway Administration, DOT.

ACTION: Notice of Intent to prepare an Environmental Impact Statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), the Federal Highway Administration (FHWA), the Washington State Department of Transportation (WSDOT) and the Central Puget Sound Regional Transit Authority (Sound Transit) intend to prepare an EIS in accordance with the National Environmental Policy Act (NEPA) on the I–90 Project. The project proposes to design and construct modifications to I–90 between Bellevue and Seattle in Order to improve the reliability of connections to the region-wide transit network. The modifications could include changing the operation number and/or width of existing traffic lanes, and adding connections between the new I–90 traffic lanes and existing ramps. Traffic congestion eastbound in the morning and westbound in he evening has degraded transit reliability in both directions on I–90. Scoping will be accomplished through meetings and correspondence with interested persons, organizations, the general public, federal, state and local agencies and tribes.

DATES: *Comment Due Date:* Written comments on the scope of the alternatives and impacts to be considered should be sent to Sound Transit by December 17, 2001. See **ADDRESSES** below, *Scoping meetings:* Public scoping meetings will be held on Tuesday, December 4, 2001 from 4 p.m. to 7 p.m. in Bellevue at the Leavitt Building and on Wednesday, December 5, 2001 from 4 p.m. to 7 p.m. at Mercer Island High School Commons and on Thursday, December 6, 2001 from 4 p.m. to 7 p.m. at Union Station. See **ADDRESSES** below.

ADDRESSES: Written comments on the project scope of alternatives and impacts to be considered should be sent to Perry Weinberg, Sound Transit, 401 South Jackson St., Seattle, WA 98104–2826 by December 17, 2001 (30 day comment period). Scoping meetings will be held on the following days and locations:

Public Scoping Meetings

Tuesday, December 4, 2001, 4–7 p.m.,

Location: Leavitt Building—Room 1AB, 301 116th Avenue SE (Bellevue City Hall Complex), Bellevue, Washington, and

Wednesday, December 5, 2001, 4 p.m.–7 p.m.,

Location: Mercer Island High School Commons, 9100 SE 42nd street, Mercer Island, Washington, and

Thursday, December 6, 2001, 4 pm–7p.m.

Location: Union Station—Sound Transit Board Room, 401 S. Jackson Street, Seattle, Washington.

FOR FURTHER INFORMATION CONTACT: John Witmer, Federal Transit Administration. 915 2nd Avenue Suite 3142, Seattle, WA 98174; Telephone: 206.220.7964; Jim Leonard, Federal Highway Administration, 711 S. Capitol Way, Suite 501, Olympia, Washington, 98501. Telephone: 360.753.9408; Perry Weinberg, Sound Transit, 401 S. Jackson Street, Seattle, WA 98104–2826, Telephone: 206.689.4931 or Ben Brown, WSDOT, P.O. Box 330310, Seattle, WA 98133–9710, Telephone: 206.440.4528.

SUPPLEMENTARY INFORMATION:

I. Scoping

The FTA, FHWA, WSDOT and Sound Transit invite comments from interested individuals, organizations, and federal, state, regional and local agencies for a period of 30 days after publication of this notice. Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State, and local agencies, and to private organizations and citizens who have previously expressed or are known to have interest in this proposal. (See **DATES** and **ADDRESSES** above). To ensure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to FTA or Sound Transit at the addresses provided above. Comments are requested by December 17, 2001. A project newsletter describing the project, the proposed alternatives, the impact areas to be evaluated, the public involvement program and the preliminary project schedule has been prepared. You may request a copy of the newsletter by contracting Carol Masnik, Sound Transit, 401 South Jackson St., Seattle, WA 98104–2826. Telephone: 206.398.5048. All of the locations for the scoping meeting are accessible to people with disabilities. Non-English translation services and accessible formats are available by request at 800.201.4900 (voice)— or 206.398.5410 (TTY).

II. Study Area and Alternatives

FTA, FHWA, WSDOT and the Central Puget Sound Regional Transit Authority (Sound Transit) will prepare an EIS for the I–90 project which is evaluating alternatives to provide reliable two-way transit operations on the I–90 corridor

between Bellevue and Seattle. Alternatives under preliminary consideration include;

No Build—Alternative R–1

Under the No Build Alternative, the existing I–90 roadway facilities would remain in place, however, it is likely that there would be operational revisions to the center roadway by 2007. These changes could include restricting the use of the center roadway to high occupancy vehicles (HOV) traffic, which would displace single occupancy vehicles (SOVs) traveling between Seattle and Mercer Island to the outer roadways, and/or change the HOV eligibility requirements from 2+ or 3+ occupants per vehicle.

Alternative R–2B Modified—Two-Way Center Roadway

Alternative R–2B would convert the center roadway to two-way operation by adding a concrete barrier, providing one travel lane in each direction for its full length. Two additional ramps would be constructed on Mercer Island at 77th and 80th Avenues to complete the downtown interchange with the center roadway. The Bellevue Way ramp would be converted to two-way operation. This alternative would address concerns about breakdowns by providing additional center roadway width across Mercer Island and by removing the barrier between the westbound lanes and the center roadway on the Homer M. Hadley floating bridge, providing a buffer area for cars or buses to pull over in the event of an emergency. The center roadway would be restricted to transit and eligible carpools for its entire length. HOV eligibility requirements would likely be changed from 2+ to 3+ occupants per vehicle with this alternative.

Alternative R–5 Restripe—Transit-Only Shoulders on Outer Roadway

Alternative R–5 would retain the reversible operations in the center roadway, with both lanes operating in the same direction. R–5 would restripe the outer roadways, narrowing lane and inside shoulder widths to create transit-only shoulder lanes operating on the outside shoulders. These shoulder lanes would be open to eastbound transit buses in the morning peak period and westbound transit buses in the afternoon peak period.

Alternative R–5 Modified—Transit-Only Shoulders on Outer Roadway

Alternative R–5 Modified would operate similarly to Alternative R–5 Restripe and would retain the reversible operations in the center roadway. In addition, it would reconfigure portions of the outer roadway to allow for a wider inside shoulder for westbound buses, providing continuity with the existing HOV lane and transit connections to downtown Seattle. Ramps at Bellevue Way and on Mercer Island would be modified to provide connections to the westbound transit shoulder. The eastbound outer roadway would be widened to allow for standard inside shoulder and traffic lane widths on Mercer Island while providing a wider outside shoulder for use by transit.

Alternative R–8A—Add HOV Lanes on Outer Roadway

Alternative R–8A would retain the current reversible operations in the center roadway, with both lanes operating in the same direction. Single-occupant vehicles would only be allowed to use the center roadway between Seattle and Mercer Island, per the existing restrictions on center roadway use. The outer roadways would be modified to provide one additional travel lane in both the eastbound and westbound direction for use by HOV traffic. This would be accomplished by restriping, reducing the width of existing shoulders and travel lanes, and where feasible, widening the outer roadways within the existing right-of-way. Ramps at Bellevue Way and on Mercer Island would be modified to provide connections to the HOV lanes. The center and outer roadway HOV lanes would likely operate with a 2+ occupants per vehicle posting. A number of operational strategies to address safety concerns associated with reduced-width travel lanes and shoulders would be evaluated.

Transportation Demand Management (TDM)/Transportation System Management (TSM) Alternative

The TDM/TSM Alternative would incorporate measures to reduce demands on the transportation system. Examples of TDM/TSM may include ridesharing, parking management, telecommuting, congestion pricing, non-motorized travel, site design standards, public information, joint use of parking facilities, and other measures.

The list of alternatives to be included in the EIS will be finalized after scoping, based on the comments received.

III. Probable Effects

The lead agencies have identified the following key areas for discussion in the EIS:

- Impacts to the visual quality of the I–90 corridor.
- Impacts to vehicular traffic including issues of safety.
- Impacts to the existing bike/pedestrian path along I–90.
- Impacts on water quality in Mercer Slough and Lake Washington.

Other key area of probable effects may be identified and discussed in the EIS process.

Linda Gehrke,

Deputy Regional Administrator, Region X, Federal Transit Administration.

Jim Leonard,

Urban Transportation and Environmental Engineer, Federal Highway Administration, Washington, Division Office.

[FR Doc. 01–28160 Filed 11–8–01; 8:45 am]

BILLING CODE 4910–22–P (FHA); 4910–57–P (FTA)

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–55 (Sub–No. 600X)]

CSX Transportation, Inc.—Abandonment Exemption—in Logan County, WV

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR part 1152 Subpart F—Exempt Abandonments to abandon a 0.52-mile line of railroad between milepost CME–11.40 and milepost CME–11.92 near Sarah Ann, in Logan County, WV. The line traverses United States Postal Service Zip Codes 25644, 25645 and possibly 25638.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen,* 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected

employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on December 11, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by November 19, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by November 29, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to CSXT's representative: Paul R. Hitchcock, Assistant General Counsel, CSX Transportation, Inc., 500 Water Street J150, Jacksonville, FL 32202.

If the verified notice contains false or misleading information, the exemption is void ab initio.

CSXT has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by November 16, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1552. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), CSXT shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by CSXT's filing of a notice of consummation by November 9, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at *"WWW.STB.DOT.GOV."*

Decided: October 31, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–27951 Filed 11–8–01; 8:45 am]

BILLING CODE 4915–00–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. See Exemption of Out-of-Service Rail Lines, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. See 49 CFR 1002.2(f)(25).

DEPARTMENT OF THE TREASURY

Departmental Offices Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork burdens, invites the general public and other Federal agencies to comment on an information collection that is due for revision approval by the Office of Management and Budget. The Office of Program Services within the Department of the Treasury is soliciting comments concerning the Annual Report of Foreign-Residents' Holdings of U.S. Securities, including Selected Money Market Instruments. The next such report is to be conducted as of June 28, 2002.

DATES: Written comments should be received on or before January 8, 2002 to be assured of consideration.

ADDRESSES: Direct all written comments to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems, Department of Treasury, Room 5457 MT, 1500 Pennsylvania Avenue NW., Washington DC 20220.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Dwight Wolkow, Administrator, International Portfolio Investment Data Systems at the above address, or by emailing *dwight.wolkow@do.treas.gov,* or by faxing (202) 622–7448, or by calling (202) 622–1276. The forms and instructions can be viewed in section C of the webpage at: www.treas.gov/tic/forms.htm.

SUPPLEMENTARY INFORMATION:

Title: Treasury Department Form SHLA/SHLB, Foreign-Residents' Holdings of U.S. Securities, including Selected Money Market Instruments.

OMB Number: 1505–0123.

Abstract: These forms are used to conduct annual surveys of holdings by foreign-residents of U.S. securities for portfolio investment purposes. These data are used by the U.S. Government in the formulation of international and financial policies and for the computation of the U.S. balance of payments accounts and the U.S.l international investment position. These data will also be used to provide information to the public and to meet international reporting commitments.

Current Actions: (a) Data will be collected on short-term securities, including selected money market instruments, as well as on long-term securities, (b) The frequency of reporting by the largest U.S.-resident custodians and U.S.-resident issuers of U.S. securities will increase to annual from once every five years. The objective is to gather information annually with a minimum increase in reporting burden and cost to the government. This will be done by: (1) Continuing the benchmark survey (Form SHLB) once every five years, which requires reporting by all significant U.S.-resident custodians and U.S.-resident security issuers; and (2) introducing in non-benchmark years an annual survey (Form SHLA), which will require reports from only the very largest U.S.-resident custodians and issuers. The data requested will be the same in both Form SHLB and Form SHLA. The determination of who must report on the annual reports (SHLA) will be based upon the securities data submitted during the previous benchmark survey. The data collected under the annual reports (SHLA) will be used in conjunction with the results of the previous benchmark survey to compute economy-wide estimates for the non-benchmark years.

Type of Review: Revision of a currently approved data collection.

Affected Public: Business/Financial Institutions.

Forms:

TDF SHLA, Schedule 1 and Schedule 2 (1505–0123);

TDF SHLB, Schedule 1 and Schedule 2 (1505–123)

Estimated Number of Respondents: an annual average (over five years) of 435, but this varies widely from about 2,000 in benchmark years (once every five years) to about 45 in all other years (four out of every five years).

Estimated Average Time per Respondents: an annual average (over five years) of about 68 hours, but this will vary widely from respondent to respondent. (a) In the year of a benchmark survey, which is conducted

once every five years, it is estimated that exempt respondents will require an average of 16 hours; for custodians of securities, the estimate is a total of 176 hours on average, but this figure will vary widely for individual custodians; and for issuers of securities that have data to report and are not custodians, the estimate is 48 hours total. (b) In a non-benchmark year, which occurs four years out of every five years; for the largest custodians of securities, the estimate is a total of 472 hours on average; and for the largest issuers of securities that have data to report and are not custodians, the estimate is 136 hours total.

Estimate Total Annual Burden Hours: an annual average (over five years) of 29,600 hours .

Frequency of Response: Annual.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit written comments concerning: (a) whether the Survey is necessary for the proper performance of the functions of the Office, including whether the information collected has practical uses; (b) the accuracy of the above burden estimates; (c) ways to enhance the quality, usefulness and clarity of the information to be collected; (d) ways to minimize the reporting and/or record keeping burdens on respondents, including the use of information technologies to automate the collection of the data; and (e) estimates of capital or start-up costs of operation, maintenance and purchases of services to provide information.

Dwight Wolkow,

Administrator, International Portfolio Investment Data Systems.

[FR Doc. 01–28116 Filed 11–8–01; 8:45 am]

BILLING CODE 4810–25–M

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01—83]

Annual User Fee for Customs Broker Permit and National Permit; General Notice

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: Notice of due date for broker user fee.

SUMMARY: This is to advise Customs brokers that for 2002 the annual user fee of $125 that is assessed for each permit held by an individual, partnership, association or corporate broker is due by January 18, 2002. This announcement is being published to comply with the Tax Reform Act of 1986.

DATES: Due date for fee: January 18, 2002.

FOR FURTHER INFORMATION CONTACT: Michael S. Craig, Broker Management (202) 927–0380.

SUPPLEMENTARY INFORMATION: Section 13031 of the Consolidated Omnibus Budget Reconciliation Act of 1985 (Pub. L. 99–272) established that an annual user fee of $125 is to be assessed for each Customs broker permit and National permit held by an individual, partnership, association, or corporation. This fee is set forth in the Customs Regulations in section 111.96 (19 CFR 111.96).

Customs Regulations provides that this fee is payable for each calendar year in each broker district where the broker was issued a permit to do business by the due date which will be published in the **Federal Register** annually. Broker districts are defined in the General Notice published in the **Federal Register**, Volume 60, No.187, September 27, 1995.

Section 1893 of the Tax Reform Act of 1986 (Pub. L. 99–514), provides that notices of the date on which a payment is due of the user fee for each broker permit shall be published by the Secretary of Treasury in the **Federal Register** by no later than 60 days before such due date.

This document notifies brokers that for 2002, the due date for payment of the user fee is January 18, 2002. It is expected that annual user fees for brokers for subsequent years will be due on or about the twentieth of January of each year.

Dated: November 6, 2001.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 01–28231 Filed 11–8–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Customs Service

[T.D. 01–82]

Cancellation of Customs Broker License

AGENCY: Customs Service, Department of the Treasury.

ACTION: Customs Broker License Cancellation.

SUMMARY: Pursuant to section 641 of the Tariff Act of 1930, as amended, (19 U.S.C. 1641) and the Customs Regulations (19 CFR 111.51), the following Customs broker license is canceled without prejudice.

Name	License No.	Port name
Davies, Turner & Co	13590	Philadelphia.

Dated: November 6, 2001.

Bonni G. Tischler,

Assistant Commissioner, Office of Field Operations.

[FR Doc. 01–28232 Filed 11–8–01; 8:45 am]

BILLING CODE 4820–02–P

DEPARTMENT OF THE TREASURY

Fiscal Service

Surety Companies Acceptable on Federal Bonds: Surety Bonding Company of America

AGENCY: Financial Management Service, Fiscal Service, Department of the Treasury.

ACTION: Notice.

SUMMARY: This is Supplement No. 9 to the Treasury Department Circular 570; 2001 Revision, published July 2, 2001 at 66 FR 35024.

FOR FURTHER INFORMATION CONTACT: Surety Bond Branch at (202) 874–6765.

SUPPLEMENTARY INFORMATION: A Certificate of Authority as an acceptable survey on Federal bonds is hereby issued to the following Company under 31 U.S.C. 9304 to 9308. Federal bond-approving officers should annotate their

reference copies of the Treasury Circular 570, 2001 Revision, on page 35056 to reflect this addition:

Company Name: Surety Bonding Company of America.

Business Address: P.O. Box 5111, Sioux Falls, South Dakota, 57117–5111.

Phone: (605) 336–0850.

Underwriting Limitation b/: $412,000.

Surety Licenses c/: AZ, AR, CA, DE, GA, ID, IL, IN, KS, MN, MO, MT, NE, NV, NM, NY, ND, OR, SD, TN, TX, UT, WV, WY.

Incorporated In: South Dakota.

Certificates of Authority expire on June 30 each year, unless revoked prior to that date. The Certificates are subject to subsequent annual renewal as long as the companies remain qualified (31 CFR part 223). A list of qualified companies is published annually as of July 1 in Treasury Department Circular 570, with details as to underwriting limitations, areas in which licensed to transact surety business and other information.

The Circular may be viewed and downloaded through the Internet at *http://www.fms.treas.gov/c570/index.html.* A hard copy may be purchased from the Government Printing Office (GPO) Subscription Service, Washington, DC, Telephone (202) 512–1800. When ordering the Circular from GPO, use the following stock number: 769–004–04067–1.

Questions concerning this Notice may be directed to the U.S. Department of the Treasury, Financial Management Service, Financial Accounting and Services Division, Surety Bond Branch, 3700 East-West Highway, Room 6A04, Hyattsville, MD 20782.

Dated: October 30, 2001.

Wanda J. Rogers,

Director, Financial Accounting and Services Division, Financial Management Service.

[FR Doc. 01–28213 Filed 11–8–01; 8:45 am]

BILLING CODE 4810–35–M

Federal Register

Friday,
November 9, 2001

Part II

Office of Personnel Management

5 CFR Part 591

Cost-of-Living Allowances (Nonforeign Areas): Allowance Rate Adjustments; Methodology Changes; Commissary/Exchange Rates; Survey Frequency; Gradual Reductions; Final Rule, Proposed Rule, and Interim Rule

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AJ26 and 3206–AJ15

Cost-of-Living Allowances (Nonforeign Areas); Allowance Rate Adjustments

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is adopting as final two interim regulations regarding nonforeign area cost-of-living allowances (COLAs). OPM is also addressing comments received in response to the publication of the 1998 COLA survey report. The two interim rules implemented increases in the COLA rates paid to certain Federal employees in several of the COLA areas. One interim regulation increased COLA rates paid in Hawaii, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands. These increases were the result of a settlement of litigation regarding nonforeign area COLAs. The second interim regulation increased the local retail COLA rate paid to certain Federal employees in Guam/CNMI. This increase was the result of cost-of-living surveys OPM conducted in the COLA areas in 1998.

DATES: Effective December 10, 2001.

FOR FURTHER INFORMATION CONTACT: Donald L. Paquin, (202) 606–2838; fax: (202) 606–4264; or e-mail: *COLA@opm.gov.*

SUPPLEMENTARY INFORMATION: Section 5941 of title 5, United States Code, authorizes the payment of cost-of-living allowances (COLAs) to employees of the Federal Government stationed in certain nonforeign areas outside the contiguous 48 States whose rates of basic pay are fixed by statute. Executive Order 10000, as amended, delegates to OPM the authority to administer nonforeign area COLAs and prescribes certain operational features of the program.

The Government pays nonforeign area COLAs to General Schedule, U.S. Postal Service, and certain other Federal employees in Alaska, Hawaii, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands. The Office of Personnel Management (OPM) conducts living-cost surveys in each allowance area to determine whether, and to what degree, local living costs are higher than those in the Washington, DC, area. OPM sets the COLA rate for each area based on the results of these surveys. The current COLA rates were set pursuant to the settlement of *Caraballo, et al.* v. *United States*, No. 1997–0027 (D.V.I), August 17, 2000, and became effective in October 2000.

Interim Increases

On October 3, 2000, OPM published an interim rule in the **Federal Register** (65 FR 58901) to increase the COLA rates paid to certain Federal employees in Hawaii, Guam/CNMI, Puerto Rico, and the U.S. Virgin Islands. These rates became effective on the first day of the first pay period beginning on or after October 1, 2000, and are still in effect. The table below shows the increased allowance rates and the places where they apply.

Allowance area	COLA rate (percent)
Hawaii County	16.50
Kauai County	23.25
Maui County	23.75
Puerto Rico	11.50
U.S. Virgin Islands	22.50

The interim rule also increased the commissary/exchange COLA rate for Guam/CNMI. However, OPM is eliminating the commissary/exchange category in a separate document published in this issue of the **Federal Register**. With this change, employees with commissary and exchange purchasing privileges will begin receiving the same COLA rate as other employees in Guam/CNMI.

OPM made these changes pursuant to section 9 and Exhibit C of the stipulation for settlement of *Caraballo et al.* v. *United States,* Civil No. 1997/27 (D.V.I.). The court approved the settlement on August 17, 2000. The settlement prescribed the new COLA rates and required that they be made effective on the first day of the first applicable pay period beginning on or after October 1, 2000. We issued the interim rule with a 30-day comment period, and we received one comment. This comment was from a Federal employee union that endorsed the interim rule.

Guam/CNMI Rate Increase

On July 17, 2000, OPM published an interim regulation for comment in the **Federal Register** (65 FR 44100) to implement a rate increase for the Guam/CNMI COLA area. This increase was the result of cost-of-living surveys OPM conducted in the nonforeign allowance areas in 1998. The interim regulation increased the local retail COLA rate for Guam/CNMI from 22.5 percent to 25 percent. We received no comments on this change, and we are adopting it as final.

Comments on the 1998 Survey Report

OPM also published for comment on July 17, 2000 (65 FR 44103), the complete ''Report on 1998 Surveys Used to Determine Cost-of-Living Allowances in Nonforeign Areas,'' which described the survey process and how OPM derived the new Guam/CNMI rate. We received one written and two verbal responses to our request for comments. One respondent commented on a number of issues as they relate to Anchorage, Alaska. The other respondents commented on the Guam commissary/exchange COLA rate. We discuss these comments below.

Earthquake insurance. One commenter believes OPM should survey the cost of earthquake insurance. The commenter stated that even though we were unable to assign a cost to earthquake insurance and that some employees do not buy it, these circumstances should have no bearing on including such insurance as a necessary cost of living in Anchorage. While our survey notice mentioned some complexities related to determining flood insurance requirements, we did not note these complexities with regard to earthquake insurance. We wrote in the survey notice commentary, however, that less than 10 percent of the population in each allowance area purchases earthquake insurance. We believe this number was insufficient to warrant surveying earthquake insurance, as it did not represent a cost for a large number of Federal employees in the allowance areas.

In future surveys, OPM will use a new methodology we are adopting as a result of the *Caraballo* settlement. *Caraballo* was a class-action lawsuit in which the plaintiffs contested the methodology OPM used to determine COLA rates. The class included all Federal employees who received a COLA from October 1, 1990, through September 30, 2000. Under the new methodology, OPM will use rents and/or a rental equivalence approach to determine shelter costs. The rental equivalence approach compares the rental values of homes. Home insurance is implicit in these values. Therefore, OPM will no longer directly survey any type of homeowner insurance. We will continue to survey renter's insurance, which typically covers loss due to earthquakes.

Medical services. The commenter also believes OPM's survey methodology underestimates the cost and restricted availability of medical services in

Anchorage. In particular, the commenter noted that there are no health maintenance organizations (HMOs) among the Federal providers in Anchorage and that other plans cost more. OPM's averaging of premium costs (see section 6.3.1 of the report) took into consideration the absence of lower-cost HMOs in Anchorage and other areas. The average in Anchorage was higher because it did not include lower-cost HMOs. The average in the Washington, DC, area was lower because it included HMOs and other lower-cost plans. We derived area indexes by comparing the allowance area against the Washington, DC, area; therefore, the index for Anchorage reflects the higher premium costs in that area.

The *Caraballo* settlement provides for special adjustment points to cover factors such as local differences in quantity or quality of goods and services. In future surveys, OPM will add these adjustment points to the COLA index in consideration of factors such as higher out-of-pocket costs associated with obtaining health services.

The commenter also noted that dental care is more expensive in Anchorage. We surveyed costs associated with common dental care services and included these costs in our area comparisons.

Utility costs. The commenter remarked that utility costs are high in Anchorage and that trash removal and recycling are not covered by taxes. We surveyed utility costs (see section 4.2.4.1 of the report) and included these costs in our price comparisons. We did not survey trash removal or recycling, as we have found that the extent to which consumers pay these fees in lieu of higher taxes or utility fees differs significantly by area.

Vehicle operation costs. The commenter believes Anchorage has a high accident rate and that automobile glass loss is common. We surveyed the cost of automobile insurance in the allowance areas (see section 5.2.9 of the report). If accident rates are higher in Alaska than in the Washington, DC, area, and this is reflected in the relative insurance rates, OPM captured this in the living-cost index. Also, the insurance we priced included comprehensive coverage that covers windshield and other automobile glass loss or damage. In the Alaska areas, we also added the cost of the deductible to the annual private transportation costs on the assumption that windshields are replaced frequently.

The commenter also noted that studded tires are a necessity in Anchorage and that most car owners have engine block heaters. We surveyed the prices of studded snow tires in Alaska (see section 5.2.5 of the report) and included the cost of engine block heaters in our survey of new vehicle prices in Alaska (see section 5.2.1 of the report). The commenter also believes that a 98-percent fuel performance factor is not sufficient for estimating auto fuel consumption in Anchorage's cold climate. We applied a 98-percent factor in Anchorage only for the effect of gradient on gas mileage (see section 5.2.3.3 of the report). As table 5–1 of the report shows, the total fuel-performance adjustment for Anchorage was 83 percent.

The commenter also believes the resale value of a vehicle in Anchorage is lower than the *Kelly Blue Book* value. Research conducted for OPM in the past did not indicate that used cars in Anchorage were worth more or less than used cars in the Washington, DC, area. (See section 5.2.7 of the report.) However, the report shows higher depreciation rates in most allowance areas because new car prices were usually higher in the COLA areas than in the Washington, DC, area.

Consumer goods. The commenter noted that many consumer goods must be shipped to Anchorage at high cost or are unavailable in Anchorage. In regard to shipping, we surveyed catalog prices for a number of items and included any additional costs of shipping and excise taxes in the price where applicable. The extent to which fewer goods or services leads to higher costs was reflected in the item prices we collected. Pursuant to the *Caraballo* settlement, OPM will add in future surveys an adjustment factor to the price index in consideration of living-costs associated with the unavailability of goods and services in an allowance area.

The commenter noted high prices for parkas, boots, and a dry suit needed for river recreation. In Alaska and the DC area, we surveyed the price of a man's parka, a woman's coat, and men's and women's boots for our price comparisons. We did not survey dry suits because we believe they are less commonly purchased, particularly in the DC area.

Communication costs. The commenter noted that long distance telephone rates were much higher in Anchorage. We surveyed long distance charges in the allowance areas. (See section 4.2.4.1 of the report.) The commenter also asked whether the survey looked at costs associated with changing email addresses. We did not survey this cost because we believe it is not practical to cover these kinds of less common expenses.

Guam commissary/exchange rate. We received two verbal comments on the Guam commissary/exchange COLA rate. The commenters believe that since OPM was increasing the local retail rate by 2.5 percentage points, OPM also should increase the commissary/exchange rate by 2.5 percentage points. OPM did not increase the commissary/exchange COLA rate because the results of the 1998 survey indicated that no increase was warranted. However, as noted above, OPM subsequently increased the Guam commissary/exchange COLA rate pursuant to the *Caraballo* settlement.

Corrections to the 1998 Survey Report

We discovered two errors in the 1998 survey report, which we discuss below. These errors did not affect the COLA rate for any allowance area.

In section 6 of the report, we erroneously republished Table 6–2 from the 1997 survey report. The correct Table 6–2 follows. We used the correct values in deriving the index, except that we erroneously assigned the St. Croix value in the first column to St. Thomas. Correcting this error resulted in a change in the final index (Appendix 22) for the Virgin Islands from 116.30 to 116.33.

TABLE 6–2.—SUMMARY OF PRIVATE EDUCATION USE FACTORS AND INDEXES

Location	Employees w/children in private schools		Use factor	Price index	Price index w/use factor
	Local area	DC area			
Anchorage	10.34	13.23	0.7816	45.23	35.35
Fairbanks	8.56	13.23	0.6470	31.54	20.41
Juneau	12.43	13.23	0.9395	41.70	39.18
Nome	8.08	13.23	0.6107	28.55	17.44

TABLE 6–2.—SUMMARY OF PRIVATE EDUCATION USE FACTORS AND INDEXES—Continued

Location	Employees w/children in private schools		Use factor	Price index	Price index w/use factor
	Local area	DC area			
Honolulu	26.86	13.23	2.0302	87.25	177.14
Hilo*	18.94	13.23	1.4316	121.25	173.58
Kona*	18.94	13.23	1.4316	94.45	135.21
Kauai	22.46	13.23	1.6977	77.92	132.28
Maui	20.39	13.23	1.5412	47.62	73.39
Guam	42.26	13.23	3.1943	75.80	242.12
Puerto Rico	54.33	13.23	4.1066	51.46	211.32
St. Croix	57.27	13.23	4.3288	56.78	245.79
St. Thomas	51.90	13.23	3.9229	63.30	248.32

* Use data available only for Hawaii County.

In appendix 14, we erroneously listed ''0'' as the value for Chevrolet Blazer tires in Honolulu. The correct value is 129. This correction changed the final index for Honolulu in Appendix 22 from 124.51 to 124.61.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

Kay Coles James,

Director.

PART 591—ALLOWANCES AND DIFFERENTIALS

Accordingly, under the authority of 5 U.S.C. 5941, E.O. 10000 (3 CFR, 1943–1948 Comp., p. 792), and E.O. 12510 (3 CFR, 1985 Comp., p. 338), OPM is adopting the interim rules for 5 CFR part 591 published on July 17, 2000, at 65 FR 44100, and on October 3, 2000, at 65 FR 58901, as final without change.

[FR Doc. 01–28056 Filed 11–8–01; 8:45 am]

BILLING CODE 6325–39–P

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AJ41

Cost-of-Living Allowances (Nonforeign Areas); Methodology Changes

AGENCY: Office of Personnel Management.

ACTION: Proposed rule.

SUMMARY: The Office of Personnel Management (OPM) is proposing wide-ranging changes in the methodology used to determine nonforeign area cost-of-living allowances (COLAs). OPM is proposing these changes pursuant to the settlement of litigation regarding the COLA program. For clarity and ease of use, OPM has written the proposed regulations in a question-and-answer format.

DATES: *Comment date:* Submit comments on or before January 8, 2002.

ADDRESSES: Send or deliver written comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200; fax: (202) 606–4264; or e-mail: *COLA@opm.gov.*

FOR FURTHER INFORMATION CONTACT: Donald L. Paquin, (202) 606–2838; fax: (202) 606–4264; or e-mail: *COLA@opm.gov.*

SUPPLEMENTARY INFORMATION: Section 5941 of title 5, United States Code, authorizes the payment of cost-of-living allowances (COLAs) to employees of the Federal Government stationed in certain nonforeign areas outside the contiguous 48 States whose rates of basic pay are fixed by statute. Executive Order 10000, as amended, delegates to OPM the authority to administer nonforeign area COLAs and prescribes certain operational features of the program.

The Government pays nonforeign area COLAs to General Schedule, U.S. Postal Service, and certain other Federal employees in Alaska, Hawaii, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands. The Office of Personnel Management (OPM) conducts living-cost surveys in each allowance area to determine whether, and to what degree, local living costs are higher than those in the Washington, DC area. OPM sets the COLA rate for each area based on the results of these surveys. The current COLA rates were set pursuant to the settlement of *Caraballo, et al.* v. *United States,* No. 1997–0027 (D.V.I), August 17, 2000, and became effective in October 2000.

Settlement Agreement

Caraballo was a class-action lawsuit in which the plaintiffs contested the methodology OPM used to determine COLA rates. In the *Caraballo* settlement, the plaintiffs agreed that if the Government adopted and maintained certain changes in the COLA program, the plaintiffs would be forever barred from bringing suit over these issues. Exhibit A of the settlement agreement enumerates 26 ''Safe Harbor Principles'' that outline the changes to which the parties agreed. (The settlement agreement is available on OPM's website at www.opm.gov/oca/cola.) To implement these changes, amendments to Executive Order 10000 and OPM's regulations were and are necessary.

E.O. 10000 Amendments

On April 5, 2001, the President signed E.O. 13207 (published on April 9, 2001, at 66 FR 18399) to amend E.O. 10000 to conform to several provisions of the *Caraballo* settlement. The amendments to E.O. 10000 (1) removed the requirement that OPM establish separate COLA rates for employees who have commissary and exchange shopping privileges; (2) allowed OPM to conduct COLA surveys less frequently; and (3) allowed OPM to reduce COLA rates gradually if warranted by the implementation of the methodology. OPM is publishing an interim rule elsewhere in this issue of the **Federal Register** to make corresponding changes in the nonforeign area COLA regulations.

OPM Regulation Changes

The parties agreed to modify significantly the current COLA methodology. Because of the extent of these changes, it is necessary to rewrite completely the COLA regulations. This also gives us the opportunity to improve the clarity of the regulations by adopting a question-and-answer format. In addition, although the post differential portion of the regulations was not affected by the settlement, we are revising the post differential provisions in subpart B of part 591, title 5, Code of Federal Regulations, as well.

OPM consulted with representatives of the *Caraballo* plaintiffs throughout the development of these proposed regulations. We have set out the full text of the proposed regulations at the end of this document for review and comment. The following summary briefly describes the new methodology as set out in the settlement agreement:

COLA Surveys. OPM sets COLA rates based on relative differences in prices plus an adjustment factor. OPM determines relative differences in prices by surveying the prices of goods and services in the categories of food, shelter and utilities, household furnishings and supplies, clothing, transportation, medical, recreation and education, and miscellaneous. To the extent practical, OPM surveys the prices of the same brands, models, sizes, and types of items in the same kinds of outlets in the COLA areas and in the Washington, DC, area. OPM surveys the final price charged to the consumer in effect at the time of the survey. Thus, OPM surveys both sale prices (if the item is on sale at the time of the survey) and regular prices, plus any sales or excise tax and shipping and handling charges (if applicable) that are added to the price.

Survey Timing. Except for the ''Rest of the State of Alaska'' COLA area, OPM conducts the surveys in the COLA areas on a rotational basis once every 3 years and in the Washington, DC, area, which is the reference area, once every year. OPM plans to conduct the first COLA surveys under the new methodology in Puerto Rico, the U.S. Virgin Islands, and the Washington, DC, area in the summer of 2002. In the late spring of 2003, OPM plans to conduct surveys in Alaska and the DC area, and in the spring of 2004, OPM plans to conduct surveys in Hawaii, Guam, and the Washington, DC area. Thereafter, OPM plans to conduct COLA surveys following the same rotation in the spring of each year.

Rest of the State of Alaska. Instead of conducting surveys in the ''Rest of the State of Alaska'' allowance area, OPM uses one or more alternative sources of living-cost information, such as that published by the University of Alaska, Alaska Cooperative Extension. These data show prices for various locations in the Rest of the State of Alaska COLA area relative to Anchorage, AK. OPM uses these data along with the Anchorage COLA price index to compute a price index for the Rest of the State of Alaska allowance area. If, however, the use of such an alternative otherwise would result in a COLA rate reduction, OPM will first conduct an onsite survey in one or more locations in the Rest of the State of Alaska allowance area and publish the results before making any COLA rate reduction, if warranted.

Computing Shelter Costs. To compute relative shelter costs, OPM surveys the prices of rental units and, to the extent practical, the ''rental equivalence'' of owner-occupied units in the COLA areas and the Washington, DC, area. ''Rental equivalence'' is what an owner-

occupied dwelling would rent for if it were available for rent, and the approach OPM uses is similar to the one the Bureau of Labor Statistics uses to calculate the Consumer Price Index (CPI).

In addition to collecting the rental rate or the rental estimate, OPM also collects information about the characteristics of the dwelling, e.g., room count, size, location, and other qualitative factors about the home. OPM uses this information along with a form of multiple regression called ''hedonic regression'' to control for differences in quality of the dwellings across areas and allow the comparison of shelter costs of equivalent qualities of shelter. OPM compares these costs to derive a shelter index that is used in the same manner as other price indexes in the COLA methodology.

Utility Function. OPM uses a model to compute the energy requirements for a standard home in each area. The standard home is equivalent in size and other key characteristics between the COLA area and the Washington, DC, area, but is constructed according to the current building codes in each area. OPM combines the energy requirements by type (i.e., oil, gas, and electricity) with the price of the energy type to derive an annual utility cost for each area. OPM compares these costs to derive a utility index that is used in the same manner as other price indexes in the COLA methodology.

Consumer Expenditure Weights. For each item priced in both the COLA area and the Washington, DC, area, OPM computes a price index. We combine these price indexes into an overall price index by using expenditure weights derived from the Bureau of Labor Statistics Consumer Expenditure Survey (CES). OPM uses expenditure weights that reflect average spending patterns of households in the central income groups as reported in tabulated CES data. These expenditure weights, which approximate democratic weights, are adjusted to reflect the expenditure patterns of consumers in the Washington, DC, area.

CPI Adjustments. In between the triennial COLA surveys and for each area not surveyed during the year, OPM adjusts the price index from the preceding survey by the relative change in the CPI for the COLA area compared to the relative change in the CPI for the Washington, DC, area. OPM uses the change in the Puerto Rico CPI for both Puerto Rico and the U.S. Virgin Islands, the change in the Anchorage CPI for all Alaska COLA areas, and the change in the Honolulu CPI for all areas in Hawaii and for Guam and the CNMI.

Adjustment Factors. To account for differences in need, availability of and access to goods and services, and quality of life between the COLA areas and the Washington, DC, area, OPM adds to the price index an adjustment factor before computing the final living-cost index. The adjustment factors range from 5 to 9 index points, depending on the area. These adjustments are being established pursuant to the Caraballo settlement and are not subject to change with the results of the surveys.

Setting the Final COLA Rate. OPM computes the COLA rate by converting the living-cost index to its percentage equivalent and rounding that to the nearest whole percentage amount. This is the new COLA rate for the area, unless the new rate would otherwise be more than 1 percentage point lower than the existing COLA rate. In that case, the new COLA rate is not more than 1 percentage point lower than the existing COLA rate.

Agency and Employee Involvement. To advise OPM in planning, conducting, and analyzing the results of the COLA surveys and administering the COLA program, OPM establishes a COLA Advisory Committee in each survey area. The committees are composed of representatives of agencies and employees in the COLA survey areas and OPM representatives. Each Executive agency must cooperate and release employees for committee activities unless the agency can demonstrate that exceptional circumstances require an employee's presence on the job. Agencies will reimburse employees for authorized travel expenses. OPM anticipates that all travel will be local travel.

Post Differentials. The *Caraballo* settlement did not address the post differential program. Although OPM has also rewritten the post differential regulations in a question-and-answer format, the operation of this program is unchanged. However, OPM is proposing to clarify the portion of the post differential regulations that addresses prior residents of a differential area. The current regulations, if read outside the context of E.O. 10000, could lead the reader to conclude that, with few exceptions, all prior residents of a post differential area were forever ineligible to receive a post differential. E.O. 10000, however, provides that, in determining eligibility, agencies may consider the length of time employees resided outside the differential area. In the proposed regulations, we clarify that prior residents of a post differential area, who have resided outside the area for an appropriate period of time, may be eligible to receive a post differential.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations would not have a significant economic impact on a substantial number of small entities because they would affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, the Office of Personnel Management is proposing to receive subpart B of 5 CFR Part 91 to read as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

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591.201 Definitions

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Appendix A of Subpart B—Places and Rates at Which Allowances Are Paid
Appendix B of Subpart B—Places and Rates at Which Differentials Are Paid

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; and E.O. 12510, 3 CFR, 1985 Comp., p. 338.

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

§ 591.201 Definitions.

In this subpart—

Agency means an Executive agency as defined in section 105 of title 5, United States Code, but does not include Government-controlled corporations.

Bureau of Labor Statistics (BLS) means the Bureau of Labor Statistics of the Department of Labor.

Commonwealth of the Northern Mariana Islands (CNMI) means the Commonwealth of the Northern Mariana Islands, which is part of the Guam/CNMI COLA area.

Consumer Expenditure Survey (CES) means the BLS survey of consumers and their expenditures.

Consumer Price Index (CPI) means the BLS survey of the change of consumer prices over time.

Cost-of-living allowance (COLA) means an allowance that the Office of Personnel Management (OPM) establishes under 5 U.S.C. 5941 at a location in a nonforeign area where living costs are substantially higher than in the Washington, DC area.

Cost-of-living allowance area means a geographic area for which OPM has authorized a COLA. COLA areas are listed in § 591.207.

Detailed Expenditure Category (DEC) means the lowest level of expenditure shown in tabulated nationwide CES data.

Major Expenditure Group (MEG) means one of the nine major groups into which OPM categorizes expenditures. These categories are food, shelter and utilities, clothing, transportation, household furnishings and supplies, medical, education and communication, recreation, and miscellaneous.

Nonforeign area means one of the areas listed in § 591.205.

Office of Personnel Management (OPM) means the Office of Personnel Management.

Official duty station means the duty station for an employee's position of record as indicated on his or her most recent notification of personnel action. For an employee who is authorized to receive relocation allowances under 5 U.S.C. 5737 in connection with an extended assignment, the temporary duty station associated with that assignment is the employee's official duty station. Exception: A new duty station assignment that is followed within 3 working days by a reduction in force that results in the employee's separation before the employee is required to report for duty at the new location is not an official duty station.

Post differential means an allowance OPM establishes under 5 U.S.C. 5941 at a location in a nonforeign area where conditions of environment differ substantially from conditions of environment in the contiguous United States and warrant its payment as a recruitment incentive.

Post differential area means a geographic area for which OPM authorizes a post differential. Post differential areas are listed in § 591.231.

Primary Expenditure Group (PEG) means one of approximately 40 expenditure groups into which OPM categorizes expenditures. A PEG is the first level of categorization under the MEG.

Rate of basic pay means the rate of pay fixed by statute for the position held by an individual before any deductions and exclusive of additional pay of any kind, such as overtime pay, night differential, extra pay for work on holidays, or other allowances and differentials. For firefighters covered by 5 U.S.C. 5545b (as provided in § 550.1305(b) of this chapter), straight-time pay for regular overtime hours is basic pay.

Washington, DC, area or DC area means the District of Columbia; Montgomery County, MD; Prince Georges County, MD; Arlington County, VA; Fairfax County, VA; Prince William County, VA; and the independent cities of Alexandria, Fairfax, Falls Church, Manassas, and Manassas Park, Virginia.

Cost-of-Living Allowances and Post Differentials

§ 591.202 Why does the Government pay COLAs?

The Government pays COLAs as additional compensation to certain civilian Federal employees in specified nonforeign areas in consideration of higher living costs in the local area compared with living costs in the Washington, DC, area.

§ 591.203 Why does the Government pay post differentials?

The Government pays post differentials to certain civilian Federal employees in specified nonforeign areas as a recruitment incentive based on conditions of environment in the local area compared with conditions in the continental United States. Post differentials are designed to attract persons from outside the area to work for the Federal Government in the post differential area.

§ 591.204 Who can receive COLAs and post differentials?

(a) Agencies pay COLAs and post differentials authorized under this subpart to civilian Federal employees whose rates of basic pay are fixed by statute. The following pay plans are covered by this subpart:

(1) General Schedule,

(2) Veterans Health Administration (Department of Veterans Affairs),

(3) Foreign Service (including the Senior Foreign Service),

(4) Postal Service (where applicable under title 39, United States Code),

(5) Administrative law judges paid under 5 U.S.C. 5372,

(6) Senior Executive Service (including the Federal Bureau of Investigation and Drug Enforcement Administration Senior Executive Service), and

(7) Senior-level and scientific or professional positions paid under 5 U.S.C. 5376.

(b) At its sole discretion and consistent with the intent of 5 U.S.C. 5941, an agency may apply this subpart to other positions authorized by specific law.

(c) Agencies pay COLAs to employees covered by paragraphs (a) or (b) of this section and whose official duty station is in a COLA area as defined in § 591.207.

(d) Agencies pay post differentials to employees covered by paragraphs (a) or (b) of this section whose official duty station or detail to temporary duty is in a post differential area as defined in § 591.231 and who are eligible to receive a post differential under § 591.233.

§ 591.205 Which areas are nonforeign areas?

(a) The nonforeign areas are States, commonwealths, territories, and possessions of the United States outside the 48 contiguous United States and any additional areas the Secretary of State designates as being within the scope of Part II of Executive Order 10000, as amended.

(b) The following areas are nonforeign areas:

(1) State of Alaska;

(2) State of Hawaii;

(3) American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171 degrees west of Greenwich, together with Swains Island);

(4) Commonwealth of Puerto Rico;

(5) Commonwealth of the Northern Mariana Islands;

(6) Howland, Baker, and Jarvis Islands;

(7) Johnston Atoll;

(8) Kingman Reef;

(9) Midway Atoll;

(10) Navassaa Island;

(11) Palmyra Atoll;

(12) Territory of Guam;

(13) United States Virgin Islands;

(14) Wake Atoll;

(15) Any small guano islands, rocks, or keys that, in pursuance of action taken under the Act of Congress, August 18, 1856, are considered as pertaining to the United States; and

(16) Any other islands outside of the contiguous 48 states to which the U.S. Government reserves claim.

Cost-of-Living Allowances

§ 591.206 How does OPM establish COLA areas?

(a) OPM designates, within nonforeign areas, areas where agencies pay employees a COLA by virtue of living costs that are substantially higher than those in the Washington, DC, area. In establishing the boundaries of COLA areas, OPM considers—

(1) The existence of a well-defined economic community,

(2) The availability of consumer goods and services,

(3) The concentration of Federal employees covered by this subpart, and

(4) Unique circumstances related to a specific location.

(b) If a department or agency wants OPM to consider establishing or revising the definition of a COLA area, the head of the department or agency or his or her designee must submit a request in writing to OPM.

§ 591.207 Which areas are COLA areas?

OPM has established the following COLA areas:

(a) City of Anchorage, AK, and 80-kilometer (50-mile) radius by road, as measured from the Federal courthouse;

(b) City of Fairbanks, AK, and 80-kilometer (50-mile) radius by road, as measured from the Federal courthouse;

(c) City of Juneau, AK, and 80-kilometer (50-mile) radius by road, as measured from the Federal courthouse;

(d) Rest of the State of Alaska;

(e) City and County of Honolulu, HI;

(f) County of Hawaii, HI;

(g) County of Kauai, HI;

(h) County of Maui (including Kalawao County), HI;

(i) Commonwealth of Puerto Rico;

(j) Territory of Guam and Commonwealth of the Northern Mariana Islands; and

(k) U.S. Virgin Islands.

§ 591.208 How does OPM establish COLA rates?

OPM establishes COLA rates based on price differences between the COLA area and the Washington, DC, area, plus an adjustment factor. OPM expresses price differences as indexes.

(a) OPM computes price indexes for various categories of consumer expenditures.

(b) OPM combines the price indexes using consumer expenditure weights to produce an overall price index for the COLA area.

(c) To combine overall price indexes for COLA areas with multiple survey areas, OPM uses employment weights to combine overall price indexes by survey area for COLA areas. The COLA areas that have multiple survey areas are listed in § 591.215(b).

(d) OPM adds an adjustment factor to the overall price index for the COLA area.

§ 591.209 What is a price index?

(a) The price index is the COLA area price divided by the DC area price and multiplied by 100.

(b) Example:

COLA Area Average Price for Item A = $1.233

DC Area Average Price for Item A = $1.164

Computation:

$1.233/$1.164 = 1.0592783

1.0592783 × 100 = 105.92783.

(c) In the case of the final index, OPM rounds the index to two decimal places.

§ 591.210 What are weights?

(a) A weight is the relative importance or share of a subpart of a group compared with the total for the group. A weight is frequently expressed as a percentage. For example, in a pie chart, each wedge has a percentage that represents its relative importance or the size of the wedge compared with the whole pie.

(b) OPM uses two kinds of weights: consumer expenditure weights and employment weights.

(1) *Consumer expenditure weights.* The consumer expenditure weight for a category is the relative importance or share of that category in terms of total consumer expenditures. OPM derives consumer expenditure weights from the tabulated results of the Bureau of Labor Statistics (BLS) Consumer Expenditure Survey (CES).

(2) *Employment weights.* The employment weight is the relative employment population of the survey area compared with the employment population of the COLA areas as a whole. OPM uses the number of General Schedule employees in the survey areas to compute employment weights. OPM uses these employment weights as described in § 591.215(b).

§ 591.211 What are the categories of consumer expenditures?

OPM uses three different types of categories: major expenditure groups, primary expenditure groups, and detailed expenditure categories.

(a) *Major expenditure groups.* OPM groups expenditures into nine major expenditure groups (MEGs). These categories are food, shelter and utilities, clothing, transportation, household furnishings and supplies, medical, education and communication, recreation, and miscellaneous.

(b) *Primary expenditure groups.* OPM identifies primary expenditure groups

(PEGs) within each of the MEGs. There are approximately 40 PEGs.

(c) *Detailed expenditure categories.* OPM uses the most detailed level of tabulated CES categories and identifies these as detailed expenditure categories (DECs). OPM classifies each DEC into one of the PEGs to aggregate DECs with similar demand and cost characteristics into PEGs. Alternatively, OPM may remove the DEC entirely from the list of expenditures. Therefore, the classification of the DECs into PEGs and sub-PEGs does not necessarily follow that used in published CES tables.

§ 591.212 How does OPM select survey items?

(a) OPM selects a sufficient number of items to represent PEGs and reduce overall price index variability. In selecting these items, OPM applies the following guidelines. The item should be—

(1) Relatively important (i.e., represent a DEC with a relatively large weight) within the PEG;

(2) Relatively easy to find in both COLA and DC areas;

(3) Relatively common, i.e., what people typically buy;

(4) Relatively stable over time, e.g., not a fad item; and

(5) Subject to similar supply and demand functions.

(b) To the extent practical, the items OPM surveys in the COLA area must be identical to the items that OPM surveys in the DC area or be of closely similar quality and quantity, with quantity adjustments as necessary. An example of a quantity adjustment is converting prices for 10 and 12 oz. packages to a price per pound.

(c) For any DEC, OPM may specify items that differ in quality and quantity from other items specified for the same DEC. However, when OPM compares prices for such items between the COLA area and the DC area, OPM compares prices of like products.

§ 591.213 What prices does OPM collect?

(a) OPM surveys the price charged to the consumer at the time of the survey. The price includes any sales, excise, or general business tax passed on to the consumer at the time of sale and any discounts, mark-downs, or ''sales'' in progress at the time the price was collected.

(b) Exceptions:

(1) OPM does not collect coupon prices, going-out-of-business prices, or area-wide distress sale prices.

(2) OPM prices automobiles at dealers and obtains the sticker (i.e. non-negotiated) price for the model and specified options. The prices are the manufacturer's suggested retail price (including options), destination charges, additional shipping charges, appropriate dealer-added items or options, dealer mark-up, and taxes.

(3) OPM estimates prices for selected items, such as health insurance and K–12 education, based on employee usage of the item. For example, OPM estimates health insurance prices based on the employee's share of the premium costs and weights reflecting Federal enrollment, as reported in OPM's Central Personnel Data File, in the various plans available to Federal employees in each area.

§ 591.214 How does OPM collect prices?

(a) OPM collects most prices by visiting or calling retail outlets in each survey area and observing or verbally obtaining the item prices.

(b) OPM prices some items by catalog, Internet, or a similar source. Other items, not normally sold within an area, may be priced in a different area. In either case, the price of such items includes any applicable taxes, shipping, and handling charges. When an item is normally sold within an area but is not available at the time of survey, OPM may, on a case-by-case basis, use the price of the item in a neighboring survey or COLA area.

§ 591.215 Where does OPM collect prices in the COLA and DC areas?

(a) *Survey areas.* Each COLA area has one survey area, except Hawaii County, HI, and the U.S. Virgin Islands COLA areas. Hawaii County has two survey areas: the City of Hilo and the Kailua-Kona area. The U.S. Virgin Islands also has two survey areas: the Island of St. Croix and the Islands of St. Thomas and St. John. The Washington, DC, area has three survey areas: the District of Columbia, the Maryland suburbs of the District of Columbia, and the Virginia suburbs of the District of Columbia. OPM collects non-housing data throughout the survey area. OPM may collect housing data throughout the survey area or in specific housing data collection areas. The following table shows the survey areas:

SURVEY AND DATA COLLECTION AREAS

COLA areas and reference areas	Survey area
Anchorage	City of Anchorage.
Fairbanks	City of Fairbanks.
Juneau	Juneau, Mendenhall
Rest of Alaska	See paragraph (c) of this section.
Honolulu	City and County of Honolulu.
Hawaii County	City of Hilo, Kailua-Kona area.
Kauai	Kauai Island.
Maui	Maui Island.
Guam & CNMI	Guam.
Puerto Rico	San Juan area.
U.S. Virgin Islands	St. Croix, St. Thomas, St. John (housing data only).
Washington, DC—DC	District of Columbia.
Washington, DC—MD	Montgomery County and Prince Georges County.
Washington, DC—VA	Arlington County, Fairfax County, Prince William County, City of Alexandria, City of Fairfax, City of Falls Church, City of Manassas, and City of Manassas Park.

(b) *Hawaii County and the U.S. Virgin Islands.* In both Hawaii County and the U.S. Virgin Islands, OPM averages the overall indexes from the two survey areas using Federal employment weights. For the Washington, DC, area, OPM averages the indexes from the three survey areas using equal weights.

(c) *Rest of the State of Alaska COLA area.* OPM may collect survey data onsite, use alternative indicators of relative living costs (e.g., price and cost information published by the University of Alaska), or both. If the use of alternative indicators would result in a COLA rate reduction, OPM will conduct onsite surveys in one or more locations in the Rest of the State of Alaska COLA

area, before making a reduction, to ensure that the reduction is warranted.

§ 591.216 In which outlets does OPM collect prices?

OPM collects prices in popular outlets in each survey area. OPM selects these outlets based on their proximity to the housing data collection areas, accessibility by road, physical size, advertising, and other characteristics that reflect sales volume. To the extent practical, OPM prices like items in the same types of outlets in the COLA areas and the Washington, DC, area. As warranted, OPM also may conduct point-of-purchase surveys and select outlets based on the results of those surveys.

§ 591.217 For what purposes might OPM survey COLA recipients and other Federal employees?

From time to time, OPM may conduct surveys of Federal employees in the COLA areas and/or the Washington, DC, area to determine where employees shop and what they spend on certain goods or services and to collect other information related to the price surveys and the calculation of price indexes.

§ 591.218 How does OPM compute price indexes?

Except for shelter and energy utilities, OPM averages by item the prices collected in each survey area. For the Washington, DC, area, OPM computes a simple average for each item based on the average prices from each DC survey area. On an item-by-item basis, OPM divides the COLA survey area average price by the DC average price and produces a price index.

§ 591.219 How does OPM compute shelter price indexes?

(a) In addition to rental and rental equivalence prices and/or estimates, OPM obtains for each unit surveyed information about the important characteristics of the unit, such as size, number of bathrooms, and other amenities that reflect the quality of the unit.

(b) OPM then uses these characteristics and rental prices and/or estimates in hedonic regressions (a type of multiple regression) to compute for each COLA area the price index for rental and/or rental equivalent units of comparable quality and size between the COLA survey area and the Washington, DC area.

§ 591.220 How does OPM calculate energy utility cost indexes?

(a) OPM calculates energy utility cost indexes based on the relative cost of maintaining a standard size dwelling in each area at a given ambient temperature and the cost of other energy uses. Although the dwelling size may vary from one COLA survey area to another, OPM compares the utility cost for the same size dwelling in the COLA survey area and the Washington, DC area.

(b) OPM applies the following six-step process to compute a cost index(es) for heating and cooling a standard home to a given ambient temperature and to combine the cost index(es) by energy type (e.g., electricity and natural gas) with cost indexes for other energy uses.

(1) *Step 1.* OPM obtains technical information about the requirements by major energy type for heating and cooling a standard size dwelling, built according to current local building practices and codes in each area, given local climatic conditions (e.g., seasonal temperature and humidity). OPM also obtains similar information for use of energy types in other household operations (e.g., hot water, cooking, cleaning, recreation).

(2) *Step 2.* OPM obtains from the shelter survey, a survey of Federal employees, or other appropriate sources, information on dwelling size and the types and prevalence of heating and cooling equipment and energy types (e.g., electricity, gas, and oil) in each area.

(3) *Step 3.* OPM computes estimates of total home energy requirements by energy type attributable to heating and cooling plus all other household energy uses for the COLA survey area and the Washington, DC area.

(4) *Step 4.* OPM surveys utility prices for each major energy type appropriate to the area.

(5) *Step 5.* OPM combines the above data to produce for each COLA survey area the cost of maintaining the standard size dwelling at a given ambient temperature and the cost of other household energy uses.

(6) *Step 6.* OPM compares the COLA survey area cost with the DC area cost to produce a price index.

§ 591.221 How does OPM compute the consumer expenditure weights it uses to combine price indexes?

OPM uses the following ten-step process to compute consumer expenditure weights:

(a) *Step 1.* OPM uses the latest BLS tabulated CES data nationwide and for the Washington, DC, area.

(b) *Step 2.* In both the nationwide and DC area tabulated data, OPM replaces the homeowners' expenditures for shelter with estimated rental values of owned homes that are available elsewhere in tabulated CES data. These replacements are consistent with the rental equivalence approach OPM uses in the COLA model.

(c) *Step 3.* OPM selects the expenditures for the central income groups in the nationwide CES tabulation.

(d) *Step 4.* OPM calculates the expenditure shares for each income group by dividing each DEC or aggregate expenditure by total expenditures. OPM also calculates expenditure shares for total nationwide expenditures.

(e) *Step 5.* OPM averages the central income groups' shares to yield a nationwide ''democratic'' distribution of expenditure shares at the lowest level of expenditure and aggregates up to total expenditure.

(f) *Step 6.* OPM computes a set of ratios by dividing each expenditure share of the nationwide ''democratic'' distribution by the corresponding expenditure share of the total national distribution.

(g) *Step 7.* OPM computes estimated democratic expenditures for Washington DC for each reported DC aggregate by multiplying the reported expenditure by the corresponding ratio derived in Step 6.

(h) *Step 8.* For each DEC and aggregate not provided in the tabulated CES for DC, OPM computes expenditures for DC by distributing the next higher available DC expenditure calculated in step 7 using the nationwide ''democratic'' patterns derived in step 5.

(i) *Step 9.* As described in § 591.211(c), OPM classifies each DEC and aggregate into PEGs.

(j) *Step 10.* OPM computes expenditure weights by dividing each DEC or aggregate by the total expenditure derived from the DC expenditure computed in step 8. Therefore, the sum of the MEGs, PEGs, and DECs, will separately total 100, i.e., so that all consumer expenditures in the original tabulation are accounted for.

§ 591.222 How does OPM use the expenditure weights to combine price indexes?

OPM uses a three-step process to combine price indexes.

(a) *Step 1.* For each DEC represented by one or more items for which OPM could make valid price comparisons (e.g., OPM was able to collect representative prices in both the COLA and DC areas), OPM computes the unweighted geometric average of the price index(es) of all item(s) representing the DEC.

(b) *Step 2.* OPM multiplies the price index for each DEC by its expenditure weight, sums the cross products, and

divides by the sum of the weights used in the calculation. This produces a price index for the level of aggregation (e.g., PEG or sub-PEG) in which the DEC is categorized.

(c) *Step 3.* OPM repeats the process described in Step 2 at each level of aggregation within the PEG to produce a price index for the PEG, at the PEG level to produce an index for the MEG, and at the MEG level to produce the overall price index for the survey area.

§ 591.223 When does OPM conduct COLA surveys?

(a) OPM conducts a survey in each COLA area once every 3 years on a rotational basis and surveys the Washington, DC, area concurrently with each COLA area survey. The order of the COLA area surveys is as follows:

(1) *Year 1.* All COLA areas in the Commonwealth of Puerto Rico and the U.S. Virgin Islands.

(2) *Year 2.* All COLA areas in the State of Alaska, except as provided in paragraph (b)(2) of this section.

(3) *Year 3.* All COLA areas in the State of Hawaii and the Territory of Guam and CNMI.

(b) *Exceptions:*

(1) Nothing in this subpart precludes OPM from conducting interim surveys or implementing some other change in response to conditions caused by a natural disaster or similar emergency, provided OPM publishes a notice or rule in the **Federal Register** explaining the change and the reason(s) for it.

(2) As provided in § 591.215(c), OPM does not conduct surveys in the Rest of the State of Alaska COLA area unless COLA rate reductions appear warranted.

§ 591.224 How does OPM adjust price indexes between surveys?

(a) OPM adjusts price indexes between the triennial surveys in each COLA area that is not surveyed in that year. To do this, OPM uses the annual or biennial change in the Consumer Price Index (CPI) for the COLA area relative to the annual or biennial change in the CPI for the Washington, DC, area. OPM uses the annual change for those areas surveyed the preceding year. OPM uses the biennial change for those areas surveyed 2 years before.

(b) This section applies beginning with the effective date of the results of the second survey conducted in Puerto Rico and the U.S. Virgin Islands under these regulations.

§ 591.225 Which CPIs does OPM use?

OPM uses the following CPIs:

(a) For the Washington, DC, area—the BLS Consumer Price Index, All Urban Consumers (CPI–U);

(b) For all COLA areas in the State of Alaska—the BLS CPI–U for Anchorage, AK;

(c) For all COLA areas in the State of Hawaii and for Guam and the CNMI—the BLS CPI–U for Honolulu, HI; and

(d) For Puerto Rico and the U.S. Virgin Islands—the Puerto Rico CPI as produced by the Puerto Rico Department of Work and Human Resources.

§ 591.226 How does OPM apply the CPIs?

(a) OPM uses a three-step process to adjust price indexes by relative annual or biennial changes in the CPIs. For Steps 1 and 2, OPM computes the annual change by dividing the CPI from 1 year after the survey by the CPI from the time of the survey. OPM computes the biennial change by dividing the CPI from 2 years after the survey by the CPI from the time of the survey.

(1) *Step 1.* OPM computes the annual or biennial CPI change for the COLA area.

(2) *Step 2.* OPM computes the annual or biennial CPI change for the DC area.

(3) *Step 3.* OPM multiplies the COLA area price index from the last survey by the COLA area CPI change computed in Step 1 divided by the DC area CPI change computed in Step 2. The adjusted price index is rounded to the second decimal place.

(b) *Example:*

	2008	2009
COLA Area CPI	172.2	174.7
DC Area CPI	159.7	161.9
COLA Area Survey Index	117.33	[1]
COLA Area CPI Adjusted Index	N/A	117.42

[1] No survey.

Computation:

117.33 × (174.7/172.2) / (161.9/159.7) = 117.4159, which would round to 117.42.

§ 591.227 What adjustment factors does OPM add to the price indexes?

OPM adds to the price index an adjustment factor that reflects differences iin the COLA area relative to the DC area. The following table shows the adjustment factor for each area:

COLA area	Amount added to the price index
Anchorage, AK	7.0
Fairbanks, AK	9.0
Juneau, AK	9.0
Rest of the State of Alaska	9.0
City and County of Honolulu, HI	5.0
Hawaii County, HI	7.0
Kauai County, HI	7.0
Maui County, HI	7.0
Guam and CNMI	9.0
Commonwealth of Puerto Rico	7.0
U.S. Virgin Islands	9.0

§ 591.228 How does OPM convert the price index plus adjustment factor to a COLA rate?

(a) OPM converts the price index plus the adjustment factor to a COLA rate as shown in the following table:

Price index plus adjustment factor	COLA rate subject to paragraph (b) of this section
Equal to or greater than 124.50	25 percent.
Equal to or greater than 102.00 but less than 124.50	Price index plus the adjustment factor, minus 100, expressed to the nearest whole percent.
Less than 102.00	0 percent.

(b) This section is applicable on an area-by-area basis beginning with the effective date of the results of the first survey conducted in each area.

(c) OPM may reduce the COLA rate in any area by no more than 1 percentage point in any 12-month period. Any reductions cannot be effective until the effective date of the first survey conducted in Hawaii and Guam and CNMI under these regulations.

§ 591.229 How does OPM inform agencies and employees of COLA rate changes?

OPM publishes COLA area survey summary reports, MEG and PEG indexes, and COLA rates in the **Federal Register**. OPM makes survey data and other information available to the public to the extent authorized by the Freedom of Information Act and the Privacy Act.

Post Differentials

§ 591.230 When does OPM establish post differential areas?

(a) OPM establishes post differential areas in response to agency requests when—

(1) Conditions of environment within the post differential area differ substantially from conditions of environment in the continental United States, and

(2) The major Federal employers within the area believe payment of a post differential is warranted as a recruitment incentive to attract candidates from outside the post differential area to work for the Government in the post differential area.

(b) If a department or agency wants OPM to consider establishing or revising the definition of a post differential area, the head of the department or agency or his or her designee must submit a request in writing to OPM.

§ 591.231 Which areas are post differential areas?

OPM has established the following post differential areas:

(a) American Samoa as defined in § 591.205,

(b) Territory of Guam,

(c) Commonwealth of the Northern Mariana Islands,

(d) Johnston Atoll (including Sand Island),

(e) Midway Atoll, and

(f) Wake Atoll.

§ 591.232 How does OPM establish and review post differentials?

(a) OPM establishes a post differential if Government agencies require it for recruitment purposes and if one or more of the following conditions exist:

(1) Extraordinarily difficult living conditions,

(2) Excessive physical hardship, and/or

(3) Notably unhealthful conditions.

(b) OPM periodically reviews with Federal agencies whether conditions of environment have changed in the post differential areas and whether payment of the post differential continues to be warranted as a recruitment incentive.

§ 591.233 Who can receive a post differential?

An employee must meet all of the following conditions to be eligible to receive a post differential:

(a) The employee must be a citizen or national of the United States,

(b) The employee's official duty station or detail to temporary duty must be in the post differential area, and

(c) Immediately prior to being assigned to duty in the post differential area, the employee must have maintained his or her actual place(s) of residence outside the post differential area for an appropriate period of time (generally at least 1 year or more), except as provided in § 591.234.

§ 591.234 Under what circumstances may people recruited locally receive a post differential?

(a) Current residents of the area qualify for a post differential if they were originally recruited from outside the differential area and have been in substantially continuous employment by the United States or by U.S. firms, interests, or organizations.

(b) Examples of persons recruited locally but eligible to receive a post differential include, but are not limited to—

(1) Those who were originally recruited from outside the area and have been in substantially continuous employment by other Federal agencies, contractors of Federal agencies, or international organizations in which the U.S. Government participates and whose conditions of employment provide for their return transportation to places outside the post differential area,

(2) Those who are temporarily present in the post differential area for travel or formal study at the time they are hired and have maintained actual places of residence outside the area for an appropriate period of time, and

(3) Those who are discharged from U.S. military service in the differential area to accept employment with a Federal agency and have maintained actual places of residence outside the differential area for an appropriate period of time.

Program Administration

§ 591.235 When do payments begin?

(a) Agencies begin paying an employee a COLA or post differential on the effective date of the change in the employee's official duty station to a duty station within the COLA or post differential area or, in the case of local recruitment, on the effective date of the appointment.

(b) For an employee detailed to temporary duty in a post differential area and who is otherwise eligible for a post differential, agencies must begin paying a post differential after 42 consecutive calendar days of temporary duty in the post differential area.

§ 591.236 When do payments end?

Subject to § 591.237(a), agencies stop paying an employee a COLA or post differential on—

(a) Separation,

(b) The effective date of assignment or transfer to a new official duty station outside the COLA or post differential area, or

(c) In the case of an employee on detail to temporary duty in a post differential area, the ending date of the detail.

§ 591.237 Under what circumstances may employees on leave or travel receive a COLA and/or post differential?

(a) An employee on leave or travel may receive a COLA or post differential only if the agency anticipates that the employee will return to duty in the area. *Exceptions:* If the employee does not return to duty in the area, the agency may still pay a COLA and/or a post differential, subject to paragraph (b) of this section, to an employee on leave or travel if the agency determines that—

(1) It is in the public interest not to return the employee to the duty station, or

(2) The employee will not return because of compelling personal reasons or circumstances over which the employee has no control.

(b) *Post differentials.* Agencies may pay a post differential to an employee only during the employee's first 42 consecutive calendar days of absence from the post differential area.

§ 591.238 How do agencies pay COLAs and post differentials?

(a) Agencies pay COLAs and post differentials as a percentage of an employee's hourly rate of basic pay, including a retained rate of pay under 5 U.S.C. 3594(c) or 5363, for those hours during which the employee receives basic pay. This includes all periods of paid leave, detail, or travel status outside the COLA or post differential area.

(b) Agencies pay employees eligible for both a COLA and a post differential the full amount of the COLA, plus so much of the post differential as will not cause the combined total of the COLA and post differential to exceed 25 percent of the hourly rate of basic pay.

§ 591.239 How do agencies treat COLAs and post differentials for the purpose of overtime pay and other entitlements?

(a) Agencies include COLAs in the employee's straight time rate of pay and include COLAs and post differentials in an employee's regular rate of pay for computing overtime pay entitlements for nonexempt employees under the Fair Labor Standards Act of 1938, as amended.

(b) Agencies may not include a COLA or post differential as part of an employee's rate of basic pay for the purpose of computing entitlements to

overtime pay, retirement, life insurance, or any other additional pay, COLA, or post differential under title 5, United States Code.

(c) Payment of a COLA or post differential is not an equivalent increase in pay within the meaning of 5 U.S.C. 5335.

§ 591.240 How are agency and employee representatives involved in the administration of the COLA and post differential programs?

(a) OPM may establish a COLA Advisory Committee in each COLA survey area. The committees are composed of agency and employee representatives from the COLA survey area and one or more representatives from OPM.

(b) To the extent practical, the COLA Advisory Committees coordinate and work with the Survey Implementation Committee established pursuant to *Caraballo, et al.* v. *United States,* No. 1997–0027 (D.V.I).

§ 591.241 What are the key activities of the COLA Advisory Committees?

(a) The COLA Advisory Committees may—

(1) Advise and assist OPM in planning living-cost surveys;

(2) Provide or arrange for observers for data collection during living-cost surveys;

(3) Advise and assist OPM in the review of survey data;

(4) Advise OPM on its administration of the COLA program, including survey methodology; and

(5) Assist OPM in disseminating information to affected employees about the living-cost surveys and the COLA program.

(b) The committees also may advise OPM on special situations or conditions, such as hurricanes and earthquakes, as they relate to OPM's authority under § 591.223(b) to conduct interim surveys or implement some other change in response to conditions caused by a natural disaster or similar emergency.

§ 591.242 What is the tenure of a COLA Advisory Committee?

OPM may establish a COLA Advisory Committee in each area prior to each living-cost survey conducted in that area. OPM will appoint committee members for 3-year renewable terms. To the extent practical, the committee will continue to exist between surveys, but OPM may periodically review with the committee whether there is a continuing need for the committee.

§ 591.243 How many members are on each COLA Advisory Committee?

A COLA Advisory Committee has up to 12 members composed of OPM representatives and other agency and employee representatives, unless OPM determines that the committee should be larger. In determining the number of committee members, OPM considers the amount of work the committee is likely to be requested to do (based on the size and complexity of the local living-cost survey) and the availability of employee and agency representatives to participate as committee members.

§ 591.244 How does OPM select COLA Advisory Committee members?

(a) In establishing a COLA Advisory Committee, OPM invites local agencies and employee organizations to nominate committee members. OPM also invites COLA Defense Corporations and the local Federal Executive Board or Federal Executive Association each to nominate committee members. Subject to § 591.243, OPM selects committee members from these nominations in a manner designed to achieve a balanced representation that is reflective of agencies and employee organizations in the area. In consultation with the committee, OPM may select additional nominees to serve as alternates to the primary committee members. OPM designates not more than two OPM representatives to serve on each committee.

(b) Each Executive agency, as defined in 5 U.S.C. 105, must cooperate and release appointed employees for committee proceedings and activities unless the agency can demonstrate that exceptional circumstances directly related to accomplishing the mission of the employee's work unit require his or her presence on the job. Executive agency employees serving as committee members are considered to be on official assignment to an interagency function, rather than on leave, and are eligible to receive reimbursement for authorized travel expenses from their respective agencies.

Appendix A of Subpart B—Places and Rates at Which Allowances Are Paid

This appendix lists the places approved for a cost-of-living allowance and shows the authorized allowance rate for each. The allowance percentage rate shown is paid as a percentage of an employee's rate of basic pay. The rates are subject to change based on the results of future surveys.

Geographic coverage	Allowance rate (percent)
State of Alaska:	
City of Anchorage and 80-kilometer (50-mile) radius by road	25.00
City of Fairbanks and 80-kilometer (50-mile) radius by road	25.00
City of Juneau and 80-kilometer (50-mile) radius by road	25.00
Rest of the State	25.00
State of Hawaii:	
City and County of Honolulu	25.00
County of Hawaii	16.50
County of Kauai	23.25
County of Maui and County of Kalawao	23.75
Territory of Guam and Commonwealth of the Northern Mariana Islands	25.00
Commonwealth of Puerto Rico	11.50
U.S. Virgin Islands	22.50

Appendix B of Subpart B—Places and Rates at Which Differentials Are Paid

This appendix lists the places where a post differential has been approved and shows the differential rate to be paid to eligible employees. The differential percentage rate shown is paid as a percentage of an employee's rate of basic pay.

Geographic coverage	Percentage differential rate
American Samoa (including the island of Tutuila, the Manua Islands, and all other islands of the Samoa group east of longitude 171° west of Greenwich, together with Swains Island)	25.0
Johnston Atoll	25.0
Midway Atoll	25.0
Territory of Guam and Commonwealth of the Northern Mariana Islands	20.0
Wake Atoll	25.0

[FR Doc. 01–28058 Filed 11–8–01; 8:45 am]

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OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 591

RIN 3206–AJ40

Cost-of-Living Allowances (Nonforeign Areas); Commissary/Exchange Rates; Survey Frequency; Gradual Reductions

AGENCY: Office of Personnel Management.

ACTION: Interim rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing interim regulations to implement recent amendments to Executive Order 10000 regarding nonforeign area cost-of-living allowances (COLAs). These regulations eliminate the separate COLA rate paid to Federal employees with commissary and exchange privileges; allow OPM to conduct COLA surveys less frequently; and permit OPM to reduce COLA rates gradually regardless of the cause of the reduction. These changes will accomplish several of the provisions agreed upon under a recent settlement of litigation concerning nonforeign area COLAs.

DATES: *Effective date:* November 9, 2001. *Implementation date:* First day of the first pay period beginning on or after November 9, 2001. *Comment date:* Submit comments on or before January 8, 2002.

ADDRESSES: Send or deliver comments to Donald J. Winstead, Assistant Director for Compensation Administration, Workforce Compensation and Performance Service, Office of Personnel Management, Room 7H31, 1900 E Street NW., Washington, DC 20415–8200; fax: (202) 606–4264; or e-mail: *COLA@opm.gov.*

FOR FURTHER INFORMATION CONTACT: Donald L. Paquin, (202) 606–2838; fax: (202) 606–4264; or e-mail: *COLA@opm.gov.*

SUPPLEMENTARY INFORMATION: Section 5941 of title 5, United States Code, authorizes the payment of cost-of-living allowances (COLAs) to employees of the Federal Government stationed in certain nonforeign areas outside the contiguous 48 States whose rates of basic pay are fixed by statute. The Government pays nonforeign area COLAs to General Schedule, U.S. Postal Service, and certain other Federal employees in Alaska, Hawaii, Guam and the Commonwealth of the Northern Mariana Islands (CNMI), Puerto Rico, and the U.S. Virgin Islands. The Office of Personnel Management (OPM) conducts living-cost surveys in each allowance area to determine whether, and to what degree, local living costs are higher than those in the Washington, DC, area. OPM sets the COLA rate for each area based on the results of these surveys. The current COLA rates were set pursuant to the settlement of *Caraballo, et al.* v. *United States,* No. 1997–0027 (D.V.I), August 17, 2000, and became effective in October 2000.

Executive Order 10000 delegates to OPM the authority to administer the nonforeign area COLA program and prescribes certain operational features of the program. On April 5, 2001, the President signed E.O. 13207 (published April 9, 2001, at 66 FR 18399) to amend E.O. 10000 to conform to agreements made in the *Caraballo* settlement. *Caraballo* was a class-action lawsuit in which the plaintiffs contested the methodology OPM used to determine COLA rates. The amendments to E.O. 10000 (1) remove the requirement that OPM establish separate COLA rates for employees who have commissary and exchange privileges; (2) allow OPM to conduct COLA surveys less frequently (e.g., once every 3 years in each of the allowance areas instead of annually); and (3) allow OPM to reduce COLA rates gradually regardless of the cause of the reduction.

We are issuing interim regulations to implement the amendments to E.O. 10000. Pursuant to the *Caraballo* settlement, we plan to adopt several other regulatory changes. We have set out these regulatory changes in proposed regulations published separately in this issue of the **Federal Register**.

Commissary/Exchange COLA Rate

Prior to the recent amendments, E.O. 10000 required that OPM offset COLAs when quarters or purchasing privileges are furnished at a cost substantially lower than local prevailing costs. The rent for quarters is set at local prevailing rates in accordance with Office of Management and Budget Circular A–47. For over a decade, OPM has not established a lower COLA rate for employees in Government quarters. However, OPM established a separate rate category for employees who received commissary and exchange privileges as a result of their Federal civilian employment.

As permitted by the Department of Defense, some agencies offer commissary and exchange privileges as a recruitment incentive to encourage employees to accept positions in the Guam/CNMI allowance area. The requirement to take into consideration such privileges and set a separate and lower COLA rate for these employees effectively undermined the recruitment incentive. The removal of this requirement in E.O. 10000 improves the effectiveness of the commissary and exchange privileges recruitment incentive.

Therefore, we are eliminating from OPM's regulations the separate rate category applied to employees who receive commissary and exchange privileges. This change will currently affect only civilian employees in the Guam/CNMI allowance area who receive the 22.5 percent Commissary/Exchange COLA rate. Effective with these regulations, all Federal civilian employees in Guam will receive the 25 percent COLA rate currently set for employees without commissary and exchange privileges.

Survey Frequency

The amendments to E.O. 10000 removed the requirement for annual surveys; therefore, we are making a corresponding change in the COLA regulations. This change will permit the Government to survey allowance areas once every 3 years on a rotational basis.

Gradual Reductions

Prior to the recent amendments, E.O. 10000 prohibited OPM from implementing a COLA rate reduction on a gradual basis unless the reduction was because of program or methodology revisions. The amendment to E.O. 10000 removed this condition, allowing OPM to reduce COLA rates on a gradual basis whether the reduction is due to a change in the methodology or a relative change in living costs. This amendment conforms to one of the terms of the *Caraballo* settlement, and we are making a corresponding change in the COLA regulations.

Administrative Procedure Act

As provided under 5 U.S.C. 553(b)(3)(B) and (d)(3), OPM finds that good cause exists to waive the publication of proposed rulemaking and the 30-day delay in the effective date of this regulation. These changes conform OPM regulations to recent amendments to E.O. 10000 without imposing additional requirements. Moreover, the Government and employee representatives cooperated fully in developing and recommending the changes, which were incorporated into the stipulation for settlement in *Caraballo, et al.* v. *United States.* Therefore, we believe these changes will benefit both the Government and the affected employees and that it is in the public interest to implement the changes immediately.

Executive Order 12866, Regulatory Review

This rule has been reviewed by the Office of Management and Budget in accordance with Executive Order 12866.

Regulatory Flexibility Act

I certify that these regulations will not have a significant economic impact on a substantial number of small entities because they will affect only Federal agencies and employees.

List of Subjects in 5 CFR Part 591

Government employees, Travel and transportation expenses, Wages.

Office of Personnel Management.

Kay Coles James,

Director.

Accordingly, the Office of Personnel Management amends 5 CFR part 591 as follows:

PART 591—ALLOWANCES AND DIFFERENTIALS

Subpart B—Cost-of-Living Allowance and Post Differential—Nonforeign Areas

1. The authority citation for subpart B of part 591 continues to read as follows:

Authority: 5 U.S.C. 5941; E.O. 10000, 3 CFR, 1943–1948 Comp., p. 792; E.O. 12510, 3 CFR, 1985 Comp., p. 338.

2. In § 591.205, paragraph (a) introductory text and paragraph (b)(1)(i) are revised to read as follows:

§ 591.205 Comparative cost index.

(a) OPM calculates allowance rates for each area by comparing costs of four categories of expenses in the area to those in the Washington, DC, area. The four categories of expenses are:

* * * * *

(b) * * *

(1) * * *

(i) *Goods and services surveyed.* The types and amounts of consumption goods and services to be surveyed at each income level will be derived from appropriate consumer expenditure surveys. Whenever possible, exact brands and models are priced in each location. Price data are obtained from appropriate retail outlets in each area. Individual items are grouped into categories according to common functions or uses.

* * * * *

§ 591.207 [Removed and Reserved]

3. Section 591.207 is removed and reserved.

4. Section 591.211 is revised to read as follows:

§ 591.211 Periodic review.

In accordance with Executive Order 10000, OPM reviews from time to time the places designated, the rates fixed, and the regulations in this subpart that are prescribed for payment of allowances and differentials. This review is to make warranted changes to ensure that payments under this subpart will continue only during the continuation of conditions justifying payment of allowances and differentials and will not in any instance exceed the amount justified. However, the rate of such additional compensation may be reduced gradually.

5. Appendix A of subpart B is revised to read as follows:

Appendix A of Subpart B—Places and Rates at Which Allowances Shall Be Paid

This appendix lists the places approved for a cost-of-living allowance and shows the authorized allowance rate for each. The allowance percentage rate shown is paid as a percentage of an employee's rate of basic pay. The rates are subject to change based on the results of future surveys.

Geographic coverage	Allowance Rate (percent)
State of Alaska:	
City of Anchorage and 80-kilometer (50-mile) radius by road	25.00
City of Fairbanks and 80-kilometer (50-mile) radius by road	25.00
City of Juneau and 80-kilometer (50-mile) radius by road	25.00
Rest of the State	25.00
State of Hawaii:	
City and County of Honolulu	25.00
County of Hawaii	16.50
County of Kauai	23.25
County of Maui and County of Kalawao	23.75
Territory of Guam and Commonwealth of the Northern Mariana Islands	25.00
Commonwealth of Puerto Rico	11.50
U.S. Virgin Islands	22.50

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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/nara005.html*. Some laws may not yet be available.

H.R. 146/P.L. 107–59

Great Falls Historic District Study Act of 2001 (Nov. 5, 2001; 115 Stat. 407)

H.R. 1000/P.L. 107–60

William Howard Taft National Historic Site Boundary Adjustment Act of 2001 (Nov. 5, 2001; 115 Stat. 408)

H.R. 1161/P.L. 107–61

To authorize the Government of the Czech Republic to establish a memorial to honor Tomas G. Masaryk in the District of Columbia. (Nov. 5, 2001; 115 Stat. 410)

H.R. 1668/P.L. 107–62

To authorize the Adams Memorial Foundation to establish a commemorative work on Federal land in the District of Columbia and its environs to honor former President John Adams and his legacy. (Nov. 5, 2001; 115 Stat. 411)

H.R. 2217/P.L. 107–63

Department of the Interior and Related Agencies Appropriations Act, 2002 (Nov. 5, 2001; 115 Stat. 414)

H.R. 2904/P.L. 107–64

Military Construction Appropriations Act, 2002 (Nov. 5, 2001; 115 Stat. 474)

H.R. 182/P.L. 107–65

Eightmile River Wild and Scenic River Study Act of 2001 (Nov. 6, 2001; 115 Stat. 484)

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