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WHERE: Office of the Federal Register
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800 North Capitol Street, NW.
Washington, DC
(3 blocks north of Union Station Metro)

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

FEDERAL RESERVE SYSTEM

12 CFR Part 225

[Regulation Y; Docket Nos. R–1078 and R–1094]

Bank Holding Companies and Change in Bank Control: Technical Amendments

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Final rule and interim rule; technical amendments.

SUMMARY: The Board of Governors of the Federal Reserve System (Board) is adopting technical amendments to the financial holding company provisions of Regulation Y to restore provisions that were adopted in December 2000, and inadvertently deleted from the Code of Federal Regulations.

DATES: The amendments are effective April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Kieran J. Fallon, Senior Counsel (202/452–5270), or Adrianne G. Threatt, Senior Attorney (202/452–3554), Legal Division; Board of Governors of the Federal Reserve System, 20th Street and Constitution Avenue, NW., Washington, DC, 20551.

SUPPLEMENTARY INFORMATION: On December 19, 2000, the Board adopted a final rule permitting financial holding companies to act as a finder. (*See* 65 FR 80735, December 22, 2000, which added a new paragraph (d) to 12 CFR 225.86.) On December 27, 2000, the Board also adopted, on an interim basis and jointly with the Secretary of the Treasury, a rule that implemented the financial activity provisions of section 4(k)(5) of the Bank Holding Company Act (12 U.S.C. 1843(k)(5)). (*See* 66 FR 257, January 3, 2001, which added a new paragraph (e) to 12 CFR 225.86.) Due to delays in the publication of these rules in the **Federal Register** and the effective dates of other rules adopted by the Board in late 2000 and early 2001, paragraphs (d) and (e) of section 225.86 were inadvertently deleted in the final publication of the Code of Federal Regulations (CFR). Accordingly, the Board has adopted these technical amendments to ensure the prior actions taken by the Board are included in the CFR. These amendments restore in final form 12 CFR 225.86(d) as adopted by the Board on December 19, 2000, and restore in interim form 12 CFR 225.86(e) as adopted by the Board on December 27, 2000. The Board will review comments received on the interim provisions of section 225.86(e) (Docket R–1094) in connection with its adoption of a final rule regarding the provisions of that paragraph.

The Board previously has reviewed the amendments under the Paperwork Reduction Act (44 U.S.C. 3506; 5 CFR Appendix A.1) and the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). *See* 65 FR 80735, December 22, 2000; 66 FR 257, January 3, 2001. In addition, the Board previously has solicited and considered public comments on section 225.86(d) of the rule under the Administrative Procedures Act (5 U.S.C. 553) (APA), and previously has determined under 5 U.S.C. 553(d)(3) of the APA that there is good cause to make the provisions of section 225.86(e) of the rule effective immediately and prior to the review of public comments.

List of Subjects in 12 CFR Part 225

Administrative practice and procedure, Banks, Banking, Federal Reserve System, Holding companies, Reporting and recordkeeping requirements, Securities.

Authority and Issuance

For the reasons set out in the preamble, the Board amends 12 CFR part 225 as follows:

PART 225—BANK HOLDING COMPANIES AND CHANGE IN BANK CONTROL (REGULATION Y)

1. The authority citation for part 225 continues to read as follows:

Authority: 12 U.S.C. 1817(j)(13), 1818, 1828(o), 1831i, 1831p–1, 1843(c)(8), 1843(k), 1844(b), 1972(l), 2903, 3106, 3108, 3310, 3331–3351, 3907, and 3909.

2. Section 225.86 is amended by adding new paragraphs (d) and (e) to read as follows:

§ 225.86 What activities are permissible for any financial holding company?

* * * * *

(d) *Activities determined to be financial in nature or incidental to financial activities by the Board*—(1) *Acting as a finder*—Acting as a finder in bringing together one or more buyers and sellers of any product or service for transactions that the parties themselves negotiate and consummate.

(i) *What is the scope of finder activities?* Acting as a finder includes providing any or all of the following services through any means—

(A) Identifying potential parties, making inquiries as to interest, introducing and referring potential parties to each other, and arranging contacts between and meetings of interested parties;

(B) Conveying between interested parties expressions of interest, bids, offers, orders and confirmations relating to a transaction; and

(C) Transmitting information concerning products and services to potential parties in connection with the activities described in paragraphs (d)(1)(i)(A) and (B) of this section.

(ii) *What are some examples of finder services?* The following are examples of the services that may be provided by a finder when done in accordance with paragraphs (d)(1)(iii) and (iv) of this section. These examples are not exclusive.

(A) Hosting an electronic marketplace on the financial holding company's Internet web site by providing hypertext or similar links to the web sites of third party buyers or sellers.

(B) Hosting on the financial holding company's servers the Internet web site of—

(*1*) A buyer (or seller) that provides information concerning the buyer (or seller) and the products or services it seeks to buy (or sell) and allows sellers (or buyers) to submit expressions of interest, bids, offers, orders and confirmations relating to such products or services; or

(*2*) A government or government agency that provides information concerning the services or benefits made available by the government or government agency, assists persons in completing applications to receive such services or benefits from the government or agency, and allows persons to transmit their applications for services or benefits to the government or agency.

(C) Operating an Internet web site that allows multiple buyers and sellers to exchange information concerning the products and services that they are willing to purchase or sell, locate potential counterparties for transactions, aggregate orders for goods or services with those made by other parties, and enter into transactions between themselves.

(D) Operating a telephone call center that provides permissible finder services.

(iii) *What limitations are applicable to a financial holding company acting as a finder*?

(A) A finder may act only as an intermediary between a buyer and a seller.

(B) A finder may not bind any buyer or seller to the terms of a specific transaction or negotiate the terms of a specific transaction on behalf of a buyer or seller, except that a finder may—

(*1*) Arrange for buyers to receive preferred terms from sellers so long as the terms are not negotiated as part of any individual transaction, are provided generally to customers or broad categories of customers, and are made available by the seller (and not by the financial holding company); and

(*2*) Establish rules of general applicability governing the use and operation of the finder service, including rules that—

(*i*) Govern the submission of bids and offers by buyers and sellers that use the finder service and the circumstances under which the finder service will match bids and offers submitted by buyers and sellers; and

(*ii*) Govern the manner in which buyers and sellers may bind themselves to the terms of a specific transaction.

(C) A finder may not—

(*1*) Take title to or acquire or hold an ownership interest in any product or service offered or sold through the finder service;

(*2*) Provide distribution services for physical products or services offered or sold through the finder service;

(*3*) Own or operate any real or personal property that is used for the purpose of manufacturing, storing, transporting, or assembling physical products offered or sold by third parties; or

(*4*) Own or operate any real or personal property that serves as a physical location for the physical purchase, sale or distribution of products or services offered or sold by third parties.

(D) A finder may not engage in any activity that would require the company to register or obtain a license as a real estate agent or broker under applicable law.

(iv) *What disclosures are required?* A finder must distinguish the products and services offered by the financial holding company from those offered by a third party through the finder service.

(2) [Reserved]

(e) *Activities permitted under section 4(k)(5) of the Bank Holding Company Act (12 U.S.C. 1843(k)(5)).*

(1) The following types of activities are financial in nature or incidental to a financial activity when conducted pursuant to a determination by the Board under paragraph (e)(2) of this section:

(i) Lending, exchanging, transferring, investing for others, or safeguarding financial assets other than money or securities;

(ii) Providing any device or other instrumentality for transferring money or other financial assets; and

(iii) Arranging, effecting, or facilitating financial transactions for the account of third parties.

(2) *Review of specific activities.*

(i) *Is a specific request required?* A financial holding company that wishes to engage on the basis of paragraph (e)(1) of this section in an activity that is not otherwise permissible for a financial holding company must obtain a determination from the Board that the activity is permitted under paragraph (e)(1).

(ii) *Consultation with the Secretary of the Treasury.* After receiving a request under this section, the Board will provide the Secretary of the Treasury with a copy of the request and consult with the Secretary in accordance with section 4(k)(2)(A) of the Bank Holding Company Act (12 U.S.C. 1843(k)(2)(A)).

(iii) *Board action on requests.* After consultation with the Secretary, the Board will promptly make a written determination regarding whether the specific activity described in the request is included in an activity category listed in paragraph (e)(1) of this section and is therefore either financial in nature or incidental to a financial activity.

(3) *What factors will the Board consider?* In evaluating a request made under this section, the Board will take into account the factors listed in section 4(k)(3) of the BHC Act (12 U.S.C. 1843(k)(3)) that it must consider when determining whether an activity is financial in nature or incidental to a financial activity.

(4) *What information must the request contain?* Any request by a financial holding company under this section must be in writing and must:

(i) Identify and define the activity for which the determination is sought, specifically describing what the activity would involve and how the activity would be conducted; and

(ii) Provide information supporting the requested determination, including information regarding how the proposed activity falls into one of the categories listed in paragraph (e)(1) of this section, and any other information required by the Board concerning the proposed activity.

By order of the Board of Governors of the Federal Reserve System, April 9, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–9123 Filed 4–12–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AEA–15FR]

Establishment Class E Airspace: Seneca Falls, NY

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Seneca Falls, NY. An Area Navigation (RNAV) Standard Instrument Approach Procedure has been developed for the Finger Lakes Regional Airport (OG7). Controlled airspace extending upward from 700 feet to 1200 feet Above Ground Level (AGL) is needed to contain aircraft executing the approach to the Finger Lakes Regional Airport.

EFFECTIVE DATE: 0901 UTC May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On January 17, 2001 a document proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace extending upward from 700 feet to 1200 feet Above Ground Level (AGL) for an RNAV approach to the Finger Lakes Regional Airport, Seneca Falls, NY, was published in the **Federal Register** (66 FR 3886–3887). Interested parties were invited to participate in this rulemaking

proceeding by submitting written comments on the proposal to the FAA on or before February 16, 2001. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83. Class E airspace areas designations for airspace extending upward from 700 feet or more above the surface of the earth are published in paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from 700 feet above the surface for aircraft conducting IFR operations at the Finger Lakes Regional Airport, Seneca Falls, NY.

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. Therefore, this regulation: (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 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—[AMENDED]

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 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 Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

* * * * *

AEA NY E5 Seneca Falls, NY [NEW]

Finger Lakes Regional Airport
(Lat. 42°52′38.58″ N/long. 76° 46′54″ W)

That airspace extending upward from 700 feet above the surface within a 6 mile radius of Finger Lakes Regional Airport.

Issued in Jamaica, New York on March 12, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–7421 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 00–AEA–03FR]

Establishment of Class E Airspace: Salisbury, MD

AGENCY: Federal Aviation Administration (FAA) DOT.

ACTION: Final rule.

SUMMARY: This action establishes Class E airspace at Salisbury, MD Airport necessitated by the opening of a new Air Traffic Control Tower (ATCT) at the airport. Controlled airspace extending upward from Above Ground Level (AGL) is needed to accommodate instrument flight rules (IFR) operations when the ATCT is closed.

EFFECTIVE DATE: 0901 UTC May 17, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Jordan, Airspace Specialist, Airspace Branch, AEA–520, Air Traffic Division, Eastern Region, Federal Aviation Administration, 1 Aviation Plaza, Jamaica, New York 11434–4809, telephone: (718) 553–4521.

SUPPLEMENTARY INFORMATION:

History

On January 12, 2001, a document proposing to amend Part 71 of the Federal Aviation Regulations (14 CFR Part 71) by establishing Class E airspace extending upward from the surface at Salisbury-Ocean City, Wicomico County Regional Airport, Salisbury, MD was published in the **Federal Register** (66 FR 2850). Interested parties were invited to participate in this rulemaking proceeding by submitting written comments on the proposal to the FAA. No comments to the proposal were received. The rule is adopted as proposed.

The coordinates for this airspace docket are based on North American Datum 83, Class E airspace designated as surface areas are published in paragraph 6002 of FAA Order 7400.9H, dated September 1, 2000 and effective September 16, 2000, which is incorporated by reference in 14 CFR 71.1. The Class E airspace designation listed in this document will be amended in the order.

The Rule

This amendment to Part 71 of the Federal Aviation Regulations (14 CFR Part 71) provides controlled Class E airspace extending upward from the surface for aircraft conducting IFR operations at Salisbury-Ocean City, Wicomico Regional Airport.

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. Therefore, this regulation: (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 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—[AMENDED]

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

Authority: 49 U.S.C. 106(g), 40103, 40113, 40120; EO 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 Federal Aviation Administration Order 7400.9H, Airspace Designations and Reporting Points, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

Paragraph 6002 Class E airspace designated as surface areas.

* * * * *

AEA MD E2 Salisbury, MD [REVISED]

Salisbury-Ocean City, Wicomico County Regional Airport
(Lat 38°20.43′ N/long. 75°30.62′ W)

That airspace extending upward from the surface within a 4.1 mile radius of the Salisbury-Wicomico County Airport and within 3.1 miles each side of the Salisbury VORTAC 209° radial extending from the 4.1 mile radius to 9.2 miles southwest of the VORTAC and within 3.1 miles each side of the Salisbury VORTAC 052° radial extending from the 4.1 mile radius to 8.3 miles northeast of the VORTAC and within 1 mile each side of the Salisbury-Wicomico County Airport localizer northwest course extending from the 4.1 mile radius to 4.8 miles northwest of the localizer and within 3.1 miles each side of the Salisbury VORTAC 132° radial extending from the 4.1 mile radius to 9.2 miles southeast of the VORTAC. This Class E airspace area is effective during those times when the Class D airspace is not in effect.

* * * * *

Issued in Jamaica, New York on March 12, 2001.

F.D. Hatfield,

Manager, Air Traffic Division, Eastern Region.

[FR Doc. 01–7419 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 13

[T.D. ATF–449]

RIN 1512–AC21

Labeling Proceedings; Delegation of Authority

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: Authority delegation. This final rule places all ATF authorities contained in regulations on ''Labeling Proceedings'' with the ''appropriate ATF officer'' and requires that persons file documents required by those regulations with the ''appropriate ATF officer'' or in accordance with the instructions on the ATF form. This final rule removes the definitions of, and references to, specific ATF officers subordinate to the Director. Concurrently with this Treasury Decision, ATF Order 1130.21 is being published. Through this order, the Director has delegated the authorities in those regulations to the appropriate ATF officers and specified the ATF officers with whom appeals and other documents are filed.

EFFECTIVE DATE: April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202–927–9347) or e-mail at alctob@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Treasury Order 120–01 (formerly 221), dated June 6, 1972, the Secretary of the Treasury delegated to the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF), the authority to enforce, among other laws, the provisions of the Federal Alcohol Administration Act (FAA). The Director has subsequently redelegated certain of these authorities to appropriate subordinate officers by way of various means, including by regulation, ATF delegation orders, regional directives or similar delegation documents. ATF has determined that this multiplicity of delegation instruments complicates and hinders the task of determining which ATF officer is authorized to perform a particular function.

ATF has decided that all delegations of the Director's authorities will be compiled in ATF Delegation Orders. Each part or related parts of title 27 Code of Federal Regulations (CFR) will have its own corresponding order in which all authorities of the Director are delegated. Using a delegation order for this purpose eliminates the necessity of rewriting the regulations each time there is a change in authority or a change to the title of an ATF officer. This action both simplifies the process for determining what ATF officer is authorized to perform a particular function and facilitates the updating of delegations in the future.

ATF has begun making these changes to all other parts of 27 CFR through separate rulemakings. By amending the regulations part by part, rather than in one large rulemaking document and ATF delegation order, ATF minimizes the time expended in notifying interested parties of current delegations of authority.

Accordingly, this final rule rescinds all authorities of the Director in part 13 that were previously delegated. All references to specific ATF officers, other than the Director, have been removed and replaced with the words ''appropriate ATF officer.'' Along with this final rule, ATF is publishing ATF Order 1130.21, Delegation Order—Delegation of the Director's Authorities in Part 13—Labeling Proceedings. This Order lists the specific ATF officers with whom appeals and other documents are to be filed.

In addition, this final rule also eliminates all references in the regulations that identify the ATF officer with whom an ATF form is filed. This is because ATF forms will indicate the officer with whom they must be filed. Similarly, this final rule also amends part 13 to provide that submission of documents other than ATF forms (such as letterhead applications, notices and reports) must be filed with the ''appropriate ATF officer'' identified in ATF Order 1130.21. These changes will facilitate the identification of the officer with whom forms and other required submissions are filed.

This final rule amends Subpart A—Scope and Construction of Regulations, and Subpart C—Applications of 27 CFR part 13. Specifically, two new sections, § 13.2 and § 13.20, are added. Section 13.2 is added to recognize the authorities in part 13 and to identify ATF Order 1130.21 as the instrument reflecting such delegations. Section 13.20 is added to indicate who is authorized to prescribe the forms required by this part and how to access those forms, and to provide that the instructions for an ATF form identify the ATF officer with whom it must be filed.

This final rule also makes a typographical amendment correcting the reference to § 13.45 to read § 13.44 in § 13.72(b).

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no new or revised recordkeeping or reporting requirements.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule under the Administrative Procedures Act (5 U.S.C. 553), the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. We sent a copy of this final rule to the Chief Counsel for

Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action because it will not: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Administrative Procedure Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly it is unnecessary to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Drafting Information

The principal author of this document is Lisa M. Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 13

Administrative practice and procedure, Alcohol and alcoholic beverages, Appeals, Applications, Certificates of label approval, Certificates of exemption from label approval, Denials, Distinctive liquor bottle approvals, Informal conferences, Labeling, Revocations.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 13—LABELING PROCEEDINGS

Paragraph 1. The authority citation for part 13 continues to read as follows:

Authority: 27 U.S.C. 205(e), 26 U.S.C. 5301 and 7805.

Par. 2. In Subpart A, add § 13.2 to read as follows:

* * * * *

§ 13.2 Delegations of the Director.

All of the regulatory authorities of the Director contained in part 13 of the regulations are delegated to appropriate ATF officers. These ATF officers are specified in ATF Order 1130.21, Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 13—Labeling Proceedings. ATF delegation orders, such as ATF Order 1130.21, are available to any interested person by mailing a request to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150–5950, or by accessing the ATF web site (http://www.atf.treas.gov).

* * * * *

§ 13.11 [Amended]

Par. 3. Amend § 13.11 as follows:

a. Remove the definitions of ''Assistant Director, Alcohol and Tobacco,'' ''Chief, Alcohol and Tobacco Programs Division,'' ''Chief, Product Compliance Branch'' and ''Product Compliance Branch Specialist.''

b. Add and list alphabetically, the new definition ''Appropriate ATF officer,'' to read as follows:

§ 13.11 Meaning of terms.

* * * * *

Appropriate ATF officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part by ATF Order 1130.21, Delegation Order—Delegation of the Director's Authorities in 27 CFR Part 13—Labeling Proceedings.

* * * * *

c. Remove the word ''Director'' in the definition of the term ''Liquor bottle'' and add, in substitution, the words ''appropriate ATF officer.''

Par. 4. In Subpart C, add § 13.20 to read as follows:

§ 13.20 Forms prescribed.

(a) The appropriate ATF officer is authorized to prescribe all forms required by this part. All of the information called for in each form must be furnished as indicated by the headings on the form and the instructions on or pertaining to the form. In addition, the information called for in each form is that which is required by this part. The form will be filed in accordance with the instructions on the form.

(b) Forms may be requested from the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150–5950, or by accessing the ATF web site (http://www.atf.treas.gov).

§ 13.21 [Amended]

Par. 5. Amend § 13.21 as follows:

a. In the first sentence of paragraph (a), remove the words ''to the Product Compliance Branch, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226'' and add, in substitution, the words ''according to the instructions for that form''; and

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

§ 13.21 Application for certificate.

* * * * *

(b) *Time period for action on application.* Within 90 days of receipt of an application, the appropriate ATF officer must notify the applicant whether the application has been approved or denied. The appropriate ATF officer may extend this period of time once, by an additional 90 days, if he or she finds that unusual circumstances require additional time to consider the issues presented by an application. If the appropriate ATF officer extends the period, he or she must notify the applicant by letter, along with a brief explanation of the issues presented by the label. If the applicant receives no decision from the appropriate ATF officer within the time periods set forth in this paragraph, the applicant may file an appeal as provided in § 13.25.

§ 13.23 [Amended]

Par. 6. In § 13.23, remove the words ''a Product Compliance Branch Specialist'' and add, in substitution, the words ''the appropriate ATF officer.''

§§ 13.25, 13.26, 13.27, 13.41, 13.42, 13.43, 13.52, 13.53, 13.54, and 13.61 [Amended]

Par. 7. Amend part 13 by removing the words ''Chief, Product Compliance Branch,'' and the words ''Chief, Alcohol and Tobacco Programs Division,'' each place they appear, and adding, in substitution, the words ''appropriate ATF officer'' in the following places:

a. Section 13.25(a);
b. Section 13.26(a) and (b);
c. Section 13.27(c);
d. Section 13.41;
e. Section 13.42;
f. Section 13.43(a) and (b);
g. Section 13.52;
h. Section 13.53;
i. The first sentence of paragraph (a) and the first, third, and fourth sentences of paragraph (b) in § 13.54; and
j. Section 13.61(b).

§ 13.25 [Amended]

Par. 8. Amend paragraph (b) of § 13.25 by removing the words ''Specialist or the Chief, Product Compliance Branch'' and add, in

substitution, the words ''appropriate ATF officer.''

Par. 9. Revise paragraphs (a) and (b) of § 13.27 to read as follows:

§ 13.27 Second appeal of qualification or denial.

(a) *Form of appeal.* The decision after appeal of qualification or denial may be appealed in writing to the appropriate ATF officer within 45 days after the date of that decision. If the appropriate ATF officer concludes that the qualified approval or denial was correct, a copy of the application, marked ''appeal denied,'' must be returned to the applicant, with an explanation of the decision and the specific laws or regulations relied upon in qualifying or denying the application. If the appropriate ATF officer concludes that the certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle application should be approved without qualification, the applicant may resubmit ATF Form 5100.31 and the certificate will be issued.

(b) *Time limits for decision after second appeal.* Within 90 days of receipt of the second appeal, the appropriate ATF officer must notify the appellant whether the appeal has been granted or denied. If an applicant requests an informal conference as part of an appeal, as authorized in § 13.71, the 90–day period will begin 10 days after the date of the conference to allow for consideration of any written arguments, facts or evidence submitted after the conference. The appropriate ATF officer may extend this period of time once, by an additional 90 days, if he or she finds that unusual circumstances require additional time to consider the unique issues presented by an appeal. If the appropriate ATF officer extends the time period, he or she must notify the applicant by letter, briefly explaining the issues presented by the label. The decision made on the second appeal shall be the final decision of ATF.

* * * * *

Par. 10. Revise § 13.44 to read as follows:

§ 13.44 Appeal of revocation.

(a) *Filing of appeal.* A certificate holder who wishes to appeal the decision to revoke a certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle approval, may file a written appeal setting forth why the holder believes that the decision was erroneous. The appeal must be filed with the appropriate ATF officer within 45 days after the date of receipt of the decision to revoke a certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle approval.

(b) *Judicial review.* An appeal to the appropriate ATF officer is required prior to application to the Federal courts for review of any revocation of a certificate.

§ 13.45 [Amended]

Par. 11. Amend § 13.45 as follows:

a. Remove the words ''Assistant Director, Alcohol and Tobacco'' from the first sentence in paragraph (a) and from the first, third and fourth sentences in paragraph (b), and add, in substitution, the words ''appropriate ATF officer''; and

b. Revise the last sentence of paragraph (b) to read ''The final decision after appeal will be the final decision of ATF.''

§ 13.54 [Amended]

Par. 12. Amend § 13.54 as follows:

a. Revise the last sentence of paragraph (a) to read ''The decision after appeal will be the final decision of the ATF.''

b. Revise the last sentence of paragraph (b) to read ''The decision of the appropriate ATF officer shall be the final decision of the ATF.''

Par. 13. Revise § 13.62 to read as follows:

§ 13.62. Third-party comment on certificates.

When a third party (such as foreign government, another Federal agency, a State agency, an industry association, a competitor of a certificate holder, a consumer or consumer group, or any other interested person) wishes to comment on an approved certificate of label approval, certificate of exemption from label approval, or distinctive liquor bottle approval, such comments should be submitted in writing to the appropriate ATF officer who will review the subject of the comment. If the comment raises an issue that is outside the scope of ATF's statutory or regulatory authority, or the appropriate ATF officer determines that the certificate is in compliance with applicable law and regulations, the commenter will be informed that no further action will be taken. If the appropriate ATF officer determines that the commenter has raised a valid issue that ATF has authority to address, he or she will initiate appropriate action. The appropriate ATF officer may, in his or her discretion, notify the commenter as to the action being taken by ATF with respect to the certificate.

* * * * *

§ 13.71 [Amended]

Par. 14. Revise § 13.71 to read as follows:

§ 13.71 Informal conferences.

(a) *General.* As part of a timely filed written appeal of a notice of denial, a notice of proposed revocation, or a decision to revoke a certificate, an applicant or certificate holder may file a written request for an informal conference with the appropriate ATF officer deciding the appeal.

(b) *Informal conference procedures.* The appropriate ATF officer and the applicant or certificate holder will agree upon a date for an informal conference. The informal conference is for purposes of discussion only, and no transcript shall be made. If the applicant or certificate holder wishes to rely upon arguments, facts, or evidence presented at the informal conference, he or she has 10 days after the date of the conference to incorporate such arguments, facts, or evidence in a written submission to the appropriate ATF officer.

§ 13.72 [Amended]

Par. 15. Amend § 13.72(b) as follows:

a. Remove the words ''from the Chief, Alcohol and Tobacco Programs Division, pursuant to § 13.45'' and add, in substitution, the words ''pursuant to § 13.44''; and

b. Remove the words ''Assistant Director, Alcohol and Tobacco'' and add, in substitution, the words ''appropriate ATF officer.''

§ 13.74 [Amended]

Par. 16. Amend the first sentence of § 13.74 by removing the words ''by the Chief, Alcohol and Tobacco Programs Division, or the Assistant Director, Alcohol and Tobacco.''

§ 13.92 [Amended]

Par. 17. Amend § 13.92 by removing the words ''Chief, Product Compliance Branch, the Chief, Alcohol and Tobacco Programs Division, or the Assistant Director, Alcohol and Tobacco'' and add, in substitution, the words ''appropriate ATF officer deciding the appeal.''

Bradley A. Buckles,

Director.

Approved: March 13, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–9237 Filed 4–12–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Part 53

[T.D. ATF–447]

RIN 1512–AC18

Manufacturers Excise Taxes—Firearms and Ammunition; Delegation of Authority

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Treasury.

ACTION: Treasury decision, final rule.

SUMMARY: This final rule replaces all ATF authorities contained in regulations on ''Manufacturers Excise Taxes—Firearms and Ammunition'' with the ''appropriate ATF officer'' and requires that persons file documents required by those regulations with the ''appropriate ATF officer'' or in accordance with the instructions on the ATF form. Also, this final rule removes the definitions of, and references to, specific officers subordinate to the Director. Also, this final rule renumbers an ATF Form from ATF F 5300.29 to ATF F 5600.28. Concurrently with this Treasury Decision, ATF Order 1130.18 is being published. Through this order, the Director has delegated all of the authorities in these regulations to the appropriate ATF officers and specified the ATF officers with whom applications, notices and other reports, which are not ATF forms, are filed.

EFFECTIVE DATE: April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Lisa Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202–927–9347) or e-mail at LMGesser@atfhq.atf.treas.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to Treasury Order 120–03, dated November 5, 1990, the Secretary of the Treasury delegated to the Director of the Bureau of Alcohol, Tobacco and Firearms (ATF), the authority to enforce, among other laws, the provisions of sections 4181 and 4182 of chapter 32 of the Internal Revenue Code (IRC) of 1986. The Director has subsequently redelegated certain of these authorities to appropriate subordinate officers by various means, including regulation, ATF delegation orders, regional directives, or similar delegation documents. As a result, to ascertain what particular officer is authorized to perform a particular function under chapter 32, each of these various delegation instruments must be consulted. Similarly, each time a delegation of authority is revoked or redelegated, each of the delegation documents must be reviewed and amended as necessary.

ATF has determined that this multiplicity of delegation instruments complicates and hinders the task of determining which ATF officer is authorized to perform a particular function. ATF also believes these multiple delegation instruments exacerbate the administrative burden associated with maintaining up-to-date delegations, resulting in an undue delay in reflecting current authorities.

Accordingly, this final rule rescinds all authorities of the Director in part 53 that were previously delegated and places those authorities with the ''appropriate ATF officer.'' The authorities of the Director that were not previously delegated are also placed with the ''appropriate ATF officer.'' Along with this final rule, ATF is publishing ATF Order 1130.18, Delegation Order—Delegation of the Director's Authorities in part 53, Manufacturers Excise Taxes—Firearms and Ammunition, which delegates certain of these authorities to the appropriate organizational level. The effect of these changes is to consolidate all delegations of authority in part 53 into one delegation instrument. This action both simplifies the process for determining what ATF officer is authorized to perform a particular function and facilitates the updating of delegations in the future. As a result, delegations of authority will be reflected in a more timely and user-friendly manner.

In addition, this final rule also eliminates all references in the regulations that identify the ATF officer with whom an ATF form is filed. This is because ATF forms will indicate the officer with whom they must be filed. Similarly, this final rule also amends part 53 to provide that submission of documents other than ATF forms (such as letterhead applications, notices and reports) must be filed with the ''appropriate ATF officer'' identified in ATF Order 1130.18. These changes will facilitate the identification of the officer with whom forms and other required submissions are filed.

This final rule also amends Subpart C—Administrative and Miscellaneous Provisions, of 27 CFR part 53. Specifically, a new § 53.20 is added to recognize authorities in part 53 and to identify ATF Order 1130.18 as the instrument reflecting such delegations. Also § 53.21 is amended to provide that the instructions for an ATF form identify the ATF officer with whom it must be filed.

This rule also amends all references to ATF F 5300.29, Application for Extension of Time for Payment of Tax, to indicate the renumbering of this form to ATF Form 5600.38.

Paperwork Reduction Act

The provisions of the Paperwork Reduction Act of 1995, Public Law 104–13, 44 U.S.C. Chapter 35, and its implementing regulations, 5 CFR part 1320, do not apply to this final rule because there are no new or revised recordkeeping or reporting requirements.

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required for this rule, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply. A copy of this final rule was submitted to the Chief Counsel for Advocacy of the Small Business Administration in accordance with 26 U.S.C. 7805(f). No comments were received.

Executive Order 12866

It has been determined that this rule is not a significant regulatory action because it will not: (1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local or tribal governments or communities; (2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency; (3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in Executive Order 12866.

Administrative Procedure Act

Because this final rule merely makes technical amendments and conforming changes to improve the clarity of the regulations, it is unnecessary to issue this final rule with notice and public procedure under 5 U.S.C. 553(b). Similarly it is unnecessary to subject this final rule to the effective date limitation of 5 U.S.C. 553(d).

Drafting Information

The principal author of this document is Lisa Gesser, Regulations Division, Bureau of Alcohol, Tobacco and Firearms.

List of Subjects in 27 CFR Part 53

Administrative practice and procedure, Arms and munitions, Authority delegations, Excise taxes, Exports, Imports, Penalties, Reporting and recordkeeping requirements.

Authority and Issuance

Title 27, Code of Federal Regulations is amended as follows:

PART 53—MANUFACTURERS EXCISE TAXES—FIREARMS AND AMMUNITION

Paragraph 1. The authority citation for part 53 continues to read as follows:

Authority: 26 U.S.C. 4181, 4182, 4216–4219, 4221–4223, 4225, 6001, 6011, 6020, 6021, 6061, 6071, 6081, 6091, 6101–6104, 6109, 6151, 6155, 6161, 6301–6303, 6311, 6402, 6404, 6416, 7502.

Par. 2. Section 53.11 is amended by removing the definitions of ''ATF officer,'' ''Regional director (compliance),'' and ''Region'' and by adding a new definition of ''Appropriate ATF officer'' to read as follows:

§ 53.11 Meaning of Terms.

* * * * *

Appropriate ATF Officer. An officer or employee of the Bureau of Alcohol, Tobacco and Firearms (ATF) authorized to perform any functions relating to the administration or enforcement of this part by ATF Order 1130.18, Delegation Order—Delegation of the Director's Authorities in 27 CFR part 53—Manufacturers Excise Taxes—Firearms and Ammunition.

* * * * *

Par. 3. A new § 53.20 is added in Subpart C to read as follows:

§ 53.20 Delegations of the Director.

All of the regulatory authorities of the Director contained in part 53 of the regulations are delegated to appropriate ATF officers. These ATF officers are specified in ATF Order 1130.18, Delegation Order—Delegation of the Director's Authorities in 27 CFR part 53—Manufacturers Excise Taxes—Firearms and Ammunition. ATF delegation orders, such as ATF Order 1130.18, are available to any interested person by mailing a request to the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150–5950, or by accessing the ATF web site (http://www.atf.treas.gov).

Par. 4. Section 53.21 is amended by adding a sentence at the end of paragraph (a) and revising paragraph (b) to read as follows:

§ 53.21 Forms prescribed.

(a)* * * The form will be filed in accordance with the instructions on the form.

(b) Forms may be requested from the ATF Distribution Center, P.O. Box 5950, Springfield, Virginia 22150–5950, or by accessing the ATF web site (http://www.atf.treas.gov).

* * * * *

§§ 53.21, 53.23, 53.96, 53.115, and 53.172 [Amended]

Par. 5. Part 53 is further amended by removing the word ''Director'' each place it appears and adding, in its place, the words ''appropriate ATF officer'' in the following places:

a. Section 53.21(a);
b. Section 53.23(a);
c. Section 53.96(b)(4);
d. Paragraph (b) in § 53.115; and
e. Section 53.172(a)(3)(ii)(A) and (a)(3)(ii)(B).

§ 53.22 [Amended]

Par. 6. Section § 53.22(a)(1) is amended by removing the words ''internal revenue district office, internal revenue service center or ATF regional officer'' and adding, in its place, the words ''internal revenue district office or internal revenue service center.''

Par. 7. Revise § 53.23(b) to read as follows:

§ 53.23 Alternate methods or procedures.

* * * * *

(b) Where the taxpayer desires to employ an alternate method or procedure, a written application to do so must be submitted. The application must specifically describe the proposed alternate method or procedure and must set forth the reasons therefor. Alternate methods or procedures must not be employed until the appropriate ATF officer has approved the application. The taxpayer must, during the period of authorization of an alternate method or procedure, comply with the terms of the approved application. Authorization for any alternate method or procedure may be withdrawn whenever, in the judgment of the appropriate ATF officer, the revenue is jeopardized or the effective administration of this part is hindered by the continuation of such authorization.

§ 53.24 [Amended]

Par. 8. Amend § 53.24 as follows:

a. In paragraph (a)(1) remove the words ''an ATF officer,'' and add, in its place, the words ''appropriate ATF officers;'' and

b. In paragraph (d)(1) add the word ''appropriate'' before the words ''ATF officers.''

§§ 53.92, 53.132, 53.133, 53.134, 53.142, 53.151, 53.155, 53.158, 53.159, 53.172, and 53.186 [Amended]

Par. 9. Part 53 is further amended by removing the words ''regional director'' and ''Regional Director'' each place they appear and adding, in their place, the words ''appropriate ATF officer'' in the following places:

a. § 53.92(b)(2);
b. Section 53.132(c)(2)(ii);
c. Section 53.133(d)(3);
d. Section 53.134(d)(2)(ii);
e. Section 53.142(a);
f. Section 53.151(b)(1) and (b)(2);
g. Section 53.155 (a) and (b);
h. Section 53.158(b)(3);
i. Section 53.159(d)(1), and (d)(2);
j. Section 53.172(b)(2)(iii); and
k. Section 53.186(a)(introductory text) and (a)(4).

§ 53.136 [Amended]

Par. 10. Amend the first sentence of § 53.136(c)(2) by removing the words ''and the regional director's office that issued the registration number.''

§ 53.140 [Amended]

Par. 11. In paragraph (b) of § 53.140, remove the sentences which read as follows: ''This form shall be filed with the regional director of ATF for the region in which the principal place of business of the applicant is located (or the applicant has no principal place of business in the United States, with the Director, ATF). Copies of the ATF Form 5300.28 may be obtained from any regional office.''

§ 53.156 [Amended]

Par. 12. Amend § 53.156 as follows:

a. In paragraph (a)(1) remove the words ''may apply to the regional director for an extension'' and add, in its place, the words ''may apply for an extension filing ATF Form 5600.38;''

b. In the first sentence of paragraph (c), remove the words ''ATF Form 5300.29'' and add, in its place, the words ''ATF Form 5600.38;'' and

c. In the third sentence of paragraph (c), remove the words ''with the regional director shown on the form.''

§ 53.157 [Amended]

Par. 13. Remove the words ''from the regional director'' from § 53.157(f)(1).

§ 53.158 [Amended]

Par. 14. Amend § 53.158 as follows:

a. In paragraph (b)(1) remove the words ''regional director (compliance) of the ATF region in which taxes are paid'' and add, in its place, the words ''appropriate ATF officer;'' and

b. In paragraph (e) remove the words ''regional director (compliance)'' and

add, in its place, the words ''appropriate ATF officer.''

§ 53.159 [Amended]

Par. 15. Remove the words ''from the regional director'' from § 53.159(j)(1).

Signed: February 16, 2001.

Bradley A. Buckles,

Director.

Approved: March 13, 2001.

Timothy E. Skud,

Acting Deputy Assistant Secretary (Regulatory, Tariff and Trade Enforcement).

[FR Doc. 01–9238 Filed 4–12–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

27 CFR Parts 55, 70, and 270

[T.D. ATF–446a]

RIN 1512–AC37

Technical Amendment to Regulations; Correction

AGENCY: Bureau of Alcohol, Tobacco and Firearms (ATF), Department of the Treasury.

ACTION: Correcting amendments.

SUMMARY: This document contains correcting amendments to the Treasury decision, which was published in the **Federal Register** on March 27, 2001 (66 FR 16601), regarding technical amendments to Title 27, Code of Federal Regulations (CFR).

DATES: This rule is effective March 27, 2001.

FOR FURTHER INFORMATION CONTACT: Angela Shanks, Regulations Division, Bureau of Alcohol, Tobacco and Firearms, 650 Massachusetts Avenue NW., Washington, DC 20226, (202) 927–8210.

SUPPLEMENTARY INFORMATION:

Background

The Bureau of Alcohol, Tobacco and Firearms (ATF) published a document in the **Federal Register** of March 27, 2001 (66 FR 16601). Sections 55.128, 55.218, and 70.803(c) were erroneously revised. Also, the OMB numbers in §§ 270.165 and 270.165a were erroneously removed. This document corrects these errors.

Accordingly, 27 CFR part 55, 70, and 270 are corrected to make the following correcting amendments:

PART 55—COMMERCE IN EXPLOSIVES

1. The authority citation for part 55 continues to read as follows:

Authority: 18 U.S.C. 847.

2. The second sentence in § 55.128 is revised to read as follows:

§ 55.128 Discontinuance of business.

* * * Where discontinuance of the business or operations is absolute, the records required by this subpart must be delivered within 30 days following the business or operations discontinuance to any ATF office located in the region in which the business was located, or to the ATF Out-of-Business Records Center, Spring Mills Office Park, 882 T.J. Jackson Drive, Falling Waters, West Virginia 25419.

* * * * *

3. Section 55.218 is amended by adding the reference ''(1.5 lbs.)'' after ''1½ lbs.'' in paragraph (3) to the Notes of the Table of Distances for Storage of Explosives.

PART 70—PROCEDURE AND ADMINSTRATION

4. On page 16602, in the **Federal Register** of March 27, 2001, remove amendatory instruction paragraph 7.

PART 270—MANUFACTURE OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES

5. The authority citation for part 270 continues to read as follows:

Authority: 26 U.S.C. 5142, 5143, 5146, 5701, 5703–5705, 5711–5713, 5721–5723, 5731, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

6. Section 270.165 is amended by adding the following at the end of the section to read as follows:

* * * * *

(Approved by Office of Management and Budget under control number 1512–0467)

7. Section 270.165a is amended by adding the following at the end of the section to read as follows:

* * * * *

(Approved by Office of Management and Budget under control number 1512–0457)

Signed: April 10, 2001.

Bradley A. Buckles,

Director.

[FR Doc. 01–9240 Filed 4–12–01; 8:45 am]

BILLING CODE 4810–31–P

PENSION BENEFIT GUARANTY CORPORATION

29 CFR Parts 4022 and 4044

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

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Final rule.

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

EFFECTIVE DATE: May 1, 2001.

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

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

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

Accordingly, this amendment (1) adds to Appendix B to part 4044 the interest assumptions for valuing benefits for allocation purposes in plans with valuation dates during May 2001, (2)

adds to Appendix B to part 4022 the interest assumptions for the PBGC to use for its own lump-sum payments in plans with valuation dates during May 2001, and (3) adds to Appendix C to part 4022 the interest assumptions for private-sector pension practitioners to refer to if they wish to use lump-sum interest rates determined using the PBGC's historical methodology for valuation dates during May 2001.

For valuation of benefits for allocation purposes, the interest assumptions that the PBGC will use (set forth in Appendix B to part 4044) will be 6.40 percent for the first 20 years following the valuation date and 6.25 percent thereafter. These interest assumptions are unchanged from those in effect for April 2001.

The interest assumptions that the PBGC will use for its own lump-sum payments (set forth in Appendix B to part 4022) will be 4.75 percent for the period during which a benefit is in pay status, and 4.00 percent during any years preceding the benefit's placement in pay status. These interest assumptions are unchanged from those in effect for April 2001.

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

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

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

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

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

List of Subjects

29 CFR Part 4022

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

29 CFR Part 4044

Employee benefit plans, Pension insurance, Pensions.

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

PART 4022—BENEFITS PAYABLE IN TERMINATED SINGLE-EMPLOYER PLANS

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

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

2. In appendix B to part 4022, Rate Set 91, as set forth below, is added to the table. (The introductory text of the table is omitted.)

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

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
91	5–1–01	6–1–01	4.75	4.00	4.00	4.00	7	8

3. In appendix C to part 4022, Rate Set 91, as set forth below, is added to the table. (The introductory text of the table is omitted.)

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

* * * * * * *

Rate set	For plans with a valuation date		Immediate annuity rate (percent)	Deferred annuities (percent)				
	On or after	Before		i_1	i_2	i_3	n_1	n_2
*	*		*	*	*	*	*	*
91	5–1–01	6–1–01	4.75	4.00	4.00	4.00	7	8

PART 4044—ALLOCATION OF ASSETS IN SINGLE-EMPLOYER PLANS

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

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

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

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

* * * * * * *

For valuation dates occurring in the month—	The values of i_t are:					
	i_t	for t =	i_t	for t =	i_t	for t =
* * *	*		*		*	
May 2001	.0640	1–20	.0625	>20	N/A	N/A

Issued in Washington, DC, on this 9th day of April 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 01–9193 Filed 4–12–01; 8:45 am]

BILLING CODE 7708–01–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 100

[CGD07–01–023]

RIN 2115–AE46

Special Local Regulations; Charleston Harbor, SC

AGENCY: Coast Guard, DOT

ACTION: Temporary final rule.

SUMMARY: Temporary special local regulations are being established for the start of the Charleston to Bermuda Race, Charleston Harbor, S. C. These regulations restrict the movement of non-participating vessels in the waters between Charleston Waterfront and Battle Park, to Castle Pinckney and the South Channel, then out the Charleston Harbor Channel. These regulations are needed to provide for the safety of life on navigable waters during the event.

DATES: This rule is effective from 12:30 p.m. to 4 p.m. on May 19, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of [CGD07–01–023] and are available for inspection or copying at Coast Guard Group Charleston, 196 Tradd St, Charleston S. C. 29401 between 7:30 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: QMC David Jersey, Coast Guard Group Charleston at 843 724 7600 x252.

SUPPLEMENTARY INFORMATION:

Regulatory Information

We did not publish a notice of proposed rulemaking (NPRM) for this regulation. Under 5 U.S.C. 553(b)(B), the Coast Guard finds that good cause exists for not publishing an NPRM. Publishing an NPRM would be contrary to national safety interests since immediate action is needed to minimize potential danger to the public because there will be numerous spectator craft in the area.

Background and Purpose

This rule is required to provide for the safety of life on navigable waters because of the inherent danger associated with a large number of spectator craft expected to view the start of the Charleston to Bermuda Race, in Charleston Harbor, S.C. This rule prohibits non-participating vessels from entering the designated regulated area in Charleston Harbor during the event.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not ''significant'' under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, l979). The regulation will only be in effect for 3.5 hours.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

This rule may affect the following entities, some of which may be small entities: the owners or operators of vessels intending to transit or anchor in a portion of Charleston Harbor and Approaches from 12:30 p.m. to 4 p.m. on May 19, 2001. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities because the rule will be in effect for only 3.5 hours.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pubic Law 104–121), we offer to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process. Small entities may contact the person listed under **FOR FURTHER INFORMATION CONTACT** for assistance in understanding and participating in this rulemaking. We also have a point of contact for commenting on actions by employees of the Coast Guard. Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247).

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531—1538) governs the issuance of Federal regulations that require unfunded mandates. An unfunded mandate is a regulation that requires a State, local, or tribal

government or the private sector to incur direct costs without the Federal Government's having first provided the funds to pay those unfunded mandate costs. This rule will not impose an unfunded mandate.

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

The Coast Guard has considered the environmental impact of this action and has determined pursuant to Figure 2–1, paragraph 34(h) of Commandant Instruction M16475.1C, that this action is categorically excluded from further environmental documentation.

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—[MARINE EVENTS]

1. The authority citation for Part 100 continues to read as follows:

Authority: 33 U.S.C. 1233 through 1236, 49 CFR 1.46, and 33 CFR 100.35.

2. Add temporary § 100.35T–07–023 to read as follows:

§ 100.35T–07–023 Charleston to Bermuda Race, Charleston Harbor, Charleston SC.

(a) *Regulated Area:* An area in Charleston Harbor, Charleston, S. C. starting from: A line drawn from the point at Customhouse Reach in position 32–47.15N 079–55.18W, 0.18nm west to 32–47.15N 079–55.40W; then south 0.68 nm to the gate formed by Degaussing Range West Platform Light (light list number 2670) (32–46.47N 079–55.37W) and Degaussing Range East Platform Light (light list number 2665 (32–46.50N 079–55.00W); then to the gate formed by Battery Point Lighted Buoy BP (light list number 2650) (32–45.61N 079–55.08W) and Cooper River Lighted Buoy 32 (light list number 2655) (32–46.47N 079–55.10W); then to that portion of South Channel to where it intersects Charleston Harbor Channel Mt. Pleasant Range; then southeasterly out Charleston Harbor Channel to the gate formed by Charleston Harbor Channel Lighted Buoy 13 (light list number 2415) (32–43.29N 079–48.73W) to Charleston Harbor Channel Lighted Buoy 14 (light list number 2420) (32–45.45N 079–48.63W).

All coordinates referenced use Datum: NAD 1983.

(b) *Coast Guard Patrol Commander:* The Coast Guard Patrol Commander is a commissioned, warrant, or petty officer of the Coast Guard who has been designated by Commanding Officer, Coast Guard Group Charleston SC.

(c) *Special Local Regulations:* Non-participant vessels are prohibited from entering the regulated area unless authorized by the Patrol Commander. Spectator craft may remain in the designated spectator area to be established by the event sponsor, The Charleston to Bermuda Race, Inc.

(d) *Dates:* This section becomes effective at 12:30 p.m. on May 19, 2001 and terminates at 4 p.m. May 19, 2001.

Dated: March 23, 2001.

G.W. Sutton,

Captain U.S. Coast Guard Commander, Seventh Coast Guard District, Acting.

[FR Doc. 01–9177 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 165

[CGD01–01–015]

RIN 2115–AA97

Safety Zone: Queens Millennium Concert Fireworks, East River, NY

AGENCY: Coast Guard, DOT.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone for the Queens Millennium Concert Fireworks on the East River. This action is necessary to provide for the safety of life on navigable waters during the event. This action is intended to restrict vessel traffic in a portion of the East River.

DATES: This rule is effective from 9 p.m. (e.s.t.) until 10:30 p.m. (e.s.t.) on May 19, 2001.

ADDRESSES: Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, are part of docket (CGD01–01–015) and are available for inspection or copying at room 204, Coast Guard Activities New York, Waterways Oversight Branch, 212 Coast Guard Drive, Staten Island, New York, between 8 a.m. and 3 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant M. Day, Waterways Oversight Branch, Coast Guard Activities New York (718) 354–4012.

SUPPLEMENTARY INFORMATION:

Regulatory Information

On March 2, 2001, we published a notice of proposed rulemaking (NPRM) entitled Safety Zone: Queens Millennium Concert Fireworks, East River, NY in the **Federal Register** (66 FR 13032). We received no letters commenting on the proposed rule. No public hearing was requested, and none was held.

Background and Purpose

The Coast Guard is establishing a temporary safety zone for the Queens Millennium Concert Fireworks on the East River. The safety zone encompasses all waters of the East River, within a 180-yard radius of the fireworks barge in approximate position 40°44′43.3″ N 073°57′43.2″ W, about 240 yards east of Belmont Island.

The safety zone is effective from 9 p.m. (e.s.t.) until 10:30 p.m. (e.s.t.) on May 19, 2001. The safety zone prevents vessels from transiting a portion of the East River. It is needed to protect boaters from the hazards associated with fireworks launched from a barge in the area. Marine traffic will still be able to transit to the west of Belmont Island through the western 340 yards of the East River. Additionally, vessels will not be precluded from mooring at or getting underway from recreational or commercial piers in the vicinity of the zone. No vessel may enter the safety zone without permission from the Captain of the Port, New York.

This safety zone covers the minimum area needed and imposes the minimum restrictions necessary to ensure the protection of all vessels. Public notifications will be made prior to the event via the Local Notice to Mariners and Marine Information Broadcasts.

Discussion of Comments and Changes

The Coast Guard received no letters commenting on the proposed rulemaking. No changes were made to this rulemaking.

Regulatory Evaluation

This rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this rule to be so minimal that a full Regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

This safety zone will temporarily close a portion of the East River to vessel traffic; however, the impact of this regulation is expected to be minimal for the following reasons: the limited duration of the event; that vessels are not precluded from getting underway, or mooring at, public or private facilities in the vicinity of the event; the advance advisories that will be made to the maritime community; and marine traffic may still transit to the west of the zone during the event.

The size of this safety zone was determined using National Fire Protection Association and New York City Fire Department standards for 6 inch mortars fired from a barge, combined with the Coast Guard's knowledge of tide and current conditions in the area.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we considered whether this rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

This rule will affect the following entities, some of which might be small entities: the owners or operators of vessels intending to transit or anchor in a portion of the East River during the time this zone is activated.

This safety zone will not have a significant economic impact on a substantial number of small entities for the following reasons: the limited duration of the event; that vessels are not precluded from getting underway, or mooring at, public or private facilities in the vicinity of the event; the advance advisories that will be made to the maritime community; and marine traffic may still transit to the west of the zone during the event.

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Public Law 104–121), we offered to assist small entities in understanding the rule so that they could better evaluate its effects on them and participate in the rulemaking process.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Indian Tribal Governments

This rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. A rule with tribal implications has a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes.

Environment

We considered the environmental impact of this rule and concluded that, under figure 2–1, paragraph 34(g), of Commandant Instruction M16475.1C, this rule is categorically excluded from further environmental documentation. This rule fits paragraph 34(g) as it establishes a safety zone. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 165

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR Part 165 as follows:

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

2. Add Temporary § 165.T01–015 to read as follows:

§ 165.T01–015 Safety Zone: Queens Millennium Concert Fireworks, East River, NY.

(a) *Location.* The following area is a safety zone: All waters of the East River within a 180-yard radius of the fireworks barge in approximate position 40°44′43.3″ N 073°57′43.2″ W (NAD 1983), about 240 yards east of Belmont Island.

(b) *Effective period.* This section is effective from 9 p.m. (e.s.t.) until 10:30 p.m. (e.s.t.) on May 19, 2001.

(c) *Regulations.* (1) The general regulations contained in 33 CFR 165.23 apply.

(2) No vessels will be allowed to transit the safety zone without the

permission of the Captain of the Port, New York.

(3) All persons and vessels shall comply with the instructions of the Coast Guard Captain of the Port or the designated on-scene patrol personnel. These personnel comprise commissioned, warrant, and petty officers of the Coast Guard. Upon being hailed by a U.S. Coast Guard vessel by siren, radio, flashing light, or other means, the operator of a vessel shall proceed as directed.

Dated: April 5, 2001.

P.A. Harris,

Captain, U. S. Coast Guard Captain of the Port, New York, Acting.

[FR Doc. 01–9178 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–15–U

LIBRARY OF CONGRESS

Copyright Office

37 CFR Part 205

[Docket No. RM 2001–1]

Service of Notice of Institution of Action for Infringement and Service of Complaint in Infringement Action on the Register of Copyrights

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule.

SUMMARY: This document publishes the procedures for proper service on the Register of Copyrights when a registration applicant whose application for registration has been refused institutes an infringement action. Service under such circumstances is required under title 17, United States Code, section 411(a).

EFFECTIVE DATE: Effective May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Marilyn J. Kretsinger, Assistant General Counsel, or Patricia L. Sinn, Senior Attorney, Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024. Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: Under title 17, United States Code, the copyright law allows a copyright owner to sue for infringement of exclusive rights provided under 17 U.S.C. 106, as long as the work(s) at issue have been registered with the Copyright Office. In addition, under section 411(a), a registration applicant whose application for registration has been refused by the Office may institute an infringement action under certain circumstances. It states:

> Except for an action brought for a violation of the rights of the author under section 106A(a), and subject to the provisions of subsection (b), no action for infringement of the copyright in any United States work shall be instituted until registration of the copyright claim has been made in accordance with this title. In any case, however, where the deposit, application, and fee required for registration have been delivered to the Copyright Office in proper form and registration has been refused, the applicant is entitled to institute an action for infringement if notice thereof, with a copy of the complaint, is served on the Register of Copyrights. The Register may, at his or her option, become a party to the action with respect to the issue of registrability of the copyright claim by entering an appearance within sixty days after such service, but the Register's failure to become a party shall not deprive the court of jurisdiction to determine that case.

17 U.S.C. 411(a).

The purpose of the statutory provision is to enable the Register to become a party to an action, if he or she chooses, with respect to the issue of registrability of the copyright claim, and, thereby explain the Office's rejection of an application or clarify the Office's registration practices and procedures. The Register has sixty days after service of complaint to intervene in the case. In order for this to occur, service must be proper and timely.

Unfortunately, the statute does not give specific instructions about service on the Register when registration has been refused, and in practice such service has not been uniform. Despite the Copyright Office's publication of an address where these complaints should be directed, See 59 FR 17401 (April 12, 1994), they continue to be misdirected. A number of them have been delivered to the wrong section of the Copyright Office and held for over 60 days before being forwarded to the appropriate Copyright Office official. Such delays make it impossible for the Office to enter the case. Therefore, the Office is publishing in its regulations the procedures whereby notice of institution of lawsuits and complaints in cases where registration has been refused must be served directly upon the appropriate officials responsible for determining Office participation in such cases. Service that does not comply with these procedures will not be considered proper.

Service on the Register of notice that an action has been instituted for infringement of a work for which registration has been refused will be satisfied by either sending by first class mail notice of the institution of the action in the form of a cover letter addressed to the Register of Copyrights, along with a copy of the complaint to the General Counsel of the Copyright Office at Copyright GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024 or by hand delivery of the same material to the General Counsel. If delivered by hand, the cover letter and complaint must be delivered to the Copyright Office General Counsel's Office at the James Madison Memorial Building, Room LM–403, First and Independence Avenue, SE, Washington, D.C. A copy of the cover letter and complaint should also be sent to the Department of Justice by first class mail, addressed to the Director of Intellectual Property Staff, Commercial Litigation Branch, Civil Division, Department of Justice, Washington, D.C. 20530.

This final rule is being published without opportunity for notice and comment because it is a rule of agency practice and procedure. Moreover, the Office finds that there is good cause to conclude that providing the opportunity for notice and comment would be impracticable, unnecessary and contrary to the public interest because this rule simply advises parties of the address to which the notice required by section 411(a) must be sent. See 5 U.S.C. 553(b)(A) and (B).

List of Subjects in 37 CFR Part 205

Copyright, Service of process.

Final Regulation

In consideration of the foregoing, the Copyright Office is amending 37 CFR Chapter II by adding part 205 consisting of subpart A to read as follows:

PART 205—PRODUCTION OF LEGAL DOCUMENTS AND OFFICIAL TESTIMONY

Authority: 17 U.S.C. 411, 17 U.S.C. 702.

§ 205.1 Complaints served on the Register of Copyright pursuant to 17 U.S.C. 411(a)

When an action has been instituted pursuant to 17 U.S.C. 411(a) for infringement of the copyright of a work for which registration has been refused, notice of the institution of the action and a copy of the complaint must be served on the Register of Copyrights by delivering such documents by first class mail to the General Counsel of the Copyright Office, GC/I&R, P.O. Box 70400, Southwest Station, Washington, D.C. 20024, or delivery by hand to the General Counsel of the Copyright Office, James Madison Memorial Building, Room LM–403, First and Independence Avenue, SE, Washington, D.C. A second copy should be delivered by first class mail to the United States Department of Justice, directed to the Director of Intellectual Property Staff, Commercial

Litigation Branch, Civil Division, Department of Justice, Washington, D.C. 20530.

Dated: April 3, 2001.

Marybeth Peters,

Register of Copyrights.

James H. Billington,

Librarian of Congress.

[FR Doc. 01–9236 Filed 4–12–01; 8:45 am]

BILLING CODE 1410–30–P

POSTAL SERVICE

39 CFR Part 20

International Mail; Changes in Postal Rates, Fees, and Mail Classifications

AGENCY: Postal Service.

ACTION: Change of Effective Date for Elimination of Global Package Link Service.

SUMMARY: The Postal Service is changing the effective date for elimination of the Global Package Link service from April 1, 2001 to April 30, 2001. This change will allow our customers more time to change their manifesting systems.

DATES: 1. The effective date of the elimination of Global Package Link service published in the **Federal Register** on December 8, 2000 (65 FR 77076), is delayed until April 30, 2001.

2. The effective date of the final rule amending international postal rates, fees, and mail classifications in 39 CFR part 20 published on December 8, 2000, remains January 7, 2001.

FOR FURTHER INFORMATION CONTACT: Angus MacInnes, 703–292–3601.

SUPPLEMENTARY INFORMATION:

• On September 26, 2000, the Postal Service published in the **Federal Register** (65 FR 57864) a notice of proposed changes to international postal rates, fees, and mail classifications. In that notice, we proposed eliminating the Global Package Link service. We also stated that current customers will be offered other services for their mail.

• On December 8, 2000, the Postal Service published the final rule in the **Federal Register** (65 FR 77076). In that rule, we stated that the current service hasn't attracted enough customers to justify continuation of the service in its current form. Therefore, we eliminated the service. However, because of the comments from customers who use the Global Package Link service, the Postal Service delayed the elimination of the service until April 1, 2001. The delay was to allow Global Package Link customers enough time to transition to other products.

• The Postal Service now realizes that some customers may need additional time to change their manifesting system; therefore, we have further delayed the effective date for elimination of the Global Package Link service until April 30, 2001.

List of Subjects in 39 CFR Part 20

Foreign relations, International postal services.

PART 20—[AMENDED]

This is a technical amendment because it only amends the effective date of the elimination of Global Package Link service. Accordingly, the final rule amending 39 CFR part 20, which was published at 65 FR 77076 on December 8, 2000, is adopted as a final rule without change.

Stanley F. Mires,

Chief Counsel, Legislative.

[FR Doc. 01–9248 Filed 4–12–01; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 81

Designation of Areas for Air Quality Planning Purposes

CFR Correction

In Title 40 of the Code of Federal Regulations, parts 81 to 85, revised as of July 1, 2000, in § 81.306, beginning on page 98 in the first column, remove the text from the table beginning with ''Archuleta County'' through the end of the table on page 100 up to the next heading ''Colorado –PM–10''.

[FR Doc. 01–55512 Filed 4–12–01; 8:45 am]

BILLING CODE 1505–01–D

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7759]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: This rule identifies communities, where the sale of flood insurance has been authorized under the National Flood Insurance Program (NFIP), that are suspended on the effective dates listed within this rule because of noncompliance with the floodplain management requirements of the program. If the Federal Emergency Management Agency (FEMA) receives documentation that the community has adopted the required floodplain management measures prior to the effective suspension date given in this rule, the suspension will be withdrawn by publication in the **Federal Register**.

EFFECTIVE DATES: The effective date of each community's suspension is the third date (''Susp.'') listed in the third column of the following tables.

ADDRESSES: If you wish to determine whether a particular community was suspended on the suspension date, contact the appropriate FEMA Regional Office or the NFIP servicing contractor.

FOR FURTHER INFORMATION CONTACT: Donna M. Dannels, Division Director, Policy and Assessment Division, Mitigation Directorate, 500 C Street, SW., Room 411, Washington, DC 20472, (202) 646–3098.

SUPPLEMENTARY INFORMATION: The NFIP enables property owners to purchase flood insurance which is generally not otherwise available. In return, communities agree to adopt and administer local floodplain management aimed at protecting lives and new construction from future flooding. Section 1315 of the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage as authorized under the National Flood Insurance Program, 42 U.S.C. 4001 et seq., unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed in this document no longer meet that statutory requirement for compliance with program regulations, 44 CFR part 59 et seq. Accordingly, the communities will be suspended on the effective date in the third column. As of that date, flood insurance will no longer be available in the community. However, some of these communities may adopt and submit the required documentation of legally enforceable floodplain management measures after this rule is published but prior to the actual suspension date. These communities will not be suspended and will continue their eligibility for the sale of insurance. A notice withdrawing the suspension of the communities will be published in the **Federal Register**.

In addition, the Federal Emergency Management Agency has identified the special flood hazard areas in these communities by publishing a Flood Insurance Rate Map (FIRM). The date of the FIRM if one has been published, is indicated in the fourth column of the

table. No direct Federal financial assistance (except assistance pursuant to the Robert T. Stafford Disaster Relief and Emergency Assistance Act not in connection with a flood) may legally be provided for construction or acquisition of buildings in the identified special flood hazard area of communities not participating in the NFIP and identified for more than a year, on the Federal Emergency Management Agency's initial flood insurance map of the community as having flood-prone areas (section 202(a) of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4106(a), as amended). This prohibition against certain types of Federal assistance becomes effective for the communities listed on the date shown in the last column. The Associate Director finds that notice and public comment under 5 U.S.C. 553(b) are impracticable and unnecessary because communities listed in this final rule have been adequately notified.

Each community receives a 6-month, 90-day, and 30-day notification addressed to the Chief Executive Officer that the community will be suspended unless the required floodplain management measures are met prior to the effective suspension date. Since these notifications have been made, this final rule may take effect within less than 30 days.

National Environmental Policy Act

This rule is categorically excluded from the requirements of 44 CFR part 10, Environmental Considerations. No environmental impact assessment has been prepared.

Regulatory Flexibility Act

The Associate Director has determined that this rule is exempt from the requirements of the Regulatory Flexibility Act because the National Flood Insurance Act of 1968, as amended, 42 U.S.C. 4022, prohibits flood insurance coverage unless an appropriate public body adopts adequate floodplain management measures with effective enforcement measures. The communities listed no longer comply with the statutory requirements, and after the effective date, flood insurance will no longer be available in the communities unless they take remedial action.

Regulatory Classification

This final rule is not a significant regulatory action under the criteria of section 3(f) of Executive Order 12866 of September 30, 1993, Regulatory Planning and Review, 58 FR 51735.

Paperwork Reduction Act

This rule does not involve any collection of information for purposes of the Paperwork Reduction Act, 44 U.S.C. 3501 et seq.

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, October 26, 1987, 3 CFR, 1987 Comp., p. 252.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778, October 25, 1991, 56 FR 55195, 3 CFR, 1991 Comp., p. 309.

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

1. The authority citation for Part 64 continues to read as follows:

Authority: 42 U.S.C. 4001 et seq.; Reorganization Plan No. 3 of 1978, 3 CFR, 1978 Comp., p. 329; E.O. 12127, 44 FR 19367, 3 CFR, 1979 Comp., p. 376.

§ 64.6 [Amended]

2. The tables published under the authority of § 64.6 are amended as follows:

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date certain Federal assistance no longer available in special flood hazard areas
Region III:				
Pennsylvania: Bethlehem, city of, Northampton County.	420718	September 1, 1972, Emerg., July 3, 1978, Reg. April 6, 2001, Susp..	.....do	Do.
East Allen, township of, Northampton County.	420981	October 19, 1973, Emerg., February 11, 1983, Reg. April 6, 2001, Susp.	.....do	Do.
Easton, city of, Northampton County	425383	June 18, 1971, Emerg., October 17, 1978, Reg. April 6, 2001, Susp..	.....do	Do.
Freemansburg, borough of, Northampton County.	420721	March 30, 1973, Emerg., September 1, 1977, Reg. April 6, 2001, Susp.	.....do	Do.
Glendon, borough of, Northampton County.	422254	August 7, 1975, Emerg., January 16, 1980, Reg. April 6, 2001, Susp.	.....do	Do.
Lower Nazareth, township of, Northampton County.	422253	January 3, 1977, Emerg., May 4, 1988, Reg. April 6, 2001, Susp.	.....do	Do.
Lower Saucon, township of, Northampton County.	420982	January 30, 1974, Emerg., September 28, 1979, Reg. April 6, 2001, Susp.	.....do	Do.
North Catasauqua, borough of, Northampton County.	420727	May 9, 1975, Emerg., July 16, 1981, Reg. April 6, 2001, Susp.	.....do	Do.
Northampton, borough of, Northampton County.	420726	February 1, 1974, Emerg., May 3, 1982, Reg. April 6, 2001, Susp.	.....do	Do.
Pen Argyl, borough of, Northampton County.	421926	December 26, 1974, Emerg., June 25, 1976, Reg. April 6, 2001, Susp.	.....do	Do.
Stockertown, borough of, Northampton County.	420730	August 25, 1975, Emerg., December 4, 1979, Reg. April 6, 2001, Susp.	.....do	Do.
Washington, township of, Northampton County.	421156	April 15, 1974, Emerg., September 30, 1988, Reg. April 6, 2001, Susp.	.....do	Do.
West Easton, borough of, Northampton County.	420733	July 9, 1973, Emerg., March 1, 1979, Reg. April 6, 2001, Susp.	.....do	Do.
Region V:				
Wisconsin: Baraboo, city of, Sauk County.	550392	June 1, 1973, Emerg., August 1, 1979, Reg. April 6, 2001, Susp.	.....do	Do.

State and Location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date certain Federal assistance no longer available in special flood hazard areas
Lake Delton, village of, Sauk County ...	550394	February 19, 1975, Emerg., September 4, 1985, Reg. April 6, 2001, Susp.	.....do	Do.
LaValle, village of, Sauk County	550395	March 5, 1975, Emerg., September 19, 1984, Reg. April 6, 2001, Susp.	.....do	Do.
Lime Ridge, village of, Sauk County	550396	September 1, 1987, Reg., April 6, 2001, Susp.	.....do	Do.
Loganville, village of, Sauk County	550397	February 19, 1976, Emerg., February 15, 1985, Reg. April 6, 2001, Susp.	.....do	Do.
Merrimac, village of, Sauk County	550398	March 27, 1975, Emerg., March 7, 2001, Reg. April 6, 2001, Susp.	.....do	Do.
North Freedom, village of, Sauk County	550399	April 22, 1975, Emerg., September 19, 1984, Reg. April 6, 2001, Susp.	.....do	Do.
Plain, village of, Sauk County	550400	December 23, 1974, Emerg., September 30, 1988, Reg. April 6, 2001, Susp.	.....do	Do.
Reedsburg, city of, Sauk County	550402	May 21, 1975, Emerg., March 4, 1985, Reg. April 6, 2001, Susp.	.....do	Do.
Rock Springs, village of, Sauk County	550403	April 30, 1975, Emerg., September 18, 1985, Reg. April 6, 2001, Susp.	.....do	Do.
Sauk City, village of, Sauk County	550404	May 7, 1975, Emerg., March 7, 2001, Reg. April 6, 2001, Susp.	.....do	Do.
Sauk County, unincorporated areas	550391	September 7, 1973, Emerg., September 17, 1980, Reg. April 6, 2001, Susp.	.....do	Do.
Spring Green, village of, Sauk County	550405	August 27, 1975, Emerg., February 1, 1986, Reg. April 6, 2001, Susp.	.....do	Do.
West Baraboo, village of, Sauk County	550407	July 24, 1975, Emerg., September 19, 1984, Reg. April 6, 2001, Susp.	.....do	Do.
Wisconsin Dells, city of, Sauk and Columbia Counties.	550065	July 17, 1975, Emerg., December 18, 1984, Reg. April 6, 2001, Susp.	.....do	Do.

Code for reading third column: Emerg.-Emergency; Reg.-Regular; Susp.-Suspension.

Dated: April 4, 2001.

Margaret E. Lawless,

Acting Executive Associate, Director for Mitigation.

[FR Doc. 01–9173 Filed 4–12–01; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 15

[DA 01–446]

Emissions From Digital Devices

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: This document adopts rules regarding limits on conducted and radiated emissions from unintentional radiators in order to update the references to Publication 22 of the International Electrotechnical Commission.

DATES: Effective May 14, 2001. The incorporation by reference of certain publications in this rule is approved by the Director of Federal Register as of May 14, 2001.

FOR FURTHER INFORMATION CONTACT: John Reed, Office of Engineering and Technology, (202) 418–2455.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's *Order*, DA 01–446, adopted February 27, 2001, and released February 28, 2001. The full text of this Commission decision is available on the Commission's Internet site at www.fcc.gov. It is available for inspection and copying during normal business hours in the FCC Reference Information Center, Room CY–A257, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's duplication contractor, International Transcription Service, (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

Summary of the Order

1. On December 3, 1999, the Information Technology Industry Council (''ITI'') filed a request to amend 47 CFR 15.107(e) and 15.109(g) of the Commission's rules regarding limits on conducted and radiated emissions from unintentional radiators in order to update the references to Publication 22 of the International Electrotechnical Commission (''IEC''), International Special Committee on Radio Interference (''CISPR''). Currently, the Commission rules reference the First Edition of CISPR Publication 22 (1985) along with several Draft International Standards (''DIS'') that were adopted in 1992. ITI points out that the First Edition of CISPR Publication 22 is no longer published and is becoming difficult to find. Accordingly, ITI requests that the Commission amend its rules to reference the Third Edition of CISPR Publication 22 (1997). ITI also requests that the Commission specifically exclude the limits in CISPR Publication 22 (1997) for conducted common mode disturbance at telecommunications ports. ITI adds that such testing would require the use of stabilization networks that generally are not available. Further, ITI is not aware of any history of interference complaints in this area.

2. We note that the standards contained in CISPR Publication 22 (1997) on the amount of energy allowed to be conducted onto the public utility (AC) power lines or radiated from a device are the same as those contained in CISPR Publication 22 (1985) as amended by the 1992 Draft International Standards. Thus, amending the rules to reference CISPR Publication 22 (1997) would not result in a change to the regulations and would simplify the task of obtaining copies of this publication. We also note that the existing references within the Commission's rules to the CISPR Publication 22 standards apply only to the levels of emissions conducted onto AC power lines and to the levels of emissions radiated from a

digital device. Accordingly, there is no limit in the Commission's rules for conducted common mode disturbance at telecommunications ports. Therefore, for the sake of clarity we will incorporate ITI's suggested language excluding the limits in CISPR Publication 22 for conducted common mode disturbance at telecommunications ports.

3. In accordance with Section 553 of the Administrative Procedures Act, a Notice of Proposed Rule Making is not required when the agency for good cause finds, and incorporates the finding and a brief statement of reasons therefore in the rules issued, that notice and public procedure thereon are unnecessary. In this case, we find that the amendment to the regulations does not result in any changes to the equipment standards. The amendment is ministerial in nature and is being made only to reference a more recent publication so as to facilitate obtaining these standards. Accordingly, public notice and comment are not necessary.

4. Accordingly, part 15 of the Commission's Rules and Regulations *Is Amended* effective May 14, 2001. This action is taken pursuant to the authority found in §§ 0.31 and 0.241 of the regulations.

List of Subjects in 47 CFR Part 15

Communications equipment, Incorporation by reference.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Rule Changes

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 15 as follows:

PART 15—RADIO FREQUENCY DEVICES

1. The authority citation for part 15 continues to read as follows:

Authority: 47 U.S.C. 154, 302, 303, 304, 307, 336 and 544A.

2. Section 15.107 is amended by revising paragraph (e) introductory text and by adding a new paragraph (e)(3), to read as follows:

§ 15.107 Conducted limits.

* * * * *

(e) As an alternative to the conducted limits shown in paragraphs (a) and (b) of this section, digital devices may be shown to comply with the standards contained in the Third Edition of International Electrotechnical Commission (''IEC''), International Special Committee on Radio Interference (CISPR) Pub. 22 (1997), ''Information Technology Equipment—Radio Disturbance Characteristics—Limits and Methods of Measurement.'' This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of CISPR publications may be purchased from Global Engineering Documents, P. O. Box 8500 (S–4485), Philadelphia, PA 19178–4485, (303) 792–2181 or (800) 624–3974. Copies also may be inspected, but not reproduced, during normal business hours at the following locations: Federal Communications Commission, Reference Information Center, 445 12th Street, SW., Room CY–A257, Washington, DC, and Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition:

* * * * *

(3) Part 15 devices are not subject to the CISPR 22 limits on conducted common mode disturbance at telecommunication ports, as shown in Section 5.2 of CISPR, Tables 3 and 4.

* * * * *

3. Section 15.109 is amended by revising paragraph (g) introductory text to read as follows:

§ 15.109 Radiated emission limits.

* * * * *

(g) As an alternative to the radiated emission limits shown in paragraphs (a) and (b) of this section, digital devices may be shown to comply with the standards contained in the Third Edition of International Electrotechnical Commission (''IEC''), International Special Committee on Radio Interference (CISPR) Pub. 22 (1997), ''Information Technology Equipment—Radio Disturbance Characteristics—Limits and Methods of Measurement.'' This incorporation by reference was approved by the Director of the Federal Register in accordance with 5 U.S.C. 552(a) and 1 CFR part 51. Copies of CISPR publications may be purchased from the Global Engineering Documents, P. O. Box 8500 (S–4485), Philadelphia, PA 19178–4485, (303) 792–2181 or (800) 624–3974. Copies also may be inspected, but not reproduced, during normal business hours at the following locations: Federal Communications Commission, Reference Information Center, Room CY–A257, 445 12th Street, SW., Washington, DC, and Office of the Federal Register, 800 North Capitol Street, NW., Suite 700, Washington, DC. In addition:

* * * * *

[FR Doc. 01–9108 Filed 4–12–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[CC Docket No. 96–45; DA 01–829]

Contributions to Federal Universal Service Support Mechanisms; Approval of FCC Form 499-Q (Telecommunications Reporting Worksheet) by the Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice of OMB approval of reporting form.

SUMMARY: This document announces that the FCC Form 499-Q (Telecommunications Reporting Worksheet) has been approved by the Office of Management and Budget. Carries must file the form to report their revenues from the prior quarter for purposes of contributing to the Federal universal service support mechanisms.

DATES: FCC Form 499-Q was approved on April 2, 2001.

FOR FURTHER INFORMATION CONTACT: Richard Smith, Attorney, Accounting Policy Division, Common Carrier Bureau, (202) 418–7400, TTY: (202) 418–0484.

SUPPLEMENTARY INFORMATION: The Common Carrier Bureau announces that FCC Form 499-Q (Telecommunications Reporting Worksheet) has been approved by the Office of Management and Budget (OMB). In accordance with the *Contribution Order,* 66 FR 16145, March 23, 2001, carriers must file the Form 499-Q to report their revenues from the prior quarter for purposes of contributing to the federal universal service support mechanisms.

Carriers will file the initial FCC Form 499-Q on May 11, 2001. Thereafter, carriers will file FCC Form 499-Q, reporting their revenues from the prior quarter, by the beginning of the second month of each quarter (*i.e.* February 1, May 1, August 1, and November 1). As stated in the *Contribution Order,* a notice of the OMB approval will be published in the **Federal Register**.

Copies of the FCC Form 499-Q and Instructions may be obtained from the Commission's Forms Web Page (www.fcc.gov/formpage.html). Copies may also be obtained from the National Exchange Carrier Association (NECA) at (973) 560–4400.

Dated: April 6, 2001

Katherine L. Schroder,

Division Chief, Accounting Policy Division.

[FR Doc. 01–9037 Filed 4–12–01; 8:45 am]

BILLING CODE 6712–01–U

Proposed Rules

Federal Register
Vol. 66, No. 72
Friday, April 13, 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 AGRICULTURE

Agricultural Marketing Service

7 CFR Part 80

[FV–01–80–01]

Regulations Governing the Fresh Russet Potato Diversion Program, 2000 Crop

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule with request for comments.

SUMMARY: This proposed rule invites comments on the procedures setting forth the terms of the Fresh Russet Potato Diversion Program for the 2000 crop pursuant to clause (2) of section 32 of the Act of August 24, 1935, as amended. The proposed program will assist fresh Russet potato growers faced with oversupplies and low prices by diverting potatoes to charitable institutions, for livestock feed, to convert them to ethanol, and to render them nonmarketable and dispose of in accordance with federal, state and local regulations.

DATES: Comments received by May 13, 2001, will be considered prior to issuance of the final rule.

ADDRESSES: Interested persons are invited to submit written comments concerning this action to: Susan Proden, Chief, Commodity Procurement Branch, Fruit and Vegetable Programs, AMS, USDA, P.O. Box 96456, Room 2546–South Building, Washington, D.C. 20090–6456; Fax: (202) 720–2782, or visit the website at: *http://www.ams.usda.gov/fv/fvcomm.htm.* All written submissions made pursuant to this rule will be made available for public inspection in Room 2546—South Building, USDA, between the hours of 8:00 a.m. and 4:30 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Susan Proden, Branch Chief, Room 2546—South Building, USDA or call (202) 720–4517. Information may also be obtained at the website: *http://www.ams.usda.gov/fv/fvcomm.htm*

For the Nearest Federal Inspection Offices Contact: 1–800–811–2373 or visit the website at: *http://www.ams.usda.gov/fv/fpboffices.html*

SUPPLEMENTARY INFORMATION:

Regulatory Requirements

This proposed rule has been reviewed under USDA procedures established in accordance with Executive Order 12291 and Departmental Regulation No. 1512–1 and has been designated as ''nonmajor.'' It has been determined that this rule will not result in: (1) An annual effect on the economy of $100 million or more; (2) A major increase in costs or prices for consumers, individual industries, federal, state or local governments, or geographical regions; or (3) significant adverse effect or competition, employment, investment, productivity, innovation, or the ability of United States-based enterprises in domestic or export markets.

Executive Order 12866

This rule has been determined to be not significant for purposes of Executive Order 12866. Therefore, it has not been reviewed by the Office of Management and Budget (OMB).

Public Law 104–4

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Pub. L. 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on State and local governments and the private sector. Under section 202 of the UMRA, the Agricultural Marketing Service (AMS) generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures by State and local governments, in the aggregate, or by the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, Section 205 of the UMRA generally requires the AMS to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This rule contains no Federal mandates (under the regulatory provisions of Title II of the UMRA) for State and local governments or the private sector of $100 million or more in any one year. Therefore, this rule is not subject to the requirements of Sections 202 and 205 of the UMRA.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. The rule is intended to have preemptive effect with respect to any State or local laws, regulations or policies which conflict with its provisions, or which would otherwise impede its full implementation. Prior to any judicial challenge to the provisions of this rule or the application of its provisions, all applicable administrative procedures must be exhausted.

Paperwork Reduction Act

Information collection requirements required by this rule are not required before the regulations may be effective. However, the 30-day public comment period and OMB approval under the provisions of 44 U.S.C. Chapter 35 are still required after the rule is published, and the Information Collection Package and request for approval will be submitted to OMB.

Regulatory Flexibility Act

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Administrator of the Agricultural Marketing Service (AMS) has determined that this action will not have a significant economic impact on a substantial number of small entities. 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 disproportionally burdened. The Small Business Administration (13 CFR 121.1) has defined small agricultural procedures as those having annual gross revenue for the last three years of less than $500,000, and small agricultural service firms are defined as those whose gross annual receipts are less than $5,000,000.

Because there is a preponderance of entities shipping fresh Russet potatoes that meet these gross revenue limitations it is anticipated that the majority of the program participants could be classified as small entities without substantial regulatory restriction. Therefore the provisions of the RFA are not applicable and no

Regulatory Flexibility analysis is required.

Executive Order 12372

This program is not subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with state and local officials. See the Notice related to 7 CFR part 3015, subpart V published at 48 FR 29115 (June 24, 1983).

Executive Order 12612

It has been determined that this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Assessment. The provisions contained in this rule will not have a substantial direct effect on States or their political subdivisions or on the distribution of power and responsibilities among the various levels of government.

Background

Clause (2) of section 32 of the Act of August 24, 1935, as amended (7 U.S.C. 612c) (''section 32'') authorizes the Secretary of Agriculture to ''encourage the domestic consumption of such [agricultural] commodities of products by diverting them, by the payment of benefits or indemnities or by other means, from the normal channels of trade and commerce''. Section 32 also authorizes the Secretary to use section 32 funds ''at such times, in such manner, and in such amounts as the Secretary of Agriculture finds will effectuate substantial accomplishment by any one or more of the purposes of this section''. Furthermore, ''determinations by the Secretary as to what constitutes diversion, and what constitutes normal channels to trade and commerce, and what constitutes normal production for domestic consumption shall be final''.

According to crop storage reports, on March 1, 2001, all potatoes stored in 15 states were 17 percent above the stocks on March 1, 2000 (most recent data available). Storage reports for March 1, 2001, indicate that the production of russet potatoes is up 15 percent from a year earlier and up 9 percent from the prior record set in 1997. Based on these statistics and other market factors, the Secretary has determined that the russet potato 2000 crop is in surplus supply and that the domestic consumption of such potatoes will be encouraged by using section 32 funds to divert the russet potatoes from the normal channels of trade and commerce under a Russet Potato Diversion Program. This potato diversion program would encompass russet varieties of potatoes (except sweet potatoes) of U.S. Grade No. 2 (fairly clean) and U.S. Grade No. 2 Processing, including varieties commonly used for processing and table stock. Due to a need for expediency in implementing the Russet Potato Diversion Program and concern about undue delay in conducting environmental analysis and impact studies on composting, this program would be limited to charitable institutions, animal feed, ethanol production, and rendering nonmarketable disposal through spraying, disking and/or burial.

The price established for russet potatoes destined for charitable institutions, animal feed ethanol production and nonmarketable disposal through spraying, disking, and/or burial would cover all costs, including transportation.

List of Subjects in 7 CFR Part 80

Administrative practice and procedures, Agriculture, Potatoes, Reporting and record keeping requirements, Surplus agricultural commodities.

For the reasons set forth in the preamble, it is proposed that Title 7 Chapter I be amended as follows:

1. In Subchapter D, Part 80 is revised to read as follows:

PART 80—FRESH RUSSET POTATO DIVERSION PROGRAM

Sec.

80.1 Applicability.
80.2 Administration.
80.3 Definitions.
80.4 Length of program.
80.5 Rate of payment.
80.6 Eligibility for payment.
80.7 Application and approval for participation.
80.8 Inspection and certification of diversion.
80.9 Claim for payment.
80.10 Compliance with program provisions.
80.11 Inspection of premises.
80.12 Records and accounts.
80.13 Offset, assignment, and prompt payment.
80.14 Appeals.
80.15 Refunds; joint and several liability.
80.16 Death, incompetency or disappearance.

Authority: 7 U.S.C. 612c.

§ 80.1 Applicability.

In order to encourage the domestic consumption of the 2000 crop of fresh Russet potatoes by diverting them from normal channels of trade and commerce, the Secretary of Agriculture, pursuant to the authority conferred by Section 32, will make payment to producers who divert fresh russet potatoes that they produced, by donating them to charitable institutions for human consumption or by using such fresh russet potatoes as livestock feed, converting them into ethanol or rendering them nonmarketable and disposing of them in accordance with the terms and conditions set forth herein.

§ 80.2 Administration.

The program will be administered under the general direction and supervision of the Deputy Administrator, Fruit and Vegetable Programs, Agricultural Marketing Service (AMS), United States Department of Agriculture (USDA), and will be implemented by the Farm Service Agency (FSA). AMS, FSA, or their authorized representatives do not have authority to modify or waive any of the provisions of this subpart.

§ 80.3 Definitions.

Application means Form FSA–117.

Charitable institutions means those organizations which offer food, housing, and other necessities to low income, homeless, or other persons in need of assistance in obtaining basic sustenance.

Diversion means the delivery of potatoes to an eligible outlet.

Eligible outlet means charitable institutions, livestock feeding operations, ethanol production or rendering them nonmarketable and disposed of in conformance with federal, state and local regulations.

Fresh Russet potatoes means the 2000 crop of all types and varieties of potatoes (except sweet potatoes) which meet the US standard for russets fit for human consumption and produced and stored in the United States.

Invoice and certification of inspection means Form FV–184 or FV–301.

Producer means an individual, partnership, association, or corporation located in the United States who grows potatoes for market and is in possession of such potatoes as of April 13, 2001.

§ 80.4 Length of program.

This program is effective April 13, 2001. Producers diverting potatoes to charitable institutions, livestock feed, ethanol production, or rendering them nonmarketable must complete the diversion of the 2000 crop potatoes no later than May 13, 2001.

§ 80.5 Rate of payment.

(a) The rate of payment for potatoes for charitable institutions will be $1.00 per hundredweight for fresh Russet potatoes. All eligible fresh Russet potatoes intended for donation to charitable institutions must meet U.S. Grade No. 2 (fairly clean) requirements as certified by the federal or federal-state inspection service.

(b) The rate of payments diverted for livestock feed, and those for ethanol production or for rendering nonmarketable will be $1.00 per hundredweight for U.S. Grade No. 2 Processing potatoes when whole, as certified by the federal government.

(c) Payment under paragraphs (a) and (b) of this section will not be for any fractional part of a hundredweight or for any potatoes not meeting grade requirements. Producers who divert potatoes pursuant to this regulation are responsible for arrangements and costs for U.S. grading.

(d) The $1.00 per hundredweight payment covers all costs, including but not limited to processing, transportation, and inspection costs. USDA will make no other payment with respect to such potatoes.

§ 80.6 Eligibility for payment.

(a) To the extent applications for payment do not exceed $10,250,000 in total, payments will be made under this program to any producer of fresh russet potatoes who:

(1) Provides fresh russet potatoes that are free from any water damage and:

(i) If intended for human consumption, meet the requirements of 7 CFR 51.1540 through 51.3006 U.S. Grade No. 2 (fairly clean); or

(ii) If intended for livestock feed, ethanol production, or rendering nonmarketable, meet the requirements of 7 CFR 51.3410 through 51.3418 U.S. Grade No. 2 Processing when whole, and are cut, chopped, sliced, gouged, crushed, ensiled, frozen, or cooked to the degree that the potatoes are readily and obviously identifiable as having been rendered unsuitable to enter into normal channels of trade and commerce as determined by FSA or its representative;

(2) Completes Form FSA–117 by certifying to the diverted hundredweight at the county FSA office where the producer's farm is located for FSA program purposes;

(3) Complies with all other terms and conditions in this subpart.

(b) In the event applications for participation in the program authorized by this subpart exceed $10,250,000, less administrative funds, USDA will determine a uniform hundredweight deduction, if necessary, so that the total outlays will not exceed the $10,250,000 in funds available under this program.

§ 80.7 Application and approval for participation.

(a) The applications will be reviewed for program compliance and approved or disapproved by the county FSA office personnel;

(b) Copies of the applicable U.S. grade standards are accessible on the internet at *http://www.ams.usda.gov/standards* and the application for participation in the Fresh Russet Potato Diversion Program can be obtained from the internet at *http://www.sc.egov.usda.gov* and/or from the local county FSA office after the application period is announced.

§ 80.8 Inspection and certification of diversion.

Prior to diversion of potatoes to a charitable institution, the fresh Russet potatoes must be inspected by an inspector authorized or licensed by the USDA to inspect and certify the grade, quality, and condition of the potatoes. The producer will be responsible for requesting, arranging, and paying for this inspection. For charitable institutions, the product must be certified by federal or federal-state grading personnel upon arrival at destination. With respect to potatoes diverted for livestock feed, ethanol production, or rendering nonmarketable, point of origin inspections must be obtained. Certification will be reported on forms FV–184 or FV–301. The producer must furnish to FSA such scale tickets, weighing facilities, or volume measurements as determined by the federal or federal-state inspection service to be necessary for certifying the net weight of the potatoes being diverted.

§ 80.9 Claim for payment.

(a) In order to obtain payment for shipments to charitable institutions, the producer must submit to the county FSA office between May 14 and June 13, 2001, a certified FV–184 or FV–301 inspection certificate, a completed Form FSA–117, and a bill of lading showing shipment was made.

(b) To obtain payment for potatoes diverted to livestock feed, ethanol production or rendering nonmarketable the producer must submit to the county FSA office between May 14 and June 13, 2001, a properly executed Form FSA–117, an inspection certificate (FV–184 or FV–301), a livestock feed recipient, and an ethanol production or disposal delivery receipt (issued by livestock feed lot, ethanol plant or federal-state inspector) indicating hundredweight received, the date, name, address and telephone number of the recipient.

§ 80.10 Compliance with program provisions.

If USDA determines that any provisions of the application or of these regulations has not been complied with, whether by the producer, charitable institution, livestock feeder, ethanol producer, or disposal entity, or that any quantity of fresh Russet potatoes diverted under this program was not used exclusively for donation to charitable institutions or livestock feeders or ethanol production or acceptable disposal (whether such failure was caused directly by the producer or by any other person or persons), the producer will not be entitled to diversion payments in connection with such fresh Russet potatoes, must refund any USDA payment made in connection with such fresh Russet potatoes, and will also be liable to USDA for any other damages incurred as a result of such failure to use the fresh Russet potatoes exclusively for donation to charitable institutions or for use as livestock feed, ethanol production or acceptable disposal. The USDA may deny any producer the right to participate in this program or the right to receive payments in connection with any diversion previously made under this program, or both, if USDA determines that:

(a) The producer has failed to use or caused to be used any quantity of fresh Russet potatoes diverted under this program exclusively for donation to charitable institutions or livestock feed ethanol production or acceptable disposal regardless of whether such failure was caused directly by the producer or by any other person or persons;

(b) The producer has not acted in good faith in connection with any transaction under this program; or

(c) The producer has failed to discharge fully any obligation assumed by him under this program.

§ 80.11 Inspection of premises.

The producer, charitable institution, livestock feeder, ethanol producer, or acceptable disposal entity must permit authorized representatives of USDA, at any reasonable time, to have access to their premises to inspect and examine such fresh Russet potatoes as are being diverted or stored for diversion and to inspect and examine the facilities for diverting fresh Russet potatoes to determine compliance with the provisions of this program.

§ 80.12 Records and accounts.

(a) The producer, charitable institution, livestock feeder, ethanol producer, or acceptable disposal entity participating in this program must keep accurate records and accounts showing the details relative to the diversion and livestock feeding, ethanol production, or

acceptable disposal of the fresh Russet potatoes.

(b) The producer, charitable institution, livestock feeder, ethanol producer, or acceptable disposal entity must permit authorized representatives of USDA and the General Accounting Office at any reasonable time to inspect, examine, and make copies of such records and accounts to determine compliance with provisions of this program; such records and accounts must be retained for three years after the date of last payment to the producer under the program, or for two years after date or audit of records by USDA as provided herein, whichever is the later.

§ 80.13 Offset, assignment, and prompt payment.

(a) Any payment or portion thereof due any person under this subpart shall be allowed without regard to questions of title under State law, and without regard to any claim or lien against the crop proceeds thereof in favor of the producer or any other creditors except agencies of the U.S. Government. The regulations governing offsets and withholdings found at 7 CFR Part 1403 shall not be applicable to this subpart.

(b) Payments which are earned by a producer under this program may be assigned in accordance with the provisions of 7 CFR part 1404.

(c) Prompt Payment Interest will not be applicable.

§ 80.14 Appeals.

Any producer who is dissatisfied with a determination made pursuant to this part may make a request for reconsideration or appeal of such determination in accordance with the appeal regulations set forth at 7 CFR parts 11 and 780.

§ 80.15 Refunds; joint and several liability.

(a) In the event there is a failure to comply with any term, requirement, or condition for payment arising under the application of this subpart, and if any refund of a payment to FSA shall otherwise become due in connection with the application of this subpart, all payments made under this subpart to any producer shall be refunded to FSA together with interest as determined in accordance with paragraph (c) of this section and late payment charges as provided for in part 1403 of this title.

(b) All producers signing an application for payment as having an interest in such payment shall be jointly and severally liable for any refund, including related charges, that is determined to be due for any reason under the terms and conditions of the application of this subpart.

(c) Interest shall be applicable to refunds required of any producer under this subpart if FSA determines that payments or other assistance were provided to a producer who was not eligible for such assistance. Such interest shall be charged at the rate of interest that the United States Treasury charges the Commodity Credit Corporation (CCC) for funds, as of the date FSA made benefits available. Such interest shall accrue from the date of repayment or the date interest increases as determined in accordance with applicable regulations. FSA may waive the accrual of interest if FSA determines that the cause of the erroneous determination was not due to any action of the producer.

(d) Interest determined in accordance with paragraph (c) of this section may be waived on refunds required of the producer when there was no intentional misaction on the part of the producer, as determined by FSA.

(e) Late payment interest shall be assessed on all refunds in accordance with the provisions of, and subject to the rates prescribed in, 7 CFR part 792.

(f) Producers must refund to FSA any excess payments, as determined by FSA, with respect to such application.

(g) In the event that a benefit under this subpart was provided as the result of erroneous information provided by the producer, the benefit must be repaid with any applicable interest.

§ 80.16 Death, incompetency, or disappearance.

In the case of death, incompetency, disappearance, or dissolution of a potato producer that is eligible to receive benefits in accordance with this subpart, such person or persons specified in part 707 of this title may receive such benefits, as determined appropriate by FSA.

Dated: April 10, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–9261 Filed 4–11–01; 10:14 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 301, 303, 317, 318, 319, 320, 325, 331, 381, 417, and 430

[Docket No. 97–013N]

Performance Standards for the Production of Processed Meat and Poultry Products—Notice of Technical Conference and Public Meeting; Extension of Comment Period

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Notice of technical conference and public meeting.

SUMMARY: The Food Safety and Inspection Service (FSIS) will hold a technical conference on May 8, 2001, in Washington, DC. The purpose of the conference is to discuss scientific research and new technologies relevant to the recently proposed regulatory requirements for processed meat and poultry products, ''Performance Standards for the Production of Processed Meat and Poultry Products.'' FSIS is soliciting papers and presentations from government agencies, academia, consumer organizations, and other interested parties.

Additionally, on May 9 and 10, 2001, FSIS will hold a public meeting in Washington, DC, to provide information and receive public comments specific to the proposed regulations. FSIS is extending for an additional 30 days the comment period for the proposed regulations, previously scheduled to close on May 29, 2001. Comments now must be received by June 28, 2001. FSIS is extending the comment period to provide ample opportunity for the public to comment on issues raised at the technical conference and public meeting.

DATES: FSIS will hold the technical conference on May 8, 2001, and the public meeting on May 9–10, 2001. Comments on the proposed regulations published on February 27, 2001, at 66 FR 12590, must be received on or before June 28, 2001.

ADDRESSES: Both the technical conference and the public meeting will be held at the Washington Plaza Hotel, 10 Thomas Circle, NW., (at Massachusetts Avenue and 14th Street), Washington, DC 20005.

Papers and presentations for the technical conference should be to sent to: Matthew Michael, Regulation and Directive Development Staff, OPPDE, FSIS, USDA, Room 103 Cotton Annex,

300 12th Street, SW., Washington, DC 20250; by fax to: (202) 690–0486; or by electronic mail to: matthew.michael@usda.gov. Because of time restrictions, FSIS may not be able to schedule time for all interested parties to give papers or make presentations. Regardless, FSIS will make available at the conference submitted papers and other presentation materials, if requested by the author.

To register for the public meeting, contact Ms. Mary Harris by telephone at (202) 690–6497, FAX to (202) 690–6500, or E-mail to mary.harris@usda.gov. If a sign language interpreter or other special accommodation is necessary, contact Ms. Harris at the above numbers by May 1, 2001. If you are planning to present an oral comment at the public meeting, please submit a copy of the prepared comment to the FSIS Docket Clerk, Docket No. 97–013P, Room 102 Cotton Annex, 300 12th Street, SW, Washington, DC 20250–3700.

Send all written comments on the proposed regulations to: FSIS Docket No. 97–013P, Department of Agriculture, Food Safety and Inspection Service, Room 102, 300 12th Street, SW., Washington, DC 20250–3700. All comments received will be considered part of the public record and will be available for viewing in the Docket Room between 8:30 a.m. and 4:30 p.m. Monday through Friday.

FOR FURTHER INFORMATION CONTACT: Daniel Engeljohn, Ph.D., Director, Regulations Development and Analysis Division, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection Service, Room 112 Cotton Annex, 300 12th Street, SW., Washington, DC 20250. Telephone number (202) 720–5627, fax number (202) 690–0486.

SUPPLEMENTARY INFORMATION: On February 27, 2001, FSIS published a proposed rule ''Performance Standards for the Production of Processed Meat and Poultry Products'' (66 FR 12590). In that document, the Agency proposed food safety performance standards applicable to all ready-to-eat (RTE) and all partially heat-treated meat and poultry products, as well as environmental testing requirements intended to reduce the incidence of *Listeria monocytogenes* in RTE meat and poultry products. FSIS also proposed to convert to performance standards the existing regulatory requirements for thermally-processed, commercially sterile (most often canned) meat and poultry products and to rescind certain requirements requiring the elimination of trichina from products that contain pork.

FSIS is holding a technical conference to facilitate the submission and discussion of scientific research and technological data relevant to these proposed regulations. In the proposal, FSIS identified additional needs for data that if addressed could strengthen the scientific foundation of any final action. It is extremely important that the regulations be based on sound science and common sense measures.

Selection of papers and presentations, as well as the forthcoming conference agenda, will ensure adequate discussion of all of the identified topics. FSIS also will try to accommodate presentations of relevant data not specifically requested in the proposal or below. FSIS requests that submissions for the technical conference concern scientific research and technological developments relevant to the proposed regulations, rather than merely be comment on the proposed regulations themselves. After FSIS has selected papers for presentation, it will make the technical conference agenda available on the Internet. At the public meeting also announced in the document, FSIS will provide information and accept public comments specific to the proposed regulations.

FSIS intends to divide the public meeting to receive comments on the proposed regulations into four three-hour sessions, organized as follows:

TENTATIVE AGENDA FOR THE FSIS PUBLIC MEETING ON THE PROPOSED RULE, ''PERFORMANCE STANDARDS FOR THE PRODUCTION OF PROCESSED MEAT AND POULTRY PRODUCTS''

May 9, 2001	Morning	Lethality and stabilization performance standards
	Afternoon	Requirements for the control of *L. monocytogenes*
May 10, 2001	Morning	Revisions to the regulations governing the elimination of Trichina from pork products and governing commercially-sterile (canned)products
	Afternoon	Economic impact of the proposed regulations and cost/benefit data needs

FSIS invites interested parties to make oral comments or presentations at the public meeting. Please register in advance with Ms. Mary Harris and submit a written copy of your comments to the FSIS Docket Room (See **ADDRESSES** above). FSIS may revise the above public meeting agenda, depending on interest expressed in the various proposed regulations. As with the final agenda for the Technical Conference, FSIS plans to publish the final agenda for the Public Meeting on the Internet.

Also, the National Advisory Committee on Microbiological Criteria for Foods (NACMCF) will meet on May 7, 2001. This meeting also is open to the public. FSIS invites Committee members to attend the technical conference and public meeting announced in this document.

FSIS is extending the comment period on the proposed regulations to provide ample opportunity for the public to comment on issues raised at the technical conference and public meeting.

Specific Scientific Information and Data Needs To Be Discussed at the Technical Conference

Testing for Listeria spp.

FSIS proposed to require that each establishment that produces RTE meat and poultry products conduct testing of food contact surfaces to verify that its Sanitation SOPs are eliminating *Listeria spp.* from food contact surfaces, unless it has developed a CCP within its HACCP plan for the control of *L. monocytogenes.* FSIS is confident that will result in sanitation improvements that will lead to reductions in the contamination of RTE meat and poultry products by *L. monocytogenes.* However, FSIS is not aware of any research that correlates specific amounts or types of testing with specific remedial actions or reductions in contamination and welcomes the submission of any data. FSIS also requests comment as to whether other types of environmental testing, regular product testing, or some combination may be more effective in detecting *L. monocytogenes* contamination problems.

FSIS has proposed required frequencies of testing that ensure very minimal levels of regular testing based on establishment size. FSIS is aware of no research linking volume of production with the likelihood of product adulteration by *L.*

monocytogenes, but considers it reasonable that insanitary establishments producing higher volumes of RTE meat and poultry products would be more likely to adulterate more product and thus pose more risk to the public health. As a result, FSIS has proposed a progressive series of testing frequencies intended to protect consumers from adulterated product. These testing frequencies also should minimize the costs of testing accrued by small business.

FSIS requests any data that could bear on adjustments to the proposed frequencies, suggest other testing frequencies, correlate contamination risk with volume of production, or indicate what types and frequencies of testing for *L. monocytogenes* are most effective in detecting insanitation and possible adulteration of RTE meat and poultry products. Also, FSIS requests data regarding the relationship between *Listeria spp.* and *L. monocytogenes* and how that relationship should affect any requirements. For example, does a food contact surface positive for *Listeria spp.* scientifically necessitate product testing and what would negative product test results mean?

FSIS also requests data regarding the costs and benefits of the proposed testing provisions, as well as other testing protocols. FSIS seeks any data correlating testing, reductions in establishment contamination, and consequent reductions in listeriosis that could be used to improve the Agency's cost/benefit analysis.

Lethality Performance Standards

FSIS is proposing lethality performance standards for the pathogen *Salmonella* derived from the Nationwide Microbiological Baseline Data Collection Program. Using the positive samples in the baseline data, FSIS derived hypothetical worst case raw products and then determined the levels of pathogen reduction (lethality performance standards) that, if met, would render these worst case raw products ready-to-eat and unadulterated with a specific margin of safety. FSIS also translated the results of the application of the lethality performance standards into probabilities of remaining pathogens in finished RTE product. Consequently, an establishment that demonstrates that its incoming raw product is consistently less contaminated than the worst case could apply a lower lethality than proposed, as long as it achieves the corresponding probability of remaining pathogens in finished RTE product.

It is possible that better data are available for deriving hypothetical worst case products and corresponding performance standards. For the lethality requirements concerning *Salmonella,* FSIS is unaware of any human health risk assessments that could be used to correlate changes in the performance standards with changes in public health benefits. Higher or lower lethality performance standards may be necessary in all or specific processing contexts. FSIS specifically requests any data that would support requiring different lethality performance standards to achieve certain public health benefits.

The lethality performance standards for *Salmonella* already apply to numerous RTE meat and poultry products and FSIS believes that many establishments that produce RTE products not now subject to the proposed standards already meet them. It is likely, however, that some establishments will have to alter their processing methods to meet the proposed standards, i.e., to achieve higher levels of lethality in their RTE products. Further, manufacturers of RTE meat patties now only are required to comply with time/temperature regulations that yield a lesser level of lethality than what FSIS is proposing for all RTE meat products. FSIS requests information on the costs meat patty manufacturers and other establishments may accrue if required to meet the proposed lethality performance standards for RTE meat and poultry products.

FSIS also requests scientific information relative to the proposed lethality performance standards for *E. coli* O157:H7 in fermented RTE products that contain beef, especially information that indicates a different worst case and lethality performance standard for this pathogen may be warranted.

Stabilization Performance Standards

Also under the proposal, all RTE meat and poultry products, other than thermally processed, commercially sterile products, and all partially heat-treated products, must be processed so as to prevent multiplication of toxigenic microorganisms such as *C. botulinum* and to allow no more than 1-$\log_{10}$ multiplication of *C. perfringens* within the product. Stabilization is commonly achieved by rapidly cooling product after cooking. It also can be achieved by the addition of a curing agent. These regulatory stabilization standards already apply to numerous RTE and partially-heat treated meat and poultry products.

Researchers have suggested to FSIS that there may be some inevitable growth of *C. botulinum* during a 1-$\log_{10}$ relative growth of *C. perfringens* and, therefore, compliance with the proposed zero growth standard for *C. botulinum* could in fact effectively require establishments to meet a more restrictive standard than that for *C. perfringens.* FSIS requests comment and scientific data relative to whether the Agency should revise the existing and proposed stabilization performance standard for controlling these two pathogens, as well as data on corresponding public health benefits.

Other Topics

As mentioned above, FSIS welcomes the submission of papers and presentations on scientific and technical topics relevant to the proposed regulations, but not specifically mentioned above or in the proposal.

Done in Washington, DC on April 10, 2001.

Thomas J. Billy,

Administrator.

[FR Doc. 01–9196 Filed 4–12–01; 8:45 am]

BILLING CODE 3410–DM–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

26 CFR Part 1

[REG–119352–00]

RIN 1545–AY58

Guidance on Filing an Application for a Tentative Carryback Adjustment in a Consolidated Return Context; Hearing Cancellation

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Cancellation of notice of public hearing on proposed rulemaking.

SUMMARY: This document provides notice of cancellation of a public hearing on proposed regulations relating to the filing of application for a tentative carryback adjustment in a consolidated return context.

DATES: The public hearing originally scheduled for Thursday, April 26, 2001, at 10 a.m., is canceled.

FOR FURTHER INFORMATION CONTACT: Guy R. Traynor, Regulations Unit, Office of Special Counsel, (202) 622–7180 (not a toll-free number).

SUPPLEMENTARY INFORMATION: A notice of proposed rulemaking and notice of public hearing that appeared in the **Federal Register** on January 4, 2001 (66 FR 747), announced that a public hearing was scheduled for April 26, 2001, at 10 a.m., in room 4718 of the

Internal Revenue Service Building, 1111 Constitution Avenue NW., Washington, DC 20408. The subject of the public hearing is proposed regulations under section 1502 of the Internal Revenue Code. The public comment period for these proposed regulations expired on April 4, 2001.

The notice of proposed rulemaking and notice of public hearing, instructed those interested in testifying at the public hearing to submit a request to speak and an outline of the topics to be addressed. As of April 9, 2001, no one has requested to speak. Therefore, the public hearing scheduled for April 26, 2001, is canceled.

Cynthia E. Grigsby,

Chief, Regulations Unit, Office of Special Counsel (Modernization & Strategic Planning).

[FR Doc. 01–9118 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

33 CFR Part 117

[CGD05–01–001]

RIN 2115–AE47

Drawbridge Operation Regulation; Beaufort Channel, Beaufort, NC

AGENCY: Coast Guard, DOT.

ACTION: Notice of proposed rulemaking.

SUMMARY: The Coast Guard is proposing to change the regulations that govern the operation of the Greydon Paul Drawbridge on US 70 across Beaufort Channel, also known as Gallant's Channel, mile 0.1, located in Beaufort, North Carolina. The proposed rule would reduce the number of bridge openings during times of peak highway traffic. This change would reduce traffic delays while still providing for the reasonable needs of navigation.

DATES: Comments and related material must reach the Coast Guard on or before June 12, 2001.

ADDRESSES: You may mail comments and related material to Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004, or they may be hand delivered to the same address between 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays. Commander (Aowb), Fifth Coast Guard District maintains the public docket for this rulemaking. Comments and material received from the public, as well as documents indicated in this preamble as being available in the docket, will be available for inspection and copying at the above address between the hours of 8 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Ann Deaton, Bridge Administrator, Fifth Coast Guard District, at (757) 398–6222.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to participate in this rulemaking by submitting comments and related material. If you do so, please include your name and address, identify the docket number for this rulemaking (CGD05–01–001), indicate the specific section of this document to which each comment applies, and give the reason for each comment. Please submit all comments and related materials in an unbound format, no larger than 8½ by 11 inches, suitable for copying. If you would like to know this reached us, please enclose a stamped self-addressed postcard or envelope. We will consider all comments and material received during the comment period. We may change this proposed rule in view of them.

Public Meeting

We do not plan to hold a public meeting. But you may submit a request for a meeting by writing to the Commander (Aowb) at the address under **ADDRESSES** explaining why one would be beneficial. If we determine that one would aid this rulemaking, we would hold one at a time and place announced by a later notice in the **Federal Register**.

Background and Purpose

The Greydon Paul Drawbridge is owned and operated by the North Carolina Department of Transportation (NCDOT). The regulation at 33 CFR 117.822 requires the bridge to open on signal except that from 6 a.m. to 10 p.m., the draw shall open on signal for all vessels waiting to pass every hour on the hour, twenty minutes past the hour and forty minutes past the hour; except that on weekdays the bridge need not open at 7:40 a.m., 8:40 a.m., 4:40 p.m. and 5:40 p.m. From 10 p.m. to 6 a.m., the bridge shall open on signal.

The Graydon Paul Bridge is the connecting bridge between Beaufort and Morehead City, North Carolina on US 70. This is the only corridor into Beaufort without making a 3 hour commute around Carteret County. Eleven to twelve thousand vehicles pass over the bridge everyday. One mile south of the Greydon Paul Bridge on US 70 is the Morehead City US 70 Bridge, which is a fixed 65 ft vertical clearance bridge over the Atlantic Intracoastal Waterway (AICWW). It is a short waterway commute for boaters to go around through the AICWW by Morehead City back to Beaufort. Motorists do not have an alternate route traveling to and from Beaufort to Morehead City. When bridge lifts occur, traffic backs up periodically for six to seven miles. The current schedule of openings every twenty minutes does not allow the traffic congestion to clear the bridge before the next opening. During rush hour periods the situation is even further impacted due to peak traffic numbers of vehicles trying to cross the bridge. NCDOT proposes that by restricting openings to twice an hour and lengthening rush hour restrictions for peak traffic times on the bridge, vehicular traffic congestion on US Highway 70 will be reduced and highway safety will be increased. NCDOT provided statistical data which supports the extreme traffic counts for a two lane bridge along with the number of openings and vessels requiring openings. This data revealed that traffic counts are staying at a constant 11–12 thousand cars a day with peak traffic time being from 6:30 a.m. to 8 a.m. and 4:30 p.m. to 6 p.m. Monday through Friday. The waterway users (which are comprised of commercial and recreational users with a mast height of less than 65 feet; there are no vessels requiring more than 65 feet in vertical clearance) for this area were contacted by the Coast Guard and the majority agreed to bridge openings twice an hour and extended rush hour restrictions. There is an alternate waterway route around the Beaufort Bridge through the Route 70 Morehead City Bridge (which provides a fixed 65 ft vertical clearance to mariners). It adds 35–40 minutes in transit time to vessels to go around. Overall, the Coast Guard believes that this proposed rule will reduce motor vehicle traffic delays on the hour and half hour and congestion related to rush hour traffic entering and exiting the town of Beaufort, North Carolina, while still providing for the reasonable needs of navigation.

Regulatory Evaluation

This proposed rule is not a ''significant regulatory action'' under section 3(f) of Executive Order 12866 and does not require an assessment of potential costs and benefits under section 6(a)(3) of that Order. The Office of Management and Budget has not reviewed it under that Order. It is not significant under the regulatory policies

and procedures of the Department of Transportation (DOT) (44 FR 11040, February 26, 1979).

We expect the economic impact of this proposed rule to be so minimal that a full regulatory Evaluation under paragraph 10e of the regulatory policies and procedures of DOT is unnecessary.

We reached this conclusion based on the fact that the proposed changes will not impede maritime traffic transiting the bridge, but merely require mariners to plan their transits in accordance with the scheduled bridge openings, while still providing for the needs of the bridge owner.

Small Entities

Under the Regulatory Flexibility Act (5 U.S.C. 601–612), we consider whether this proposed rule would have a significant economic impact on a substantial number of small entities. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000.

The Coast Guard certifies under 5 U.S.C. 605(b) that this proposed rule would not have a significant economic impact on a substantial number of small entities. There are 15 waterborne companies (Charter and Fishing vessels) that transit through the Beaufort Channel Bridge. These companies were contacted and everyone within those agencies agreed to the proposed restrictions. Commercial waterway users have an alternate route around the Beaufort Channel Bridge will not have an adverse effect on these small entities due to their ability to time their transits through the bridge during the specified opening periods.

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

Assistance for Small Entities

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule so that they can better evaluate its effects on them and participate in the rulemaking. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the Commander (Aowb), Fifth Coast Guard District, Federal Building, 4th Floor, 431 Crawford Street, Portsmouth, Virginia 23704–5004.

Collection of Information

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

Federalism

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

Unfunded Mandates Reform Act

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

Taking of Private Property

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

Civil Justice Reform

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

Protection of Children

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

Environment

We considered the environmental impact of this proposed rule and concluded that, under figure 2–1, paragraph (32) (e), of Commandant Instruction M16475.1C, this proposed rule is categorically excluded from further environmental documentation. This proposed rule only deals with the operating schedule of an existing drawbridge and will have no impact on the environment. A ''Categorical Exclusion Determination'' is available in the docket where indicated under **ADDRESSES.**

List of Subjects in 33 CFR Part 117

Bridges.

Regulations

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 49 CFR 1.46; 33 CFR 1.05–1(g); Section 117.255 also issued under the authority of Pub. L. 102–4587, 106 Stat. 5039.

2. Section 117.822 is revised to read as follows:

117.822 Beaufort Channel, NC.

The draw of the US 70 bridge, mile 0.1., at Beaufort, shall open as follows:

(a) From 6 a.m. to 10 p.m., the draw need only open every hour on the hour, and on the half hour; except that Monday through Friday the bridge need not open from 6:30 a.m. to 8 a.m. and from 4:30 p.m. to 6 p.m.

(b) From 10 p.m. to 6 a.m., the bridge shall open on signal.

Dated: March 9, 2001.

John E. Shkor,

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

[FR Doc. 01–9176 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–15–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Parts 2, 27, and 73

[GN Docket No. 01–74; FCC 01–91]

Reallocation and Service Rules for the 698–746 MHz Spectrum Band (Television Channels 52–59)

AGENCY: Federal Communications Commission.

ACTION: Notice of proposed rulemaking.

SUMMARY: In this document, the Federal Communications Commission (''the Commission'') proposes to reallocate the 698–746 MHz spectrum band, currently comprising television Channels 52–59. The Commission also proposes a co-primary allocation for the fixed, mobile, and broadcasting services. Further, the

Commission is reclaiming this spectrum for new commercial services as part of the Commission's transition of TV broadcasting from analog to digital transmission systems. The Commission also examines possible licensing, operating, and competitive bidding rules for wireless and other services in this spectrum band. Further considered are measures to protect the incumbent analog and digital broadcast television services from interference until the transition to digital television is complete.

DATES: Comments are due on or before May 14, 2001. Reply comments are due on or before June 4, 2001. Written comments by the public on the proposed information collections are due on or before May 14, 2001. Written comments must be submitted by the Office of Management and Budget (OMB) on the proposed information collection(s) on or before June 12, 2001.

ADDRESSES: Comments filed through the Commission's Electronic Comment Filing System (ECFS) can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-file/ecfs.html.* Parties who choose to file comments by paper should send comments to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, S.W.; TW–A325; Washington, D.C. 20554. In addition to filing comments with the Secretary, copies of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 12th Street, S.W., Room 1–C804, Washington, D.C. 20554, or via the Internet to jboley@fcc.gov, and to Edward C. Springer, OMB Desk Officer, 10236 New Executive Office Building, 725 17th Street, N.W., Washington, D.C. 20503 or via the Internet to *Edward.Springer@omb.eop.gov.*

FOR FURTHER INFORMATION CONTACT: Allocation Issues: Lisa Gaisford at (202) 418–7280, or via the Internet at *lgaisfor@fcc.gov* (Office of Engineering and Technology); Service Rules Issues: G. William Stafford at (202) 418–0563; or via the Internet at *wstaffor@fcc.gov* (Wireless Telecommunications Bureau).

SUPPLEMENTARY INFORMATION: This is a summary of the Notice of Proposed Rulemaking (''Notice'') in GN Docket No. 01–74, FCC 01–91, adopted March 16, 2001 and released March 28, 2001. The complete text of the document is available to the public on the Commission's Internet Home Page: http://www.fcc.gov (including at http://www.fcc.gov/Bureaus/Wireless/Orders/2001/fcc0191.pdf). The document is also available for public inspection and copying during normal business hours in the FCC Reference Information Center, 445 12th Street, S.W., Room CY–A257, Washington, D.C. and may be purchased from the Commission's copy contractor, International Transcription Services (''ITS, Inc.''), (202) 857–3800, 445 12th Street, S.W., CY–B400, Washington, D.C. 20554. This Notice may contain proposed information collection(s) subject to the Paperwork Reduction Act of 1995 (''PRA''). It has been submitted to the Office of Management and Budget (''OMB'') for review under the PRA. OMB, the general public, and other Federal agencies are invited to comment on the proposed information collection(s) contained in this proceeding.

Paperwork Reduction Act

This NPRM contains a proposed information collection. The Commission, as part of its continuing effort to reduce paperwork burdens, invites the general public and the Office of Management and Budget (OMB) to comment on the information collection(s) contained in this NPRM, as required by the Paperwork Reduction Act of 1995, Public Law 104–13. Public and agency comments are due at the same time as other comments on this NPRM; OMB notification of action is due June 12, 2001. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

Synopsis of Further Notice of Proposed Rulemaking

The Notice is part of the Commission's plan to reclaim the 698–746 MHz band (''698–746 MHz band'' or ''Lower 700 MHz Band''), currently used for television (''TV'') Channels 52–59, for new commercial services as part of the transition of TV broadcasting from analog to digital transmission systems, consistent with the statutory directives enacted in the Balanced Budget Act of 1997. The Notice consists of two parts. First, the Notice proposes to reallocate the 698–746 MHz band, currently used for TV Channels 52–59, from use solely for broadcast services to Fixed, Mobile, and Broadcast services. Second, the Notice proposes to adopt certain service, licensing, and competitive bidding rules for the 698–746 MHz band. The Notice proposes to reallocate the entire 48 megahertz of spectrum in the 698–746 MHz band to the fixed and mobile services, and retain the existing broadcast allocation. The Notice also seeks comment on whether the band should also be allocated for satellite services. This Notice also proposes to license the 698–746 MHz commercial band under a flexible framework established in part 27 of the Commission's rules. The Commission expects that provisions of part 27 will be modified to reflect the particular characteristics and circumstances of services offered through the use of spectrum on these bands. Depending on the extent and nature of provisions in the service rules that enable broadcast services, these modifications may also reference or incorporate rules in other parts of the Commission's rules, such as part 73 governing broadcast services. The flexible approach contained in the Notice will encourage new and innovative services and technologies in this band without significantly limiting the range of potential uses for this spectrum.

I. Introduction

1. The Notice proposes to reallocate the 698–746 MHz spectrum band, currently comprising television (''TV'') Channels 52–59. The Commission is reclaiming this spectrum for new commercial services as part of the Commission's transition of TV broadcasting from analog to digital transmission systems. Digital television (''DTV'') technology is more spectrally efficient thus allowing the same amount of television service to operate in a reduced allocation, *i.e.,* TV Channels 2–51, after the transition. The Notice proposes a co-primary allocation for the fixed, mobile, and broadcasting services for this 48 megahertz band. This flexible allocation will enable service providers to select the technology they wish to use to provide new broadband services in order to make the best use of this spectrum. The Notice also examines possible licensing, operating, and competitive bidding rules for wireless and other services in this spectrum band. The Notice anticipates that licenses will be assigned by competitive bidding consistent with statutory requirements.[1] The Notice also

[1] *See* Balanced Budget Act of 1997, Public Law 105–33, 111 Stat. 251 at 3003 (1997) (adding new section 309(j)(14) to the Communications Act of

Continued

considers measures to protect the incumbent analog and digital broadcast television services from interference until the transition to digital television is complete. The Commission believes these measures will enable an orderly transition for broadcasters while permitting the introduction of new services into the band.

II. Background

2. Section 309(j)(14) of the Communications Act of 1934, as amended (''Communications Act'') requires the Commission to assign spectrum recaptured from broadcast television as a result of the transition from analog to digital transmission systems by competitive bidding by September 30, 2002.[2] The statute requires that analog broadcasters cease operation on the recaptured spectrum in 2006 unless one or more of the four largest network stations or affiliates are not broadcasting in digital, digital-to-analog converter technology is not generally available, or 15% or more television households are not receiving a digital signal. Thus, while the end of the transition is targeted for 2006, and may extend beyond that date, the Commission must reallocate spectrum and assign commercial licenses in the encumbered television spectrum by September 30, 2002. New licensees may operate in the band prior to the end of the transition to the extent they do not cause interference to existing analog and digital broadcasters, *see DTV Sixth Report and Order,* 62 FR 26684, May 14, 1997.

3. Under section 309(j)(3) of the Communications Act, in developing a competitive bidding methodology and specifying the characteristics of licenses to be assigned by auction, the Commission are required to promote a number of objectives, including the development and rapid deployment of new technologies, products, and services for the benefit of the public, the promotion of economic opportunity and competition, the recovery of a portion of the value of the spectrum made available for commercial use, and the efficient and intensive use of the spectrum, in a manner that provides adequate time for interested parties to develop their business plans.[3] The Commission's regulations shall prescribe area designations and bandwidth assignments that promote (a) equitable distribution of licenses and services among geographic areas, (b) economic opportunity for a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women, and (c) investment in and rapid deployment of new technologies and services.

4. Section 303(y)(2) of the Communications Act authorizes the Commission to allocate spectrum to provide flexibility of use if certain conditions are met. Specifically, the Commission must make affirmative findings that such flexibility: (1) Is consistent with international agreements; (2) would be in the public interest; (3) would not deter investment in communications services and systems, or technology development; and (4) would not result in harmful interference among users.

5. Pursuant to legislative mandates, the Commission is requiring that the broadcast television service convert from the existing analog television transmission system to a new digital television system that will allow broadcasters the flexibility to provide a variety of new services, including high definition television service, multicasting of multiple programs, data services and other enhancements. Broadcasters have been provided a second channel to operate their DTV service during the transition from analog to digital service, *see generally DTV Second MO&O of the Fifth and Sixth Report and Orders,* 64 FR 4322, January 28, 1999; *DTV MO&O of the Sixth Report and Order,* 63 FR 13546, March 20, 1998; *DTV MO&O of the Fifth Report and Order,* 63 FR 15774, April 1, 1998; *DTV Sixth Report and Order, DTV Fifth Report and Order,* 62 FR 26966, May 16, 1997 (collectively *DTV Proceeding*). At the end of this transition, analog service will cease and one of each broadcaster's two channels will be recovered. Because the DTV transmission system is more spectrally efficient than the analog system, less spectrum will be needed for broadcast television service after the transition. A portion of the TV spectrum, *i.e.,* Channels 52–69, is therefore being recovered for new uses. Spectrum currently allocated to Channels 2–51 will remain ''core'' television broadcast spectrum. Analog services on all TV Channels will cease operations at the end of the transition. Digital services on out-of-core stations will be relocated into the core spectrum (Channels 2–51).

6. The Commission is addressing the spectrum reclamation in two parts—Channels 60–69 (''Upper 700 MHz Band'' or ''746–806 MHz band'') and Channels 52–59 (''Lower 700 MHz Band'' or ''698–746 MHz band'') primarily as a result of unique statutory requirements and varying degrees of incumbency. In ET Docket 97–157, the Commission reallocated the 746–806 MHz (TV Channels 60–69) band for new services. As required by statute, it reallocated 24 megahertz for public safety and 36 megahertz for new commercial services. The reallocation of the 698–746 MHz band (TV Channels 52–59) is addressed in this proceeding.

III. Discussion

7. The Commission's framework for consideration of both allocation and service rules for the Lower 700 MHz Band is modeled on the approach taken in the Upper 700 MHz proceeding, *see Upper 700 MHz Third Report and Order,* 66 FR 10204, February 14, 2001; *Upper 700 MHz Second MO&O,* 66 FR 9035, February 6, 2001; *Upper 700 MHz MO&O and FNPRM,* 65 FR 42960, July 12, 2000; *Upper 700 MHz Second Report and Order,* 65 FR 17594, April 4, 2000; *Upper 700 MHz First Report and Order,* 65 FR 3139, January 20, 2000, corrected by 65 FR 12483, March 9, 2000; *Upper 700 MHz NPRM,* 64 FR 36642, July 7, 1999 (collectively Upper 700 MHz proceeding). The Commission seeks comment generally on whether the considerations that the Commission found to be appropriate for the 746–806 MHz bands are equally applicable to the Lower 700 MHz spectrum once it has been reallocated, or whether, given the differences in the two bands, the Commission should apply other approaches.

A. Allocation Proceeding

1. Reallocation

8. The Commission had anticipated, given the degree of incumbency, that this band likely would remain principally a television band until the end of the digital transition. However, given the statutory requirement to auction this spectrum several years in advance of the end of the transition, the Commission seeks comment generally on the reallocation plans and service rules necessary to license the spectrum consistent with the Congressional mandate. The Commission also seeks comment on whether the Commission should consider ways to facilitate the DTV transition and the availability of this band to auction bidders sooner. In making proposals, commenters should address consistency with the statutory requirements of section 309(j)(14) and other relevant provisions of the Communications Act.

1934, as amended) (''BBA 97'') 3007 (uncodified, reproduced at 47 U.S.C. 309(j) note 3).

[2] *See id.* at 3003 and 3007.

[3] *See* 47 U.S.C. 309(j)(3) (A)–(E).

a. Current Allocation

9. Domestically, the 698–746 MHz band is currently allocated on a primary basis to non-government broadcasting, *i.e.,* TV Channels 52–59, each having a bandwidth of six megahertz. TV broadcast services are also permitted to use TV subcarrier frequencies, and more generally the TV channel, on a secondary basis for other broadcast-related (*e.g.,* datacasting) and non-broadcast purposes.[4] Further, the band is allocated to the fixed service for subscription television operations in accordance with part 73 of the Commission's rules.[5] Internationally, the band is allocated worldwide on a primary basis to the broadcasting service. The band is also allocated to the fixed and mobile services in Region 2 (which includes the United States) on a secondary basis and in Region 3 on a co-primary basis. A footnote to the International Table of Frequency Allocations elevates the allocation to the fixed and mobile services to primary status in the United States, Mexico, and several other Region 2 countries, but has not been implemented domestically.[6]

10. In its 1999 *Spectrum Reallocation Policy Statement,* the Commission noted that it planned to consider reallocating the 698–746 MHz band for Fixed, Mobile and new Broadcast services for commercial uses following the same approach it adopted for reallocating the 36 megahertz at 746–764 MHz and 776–794 MHz, *see Spectrum Reallocation Policy Statement,* FCC 99–354, 14 FCC Rcd 19868, November 22, 1999 (not published in **Federal Register**). In the Commission's recently adopted 3G Notice on Advanced Fixed and Mobile Services, the 698–746 MHz band was identified as a possible candidate for third-generation (''3G'') mobile services, *see 3G Notice of Proposed Rulemaking,* 66 FR 7438, January 23, 2001 (*3G Notice*). Further, a resolution adopted at World Radiocommunication Conference (''WRC'')–2000 recognized that some administrations may use the 698–746 MHz band for 3G services.

b. Fixed, Mobile, and Broadcast Allocation

11. Consistent with the Commission's *Spectrum Reallocation Policy Statement,* the allocation for the 746–806 MHz band, and U.S. positions taken at WRC, the Commission proposes to reallocate the entire 48 megahertz of spectrum in the 698–746 MHz band to the fixed and mobile services, and retain the existing broadcast allocation. This allocation will support a family of services, including next generation broadband operations, and permit the maximum diversity in service offerings and the broadest licensee discretion, consistent with international allocations. The Commission requests comment on whether this broad allocation is appropriate, or whether some other allocation would better serve the public interest. The Commission also seeks comment with respect to each of the findings required under section 303(y) of the Communications Act with respect to the Commission's proposed allocation of the 698–746 MHz band.

c. Special Considerations for Broadcast Allocation

12. The DTV transition plan anticipates that broadcasters will vacate this spectrum by the end of the DTV transition period. For this reason, the Commission would distinguish between broadcasters authorized pursuant to the current allocation and service rules from new licensees who may provide broadcasting service. New licensees will be subject to the rules the Commission will adopt for the regulation of the reallocated spectrum. Broadcasters authorized under the current rules are entitled to protection or accommodation from new licensees and will have to vacate this spectrum by the end of the transition period.

13. At the end of the transition, television broadcasting will remain adjacent to the 698–746 MHz band on channel 51. While the Commission will consider issues such as field strength limitations in the Commission's service rules, the Commission seeks comment on whether restrictions to the allocation are necessary to protect adjacent channel broadcast television operations. Comments should address whether fixed services may be more successful than mobile services in structuring their systems to avoid interference with incumbent broadcasters, and thus be able to use the spectrum more efficiently. The Commission is also concerned about the effects of adjacent channel television broadcasting on low power mobile operations in the 698–746 MHz band, for example mobile receive antennas. The Commission seeks comment on whether the Commission should adjust the Commission's allocation to perhaps minimize the presence of systems with low immunity to high-powered signals.

d. Low Power Television Service

14. The low power television (''LPTV'') service currently operates on a secondary basis in the 698–746 MHz band. Thus, LPTV stations are allowed to operate to the extent they do not interfere with full power stations. In the Commission's *DTV Proceeding,* the Commission determined that there is insufficient spectrum to preserve all existing LPTV and TV translator stations, and decided that LPTV and TV translator stations will retain their secondary allocation status. In the 746–806 MHz proceeding, the Commission permitted continuing operations on a secondary basis for existing low power services in that band. The Commission believes that low power television should be permitted to continue to operate on the 698–746 MHz band on a secondary basis. Accordingly, the Commission proposed that LPTV and TV translator stations not be permitted to cause harmful interference to stations of primary services, including new licensees in Channels 52–59, and cannot claim protection from harmful interference from stations of primary services, including new licensees in Channels 52–59. However, as set forth in the *DTV Sixth Report and Order,* the Commission proposed that LPTV and TV translator operations will not be required to alter or cease their operations until they actually cause interference to a DTV station or new service provider's operations in the 698–746 MHz band. Further, as the Commission did in the 746–806 MHz band, the Commission proposed that LPTV stations be permitted to negotiate interference agreements with new service providers, *see Upper 700 MHz Reallocation Order,* 63 FR 63798, November 17, 1998. Although the Commission recognized that LPTV and TV translator stations retain this secondary status, the Commission seeks comment on these proposals and any additional considerations that might mitigate the impact on low power operations on Channels 52–59 during the transition period.

e. Satellite Services

15. While the Commission is not making a specific proposal at this time concerning an allocation in this band for satellite services, the Commission seeks comment on this issue. The Commission seeks comment on whether satellite operations are technically feasible in this band. In addition, while the BBA 97 requires that the Commission assign spectrum reclaimed from broadcasters as a result of the digital transition by competitive bidding, subsequently-enacted legislation restricts the use of competitive bidding to license spectrum used for the provision of certain

[4] *See* 47 CFR 2.106 note NG128.

[5] *See id.* at. 2.106 note NG149.

[6] *Id.* at 2.106 note S5.293.

international satellite services.[7] The Commission seeks comment on whether these statutory provisions would affect the Commission's ability to allocate spectrum for flexible uses that would include the ability to deploy satellite services, subject to appropriate interference and other technical limitations, *Cf. 3650–3700 MHz First Report and Order,* 65 FR 69612, November 17, 2000.

2. Transition Issues

a. Incumbent Broadcasters

16. Incumbent broadcasters may remain on the 698–746 MHz band until the end of the digital transition targeted for 2006. The significant degree of incumbency will pose considerable challenges to the provision of viable new commercial services prior to the end of the transition. The Commission seeks comment generally on how the Commission can further the viability of auction of this spectrum consistent with the Commission's statutory obligations and sound principles of spectrum management.

(i) Analog Stations

17. Currently, there are 89 licensed full service NTSC analog stations and 12 approved analog construction permits on the 698–746 MHz band. For the 746–806 MHz band, the Commission concluded that stations for which a construction permit has been granted are sufficiently far enough along the licensing process that they should be treated the same as operating TV stations and receive protection from new service providers during the DTV transition period. The Commission has established a three-year construction requirement to ensure that holders of construction permits, both for new facilities and modification of existing facilities, progress in construction.[8] The Commission proposes to treat construction permits in the 698–746 MHz band in the same manner the Commission adopted in the 746–806 MHz band and seeks comment on this proposal.

18. In the *DTV Sixth Further Notice of Proposed Rulemaking,* 61 FR 43209, August 21, 1996, in order to accommodate parties who were in the process of preparing applications, the Commission established a final opportunity for the filing of new applications for analog stations for vacant allotments. Applications could be submitted during this filing window for (1) amendments (other than channel changes) to pending applications for new full-service NTSC television stations on Channel 2–59, (2) petitions for rule making seeking a new channel below Channel 60 for those applicants with pending applications for new full-service NTSC television stations on Channels 60–69, (3) petitions for rule making seeking a new channel below channel 60 for those applicants with pending applications for new full-service NTSC television stations on Channels 2–59 at locations inside of the ''TV Freeze Areas'' and (4) amendments to pending rule making petitions to amend the TV Table of Allotments to add NTSC television allotments, *see Analog TV Filing Public Notice (DA 99–2605),* 64 FR 67267, December 1, 1999 *(Analog TV Filing Public Notice).*

19. There are pending requests for approximately 57 new NTSC stations in this band, either with applications or allotment petitions originally filed during the filing windows established by the Commission. Some of the requests have been pending on these channels since they were filed, while others were amended to specify a channel in this band under procedures announced in the *Analog TV Filing Public Notice.* Previously, those new station proposals had been for stations on Channels 2 through 59 at locations where they would have conflicted with one or more DTV allotments or for use of TV Channels 60 through 69. The Commission recognizes that those persons with pending applications and/or petitions for new full-service NTSC television stations on those channels had already invested time, money and effort into their applications and petitions. Therefore, the Commission stated that it would not summarily terminate the pending applications and petitions, and it would, at a later date, provide applicants and petitioners an opportunity to amend their applications and petitions, if possible, to a channel below Channel 60.

20. The Commission recognizes that continuing to process these applications could result in greater incumbency on the 698–746 MHz band, which may make new service operations more difficult. This band was originally intended to remain principally a television band until the end of the transition and the Commission recognizes that it may be inequitable not to process these applications, or a subset of them. In addition, given the significant number of analog and DTV incumbents that already exist on this band, the impact on the provision of new services may be marginal. Therefore, while the Commission is not directing the Mass Media Bureau to suspend processing of applications (with the exception of stations on Channel 59) for new analog stations, the Commission seeks comment on the Commission's ultimate treatment of the remaining pending applications. For example, the Commission seeks comment on whether there are stronger equities for continuing to process any particular subcategory of these pending applications. In addition, if such applications are granted, the Commission seeks comment on whether the Commission could require these stations to transition to available frequencies below 698 MHz by a date certain, *i.e.,* 2006, to ensure that these stations do not encumber the provision of new services. The Commission particularly seeks comment on whether such a requirement would be consistent with the Commission's statutory requirements in section 309(j)(14) of the Communications Act. The Commission also seeks comment on whether these applicants (or a particular subset thereof) should be allowed to amend their pending applications through a channel allotment rule making petition to specify a new digital channel in the core that may become available later. With regard to applications pending for stations on Channel 59, the Commission believes that granting more analog station licenses could impact the licensing of new services in the Upper 700 MHz Band due to adjacent channel interference problems. Therefore, for the pendency of this rulemaking proceeding, the Commission directs the Mass Media Bureau to suspend processing of applications and channel allotment petitions for new analog stations on Channel 59, but to allow limited amendments to specify another channel, if available.

(ii) Digital Stations

21. Because the Commission was unable to accommodate a second digital channel for all broadcasters within the ''core'' broadcast spectrum, there are a substantial number of digital channels on Channels 52–59 as well. While the planning for the DTV Table of Allotments sought to minimize use of out-of-core channels, it was necessary to make allotments outside this range, particularly in the most congested areas of the country. Thus, there are 165 DTV assignments on Channels 52–59 (includes licenses, construction permits, and pending applications). Also pending, are four DTV allotment petitions filed by entities that originally proposed NTSC operations. While there are roughly the same number of analog

[7] *See* Open-Market Reorganization for the Betterment of International Telecommunications Act, Public Law 106–180, 114 Stat. 48 (2000) (''ORBIT Act'').

[8] 47 CFR 73.3598.

stations on Channels 52–59 as there are on Channels 60–69, there are significantly more digital television incumbents. In particular, there are only 20 digital assignments on Channels 60–69 compared to the 165 assignments on Channels 52–59 and this number may increase.

(iii) Low Power Stations

22. There are currently 835 licenses and 244 construction permits for low power television operations on Channels 52–59. In addition, there are 607 applications pending for new low power stations. Many of these pending applications involve requests for replacement channels by low power stations displaced by DTV stations or seeking to vacate the use of TV Channels 60–69 (746–806 MHz). Section 3004 of the BBA 97 states that anyone holding a television broadcast license in the 746–806 MHz band ''may not operate at that frequency after the date on which the digital television transition period terminates, as determined by the Commission.'' In the Commission's reallocation proceeding for Channels 60–69, the Commission found that this provision leaves us no latitude in clearing LPTV and TV translator stations from the band at the end of the DTV transition period. Throughout the DTV and related proceedings, the Commission has recognized that the DTV transition and the reallocation of spectrum to other services will have a significant impact on LPTV and TV translators. Further, the Commission has recognized that LPTV operators offer important services to specialized and minority audiences, foreign language communities, and rural areas. In this regard, the Commission adopted a number of rule changes in the *DTV Proceeding* to mitigate the impact on these stations. The Commission seeks comment on whether there are additional measures the Commission should consider for LPTV in the 698–746 MHz band.

SUMMARY OF CHANNELS 52–59 INCUMBENTS

	Licenses	Construction permits	Applicants & allotment petitions	Total	New [9]
NTSC	89	12	57	158	Not Permitted.
DTV	17	95	53	165	Not Permitted.
LPTV	835	244	607	1,686	Permitted.

b. Interference Protection for Television Services

23. In the *DTV Proceeding,* the Commission stated that all existing analog TV and new DTV stations in the 698–746 MHz band would be fully protected during the DTV transition period. Thus, it will be necessary for licensees in the reallocated spectrum to protect both analog TV and DTV stations in the 698–746 MHz band from interference. If any additional NTSC licenses or construction permits or DTV full service allotments are made as a result of pending petitions, they would be afforded full protection during the DTV transition period.

(i) Protection of Analog Stations

24. For the 746–806 MHz (Channels 60–69) band, the Commission adopted a methodology that specifies minimum separation distances based on the various heights and powers of land mobile stations to prevent harmful interference to incumbent analog television operations from new service providers. This methodology has been successfully used in existing land mobile-broadcasting sharing arrangements in the 470–512 MHz band. The Commission used a 40 dB desired-to-undesired (D/U) signal ratio for calculating the co-channel geographic separation requirements, *see Public Safety Service Rule First Report and Order and Third Notice of Proposed Rulemaking,* 63 FR 58645, November 2, 1998, 63 FR 58685, November 2, 1998 *(Public Safety Service Rule Order).* The Commission found this to be a reasonable value that will provide sufficient protection for TV stations, as prescribed by the BBA 97. Co-channel land mobile base station transmitters will be limited to a maximum signal strength at the assumed TV Grade B contour that is 40 dB below the 64 dBu Grade B contour signal strength value, or 24 dBu. The Commission adopted a 0 dB D/U signal ratio for adjacent channel operations. Adjacent channel land mobile transmitters are thus limited to a maximum signal which can equal the TV Grade B signal of 64 dBu at the TV station assumed Grade B contour of 88.5 km (55 miles). A typical TV receiver's adjacent channel rejection is at least 10–20 dB, which will further safeguard TV from land mobile interference. The analog TV protections adopted in the 746–806 MHz reallocation proceeding were based on the need to balance protection for existing broadcasting services, while making this spectrum viable for new services, including public safety. The Commission seeks comment on whether the Commission should employ the same method for protecting analog TV stations in the 698–746 MHz band.

(ii) Protection of Digital Stations

25. In the Commission's public safety proceeding, the Commission determined that the same signal strength limits for land mobile operation criteria used for protection of analog stations, *i.e.*, 24 dBμ co-channel and 64 dBμ adjacent channel, should also apply for digital stations. These field strength values correspond to co-channel and adjacent channel protection ratios for a DTV station at its 41 dBμ field strength service contour of 17 dB and − 23 dB, respectively. The Commission notes that these determinations are consistent with the *DTV Sixth Report and Order*. There, the Commission specified a minimum geographic separation of 250 km (155 miles) for co-channel operations between DTV stations and the city-center in the areas where there are existing land mobile operations. Section 90.305(a) of the Commission's rules provides that full power land mobile base stations can be located up to 80.5 km (50 miles) from the city-center of one of the specified cities.[10] Consequently, under the geographic separation standards adopted in the *DTV Sixth Report and Order*, a land

[9] The Commission ended filing opportunities for new NTSC stations effective September 20, 1996. Amendments to certain of these applications and allotment petitions to change channels, filed prior to the freeze were accepted until July 15, 2000. All requests for new DTV allotments must be filed for in-core channels. However, initially eligible DTV broadcasters are permitted to seek modified allotments, including Channels 52–59. *See* 47 CFR 73.622(a). Not included in the counts above are four petitions for NTSC assignments, which have requested to convert their station proposals.

[10] *See* 47 CFR 90.305(a).

mobile base station could choose to locate its station as close as 169.5 km (250 km − 80.5 km), or 105 miles to a neighboring DTV station. At this distance, a typical land mobile base station would produce an interfering signal at the DTV station's 88.5 km (55 miles) equivalent Grade B contour corresponding to the 17 dB D/U protection ratio specified in the *Public Safety Service Rule Order* to a DTV receiver. Thus, the Commission's decision to require land mobile systems to provide signal ratios for DTV stations which will afford approximately the same separation distance as the Commission did for analog TV stations, was considered to represent a reasonable balance between the needs of both DTV stations and new services.

26. With regard to this new allocation of the 698–746 MHz band, the Commission seeks comment on whether to adopt the same criteria for protection of DTV stations as the Commission used for protection of analog stations. The Commission is particularly interested in comments addressing the provisions for transmissions that may have the characteristics of a wide band-noise like emission. As demonstrated by the table in § 73.623(c)(3)(ii), DTV receivers treat co-channel DTV signals as an increase in the noise floor of the desired signal. This increase in noise floor is proportional to the power received from the undesired station. Therefore, in order to maintain the minimum necessary signal-to-noise (S/N) ratio of 15.19 dB, the desired signal level must be increased. Section 73.623(c)(2) of the rules sets forth a value of 15 dB for co-channel interference for DTV into DTV which are only valid at receiving locations where the S/N ratio for the desired DTV signal is 28 dB or greater.[11] At the edge of the DTV noise-limited service area, where the S/N ratio is 16 dB, the value of D/U is 23 dB for interference protection from another DTV station. New land mobile systems operating in this band employing wide band noise like signals may need to provide DTV stations the same increases in protection as indicated in § 73.623(c)(3)(ii) of the rules.[12]

27. Since the Commission does not know the characteristics (bandwidth and power spectrum shape) of the co-channel threat to DTV in the re-allocated Channels 52–59, the Commission seeks comment on whether digital, wide-band emissions from these services in this band could cause interference to possible co-channel DTV operations, and may require the imposition of more restrictive criteria than those provided for under § 90.545 of the Commission's rules. In particular, the Commission seeks comment on the adequacy of 17 dB for co-channel protection of DTV from wide band transmissions or whether the Commission should consider more conservative protection levels.

c. Coordination With Canada and Mexico

28. The United States has bilateral agreements with both Canada and Mexico setting forth allotment and assignment plans for TV broadcast stations covering the 698–746 MHz band (Channels 52–59). While the U.S. has identified this band for reallocation to new services, neither Canada nor Mexico has done so to date.[13] Pursuant to these agreements, the U.S. must protect the signals of Canadian and Mexican TV broadcast stations located in the border areas, and such operations will therefore affect U.S. non-broadcast use and services in this band. Accordingly, the Commission tentatively concludes that licenses issued for this band will be subject to whatever future agreements the United States develops with these two countries. The Commission further tentatively conclude that, until such time as existing agreements are replaced or modified to reflect the new uses, licenses in this band will be subject to existing agreements and the condition that harmful interference not be caused to, and must be accepted from, TV operations originating in Canada and Mexico. The Commission seeks comment on the Commission's tentative conclusions.

B. Service Rules

29. One of the primary goals in this proceeding is to establish service rules that will promote innovative services and encourage the flexible and efficient use of this spectrum. In recent years the Commission has implemented the statutory directives under section 309(j) of the Communications Act by addressing the growing complexities of spectrum management using approaches consistent with general market-based principles. Consistent with the principles underlying the *Spectrum Reallocation Policy Statement* and the *Secondary Markets Policy Statement*, 65 FR 80367, December 21, 2000, the Commission tentatively concludes that the service rules for this band should implement flexible use for the full range of proposed allocated services, consistent with necessary interference requirements.

30. In seeking to achieve the above objectives, the Commission recognizes that the service rules must also take into account the presence of incumbent broadcasters on the Lower 700 MHz Band and the processes established in the *DTV proceeding* for relocating incumbent broadcasters into the DTV core spectrum. The 698–746 MHz band is currently used as Channels 52–59 by a significant number of existing full service analog stations, LPTV stations, TV translator and booster stations, and by new DTV stations. These incumbent broadcasters, both analog and digital, may continue to operate on channel allotments in this band until at least December 31, 2006,[14] or the relevant statutory conditions are met that allow incumbents to be relocated to channels in the DTV core spectrum of Channels 2–51. Therefore, the service rules for any new services on the Lower 700 MHz Band must provide for the protection of incumbent television stations during the DTV transition period.

31. The Commission also seeks to establish rules that will facilitate, rather than hinder, the clearing of incumbent broadcasters from this spectrum in a manner consistent with the policy goal of locating all television channels in the DTV core spectrum, thus making the band available for a wide range of advanced services. While the Commission recognizes that different circumstances apply to the Lower 700 MHz Band, the Commission seeks comment on potential mechanisms, with the focus on voluntary mechanisms, to encourage the smooth transition from incumbent broadcast services to new services due to the particular circumstances relating to the Lower 700 MHz Band.

32. The Commission requests comment on a number of issues, such as the appropriate relationship between potential uses of the spectrum, the optimal size of the spectrum blocks available for auction, the appropriate size of geographic service areas, any channelization plan, and other characteristics that it should use to define licenses in the Lower 700 MHz Band. Comments should address whether particular characteristics would encourage a variety of technologies and

[11] *See id.* 73.623(c)(2).

[12] *See id.* at 73.623(c)(3)(iii).

[13] A recently-signed Letter of Understanding (''LOU'') with Canada recognizes U.S. plans to use this band for other than broadcasting services, and notes that Canada is independently considering a reduction of the spectrum in this band allocated to television. This LOU also specifically provides for non-broadcast allocations and services in the 746–806 MHz bands (Channels 60–69) by establishing criteria to protect DTV stations and analog TV stations established in accordance with the existing TV Agreement (Nov. 3, 1993—Jan. 5, 1994).

[14] *See* 47 U.S.C. 309(j)(14)(A).

entrants, foster overall licensee flexibility, provide licensees with the maximum number of options to provide service, and promote the other objectives of the Communications Act. In addition, if the Commission was to adopt allocations other than those proposed in this Notice, the Commission seeks comment on whether the service rules should provide for all allocated services including, for example, satellite service.

33. While the Commission seeks comment from the public in general concerning the matters set forth in the Notice, comment is specifically sought from Indian Tribal governments on the matters contained in the Notice. In keeping with the principles of the *Tribal Government Policy Statement*, 65 FR 41668, July 6, 2000, the Commission welcomes the opportunity to consult with Tribal governments on the issues raised by the Notice and seeks comment both from Tribal governments and other interested parties on the potential for the spectrum considerations set forth herein to serve the communications needs of tribal communities.

1. Scope of Licenses

a. Permissible Licensed Services

34. The Commission seeks comment on the scope of services that should be licensed under the service rules adopted for the Lower 700 MHz Band. Comments that are submitted in response to the Notice should address whether the service rules would encourage the active and efficient use of the Lower 700 MHz Band and enable new technologies and services.

35. The Commission emphasizes its continued interest in the development of a variety of mechanisms to make spectrum markets more flexible and efficient in the choice of service to be offered by licensees and in the applicable service rules. The Commission seeks comment on whether to reallocate this spectrum in the 698–746 MHz band to permit fixed, mobile, and broadcast services on the 698–746 MHz band. The Commission seeks to develop service rules that are not based on its prediction of how these bands will ultimately be used, but instead enables the Commission to establish maximum practicable flexibility. Accordingly, the Commission requests comment on how innovative service rules and assignment mechanisms can maximize the use of this spectrum. The Commission also seeks comment on how new technologies may affect the extent to which service rules effectively provide for flexible, efficient, and intensive use of the spectrum.[15]

36. In the *Upper 700 MHz First Report and Order,* The Commission decided not to adopt service rules that would permit both full power television and wireless services to operate on the Upper 700 MHz Band. The Commission found that the contrasting technical characteristics of full power television broadcasting, using power levels authorized by part 73,[16] and wireless services effectively preclude the development of interference rules that would enable the practicable provision of both sets of services on the spectrum under consideration in that proceeding. In the Notice, the Commission solicits comment on the extent to which the service rules can permit both new full power broadcasting, in particular DTV and other digital broadcast operations, and wireless services to operate on the Lower 700 MHz Band. Commenters should consider the interference concerns that were addressed in the Upper 700 MHz proceeding, as well as any other relevant factors. The Commission seeks comment on whether the possible technology or technologies used to provide digital broadcast services, such as those using a cellular architecture, would be compatible with wireless services operating on the spectrum. In that regard, the Commission seeks comment on whether a 50 kW limit for full power broadcasting would permit both broadcasting operations and wireless services to use this spectrum, yet still allow flexible use of the spectrum consistent with technical and interference requirements. The Commission also requests comment on whether service rules that allow licensing of full power broadcasting on the band would affect the efficient use of the spectrum. To what extent would efforts to manage interference between such dissimilar transmissions as full power television and wireless services increase the possibility of substantial spectrum inefficiencies in the band? The Commission also seeks comment on whether the licensing of full power broadcasters on this band would impose disproportionate, offsetting burdens on wireless services, both fixed and mobile, and whether full power broadcasting would have a substantial impact on the technical effectiveness and economic practicability of wireless service providers operating on this band. In addition, the Commission seeks comment on whether any differences between the part 27 and part 73 rules that may affect the determination as to whether the service rules for the 698–746 MHz band should permit both full power television and wireless providers to operate on this band. The Commission notes that sections 309(j)(14)(C) and (D) of the Act, which apply to all spectrum reclaimed as part of the DTV transition, prevents the Commission from declaring any party ineligible, for ''any license that may be used for any digital television service'' in certain cities, on the basis of the duopoly rule and newspaper cross-ownership rule.[17] The Commission seeks comment on the impact of these provisions on the determination of whether and how the service rules can and should permit broadcast and wireless providers to operate on the Lower 700 MHz Band.

37. In the *Upper 700 MHz First Report and Order,* the Commission adopted service rules that addressed the need for a range of wireless applications and recast the part 27 rules to reflect their revised scope. The Commission decided to allow any new broadcast-type services consistent with the Table of Allocations, provided that such services satisfied the technical and service rules. The Commission seeks comment on whether to license new broadcast-type service on the Lower 700 MHz Band.

38. The Notice does not make a specific proposal concerning an allocation in the Lower 700 MHz Band for satellite service, but requests comment on the matter. In the event that an allocation is made in this band for satellite service, the Commission seeks comment on whether auction winners should be afforded the flexibility to deploy satellite services, either themselves or by agreement with a satellite operator, within their licenses' geographic area, provided that such operations do not cause unacceptable interference to services operating in adjacent geographic areas. Further, if an allocation is made in this band for satellite service, the Commission seeks comment on the service rules that would apply to such service.

b. Size of Spectrum Blocks for Each License

39. The Commission seeks comment on the appropriate amount of spectrum for each license in the 698–746 MHz band. Should the Commission license, for example, the spectrum as a single 48 megahertz block or should it be licensed as two or more smaller blocks?

[15] *See* 47 U.S.C. 309(j)(3)(D).

[16] *See* 47 CFR Part 73 (Broadcast Radio Services).

[17] *See* 47 U.S.C. 309(j)(14)(C)–(D); 47 CFR 73.3555(b), (d).

40. The Commission seeks comment first on whether the utility, and therefore value, of the spectrum would be enhanced by providing for the auction of a single block. A spectrum block of such size would seem to minimize the potential for third-party interference and thereby minimize the needed scope of the interference rules. In this regard, given the difficult incumbency issues associated with this band, the Commission seeks comment on whether economics associated with being a licensee of a large block of spectrum would make it easier for the licensee to develop services around existing incumbents, clear the band of incumbents, and generally deal with interference issues in the band. The Commission also requests comment on whether a single licensee, as opposed to numerous licensees, would be more likely to successfully negotiate the clearing of incumbent broadcasters from the spectrum. Would it be in the public interest to leave the determination of the internal framework of the 698–746 MHz band to one licensee? Comments should address both the possible and expected scope of use by a single 48 megahertz licensee. Commenters should identify the range of services that could be offered if the Commission employs a license of this size. In addition, the Commission seeks comment on what spectrum block size would best facilitate the ''reasonable and timely'' [18] deployment of broadband applications which may be spectrum-intensive.

41. The Commission seeks comment, alternatively, on whether to establish two or more blocks to license this spectrum, and what should be their size. The Commission seeks comment, for instance, on whether the spectrum should be licensed in two blocks of 24 megahertz each. Commenters also should address whether a block of 12 megahertz or more is required to provide access to a wide range of advanced telecommunications services. In addition, they should explain whether a block of six megahertz is necessary to enable wireless telecommunications services, or a viable digital television service. Licensing based on smaller spectrum blocks may be preferable for rural and small carriers. Parties who prefer smaller spectrum block sizes to larger blocks should identify the advantages that licensing based on smaller spectrum blocks would have on potential auction participants. If commenters support licensing based on spectrum blocks other than those discussed herein, they should state why other size spectrum blocks are more appropriate. The comments also should address the impact that the size of the spectrum blocks will have on the services that may be provided on this band, especially given the difficult incumbency issues.

42. Comments are invited on whether to adopt a licensing plan for this band that provides for different sized blocks. The comments should address whether this approach could improve spectrum efficiency, offer greater flexibility in the use of spectrum, increase the diversity of services offered to consumers, and facilitate the development of advanced telecommunications services.

43. The Commission also seeks comment generally on the minimum size of spectrum blocks needed to enable competitive commercial services. In this regard, the Commission notes that the simultaneous multiple round and combinatorial (or ''package'') auction design generally offers bidders substantial flexibility to aggregate blocks of spectrum for their particular uses. The Commission seeks comment on whether in light of the auction designs that may be available, the Commission should define spectrum block sizes that would require bidders to aggregate spectrum at auction to achieve the most efficient result. Such an approach may provide bidders with greater flexibility to implement their plans, as compared with the Commission's traditional approach toward defining spectrum blocks, which attempts to define optimal block size and allows adjustments through secondary market mechanisms, such as disaggregation, if such fine-tuning is necessary.

44. Commenters should consider the relationship between the amount of spectrum per license and the ability to protect existing broadcast operations in this band during the transition to DTV. The comments should address how the size of the spectrum blocks will affect the licensees' ability to deploy new, innovative services and the impact that the size of the spectrum blocks may have on the ability of licensees to compete with existing fixed and mobile service providers. The comments also should consider the need to preserve licensee flexibility in technical and service application choices.

45. In light of the presence of incumbent broadcasters on this band, the Commission seeks comment on whether spectrum blocks of six megahertz could be aligned in the 698–746 MHz band plan to correspond with individual six megahertz television channels. The Commission requests comment on whether the adoption of six megahertz blocks as an appropriately-sized spectrum block would facilitate clearing of the band by incumbent broadcasters or otherwise enhance the value of the spectrum. In addition, in this Notice, the Commission seeks comment on the possibility of a guard band or some other form of protection for services provided below this 698–746 MHz band, on television Channel 51. The Commission requests comments on the impact of the adoption of service rules in this proceeding on the incumbent use of Channel 51.

c. Size of Service Areas for Geographic-Area Licensing

46. The Commission tentatively concludes that it should adopt a geographic area licensing approach to assign licenses in the 698–746 MHz band. In contrast to station-defined licensing (i.e., site-by-site licensing), the experience has been that geographic area licensing affords licensees substantial flexibility to respond to market demand and may result in significant improvements in spectrum utilization.

47. Assuming that the Commission utilizes a geographic area approach for the 698–746 MHz band, the Commission seeks comment on the appropriate size of service areas on which licenses should be based. Should the Commission license, for example, all or part of the 48 megahertz of reallocated spectrum on a nationwide basis, or would smaller geographic license sizes be more appropriate for this spectrum?

48. The Commission seeks comment, first, on a possible nationwide license. Nationwide licenses have the advantage of providing carriers with more flexibility in the buildout of their services, as well as in coordinating with incumbents. In this regard, the Commission seeks comment on whether any problems associated with the operation of the many incumbent TV stations in this band may be better addressed by licensing this spectrum in larger areas where there may be less of a need for complicated protection agreements. Does the presence of a large number of broadcasters in the 698–746 MHz band make nationwide licenses more desirable than regional or other license sizes? The Commission also seeks comment on the extent to which nationwide licenses maximize the opportunity to provide the widest array of services and business plans. Do nationwide geographic licensing areas, especially in light of the proposal to

[18] *See* section 706 of the Telecommunications Act of 1996, Public Law 104–104, 110 Stat. 153 at 706 (set forth at 47 U.S.C. 157 nt.)

permit partitioning[19] and the Commission's request for comments in the Notice about spectrum leasing, provide the necessary incentives for fostering the growth of existing technologies while encouraging the development of new applications? Would the adoption of nationwide geographic licensing areas provide potential savings to the time and cost of developing applications and manufacturing equipment to operate in the 698–746 MHz band?

49. In the Upper 700 MHz proceeding, the Commission chose six large, regional Economic Area Groupings (''EAGs'') for the 747–762 MHz and 777–792 MHz bands. The use of regional licenses may permit licensees to take advantage of the opportunities afforded by licensing spectrum on a wide regional basis. Accordingly, the Commission requests comments that address the possibility of issuing large, regional licenses in the 698–746 MHz band. Are the six EAGs the appropriate license size for this reallocated band? Are EAGs (or other regional licenses) preferable to nationwide licenses because they may more easily allow partitioning to serve the needs of smaller users and regional communities? If the Commission adopts six regional EAGs, the Commission seeks comment on what would be the optimal spectrum block size. Commenters should address whether blocks of 48 megahertz, 24 megahertz, or smaller sizes would be appropriate for regional EAGs. The Commission notes that the simultaneous multiple round and combinatorial or package bidding auction designs generally offer bidders flexibility to aggregate multiple licenses to cover larger geographic areas for their particular uses. Would the opportunity to aggregate a small number of regional licenses be sufficient for those seeking to build a nationwide footprint? The Commission invites comment on how to define an appropriate geographic service area in light of the various types of bidding procedures that the Wireless Telecommunications Bureau now has at its disposal.

50. Commenters should also address whether smaller geographic license sizes are appropriate for all or a subset of this spectrum. For example, the Commission has licensed spectrum using smaller territories defined by the 306 Metropolitan Statistical Areas (''MSAs'') and 428 Rural Statistical Areas (''RSAs''), and the 172 EAs and three EA-like areas. When combined, the MSA and RSA service areas create the 734 geographic areas that were originally used to license cellular service. Rural and smaller carriers may prefer licensing based on small geographic areas. If so, which license sizes are preferable to the larger, regional license sizes? Should the Commission license part of the 48 megahertz of spectrum on a large regional (or national) basis and the remaining part of the band in geographic areas of a medium or smaller scale? If commenters support licensing based on service territories other than those discussed previously, they should discuss why other types of service areas are more appropriate. In addition, the Commission seeks comment on the impact that the size of the service area will have on the participation in the auction by parties that may be eligible for the Commission's designated entities provisions.

51. The Commission also seeks comment on whether to license the Gulf of Mexico as part of larger service areas, as the Commission did for the Upper 700 MHz Band, or whether to separately license a service area or service areas to cover the Gulf of Mexico. Commenters who advocate a separate service area or areas to cover the Gulf of Mexico should discuss what boundaries should be used and whether special interference protection criteria or performance requirements are necessary due to the unique radio propagation characteristics and antenna siting challenges that exist for Gulf licensees.

52. The Commission seeks comment on the possible impact that broadcast use of this spectrum would have on the determination of the appropriate geographic service area. The Commission seeks comment elsewhere in the Notice on service rules that may permit the 698–746 MHz band to be used by both full power broadcasting and wireless services. Parties who believe that such combined use should be permitted should first comment on the various choices the Commission is considering in this proceeding for part 27 geographic license areas and spectrum blocks and the impact that this scheme would have on the concept of a station's serving the needs and interests of its community of license pursuant to part 73. Those parties should also comment on any relation between the geographic service area and spectrum block decisions and the combined use of these bands by CMRS and full power broadcast services, which operate using significantly different power levels. The Commission seeks comment on how any decisions regarding spectrum channelization and power levels, if combined use were to be permitted, would affect the appropriate size of geographic licenses, in contrast to limiting or precluding broadcast use of the spectrum. The Commission also seeks comment on alternatives that would rely on licensing by geographic area, by community of license, or by some combination of these approaches.

d. Paired or Unpaired Spectrum Bands

53. In the Upper 700 MHz proceeding, the Commission determined that spectrum blocks be established and licenses be assigned on the basis of paired bands. The Commission configured the 30 megahertz of spectrum in two paired bands: a 10 megahertz band, designated Block C, and a 20 megahertz band, designated Block D. Each paired band constituted a spectrum block on which auction bids would be based in an EAG. The decision to adopt this paired band architecture reflected an assessment that the most commonly-used transmission procedure for Personal Communications Services (''PCS''), cellular, and other established mobile and fixed wireless applications, Frequency Division Duplex (''FDD''), requires paired spectrum.

54. If the Commission decides that the spectrum in the 698–746 MHz band should be licensed in two or more blocks, should the spectrum be offered as contiguous or paired blocks and, if paired blocks, should the blocks be symmetric or asymmetric in size? The Commission seeks comment on the extent to which the spectrum should be paired or unpaired to enable viable commercial wireless services. Given bidders' opportunities to aggregate licenses under the simultaneous multiple round, combinatorial, and package auction designs, how would the adoption of either a paired or unpaired band structure impact the Commission's ability to achieve its spectrum management goals, including flexible and efficient spectrum use.[20] The Commission requests comment on the degree to which paired or unpaired bands are suited to new technologies, particularly such technologies that would enhance the offering of advanced wireless telecommunications services. Comments should address the particular requirements of the various services and their technologies, including

[19] In light of the variety of potential services that the Commission envisions will be used in this reallocated band, including emerging technologies or next-generation applications, the most desirable or efficient scale of service area may vary according to the business plan of the potential licensee. Therefore, some licensees may need smaller service areas. The Notice tentatively concludes below to allow post-auction partitioning of licenses for bidders whose business plans require different size geographic areas than are adopted here.

[20] *See* 47 U.S.C. 309(j)(3)(D).

transmission procedures such as FDD or Time Division Duplex (''TDD''), that would use this spectrum, and the impact on such services and technologies of the adopting either a paired or unpaired band architecture.

55. The Commission seeks comment on the extent to which the power limits that are to be established in this rulemaking should affect the adoption of a paired or unpaired band structure. In the Upper 700 MHz proceeding, the Commission allowed 1000 watt effective radiated power (''ERP'') base and fixed stations in both the lower and upper bands, and 30 watt ERP mobile and control station, as well as 3 Watts ERP portables, in both the upper and lower bands. If the Commission decides to adopt a paired band architecture for the 698–746 MHz band, should the Commission enable the use of both base and mobile transmitters on both bands? Furthermore, should the Commission use the same power limits as the Commission adopted in the Upper 700 MHz proceeding, or should some other power limits be authorized instead? To what extent should the Commission adopt power limits or out-of-band emission limits for the 698–746 MHz spectrum that are aimed at enabling TDD operations, or operations that are based on some other form of technology? Comments should address both the methodology to be used, e.g., whether the power limits should be the same or different for the two bands, and the specific power levels to be adopted.

56. The Commission requests comment on the impact that the decisions on the size of spectrum blocks and of the service area should have on the decision on whether to adopt paired or unpaired spectrum bands. For example, would the adoption of smaller spectrum blocks be more or less appropriate in a paired band structure than in an unpaired band structure? Would a decision to license blocks that are large enough for full power broadcast service and to permit sharing of the spectrum by wireless and full power broadcast providers have an impact on the decision to license spectrum on a paired or unpaired basis?

57. The Commission also solicits comment on whether and to what extent the use of paired or unpaired spectrum bands would accommodate entities seeking to negotiate voluntary transition agreements with incumbent television licensees that could enable the clearing of such incumbent licensees from the 698–746 MHz band. Comments should address whether such efforts to facilitate transition agreements are consistent with the objectives of seeking to promote the rapid development of new technologies and the efficient and effective use of the spectrum.[21]

2. Technical Rules

a. General Technical Rules

58. The Commission seeks comment on whether the general provisions of part 27 of the rules should be applied to the 698–746 MHz band, and specifically on any rules that would be affected by the proposal to apply elements of the part 27 framework, whether separately or in conjunction with part 73 requirements, to full power broadcast services, or to any other parts of the rules. The Commission solicits comment concerning the appropriate rules to adopt for co-channel interference control, out-of-band[22] and spurious emission[23] limits, and power limits and radiofrequency (RF) safety requirements. The comments also should address whether all of these technical rules would apply to all licensees in the 698–746 MHz band, including licensees who acquire their licenses through partitioning or disaggregation.

b. Co-Channel Interference Control

59. Historically, the Commission has issued rules governing the technical and operating parameters of radio transmitters in order to reduce to a pre-determined level the interference between licensees using the same spectrum assignment in adjacent geographical locations.

60. Recently, the Commission has established new broadband wireless services wherein licensees are authorized to utilize any technology satisfying basic technical rules to provide any type of fixed or mobile service. In the Notice, the Commission seeks comment on a wide range of uses in the Allocation Table. Accordingly, the Commission is potentially allowing a broad range of technologies and services for possible co-existence within this spectrum, and the nature of the services and technologies can affect the potential for interference between licensees using the same spectrum in adjacent service areas. The Commission is particularly interested in receiving comments on potential interference issues that could arise in the event that the Commission decides to reallocate the 698–746 MHz band for use by fixed, mobile, and broadcast services or any combination of these services.

61. The Commission has adopted rules employing one or the other of two methods for broadband fixed and mobile services in regard to addressing the issue of co-channel interference between adjacent systems. In the Cellular Radiotelephone Service, the Commission has mandated that adjacent users coordinate spectrum usage by facilities within 121 kilometers (75 miles) of each other and to resolve technical problems that may inhibit effective and efficient use of the spectrum.[24] This method is a coordination requirement. In the Personal Communications Service and the Wireless Communications Service, the Commission has instead adopted rules requiring that the licensees limit the strength of their signals (''field strength'') to some prescribed value at the boundary of their geographical license area.[25] Provided that the specified field strength limit is met, licensees may unilaterally deploy facilities in the boundary area without coordinating with adjacent licensees. This latter method is the field strength limit.

62. In the Upper 700 MHz proceeding, the Commission adopted a field strength limit rather than a coordination requirement to control co-channel interference in the band. The Commission found that a coordination method could impose unnecessary coordination costs in the case of facilities that were unlikely to cause interference, and possibly could lead to anti-competitive activities. The Commission also determined that the field strength limit will apply to base and fixed stations, the maximum field strength permitted along the geographic area border will be 40 dBμV/m, and that issues of compliance will be determined by calculations using the TV broadcast field strength curves. The use of this procedure was found to potentially enable licensees to deploy their facilities effectively, while minimizing interference to co-channel licensees in adjacent areas. The Commission seeks comment on whether this universal field strength limit rule will in fact *minimize* interference between all adjacent systems using the same or overlapping spectrum regardless of what types of service, technologies, emission types or power levels are used.

63. The Commission seeks comment on whether to adopt rules establishing a boundary field strength limit to control co-channel interference in the 698–746 MHz band. If the Commission was to choose this method, what should be the field strength limit? Should it be 40 dBμV/m or some other value? The Commission requests comment on

[21] *See* 47 U.S.C. 309(j)(3)(A), (D).

[22] 47 CFR 2.1(c).

[23] *Id.* 2.1(c).

[24] *See* 47 CFR 22.907.

[25] *See* 47 CFR 24.236, 27.55.

whether a field strength limit would reduce the need for coordination by giving licensees the ability unilaterally to deploy facilities in boundary areas as long as the limit is met. The Commission also seeks comment on whether a field strength limit by itself may provide insufficient assurance against interference among co-channel licensees. Even with a boundary limit, would some degree of coordination and joint planning between bordering licensees be needed to ensure efficient use across the boundary? To the extent such coordination between adjacent licensees is likely to be needed, to what extent can the Commission rely on purely voluntary procedures to reach efficient results? Would any rules or guidelines be beneficial in facilitating such coordination? The Commission also seeks comment on whether to adopt criteria to protect Lower 700 MHz stations employing video broadcasting similar to the protection criteria that the Commission establishes herein to protect incumbent DTV stations.

64. The Commission seeks comment on whether to adopt a coordination requirement instead of a field strength limit to control co-channel interference in this band. In the event the Commission decides to use a coordination requirement, how far from the boundary should the coordination zone be located? Would a general coordination requirement minimize the potential for interference or impose unnecessary coordination for facilities with a low potential for interference under either approach?

65. Commenters should provide an analysis of the advantages and disadvantages of both approaches, or approaches that combine a boundary limit and coordination procedure. The Commission seeks comment, for example, on whether anti-competitive behavior could result from the adoption of either approach. Moreover, how do the two methodologies compare in terms of their effect on licensee costs? The comments should address these questions in the context of whether one method or the other would enable licensees to deploy their facilities effectively, while minimizing interference to co-channel licensees in adjacent geographic areas. The Commission also seeks comment on whether there are methods to control interference in the Lower 700 MHz Band that would be more effective than coordination or boundary field strength limits.

66. In the event that the Commission adopts a field strength methodology, the Commission seeks comment on whether licensees in adjoining areas should be permitted to agree to alternative field strengths at their common border. If the Commission was to agree to such a procedure, what would be the impact in terms of increased flexibility and harmful interference? The Commission invites comment on this approach to control interference in the context of the 698–746 MHz band, both generally and if used in conjunction with field strength standards. Should the Commission adopt a general coordination approach is adopted, comments are requested on whether specific aspects of procedures, such as those contained in § 22.150 of the Commission's rules,[26] should apply or, alternatively, whether a general requirement such as the cellular rule[27] should apply.

67. Section 27.64 of the Commission's rules[28] states generally that part 27 stations operating in full accordance with applicable Commission rules and the terms and conditions of their authorizations are normally considered to be non-interfering, and provides for Commission action, after notice and hearing, to require modifications to eliminate significant interference. In view of the variety of services that might be provided by part 27 licensees on this band, including broadcasting, the Commission solicits comment on whether to apply this rule for this spectrum. The Commission also seeks comment regarding whether interference protection can be achieved and whether § 27.64 of the rules should be modified to direct adjacent service area licensees to cooperate to eliminate or ameliorate interference. This alternative would require each licensee ultimately to assume responsibility for protecting its own receiving system from interference from transmitters in adjoining areas that meet the standards.

68. The Commission seeks comment on what interference criteria should be established in the event the Commission adopts service rules that permit full power broadcasting and wireless services to sharing the 698–746 MHz band. The Commission also seeks comment on whether to adopt any protection of television service provisions addressed elsewhere in the Notice into the co-channel interference rule.

c. Out-of-Band and Spurious Emission Limits

69. In many of the radio services, the Commission often requires that out-of-band emissions be limited to no more than 50 microWatts (50 μW) of transmitter output power over a typical instrument measurement bandwidth. The rules that implement this requirement generally do so in the form of an attenuation requirement of 43 + 10 log P dB. In the Upper 700 MHz proceeding, the Commission adopted this general out-of-band emission limit to apply to equipment transmitting in the 747–762 and 777–792 MHz bands that were the subject of the service rules under consideration. However, the Commission also adopted more strict limits for out-of-band emissions that fall within the Global Positioning Service (''GPS'') band and within the 764–776 MHz and 794–806 MHz public safety bands. The Commission invites comment on what out-of-band emission standards should be established in the service rules for the Lower 700 MHz Band. The Commission seeks comment on whether to adopt a rule applying the general out-of-band emission attenuation requirement of 43 + 10 log P dB to equipment used in the 698–746 MHz band. What are the potential costs and benefits of requiring greater or lesser attenuation of out-of-band emissions? The Commission also requests comment on any other emission limits that commenters believe to be appropriate. For example, should the limit specify a single out-of-band attenuation level or should it specify a power roll-off that increases attenuation as frequency separation from the channel boundary increases?

70. In the Upper 700 MHz proceeding the Commission found that stricter attenuation requirements were required to adequately protect the public safety bands from interference. The Commission adopted an attenuation requirement of 65 + 10 log P dB per 6.25 kHz for mobile and portable transmitters, and an attenuation requirement of 76 + 10 log P dB per 6.25 kHz for base and fixed transmitters for out-of-band emissions that fall within the 764–776 MHz and 794–806 MHz public safety bands. The Commission requests comment on whether it is necessary to adopt a rule, applicable to equipment transmitting in the 698–746 MHz band, that provides more stringent attenuation requirements for out-of-band emissions that fall within the 764–776 MHz and 794–806 MHz public safety bands. The Commission seeks comment on whether equipment transmitting in the upper portion of the 698–746 MHz commercial band poses a risk of interference to public safety operations that justifies adoption of these more stringent attenuation requirements. The Commission also

[26] 47 CFR 22.150.

[27] *See id.* at 22.907.

[28] *Id.* at 27.64.

seeks comment on what resolution bandwidth should be used for measurements to determine compliance with the out-of-band emission limits.

d. Power Limits and RF Safety

71. In the Upper 700 MHz proceeding, the Commission concluded that with regard to communications power requirements, equipment transmitting in the 747–762 MHz and 777–792 MHz bands will have characteristics similar to equipment used in other services in the sub-microwave UHF frequency bands. Accordingly, rules were adopted that provided a maximum power limit of 1000 Watts ERP for base and fixed stations, 30 Watts ERP for vehicular mobile transmitters and 3 Watts ERP for hand held portable transmitters. The Commission requests comment on whether these limits are also appropriate for base, fixed, mobile and portable transmitters operating in the 698–746 MHz band, or whether some other limits should be adopted. The Commission also seeks comment on the use of up to 50 kW ERP for video broadcasting in this band.

72. The Commission considers RF safety procedures to be essential in protecting human beings from excessive exposure to RF energy. Accordingly, the Commission proposes to require that facilities and devices operating in the Lower 700 MHz Band be subject to the existing RF safety criteria and procedures applicable to facilities and devices having similar technical parameters and operating characteristics.[29] The Commission seeks comment on this proposal.

3. Licensing Rules

73. The Commission seeks comment below on the licensing rules for a full range of possible licensees, in accordance with the stated intention to permit as much flexibility in the use of this spectrum as is consistent with the requirements of section 303(y) of the Communications Act. The Commission seeks comment generally on whether licensees in the reallocated 698–746 MHz band should be governed by part 27 of the Commission's rules. Part 27 was established to satisfy the requirement in section 3001 of the Omnibus Consolidated Appropriations Act of 1997 to reallocate and assign the use of the frequencies at 2305–2320 MHz and 2345–2360 MHz. Part 27 was initially adopted to govern services offered on those bands, and accorded licensees the flexibility to provide any fixed, mobile or radiolocation service contained in the Table of Allocations in part 2 of the Commission's rules. The regulatory framework of part 27 includes, *inter alia:* (i) the limitation of eligibility requirements to foreign ownership restrictions set forth in section 310 of the Communications Act; (ii) exclusion of part 27 spectrum holdings from application of the CMRS spectrum cap; (iii) flexibility to partition geographic service areas and disaggregate spectrum blocks; (iv) determination of regulatory status by licensee's designation in their long-form applications; and (v) incorporation, with some exceptions, of the competitive bidding rules set forth in part 1 of the Commission's rules. The Commission adapted and applied the part 27 licensing procedures to the 746–764 MHz and 776–794 MHz bands in the Upper 700 MHz proceeding.

a. Regulatory Status

74. The Commission tentatively concludes that a licensee in the 698–746 MHz band may include any or a combination of services with more than one regulatory status in a single license. In adopting a flexible licensing framework for part 27, the Commission permitted applicants to request more than one regulatory status for authorization in a single license, rather than require the applicant to choose a single status for its proposed services. Thus, a part 27 license may authorize a combination of common carrier, non-common carrier and broadcast services in a single license, and the part 27 licensee may render any kind of communications service consistent with that regulatory status. As the Commission tentatively concludes to authorize licensees in the 698–746 MHz band to provide a variety of services (*e.g.,* fixed, mobile, etc.) under more than one regulatory status (*i.e.,* common carrier, non-common carrier, and/or broadcast), any one licensee would be permitted to provide any combination of services, anywhere within its licensed area at any time, consistent with its regulatory status and interference protection requirements. Given the decision to apply this part 27 licensing framework in the Upper 700 MHz proceeding, the Commission seeks comment on the tentative conclusion to adopt this same framework for licensing services in the 698–746 MHz band. Does applying the same approach used for the Upper 700 MHz Band to this reallocated 698–746 MHz spectrum achieve efficiencies in the licensing and administrative processes?

75. Assuming that a 698–746 MHz licensee regulated under part 27 may provide any communications service consistent with its authorized regulatory status, the Commission seeks comment on whether that licensee should be subject to other Commission rules specifically applicable to the nature of the service provided. Alternatively, the Commission seeks comment on whether to amend part 27 to include any other obligations for certain services authorized on this band. For example, the Communications Act applies specific requirements to broadcasters and common carriers that are not applied to other part 27 licensees. In the *Upper 700 MHz First Report and Order,* the Commission determined that the provision of ''new broadcast-type'' services does not alter the underlying broadcast nature of such services on the Upper 700 MHz Band, and as a result, such services are subject to the regulatory and statutory provisions governing broadcast service. However, in the *Upper 700 MHz MO&O and FNPRM,* the Commission declined to go so far as to apply an ''equivalent regulatory regime'' from part 73 of the rules to part 27 broadcast licensees in the Upper 700 MHz band, stating that the Commission would determine the applicable regulatory framework in the context of the offering of specific, actual new broadcast-type services. The Commission tentatively concludes that the Commission will adopt the same approach for part 27 broadcast licensees on the 698–746 MHz band as the Commission did for the Upper 700 MHz Band. The Commission seeks comment generally on any provisions in existing, service-specific rules that may require specific recognition or adjustment to comport with the potential supervening application of part 27, as well as any provisions that would be necessary in part 27 to fully describe the scope of covered service and technologies.

76. The possible inclusion of full power broadcasting within the reallocated 698–746 MHz band is more problematic with respect to the licensing and administrative process. The Commission asks commenters to address whether a decision to permit full power broadcasting within this band affects the tentative conclusion that there should be no additional requirements for new broadcast-type licensees operating under part 27.[30] If the Commission decides to permit full

[29] *See* 47 CFR 1.1307(b), 1.1310, 2.1091, 2.1093.

[30] This discussion is limited to the question of whether different Commission-imposed regulations should apply to broadcasters depending on whether they are providing new broadcast-type services or full power broadcasting on the 698–746 MHz band. To the extent that a Lower 700 MHz licensee's services (either new broadcast-type services or full power broadcasting) fall within the statutory definition of broadcasting, they will be subject to the statutory provisions of the Communications Act governing broadcasting.

power broadcasting in this reallocated spectrum, should part 73 apply to licensees to the extent they provide any broadcast services (including full power broadcasting as well as new broadcast-type services) and should part 27 apply to the extent licensees provide other wireless services?

77. Consistent with the part 27 framework adopted for the Upper 700 MHz Band, the Commission seeks comment on whether applicants and licensees in the 698–746 MHz band should also be required to indicate to the Commission the regulatory status of any services that they choose to provide. To ensure compliance with the statutory requirements of Titles II and III of the Communications Act, the Commission has often required applicants to designate the regulatory status of the services they intend to provide. For example, the Commission's current Form 601 Application for Wireless Telecommunications Bureau—Radio Service Authorization requires an applicant to indicate whether the service it intends to offer will be common carrier, non-common carrier, private, broadcast, and/or band manager. If the Commission decides to require 698–746 MHz applicants and licensees to designate their regulatory status, does the Form 601 need to be revised in any way? To the extent that full power broadcast service is included in this reallocated spectrum, is there a need to modify the Form 601 or any other appropriate form(s) that an applicant may use to seek these services, either solely or in conjunction with other services under a single license?

78. The Commission seeks comment on whether applicants and licensees in the 698–746 MHz band should be required to describe their proposed services. In adopting part 27, the Commission stated that, apart from this designation of regulatory status, the Commission would not require applicants to describe the services they seek to provide. Likewise, in the Upper 700 MHz proceeding, the Commission stated that it is sufficient that an applicant indicate its choice of regulatory status in a streamlined application process. Should the Commission apply a similar approach to services provided in the Lower 700 MHz Band, including full power broadcast as well as new broadcast-type services? If potential applicants are unsure of the nature of their services and their classification, the Commission seeks comment on whether to require applicants to submit a petition with their applications requesting clarification and including service descriptions for that purpose.

79. The Commission also seeks comment on whether to permit licensees to change their service in such a way that it alters their regulatory status. If the Commission permits licensees to alter their regulatory status, what procedures should it adopt to provide for this change? The Commission seeks comment on whether to require such licensees to notify the Commission that they have altered their status, even if such change would not require prior Commission authorization. Similar to Upper 700 MHz Band licensees, should licensees in the Lower 700 MHz Band be required to notify the Commission within 30 days of the change, unless the change results in the discontinuance, reduction, or impairment of the existing service, in which case a different time period may apply? In these situations, how can the Commission best maximize a carriers' flexibility in service offerings while also implementing, for example, the requirement in section 214(a) of the Communications Act that the Commission certify that the public convenience and necessity will not be adversely affected by such actions initiated by carriers? [31] Does the potential inclusion of broadcasting, including full power broadcast services, require us to modify this approach? Because full power broadcast licensees are subject to different ownership rules and attribution standards than wireless licensees, the Commission requests comment on what procedures should apply when a licensee changes its offerings between these regulatory classifications.

80. The Commission seeks comment on whether to permit licensees to lease their licensed spectrum usage rights in accordance with the proposals may be adopted in the *Secondary Markets NPRM*, 65 FR 81475, December 26, 2000, corrected by 66 FR 8149, January 29, 2001. In the alternative, the Commission asks commenters to address any unique attributes of the Lower 700 MHz Band (*e.g.,* level of incumbency) that would justify a level of flexibility different from what the Commission adopts generally in that proceeding. In considering leasing arrangements in the *Secondary Markets NPRM*, the Commission stated the primary issue may be whether all licensees in certain services should have the option to use some or all of their licensed spectrum in the same manner as a band manager, *i.e.,* to make spectrum available to third party users without the need for prior Commission approval, while retaining primary responsibility for compliance with the Commission's rules. The Commission also seeks comment on the potential for band manager licensing to provide flexibility for the Lower 700 MHz Band given the distinctive technical and/or policy issues associated with its reallocation. Because the Commission has not issued a decision in the Secondary Markets proceeding, the Commission seeks comment on the extent to which leasing arrangements and/or band manager licensing would help achieve the maximum flexibility possible for the use of this spectrum, consistent with technical and regulatory constraints.

81. The Commission also seeks comment on whether the service and auction rules should have any special provisions for private radio and/or public safety services on the 698–746 MHz band. For example, should parties who would function as band managers with the ability to lease their spectrum rights to various types of users, including private radio and/or public safety users, be eligible to bid for this spectrum? To enable the full and flexible use of this reallocated spectrum, the Commission asks commenters to address any specific measures that should be taken to accommodate the provision of private and public safety regulatory classes of services.

b. Eligibility

82. In the *Upper 700 MHz First Report and Order*, the Commission decided to impose no restrictions on eligibility for a license in the 747–762 MHz and 777–792 MHz bands, other than the foreign ownership restrictions set forth in section 310 of the Communications Act. Consistent with this approach, the Commission proposes that there be no restrictions on eligibility for a license in the 698–746 MHz band. The Commission seeks comment on the view that opening this spectrum to as wide a range of applicants as possible will encourage entrepreneurial efforts to develop new technologies and services, while helping to ensure efficient use of this spectrum. Commenters also should address how the proposed policy to not impose restrictions on eligibility should apply to possible use of this spectrum for broadcasting.

83. The Commission also seeks comment on the character qualification standard that should be applied to licensees in the 698–746 MHz band. While the character qualification standards applied to broadcasters have provided guidance in common carrier proceedings, the Commission has said

[31] *See* 47 U.S.C. 214(a).

that these standards are not ''directly applicable'' to common carriers. The Commission seeks comment on whether there is any reason that full power broadcasters who share spectrum with part 27 wireless services, including wireless common carrier offerings, should not be governed by the existing standards applied to part 73 licensees. The Commission also seeks comment on whether there is any reason the Commission cannot apply the current rules to decide whether an entity that has been disqualified from holding a full power part 73 broadcasting license pursuant to the character qualification rules should be eligible to provide non-broadcasting services pursuant to a part 27 license.

c. Spectrum Aggregation Limits

84. To the extent that the Commission allocates spectrum within the 698–746 MHz band for the provision of CMRS, the Commission seeks comment on whether spectrum in this band, if used to provide CMRS, should be subject to the Commission's 45/55 MHz CMRS spectrum cap.[32] Currently, 180 MHz of broadband PCS, cellular, and SMR spectrum regulated as CMRS is subject to the Commission's 45 MHz (55 MHz in rural areas) spectrum cap. Part 27 of the Commission's rules does not limit the amount of spectrum that an entity may aggregate in any given geographic area. In the Upper 700 MHz proceeding, the Commission refrained from extending the CMRS spectrum cap to the newly reallocated 746–764 and 776–794 MHz bands.

85. In light of the findings in the Upper 700 MHz proceeding, the Commission seeks comment on whether to abstain from counting the 698–746 MHz band against the CMRS spectrum cap. Alternatively, if the Commission decides to apply the spectrum cap to this spectrum, the Commission seeks comment on whether and if so, how much, the Commission should increase the amount of spectrum a single entity can hold beyond the 45/55 MHz threshold. In this regard, it has been the expectation that newly available CMRS-suitable spectrum either should be excluded from the cap, or if it is included, that the cap should be adjusted accordingly. Under the former alternative, if the spectrum does not count towards the cap and licensees use it for provision of CMRS, what impact will that have on competition in the CMRS marketplace? Under the latter alternative, what impact would an increase of the cap have on the reduction or concentration of competition and on changes in the prices or to the quality of services. Commenters should address the relevance of the factors that the Commission considered in the decision not to apply the spectrum cap to the 746–764 and 776–794 MHz bands, including (1) whether applying the spectrum cap would be consistent with the goals of seeking flexible use of this spectrum; (2) whether permitting licensees to acquire all of the available lower 700 MHz spectrum in a given geographic area would result in economies of scale that could promote a variety of services, including advanced wireless services; and (3) whether it makes sense to count this spectrum against the cap if the extent to which the 698–746 MHz band will be used for CMRS services is not clear.

86. The Commission also seeks comment on whether spectrum in the 698–746 MHz band should be subject to any other aggregation limits. The Commission decided not to adopt any in-band spectrum aggregation limits for the 747–762 MHz and 777–792 MHz bands. Similarly, should the Commission not restrict the amount of commercial spectrum that any one licensee may obtain in the 698–746 MHz band in the same licensed geographic service area? If so, comment is then sought on whether there should be any cross-band aggregation limits between the 747–762 MHz and 777–792 MHz bands, and the 698–746 MHz band. Should the Commission preclude or otherwise limit an entity from obtaining all 78 MHz of spectrum in the combined Upper and Lower 700 MHz Bands in the same geographic area?

d. Foreign Ownership Restrictions

87. In the *Upper 700 MHz First Report and Order,* the Commission concluded that § 27.12 of the Commission's rules, which implements section 310 of the Act,[33] should apply to applicants for licenses in the 747–762 MHz and 777–792 MHz bands. The Commission tentatively concludes that § 27.12 of the Commission's Rules should apply to applicants for 698–746 MHz band licenses. With respect to the alien ownership reporting requirements, the Commission tentatively concludes that it will require all licensees in the 698–746 MHz band spectrum to file changes in foreign ownership information to the extent required by part 27 of the rules. The Commission requests comment on this approach.

e. License Term; Renewal Expectancy

88. The Communications Act imposes no term limit on licenses issued by the Commission, other than those for broadcast services, which are limited to an eight-year license term.[34] The statute also specifies renewal criteria for broadcast stations.[35] Part 27 of the Commission's rules provides for license term limits and renewal expectancy for other than new broadcast-type services. Section 27.13(a) limits license terms for certain licensees to 10 years from the date of original issuance or renewal,[36] and § 27.14(b) establishes a right to a renewal expectancy.[37]

89. In the *Upper 700 MHz First Report and Order,* the Commission modified the license term as it relates to the 747–762 MHz and 777–792 MHz bands, to accommodate licensees' need for additional time to develop and use this spectrum, in light of its continued use by broadcasters until 2006. The Commission decided that initial licenses for the 746–764 MHz and 776–794 MHz bands would extend eight years beyond the year 2006, the date as of which incumbent broadcasters are required to have relocated to other portions of the spectrum, (*i.e.,* January 1, 2015, *see Upper 700 MHz Errata,* 65 FR 57267, September 21, 2000) subject to certain conditions. However, a licensee that commences new broadcast-type operations on or before January 1, 2006, will be required to seek renewal of its license at the end of the eight-year term following commencement of such broadcast operations.[38]

90. The Commission seeks comment on the appropriate license term to apply with respect to licensees in the 698–746 MHz band. The Commission seeks comment on whether to adopt the license term and renewal provisions in part 27 of the Commission's Rules, for other than new broadcast-type services.[39] The Commission therefore seeks specific comment on whether the initial license term for licenses, other than new broadcast-type services, should expire on January 1, 2015. In addition, the Commission seeks comment on other alternatives, such as a 10-year license term. Commenters should also address whether it would be possible to have different license terms, depending on the type of service offered by the licensee. The Commission also seeks comment on how the Commission

[32] *See* 47 CFR 20.6.

[33] 47 U.S.C. § 310.

[34] *See* 47 U.S.C. 307(c)(1); *see also* 47 CFR 73.1020(a).

[35] *See* 47 U.S.C. 309(k).

[36] 47 CFR 27.13(a).

[37] *See id.* 27.14(b).

[38] *See* 47 CFR 27.13(b).

[39] *See* 47 CFR 27.13(b).

would administer such an approach, particularly if licensees provide more than one service in their service area, or decide to change the type of service they plan to offer.

91. Furthermore, in the *Upper 700 MHz First Report and Order,* the Commission adopted the right to a renewal expectancy established in § 27.14(b).[40] The Commission found that in order for a licensee involved in a comparative renewal proceeding to claim a renewal expectancy that licensee must include, at a minimum, the showing required by § 27.14(c) of the Commission's rules. The Commission seeks comment on whether to likewise adopt the right to a renewal expectancy established in § 27.14 for licensees in the 698–746 MHz band.

92. The Commission also seeks comment on whether a new broadcast licensee operating in the Lower 700 MHz Band would be able to claim the renewal expectancy established by section 309(k) of the Act.[41] The Commission seeks comment on whether there should be a distinction between the renewal expectancy that the Commission will provide to new broadcasters in the Lower 700 MHz Band and licensees offering other services (*i.e.,* datacasting and other wireless services) on this band.

93. Consistent with part 27, in the *Upper 700 MHz First Report and Order,* the Commission found that in the event that a license is partitioned or disaggregated, any partitionee or disaggregatee shall be authorized to hold its license for the remainder of the original licensee's term, and the partitionee or disaggregatee may obtain a renewal expectancy on the same basis as other licensees in the band.[42] Further, the Commission decided that all licensees meeting the substantial service requirement will be deemed to have met this part of the renewal expectancy requirement regardless of which of the construction options the licensees have chosen. The Commission concluded that this approach is appropriate because a licensee, through partitioning, should not be able to confer greater rights than it has been awarded under the terms of its license grant. The Commission seeks comment on taking this approach with respect to 698–746 MHz licensees.

f. Performance Requirements

94. Section 27.14(a) of the Commission's rules requires licensees to provide ''substantial service'' in their service areas within their prescribed license term. Failure to meet this requirement will result in forfeiture of the license.[43] In the *Upper 700 MHz First Report and Order,* the Commission amended the performance requirement in § 27.14(a) as it relates to the 747–762 MHz and 777–792 MHz bands. The Commission required in the 747–762 MHz and 777–792 MHz bands to provide substantial service to their service areas no later than January 1, 2015, eight years after December 31, 2006, the date as of which incumbent broadcasters are required to have relocated to other portions of the spectrum. This section defines substantial service ''as service which is sound, favorable, and substantially above a level of mediocre service which just might minimally warrant renewal.'' In the *Part 27 Report and Order,* 62 FR 9636, March 3, 1997, the *LMDS Second Report and Order,* 62 FR 23148, April 29, 1997, and the *Upper 700 MHz First Report and Order,* the Commission adopted safe harbors that would demonstrate substantial service. In implementing its auction procedures, section 309(j)(4)(B) of the Communications Act requires the Commission to include safeguards to protect the public interest in the use of the spectrum and performance requirements ''to ensure prompt delivery of service to rural areas, to prevent stockpiling or warehousing of spectrum by licensees or permittees, and to promote investment in and rapid deployment of new technologies and services.'' [44] In addition, the Commission seeks to promote the efficient and effective use of the spectrum.[45] The Commission invites comment on the development of service rules to meet these objectives.

95. The Commission seeks comment on whether to require licensees in the 698–746 MHz band to provide substantial service on January 1, 2015, the date that the Commission requires licensees in the 747–762 and 777–792 MHz band to provide substantial service. The Commission also seeks comment on whether to adopt any safe harbors for licensees in the 698–746 MHz band. In the *Upper 700 MHz First Report and Order,* the Commission adopted two safe harbors for fixed services: (1) for a licensee who chooses to offer fixed, point-to-point services, the construction of the permanent links per one million people in its licensed service area during its license term or at the license-renewal mark would constitute substantial service; and (2) for a licensee who chooses to offer fixed, point-to-multipoint services, a demonstration of coverage for 20 percent of the population of its licensed service area during its licensed term or at the license-renewal mark would constitute substantial service. The Commission also there encouraged licensees to build out not only in urban areas and areas of high density population but in rural areas as well, or to partition their license to allow others to do so. In addition, the Commission seeks comment on whether to adopt safe harbors for mobile services (assuming the Commission adopts the substantial service requirement for mobile services) and, if so, what safe harbors would be appropriate. If commenters support safe harbors other than those listed above, they should discuss what other safe harbors should be adopted.

96. The Commission also seeks comment on distinct issues raised by applying this proposal to new potential broadcast use of the spectrum. Broadcast permittees operating pursuant to part 73 are required to construct their facilities within three years.[46] The Commission requests comment on whether there are any reasons not to apply these rules to new broadcasters on these bands. Further, the Commission seeks comment on whether to adopt a substantial service test for broadcasters operating on this band and, if so, what safe harbors would be appropriate.

g. Disaggregation and Partitioning of Spectrum

97. In the *Upper 700 MHz First Report and Order,* the Commission provided licensees in the 746–764 MHz and 776–794 MHz bands flexibility by permitting geographic partitioning of any service area defined by the partitioner and partitionee and spectrum disaggregation without restriction on the amount of spectrum to be disaggregated. The Commission tentatively concludes that the Commission also should permit licensees in the 698–746 MHz band to partition and disaggregate their licenses. The Commission tentatively concludes that geographic partitioning and spectrum disaggregation can result in efficient spectrum use and economic opportunity for a wide variety of applicants, including small business, rural telephone, minority-owned, and women-owned applicants.[47] The Commission also tentatively concludes that this approach will provide a means to overcome entry barriers through the creation of smaller licenses that require

[40] 47 CFR 27.14(b).

[41] *See* 47 U.S.C. 309(k).

[42] *See* 47 CFR 27.15(d), 27.324(b)(4).

[43] *See* 47 CFR 27.14(a).

[44] 47 U.S.C. 309(j)(4)(B); *see id.* 309(j)(3).

[45] *See* 47 U.S.C. 309(j)(3)(D).

[46] *See* 47 CFR 73.3598.

[47] *See* 47 U.S.C. 309(j)(4)(C).

less capital, thereby facilitating greater participation by rural telephone companies and other smaller entities, many of which are owned by minorities and women. The Commission seeks comment on each of these matters.

98. Section 27.15 of the Commission's rules [48] permits licensees seeking approval for partitioning and disaggregation arrangements to request authorization from the Commission for partial assignment of a license, and provides that licensees may apply to partition their licensed geographic service areas or disaggregate their licensed spectrum at any time following the grant of their licenses. In the *Upper 700 MHz First Report and Order,* the Commission decided to permit geographic partitioning of any service area defined by the partitioner and partitionee, to permit spectrum disaggregation without restriction on the amount of spectrum to be disaggregated, and to permit combined partitioning and disaggregation. Pursuant to § 27.15, the partitioning licensee must include with its request a description of the partitioned service area and calculations of the population of the partitioned service area and the licensed geographic service area.[49] Licenses that partition and disaggregate also are subject to the provisions against unjust enrichment set forth in § 27.15(c).[50] The Commission requests comment on whether licensees in the 698–746 MHz band should be eligible to partition service areas and disaggregate spectrum to the same extent that licensees in the 746–764 MHz and 776–794 MHz bands are permitted to do so. The Commission also requests comment on what limits, if any, should be placed on the ability of licensees to partition service areas and disaggregate spectrum.

99. The Commission also proposes to adopt the methods that the Commission adopted in the *Upper 700 MHz First Report and Order* for parties to partitioning, disaggregation, or combined partitioning and disaggregation agreements to meet construction requirements. Specifically, the Commission proposes that parties to partitioning agreements be permitted to choose between two options for satisfying the construction requirements. Under the first option, the partitioner and partitionee would each certify that it will independently satisfy the substantial service requirement for its respective partitioned area. If a licensee fails to meet its substantial service requirement during the relevant license term, the non-performing licensee's authorization would be subject to cancellation at the end of the license term. Under the second option, the partitioner certifies that the requirement has been or will be met for the entire market. If the partitioner fails to meet the substantial service standard during the relevant license term, only its license would be subject to cancellation at the end of the license term. The partitionee's license would not be affected by such failure.

100. Finally, the Commission proposes to allow parties to disaggregation agreements to choose between two options for satisfying the construction requirements. Under the first option, the disaggregator and disaggregatee would certify that they will share responsibility for meeting the substantial service requirement for the geographic service area. If parties choose this option, both parties' performance will be evaluated at the end of the relevant license term and both licenses could be subject to cancellation. The second option would allow the parties to agree that either the disaggregator or the disaggregatee would be responsible for meeting the substantial service requirement for the geographic service area. If parties choose this option, and the party responsible for meeting the construction requirement fails to do so, only the license of the non-performing party would be subject to cancellation.

4. Operating Rules

101. In the *Upper 700 MHz First Report and Order,* the Commission decided that licensees in the 747–762 MHz and 777–792 MHz bands would be subject to the operational rules contained in part 27 that govern operations, modified to accommodate the particular circumstances of the Upper 700 MHz proceeding. The Commission seeks comment generally on the applicability of these rules to the 698–746 MHz band and whether any operating rules contained in other parts of the Commission's rules should be adopted for the 698–746 MHz band. In addition, the Commission asks commenters to suggest any alternatives to such regulations governing a licensee's operations in order to minimize the potential significant economic impact, if any, from such rules on small entities.

a. Forbearance

102. The Commission seeks comment on whether to consider forbearance initiatives that are targeted specifically to new licensees that will operate in the Lower 700 MHz Band. Commenters should address how forbearance might apply to the various services that might be offered in the Lower 700 MHz Band, including CMRS, fixed wireless and new broadcast-type service.

b. Equal Employment Opportunity

103. The Commission tentatively concludes that for the Lower 700 MHz Band an applicant's EEO requirements will be determined by the type of service an applicant chooses to provide. The Commission seeks comment on this matter.

5. Competitive Bidding Procedures

104. Section 309(j)(14)(C) requires the Commission to assign licenses for the 698–746 MHz band by means of the competitive bidding procedures adopted pursuant to section 309(j) of the Act. Consistent with that directive, the Commission requests comment on a number of issues relating to the competitive bidding procedures for the 698–746 MHz band.

a. Incorporation by Reference of the Part 1 Standardized Auction Rules

105. The Commission proposes to conduct the auction of initial licenses in the 698–746 MHz band in conformity with the general competitive bidding rules set forth in part 1, subpart Q, of the Commission's rules, and substantially consistent with the bidding procedures that have been employed in previous auctions.[51] Specifically, the Commission proposes to employ the part 1 rules governing competitive bidding design, designated entities, application and payment procedures, reporting requirements, collusion issues, and unjust enrichment. Under this proposal, such rules would be subject to any modifications that the Commission may adopt in the part 1 proceeding. In addition, consistent with current practice, matters such as the appropriate competitive bidding design for the auction of 698–746 MHz band licenses, as well as minimum opening bids and reserve prices, would be determined by the Wireless Telecommunications Bureau pursuant to its delegated authority, *see Part 1 Third Report and Order,* 63 FR 770, January 7, 1998, 63 FR 2315, January 15, 1998 corrected by 63 FR 12658, March 16, 1998. The Commission seeks comment on whether any of the part 1 rules would be inappropriate in an auction of licenses in the 698–746 MHz band.

[48] *See* 47 CFR 27.15.

[49] *See* 47 CFR 27.15(b)(1).

[50] *Id.* at 27.15(c).

[51] *See* 47 CFR 1.2101 et seq. (Part 1, Subpart Q).

b. Provisions for Designated Entities

106. In authorizing the Commission to use competitive bidding, Congress mandated that the Commission ''ensure that small businesses, rural telephone companies, and businesses owned by members of minority groups and women are given the opportunity to participate in the provision of spectrum-based services.'' [52] In addition, section 309(j)(3)(B) of the Act provides that in establishing eligibility criteria and bidding methodologies the Commission shall promote ''economic opportunity and competition * * * by avoiding excessive concentration of licenses and by disseminating licenses among a wide variety of applicants, including small businesses, rural telephone companies, and businesses owned by members of minority groups and women.'' [53]

107. The Commission's designated entity preferences apply based on an entity's qualification as a small business.[54] The Commission notes that minority- and women-owned businesses and rural telephone companies that qualify as small businesses may take advantage of the special provisions the Commission has adopted for small businesses. The Commission tentatively concludes that the small business provisions are sufficient to promote participation by businesses owned by minorities and women, as well as rural telephone companies. To the extent that commenters propose additional provisions to ensure participation by minority- or women-owned businesses, they should address how such provisions should be crafted to meet the relevant constitutional standards.

108. The Commission seeks comment on the appropriate definitions of small businesses that should be used to determine eligibility for bidding credits in the 698–746 MHz band. In the *Competitive Bidding Second Memorandum Opinion and Order,* 59 FR 44272, August 26, 1994, the Commission stated that it would define eligibility requirements for small businesses on a service-specific basis, taking into account the capital requirements and other characteristics of each particular service in establishing the appropriate threshold. The *Part 1 Third Report and Order,* while it standardizes many auction rules, provides that the Commission will continue a service-by-service approach to defining small businesses.

109. The Commission proposes to apply the same small business definitions here that the Commission adopted for the Upper 700 MHz Band. In the *Upper 700 MHz First Report and Order,* the Commission defined a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million.[55] The Commission believes the services that will be deployed in this band will have similar capital requirements to the commercial services in the Upper 700 MHz Band, and thus the same small business definitions should apply. The Commission believes that new licensees both in this band and the Upper 700 MHz Band may be presented with similar issues and costs, including those involved in relocating incumbents and developing markets, technologies, and services. The Commission invites comment on this analysis. In further support of the proposed definitions, the Commission notes that a majority of winning bidders in the auctions for licenses in the Upper 700 MHz guard bands claimed eligibility as small businesses. These results appear to confirm the belief, as stated in the *Upper 700 MHz First Report and Order,* that ''these two definitions will provide businesses seeking to provide a variety of services with opportunities to participate in the auction of licenses for this spectrum.''

110. Commenters proposing alternative standards should give careful consideration to the likely capital requirements for developing services in this spectrum. For example, interested parties should consider the impact of the band plan on small business size standards. In this regard, the Commission seeks comment on whether the band plan or any other factors that might have an impact on capital requirements warrant the adoption of an additional definition for entities with average annual gross revenues for the three preceding years of not more than $3 million. Commenters should also consider whether the band plan and characteristics of the Lower 700 MHz Band suggest that the adoption of small business size definitions and the use of bidding credits would be inappropriate in this instance.

111. In the *Part 1 Third Report and Order,* the Commission adopted a standard schedule of bidding credits for certain small business definitions, the levels of which were developed based on the auction experience. The standard schedule may be found at § 1.2110(f)(2) of the Commission's rules.[56] The Commission continues to believe that these levels of bidding credits will provide adequate opportunities for small businesses of varying sizes to participate in spectrum auctions. Assuming that the Commission adopts the proposal to define for the services in this band a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million, the Commission proposes to provide qualifying ''small businesses'' with a bidding credit of 15% and ''very small businesses'' a 25% bidding credit, consistent with § 1.2110(f)(2).[57] The Commission seeks comment on this proposal. The Commission also seeks comment on whether, if the Commission adopts a third small business definition for entities with average annual gross revenues of not more than $3 million for the past three years, the 35% bidding credit set out in § 1.2110(f)(2)(i) should be made available to such entities.[58] Finally, the Commission invites comment on whether there may be any distinctive characteristics to this band that might suggest a more limited use of bidding credits here.

c. Public Notice of Initial Applications/ Petitions To Deny

112. Section 309(b) and section 309(c) of the Communications Act require public notice for initial applications, and substantial amendments thereof.[59] These requirements provide that no such application shall be granted earlier than 30 days following the issuance of public notice by the Commission, and that the Commission may not require petitions to deny such applications to be filed earlier than 30 days following the public notice. The same provision also grants the Commission the authority to impose public notice requirements for other licenses, even though the statute does not require public notice. However, the administrative procedures for spectrum auctions adopted in section 3008 of the BBA 97 [60] and Consolidated Appropriations Act, 2000, permit the Commission to shorten notice periods in the auction context to five days for petitions to deny and seven days for public notice, notwithstanding the provisions of section 309(b) of the Communications Act. In the *Part 1 Third Report and Order,* the

[52] *See* 47 U.S.C. 309)(j)(4)(D).

[53] *See id.* 309(j)(B).

[54] *See* 47 CFR 1.2110(a).

[55] *See* 47 CFR 27.502(a)(1)–(2).

[56] *See* 47 CFR 1.2110(f)(2).

[57] 47 CFR 1.2110(f)(2)(ii) and (iii).

[58] *Id* at 1.2110(f)(2)(i).

[59] 47 U.S.C. 309(b) and (c).

[60] *Id.* at 309(j) note 3.

Commission exercised this statutory authority by amending §§ 1.2108(b) and 1.2108(c) of the Commission's rules to provide for a five-day period for filing petitions to deny and a seven-day public notice period for all auctionable services.

113. In the *Upper 700 MHz First Report and Order,* the Commission adopted the seven-day notice requirement for initial applications and the five-day deadline for petitions to deny. The Commission also determined that an applicant filing for both common carrier and non-common carrier authorizations in a single license and wishing to make subsequent status changes will be subject to the seven-day public notice requirement. The Commission tentatively concludes in the Notice that services in the 698–746 MHz spectrum will be auctionable services. Therefore, the Commission proposes that a seven-day notice period for initial applications and a five-day deadline for petitions to deny would be applicable. The Commission requests comments on this proposal and whether longer periods should apply for some services. Commenters should address whether imposing the proposed seven-day notice requirement and five-day petition to deny period would be an undue burden on parties, and whether it would be administratively useful by enabling us to ensure that any applicant filing for both common carrier and non-common carrier authorizations in a single license is in compliance with (1) the licensing requirements for common carriers and broadcasters established in Title III of the Communications Act; and (2) any related requirements the Commission may adopt. Commenters also should address whether to allow all licensees to make subsequent status changes under reduced notification requirements.

6. Possible Measures To Facilitate Clearing of 698–746 MHz Band and Accelerate DTV Transition

114. The 698–746 MHz band at issue here has historically been used exclusively by television stations (Channels 52–59). In developing the DTV transition plan, the Commission announced its belief that ''the recovery of spectrum continue[s] to be a key component of the implementation of DTV service. In this regard, the Commission remains committed to the recovery of the channels temporarily assigned for the transition and to ensuring that the spectrum is used efficiently.'' The Commission also announced that the DTV transition plan would ''permit the eventual recovery'' of additional spectrum nationwide while minimizing disruptions to broadcasters, and identified only the Channels 60–69 portion of the spectrum for ''early recovery,'' noting that under the plan ''it may be possible to recover 60 MHz of spectrum almost immediately from the band 746–806 MHz, *i.e.,* UHF Channels 60–69, while protecting the relatively few full-service analog and digital broadcasters in that spectrum.'' The incumbent television broadcasters are permitted by statute to continue operations until their markets are converted to DTV,[61] which is not scheduled to occur until December 31, 2006, and that date may be extended under certain circumstances.[62] Congress has, however, directed the Commission to commence competitive bidding for licenses to use the lower 700 MHz spectrum well before the scheduled termination date of the DTV transition.[63] Thus, in the event that the Commission decides to reallocate this spectrum, the Commission will be faced with a situation that is in many respects similar to that which the Commission has recently addressed in regard to the Upper 700 MHz Band, which is currently used by Channels 60–69. In the Upper 700 MHz proceeding, the Commission announced policies and adopted mechanisms to facilitate the voluntary clearing of the 740–806 MHz band to allow for the introduction of new wireless services, and to promote the early transition of analog television licensees to DTV. The Commission solicits comment as to the band clearing mechanisms and policies that would be appropriate for the 698–746 MHz band.

115. With respect to the Upper 700 MHz Band, the Commission adopted rules and policies that allow the private sector to determine the band-clearing mechanisms that will best suit broadcasters' and potential new 700 MHz licensees' needs. In the *Upper 700 MHz Third Report and Order,* the Commission announced the intention to rely upon voluntary band clearing agreements among incumbent broadcasters and new Upper 700 MHz licensees to open that band to new uses and accelerate the transition to DTV. In so doing, the Commission was guided by the conclusion in the *Spectrum Reallocation Policy Statement* that a flexible, market-based approach is the most appropriate method for establishing service rules for this band. Here, the Commission proposes to extend the rules and policies adopted in the Upper 700 MHz proceeding to voluntary clearing of the 698–746 MHz spectrum, and seek comment on this proposal.

116. Incumbent full-power broadcast stations are entitled to interference protection throughout the DTV transition. The Commission acknowledges that, as a practical matter, it may be difficult to identify vacant allotments into which broadcasters may feasibly relocate, particularly in light of the larger number of incumbent analog and DTV stations on the Lower 700 MHz Band than on the Upper 700 MHz Band. In the later stages of the DTV transition, however, the Commission expect that such opportunities will increase as other broadcasters begin to surrender analog allotments (consistent with the policies the Commission adopted in the *Upper 700 MHz Third Report and Order*) and the DTV transition and band clearing processes gain momentum. The Commission seeks comment as to whether any particular characteristics of broadcast operations on the Lower 700 MHz Band may make it more difficult to clear this spectrum when compared with the Upper 700 MHz Band. In addition, the Commission poses a number of questions on issues relating to band clearing that are designed to elicit comment on whether the policies adopted in the Upper 700 MHz proceeding should be extended to the 698–746 MHz spectrum.

a. Voluntary Transition Agreements

117. In the Upper 700 MHz proceeding, the Commission adopted certain policies regarding the Commission's review of regulatory requests submitted in connection with voluntary clearing agreements that are intended to facilitate clearing and streamline the review process. Among these policies were a general presumption, standards of review, and procedural policies concerning bilateral and three-way agreements. Under bilateral agreements, broadcasters might relinquish one of their two television allotments for use by new wireless licensees. Three-way clearing agreements would provide for TV incumbents on television Channels 52–69 to relocate to lower band TV channels that, in turn, would be voluntarily cleared by the lower band TV incumbents.

118. In the Upper 700 MHz proceeding, the Commission stated that it generally does not intend to review the wisdom of private parties' business decisions in reaching agreements, and that the role would be limited to weighing the effect on the public interest of regulatory requests made in connection with such agreements. With respect to the review of such regulatory

[61] *See* 47 U.S.C. 309(j)(14).

[62] *See id.*

[63] *See id.* at 309(j)(14)(C).

requests, the Commission established a rebuttable presumption that, in certain circumstances, substantial public interest benefits will arise from a voluntary agreement between a 700 MHz licensee and an incumbent broadcast licensee on Channels 59–69 that clears the Upper 700 MHz Band of incumbent television licensee(s). The Commission stated that it would presume that the public interest is substantially furthered when an applicant demonstrates that the grant of its request will both result in certain specific benefits and avoid specific detriments. In particular, to obtain this presumption, an applicant must first demonstrate that grant of its request would result in one of the following: (1) Make new or expanded wireless service, such as ''2.5G'' or ''3G'' services, available to consumers; (2) clear commercial frequencies that enable provision of public safety services; or (3) result in the provision of wireless service to rural or other underserved communities. To obtain the presumption, the applicant must also show that grant of its request would not result in any one of the following: (1) the loss of any of the stations in the designated market area with the largest audience share; (2) the loss of the sole service licensed to the local community; or (3) the loss of a community's sole service on a channel reserved for noncommercial educational broadcast service. However, this presumption is not conclusive or dispositive. When the presumption is not established or is rebutted, the Commission will review regulatory requests by weighing the loss of service and the advent of new wireless service on a case-by-case basis. In addition, the Commission adopted various procedural changes in order to streamline the process of reviewing regulatory requests that are necessary to effectuate private band-clearing agreements, and affirmed the commitment to process regulatory requests associated with relocation agreements expeditiously.

119. The Commission proposes to extend these policies to band clearing agreements involving broadcasters in the 698–740 MHz band. The Commission seeks comment on this proposal. The Commission also requests input as to whether the streamlined procedural policies could be improved to facilitate such agreements. While the Commission does not intend to entertain collateral attacks on the Upper 700 MHz policy, the Commission invites commenters to explain any particular differences about Channels 52–58, such as the impact that the greater numbers of broadcast incumbents may have on the recovery of this band, which may warrant a change from the policy with regard to the voluntary band clearing agreements for Channels 59–69.

b. Secondary Auctions

120. A secondary band clearing auction would be a mechanism to determine the price that would be paid by new licensees to TV incumbents who agree to clear their channels. The Commission recognized in the Upper 700 MHz proceeding that a secondary auction mechanism may produce significant benefits. The Commission proposes here to leave any such auction to private, voluntary efforts that are otherwise consistent with the stated policies and do not interfere with the proper functioning of the Commission's spectrum auction processes. The proposal is based on the belief that, as the Commission stated in the *Upper 700 MHz Third Report and Order,* ''the private sector is better suited to determine what mechanisms interested parties might demand and to implement a secondary auction in a manner that is most responsive to broadcasters' and potential bidders' needs.''

121. The Commission seeks comment on all aspects of this approach. In this regard, the Commission invites commenters to identify any existing regulations or policies that may unnecessarily restrict the operation of such private, voluntary band clearing mechanisms.

c. Additional Proposals To Facilitate Band Clearing Accelerate the Digital Television Transition

122. In the Upper 700 MHz proceeding, the Commission solicited ideas on additional proposals that might accelerate the DTV transition. A number of commenters used that opportunity to request relief on a number of issues related to the DTV transition, such as urging the adoption of DTV must-carry rules, in order to encourage clearing. To the extent that these issues are before the Commission in separate proceedings, they will not be addressed here. As the Commission did in the Upper 700 MHz proceeding, the Commission invites comment on other related proposals to facilitate band clearing and expedite the DTV transition, such as the possible use of cost-sharing rules, cost recovery limitations, or band sharing. The Commission notes that financial payments to cable operators or satellite carriers for the voluntary carriage of broadcast signals might facilitate clearance of the band on a more rapid basis.

123. *Cost-Sharing Rules and Limitations on Cost Recovery.* While the Commission has at times relied on cost-sharing rules and limitations on cost recovery to assist in clearing other bands so as to enable faster deployment of new services, in the *Upper 700 MHz Third Report and Order,* the Commission concluded that it would not be necessary or appropriate to adopt cost-sharing rules or caps on clearing costs. The Commission tentatively concludes that the Commission should similarly rely on market forces to apportion all costs to facilitate clearing of the 698–746 MHz band, and that limitations on the recovery of such costs would not be appropriate at this time. The Commission seeks comment on this tentative conclusion and on whether to consider other alternative approaches.

124. *Spectrum Sharing and Other Proposals to Facilitate Early Transition.* In the *Upper 700 MHz MO&O and FNPRM,* the Commission sought comment on two additional proposals to accelerate the digital television transition: sharing of the 700 MHz spectrum between broadcasters and new wireless licensees, and sharing between broadcasters during the transition. The Commission received no comments on the possible sharing of 700 MHz spectrum between incumbent broadcasters and new licensees, and one comment in support of sharing by a broadcaster of another television station's digital spectrum under certain circumstances.

125. In this regard, the Commission seeks comment as to whether the Commission should allow incumbent broadcasters and new service providers to share spectrum in time and/or bits, provided such arrangements are otherwise consistent with the objectives of this proceeding and the DTV transition. This proposal would preserve broadcast service while also providing opportunity for new service providers to commence service. In addition, sharing arrangements may assist broadcasters in rapidly transitioning to digital service. Similarly, the Commission requests comment on whether to permit broadcasters to share DTV facilities and spectrum during the transition. This proposal may facilitate clearing of in-core channels for relocation of television operations on out-of-core channels.

IV. Procedural Matters

A. Ex Parte Rules—Permit-But-Disclose

126. This is a permit-but-disclose notice and comment rulemaking proceeding. *Ex parte* presentations are permitted, except during the Sunshine Agenda period, provided they are disclosed pursuant to the Commission's rules.[64]

B. Initial Regulatory Flexibility Analysis

127. As required by the Regulatory Flexibility Act of 1980 (RFA),[65] the Commission has prepared an Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities of the policies and rules proposed in the Notice. The analysis is found below. The Commission requests written public comment on the analysis. Comments must be filed in accordance with the same filing deadlines as comments filed in this rulemaking proceeding, and must have a separate and distinct heading designating them as responses to the IRFA. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration.

128. The Commission has prepared this Initial Regulatory Flexibility Analysis (''IRFA'') of the possible significant economic impact on small entities by the policies and rules proposed in this Notice of Proposed Rulemaking (''Notice''), GN Docket No. 01–74. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines for comments on the Notice as provided above. The Commission will send a copy of the Notice, including the IRFA, to the Chief Counsel for Advocacy of the Small Business Administration (''SBA'').[66]

1. Need for, and Objectives of, the Proposed Rules

129. The Notice is part of the Commission's plan to reclaim the 698–746 MHz band (''698–746 MHz band'' or ''Lower 700 MHz Band''), currently used for television (''TV'') Channels 52–59, for new commercial services as part of the transition of TV broadcasting from analog to digital transmission systems, consistent with the statutory directives enacted in the Balanced Budget Act of 1997.[67] The Notice consists of two parts. First, the Notice proposes to reallocate the 698–746 MHz band, currently used for TV Channels 52–59, from use solely for broadcast services to Fixed, Mobile, and Broadcast services. Second, the Notice proposes to adopt certain service, licensing, and competitive bidding rules for the 698–746 MHz band.

130. The Commission proposes to reallocate the entire 48 megahertz of spectrum in the 698–746 MHz band to the fixed and mobile services, and retain the existing broadcast allocation. The Commission also seeks comment on whether the band should also be allocated for satellite services.

131. The Commission also proposes to license the 698–746 MHz commercial band under a flexible framework established in part 27 of the Commission's rules. It is expected that provisions of part 27 will be modified to reflect the particular characteristics and circumstances of services offered through the use of spectrum on these bands. Depending on the extent and nature of provisions in the service rules that enable broadcast services, these modifications may also reference or incorporate rules in other parts of the Commission's Rules, such as part 73 governing broadcast services. The Commission believes that this flexible approach will encourage new and innovative services and technologies in this band without significantly limiting the range of potential uses for this spectrum.

132. The Commission proposes to apply the same small business definitions here that the Commission adopted for the Upper 700 MHz Band. In particular, the Commission proposes to define a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million. The Notice reflects the Commission's belief that the services that will be deployed in this band will have similar capital requirements to the commercial services in the Upper 700 MHz Band, and thus proposes to apply the same small business definitions. The Commission also observes that new licensees both in this band and the Upper 700 MHz Band may be presented with similar issues and costs, including those involved in relocating incumbents and developing markets, technologies, and services. The Commission also seeks alternative standards proposals, and specifically seeks comment on whether to adopt an additional definition for entities with average annual gross revenues for the three preceding years of not more than $3 million.

133. Among the principal objectives in this proceeding are: (1) to license these commercial spectrum blocks through competitive bidding, as directed by the Balanced Budget Act of 1997; (2) to accommodate the introduction of new uses of spectrum and the enhancement of existing uses; (3) to implement the section 303(y) requirement that flexible use allocations not create harmful interference or discourage investment; (4) to facilitate the awarding of licenses to entities that value them the most. The Commission seeks to develop a regulatory plan for these commercial spectrum blocks that will allow for efficient licensing and intensive use of the band, eliminate unnecessary regulatory burdens, enhance the competitive potential of the band, and provide a wide variety of radio services to the public.

2. Legal Basis for Proposed Rules

134. This action is authorized under sections 1, 2, 4(i), 7, 10, 201, 202, 208, 214, 301, 302, 303, 307, 308, 309, 310, 311, 316, 319, 324, 331, 332, 333, 336, 337, 614 and 615 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 157, 160, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 316, 319, 324, 331, 332, 333, 336, 337, 534, 535.

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

135. The RFA directs agencies to provide a description of, and, where feasible, an estimate of the number of small entities to which the rule will apply or an explanation of why no such estimate is available.[68] The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction'' under section 3 of the Small Business Act.[69] In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act.[70] Under the Small Business Act, a ''small business concern'' is one which:

[64] *See generally* 47 CFR 1.1202, 1.1206.

[65] 5 U.S.C. 603.

[66] *See* U.S.C. 603(a).

[67] *See* Balanced Budget Act of 1997, Public Law 105–33, 111 Stat. 251 (1997).

[68] *See* 5 U.S.C. 604(a)(3).

[69] *See id.* 601(6).

[70] *See id.* 601(3) (incorporating by reference the definition of ''small business concern'' in 15 U.S.C. 632). Pursuant to 5 U.S.C. 601(3), the statutory definition of a small business applies ''unless an agency after consultation with the Office of Advocacy of the Small Business Administration and after opportunity for public comment, establishes one or more definitions of such term which are appropriate to the activities of the agency and publishes such definitions(s) in the **Federal Register**.

(1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.[71] According to SBA reporting data, there were approximately 4.44 million small business firms nationwide in 1992.[72] A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.''[73] Nationwide, as of 1992, there were approximately 275,801 small organizations.[74] ''Small governmental jurisdiction'' generally means ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than 50,000.''[75] As of 1992, there were approximately 85,006 local governments in the United States.[76] This number includes 38,978 counties, cities, and towns; of these, 37,566, or 96 percent, have populations of fewer than 50,000.[77] The Census Bureau estimates that this ratio is approximately accurate for all governmental entities. Thus, of the 85,006 governmental entities, the Commission estimates that 81,600 (96 percent) are small entities. Below, the Commission further describes and estimates the number of small entity licensees and regulatees that may be affected by the proposed rules, if adopted.

136. The proposals in the Notice affect applicants who wish to provide services in the 698–746 MHz band. The Commission proposes to apply the same small business definitions here that the Commission adopted for the Upper 700 MHz Band. In particular, the Commission proposes to define a ''small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $40 million, and a ''very small business'' as an entity with average annual gross revenues for the preceding three years not exceeding $15 million.[78] The Notice reflects the Commission's belief that the services that will be deployed in this band will have similar capital requirements to the commercial services in the Upper 700 MHz Band, and thus proposes to apply the same small business definitions. The Commission also observes that new licensees both in this band and the Upper 700 MHz Band may be presented with similar issues and costs, including those involved in relocating incumbents and developing markets, technologies, and services. The Commission also seeks alternative standards proposals, which consider the impact of the band plan on small business size standards. The Commission specifically seeks comment on whether to adopt an additional definition for entities with average annual gross revenues for the three preceding years of not more than $3 million.

137. The Commission used these same small business size definitions for Blocks C and F broadband PCS licensees.[79] This regulation defining ''small business'' and ''very small business'' in the context of broadband PCS auctions has been approved by the SBA, *see Competitive Bidding Fifth Report and Order,* 59 FR 37566, July 22, 1994. The Commission has also adopted this same definition for 746–764 and 776–794 MHz applicants.[80]

138. The Commission, however, has not yet determined or proposed how many licenses will be awarded, nor will it know how many entities will seek small business or very small business status until the auction process begins. Even after that, the Commission will not know how many licensees will partition their license areas or disaggregate their spectrum blocks, if partitioning and disaggregation are allowed. In view of the lack of knowledge of the entities which will seek licenses in the 698–746 MHz band, the Commission therefore assumes that, for purposes of the evaluations and conclusions in the IRFA, all of the prospective licenses are small entities, as that term is defined by the SBA or the proposed definitions for these bands.

139. Wireless services. The policies and rules proposed in the Notice would affect all small entities that seek to acquire licenses in wireless services in the Lower 700 MHz Band currently used for television broadcasts on Channels 52–58, or are incumbent television broadcasters on Channels 52–58. The Commission proposes to use the small and very small business size standard adopted in the PCS proceeding.[81] No channelization plan or licensing plan has been proposed or adopted for the Lower 700 MHz Band. Therefore, no reasonable estimate can be made at this time of the potential number of small entities that might become licensees in the Lower 700 MHz Band.

140. Television Broadcast. The SBA defines a television broadcasting station as a small business where it is independently owned and operated, is not dominant in its field of operation, and has no more than $10.5 million in annual receipts.[82] Television broadcasting stations consist of establishments primarily engaged in broadcasting visual programs by television to the public, except cable and other pay television services.[83] Included in this industry are commercial, religious, educational, and other television stations.[84] Also included are establishments primarily engaged in television broadcasting and which produce taped television program materials.[85] There were 1,509 television stations operating in the nation in 1992, of which 1,155 produced less than $10.0 million in revenue (76.5 percent)[86] As of May 31, 1998, official Commission records indicate that 1,579 full power television stations, 2,089 low power television stations, and 4,924 television translator stations were licensed.[87] Using the percentage of television broadcasting licensees that were small entities in 1992 (76.5 percent), the Commission concludes that there are approximately 1,208 full power television stations that are small entities.

141. The rules may affect approximately 1,663 television stations, approximately 1,281 of which are considered small businesses.[88] The

[71] *See* 15 U.S.C. 632.

[72] *See* 1992 Economic Census, U.S. Bureau of the Census, Table 6 (special tabulation of data under contract to Office of Advocacy of the U.S. Small Business Administration).

[73] *See* 5 U.S.C. 601(4).

[74] *See* 1992 Economic Census, U.S. Bureau of the Census, Table 6.

[75] *See* 5 U.S.C. 601(5).

[76] *See* U.S. Dept. of Commerce, Bureau of the Census, ''1992 Census of Governments.''

[77] *Id.*

[78] *See* 47 CFR 27.502(a)(1)–(2). These definitions are consistent with the Commission's approach in the broadband PCS services. *See* 47 CFR 24.720(b).

[79] *See* 47 CFR 24.720(b).

[80] *See* 47 CFR 27.210(b)(1)–(2).

[81] The Commission notes that the SBA generic size standard applicable to Radiotelephone (Wireless) companies provides that a small entity is a radiotelephone company employing no more than 1,500 persons. *See* 13 CFR 121.201 (NAICS code 513322). According to the Bureau of the Census, only 12 radiotelephone firms from a total of 1,178 such firms which operated during 1992 had 1,000 or more employees. *See* 1992 Census, Series UC92–S–I, at Table 5 (SIC code 4812). Therefore, even if all 12 of these firms were wireless companies, nearly all wireless carriers were small businesses under the SBA's definition.

[82] *See* 13 CFR 121.201 (NAICS code 51312).

[83] Economics and Statistics Administraiton, Bureau of Census, U.S. Department of Commerce, 1992 Census of Transportation, Communications and Utilities, Estabslihment and Firm Size, Series UC92–S–1, Appendix A–9 (1995).

[84] *Id.*

[85] *Id.*

[86] FCC news Release No. 31327, Jan. 13, 1993: Economics and Statistics Administration, Bureau of Census, U.S. Department of Commerce, Appendix A–9. The amount of $10 million was used to estimate the number of small business establishments because the relevant Census categories stopped at $9,999,999 and began at $10,000,000. No category for $10.5 million existed. Thus, the number is as accurate as it is possible to calculate with the available information.

[87] FCC News Release, June 19, 1998.

[88] We use the 77 percent figure of TV stations operating at less than $10 million for 1992 and

Continued

proposed rules will affect some 12,717 radio stations, approximately 12,209 of which are small businesses.[89] These estimates may overstate the number of small entities because the revenue figures on which they are based do not include or aggregate revenues from non-television or non-radio affiliated companies. There are also 2,366 LPTV stations.[90] Given the nature of this service, the Commission will presume that all LPTV licensees qualify as small entities under the SBA definition.

142. Auxiliary or Special Broadcast. This service involves a variety of transmitters, generally used to relay broadcast programming to the public (through translator and booster stations) or within the program distribution chain (from a remote news gathering unit back to the station). The Commission has not developed a definition of small entities applicable to broadcast auxiliary licensees. The applicable SBA definition is that noted previously, under the SBA rules applicable to television broadcasting stations.[91] The Commission estimates that there are approximately 2,700 translators and boosters. The FCC does not collect financial information on any broadcast facility, and the Department of Commerce does not collect financial information on these auxiliary broadcast facilities. The Commission believes that most, if not all, of these auxiliary facilities could be classified as small businesses if viewed apart from any associated broadcasters. The Commission also recognizes that most commercial translators and boosters are owned by a parent station which, in some cases, would be covered by the revenue definition of small business entity discussed above. These stations would likely have annual revenues that exceed the SBA maximum to be designated as a small business ($10.5 million for a TV station). Furthermore, they do not meet the Small Business Act's definition of a ''small business concern'' because they are not independently owned and operated.[92]

143. The Commission invites comment on this analysis.

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

144. Entities interested in acquiring initial licenses to use spectrum in the 698–746 MHz band will be required to submit short form applications to participate in an auction and high bidders will be required to apply for their individual licenses. The proposals under consideration in this item also include requiring commercial licenses to make showings that they are in compliance with construction requirements, file applications for license renewals, and make certain other filings as required by the Communications Act and Commission regulations. In addition to the general licensing requirements of part 27 of the Commission's Rules, other parts may be applicable to commercial licensees, depending on the nature of service provided. For example, commercial licensees proposing to provide broadcast services on these bands may be required to comply with all or part of the broadcast-specific regulations in part 73 of the Commission's Rules. The Commission requests comment on how these requirements can be modified to reduce the burden on small entities and still meet the objectives of the proceeding.

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

145. The RFA requires an agency to describe any significant alternatives that it has considered in reaching its proposed approach, which may include the following four alternatives (among others): (1) The establishment of differing compliance or reporting requirements or timetables that take into account the resources available to small entities; (2) the clarification, consolidation, or simplification of compliance or reporting requirements under the rule for small entities; (3) the use of performance, rather than design, standards; and (4) an exemption from coverage of the rule, or any part thereof, for small entities.[93]

146. The Commission seeks comment on a number of proposals and alternatives regarding the reallocation of, and service rules for, the 698–746 MHz band. The Commission seeks to adopt rules that will reduce regulatory burdens, promote innovative services and encourage flexible use of this spectrum. It opens up economic opportunities to a variety of spectrum users, including small businesses. The Commission considers various proposals and alternatives partly because the Notice seeks to minimize, to the extent possible, the economic impact on small businesses.

147. The Commission proposes to reallocate the entire 48 megahertz of spectrum in the 698–746 MHz band to the fixed and mobile services, and to retain the existing broadcast allocation. The Commission tentatively concludes that service rules for this band should implement flexible use for the full range of proposed allocated services consistent with necessary interference requirements. The Commission seeks comment on how this approach will impact small entities.

148. The Commission seeks comment on various alternative licensing and service rules. The Commission seeks comment on a number of issues relating to how the Commission should craft service rules for this spectrum, that could have an impact on small entities. With respect to the size of spectrum blocks for licensees, the Commission seeks comment on whether to license the spectrum as a single 48 megahertz block or as two or more blocks, and how the size of spectrum blocks would impact small entities. With respect to service areas, the Commission proposes a geographic area approach and seek comment on the appropriate size of service areas. The Commission asks for comment on whether smaller geographic areas would better serve the needs of small entities. The Commission proposes to permit geographic partitioning and spectrum disaggregation, which promotes efficient spectrum use and economic opportunity for small business entities. The Commission also seeks comment on whether to permit licensees to lease their licensed spectrum usage rights. Spectrum leasing could benefit small businesses because many different types of spectrum users (including small businesses) would be permitted to satisfy their spectrum needs without having to acquire a license or go through the Commission's procedures for assigning or transferring control of a license or a partial license through partitioning, disaggregation, or partial assignment. With respect to spectrum aggregation, the Commission seeks comment on whether to abstain from counting the 698–746 MHz band against the Commercial Mobile Radio Services (''CMRS'') spectrum cap, and how this would impact the marketplace, which includes the impact on small entities.

149. The Commission proposes the small business definitions for bidders in auctions of licenses in the counting the 698–746 MHz band: a ''small business''

apply it to the 2000 total of 1,663 TV stations to arrive at 1,281 stations categorized as small businesses.

[89] We use the 96% figure of radio station establsihments with less than $5 million revenue from data presented in the year 2000 estimate (FCC News Release, September 30, 2000) and apply it to the 12,717 individual station count to arrive at 12,209 individual stations as small businesses.

[90] FCC News Release, ''Broadcast Station Totals as of September 30, 2000.''

[91] 13 CFR 121.201 (NAICS code 51312).

[92] 15 U.S.C. 632.

[93] 5 U.S.C. 603(c).

would be defined as an entity with average annual gross revenues for the three preceding years not exceeding $40 million, and a ''very small business'' would be defined as an entity with average annual gross revenues for the three preceding years not exceeding $15 million. As discussed previously, these definitions are consistent with the definitions the Commission applied to broadband PCS and the Upper 700 MHz Band. The Commission has also sought comment on whether alternative approaches may be appropriate in light of the particular characteristics of this band. For example, the Commission seeks comment on whether to adopt an additional definition for entities with average annual gross revenues for the three preceding years of not more than $3 million. The Commission also proposes to provide qualifying ''small businesses'' that participate in an auction with a bidding credit of 15%, and ''very small businesses'' with a 25% bidding credit. The Commission has previously found that bidding credits provide adequate opportunities for small businesses of varying sizes to participate in spectrum auctions. The Commission also seeks comment on whether, if the Commission adopts a third small business definition for entities with average annual gross revenues of not more than $3 million for the past three years, the 35% bidding credit set out in § 1.2110(f)(2)(i) should be made available to such entities. In addition, small business may combine any additional tribal lands bidding credits pursuant to § 1.2110(f)(3) of the rules with the proposed small business bidding credits.

150. The regulatory burdens contained in the Notice, such as filing applications on appropriate forms, are necessary in order to ensure that the public receives the benefits of innovative new services, or enhanced existing services, in a prompt and efficient manner. The Commission will continue to examine alternatives in the future with the objectives of eliminating unnecessary regulations and minimizing any significant economic impact on small entities. The Commission seeks comment on significant alternatives that commenters believe should be adopted.

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

151. None.

C. Initial Paperwork Reduction Analysis

152. The Notice may contain a proposed information collection. As part of the continuing effort to reduce paperwork burdens, the Notice invites the general public and the Office of Management and Budget (OMB) to take this opportunity to comment on the information collections contained in this Notice, as required by the Paperwork Reduction Act of 1995.[94] Public and agency comments are due at the same time as other comments on this Notice; OMB comments are due June 12, 2001. Comments should address: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

153. Written comments by the public on the proposed information collections are due May 14, 2001. Written comments must be submitted by the OMB on the proposed and/or modified information collections on or before June 12, 2001. In addition to filing comments with the Secretary, a copy of any comments on the information collections contained herein should be submitted to Judy Boley, Federal Communications Commission, 445 12th Street, SW., Room 1–C804, Washington, DC 20554, or via the Internet to jboley@fcc.gov, and to Edward C. Springer, OMB Desk Officer, 10236 New Executive Office Building, 725 17th Street, NW., Washington, DC 20503 or via the Internet to Edward.Springer@omb.eop.gov.

D. Comment Period and Procedures

154. Pursuant to applicable procedures set forth in sections 1.415 and 1.419 of the Commission's Rules,[95] interested parties may file comments on this Notice on or before May 14, 2001 and reply comments on or before June 4, 2001. Comments and reply comments should be filed in GN Docket No. 01–74, and may be filed using the Commission's Electronic Comment Filing System (ECFS) or by filing paper copies, *see Electronic Filing of Documents in Rulemaking Proceedings*, 63 FR 24121, May 1, 1998. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding.

155. Comments filed through the ECFS can be sent as an electronic file via the Internet to <http://www.fcc.gov/e-file/ecfs.html>. Generally, only one copy of an electronic submission must be filed. However, if multiple docket or rulemaking numbers appear in the caption of this proceeding, commenters must transmit one electronic copy of the comments for each docket or rulemaking number referenced in the caption. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking number. Parties may also submit an electronic comment by e-mail via the Internet. To obtain filing instructions for e-mail comments, commenters should send an e-mail to *ecfs@fcc.gov*, and should include the following words in the body of the message: ''get form <ythe e-mail address>.'' A sample form and directions will be sent in reply.

156. Parties who choose to file by paper must file an original and the copies of each filing. If more than one docket or rulemaking number appears in the caption of this proceeding, commenters must submit two additional copies for each additional docket or rulemaking number. If parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. All filings must be sent to the Commission's Secretary, Magalie Roman Salas, Office of the Secretary, Federal Communications Commission, 445 12th Street, SW., Room TW-A325, Washington, DC 20554. Furthermore, parties are requested to provide courtesy copies for the following Commission staff: (1) Lisa Gaisford, Office of Engineering and Technology, Federal Communications Commission, 445 12th Street, SW., Room. 7–C115, Washington, DC 20554; and (2) G. William Stafford, Commercial Wireless Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Room. 4–B455, Washington, DC 20554. One copy of each filing (together with a diskette copy, as indicated below) should also be sent to the Commission's copy contractor, International Transcription Service, Inc., (ITS, Inc.), 1231 20th Street, NW., Washington, DC 20036.

157. Parties who choose to file by paper should also submit their comments on diskette. These diskettes should be attached to the original paper filing submitted to the Office of the Secretary. Such a submission should be on a 3.5 inch diskette formatted in an IBM compatible format using Microsoft™ Word 97 for Windows or compatible software. The diskette should be accompanied by a cover letter and should be submitted in ''read only''

[94] Public Law 104–13.

[95] 47 CFR 1.415, 1.419.

mode. The diskette should be clearly labeled with the commenter's name, proceeding, type of pleading (comment or reply comment), date of submission, and the name of the electronic file on the diskette. The label should also include the following phrase ''Disk Copy—Not an Original.'' Each diskette should contain only one party's pleadings, preferably in a single electronic file. In addition, commenters should send diskette copies to the Commission's copy contractor, ITS, Inc., 1231 20th Street, NW., Washington, DC 20036.

158. The public may view the documents filed in this proceeding during regular business hours in the FCC Reference Information Center, Federal Communications Commission, 445 12th Street, SW., Room CY–A257, Washington, DC 20554, and on the Commission's Internet Home Page: *http://www.fcc.gov*. Copies of comments and reply comments are also available through the Commission's duplicating contractor: ITS, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

E. Further Information

159. For further information concerning this rulemaking proceeding, contact the following for: Allocation Issues: Lisa Gaisford at (202) 418–7280, Office of Engineering and Technology, Federal Communications Commission, Washington, DC 20554; or via the Internet to lgaisfor@fcc.gov Service Rules Issues: G. William Stafford at (202) 418–0563, Wireless Telecommunications Bureau, Federal Communications Commission, Washington, DC 20554; or via the Internet to wstaffor@fcc.gov.

V. Ordering Clauses

160. Pursuant to sections 1, 2, 4(i), 7, 10, 201, 202, 208, 214, 301, 302, 303, 307, 308, 309, 310, 311, 316, 319, 324, 331, 332, 333, 336, 337, 614 and 615 of the Communications Act of 1934, 47 U.S.C. 151, 152, 154(i), 157, 160, 201, 202, 208, 214, 301, 302a, 303, 307, 308, 309, 310, 311, 316, 319, 324, 331, 332, 333, 336, 337, 534, 535, that this Notice of Proposed Rulemaking is hereby *Adopted*.

161. *Notice is hereby given* of the proposed regulatory changes described in this Notice, and that comment is sought on these proposals.

162. The Commission's Consumer Information Bureau, Reference Information Center, *Shall Send* a copy of this Notice, including the Initial Regulatory Flexibility Analysis, to the Chief Counsel for Advocacy of the Small Business Administration.

List of Subjects

47 CFR Part 2

Reporting and recordkeeping requirements, Telecommunications, Television.

47 CFR Part 27

Communications common carriers, Television.

47 CFR Part 73

Communications equipment, Reporting and recordkeeping requirements, Television.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

Proposed Rule Changes

In addition to the proposed changes to 47 CFR parts 27 and 73 discussed in the preamble, part 2 of title 47 of the Code of Federal Regulations is proposed to be amended as follows:

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

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

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

2. Amend § 2.106 as follows:

a. Revise page 37 of the Table.

b. In the International Footnotes under heading I., revise footnotes S5.293, S5.296, and S5.297.

c. In the list of Non-Federal Government (NG) Footnotes, revise footnotes NG149 and NG159.

The revisions read as follows:

§ 2.106 Table of Frequency Allocations.

* * * * *

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470-849 MHz (UHF) Page 37

International Table			United States Table		FCC Rule Part(s)
Region 1	Region 2	Region 3	Federal Government	Non-Federal Government	
470-790 BROADCASTING	470-512 BROADCASTING Fixed Mobile S5.292 S5.293	470-585 FIXED MOBILE BROADCASTING S5.291 S5.298	470-608	470-512 BROADCASTING NG128 NG149 FIXED NG127 LAND MOBILE NG66 NG114	Public Mobile (22) Broadcast Radio (TV) (73) Auxiliary Broadcasting (74) Private Land Mobile (90)
	512-608 BROADCASTING S5.297	585-610 FIXED MOBILE BROADCASTING RADIONAVIGATION S5.149 S5.305 S5.306 S5.307		512-608 BROADCASTING NG128 NG149	Broadcast Radio (TV) (73) Auxiliary Broadcasting (74)
	608-614 RADIO ASTRONOMY Mobile-satellite except aeronautical mobile-satellite (Earth-to-space)	610-890 FIXED MOBILE S5.317A BROADCASTING	608-614 RADIO ASTRONOMY US74 LAND MOBILE US350 US246		Personal (95)
	614-806 BROADCASTING Fixed Mobile		614-890	614-698 BROADCASTING NG128 NG149	Broadcast Radio (TV) (73) Auxiliary Broadcasting (74)
				698-746 BROADCASTING NG128 FIXED MOBILE NG159	Wireless Communications (27) Broadcast Radio (TV) (73) Auxiliary Broadcasting (74)

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International Footnotes

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I. New ''S'' Numbering Scheme

* * * * *

S5.293 *Different category of service:* in Canada, Chile, Colombia, Cuba, the United States, Guyana, Honduras, Jamaica, Mexico, Panama and Peru, the allocation of the bands 470–512 MHz and 614–806 MHz to the fixed and mobile services is on a primary basis (see No. S5.33), subject to agreement obtained under No. S9.21. In Argentina and Ecuador, the allocation of the band 470–512 MHz to the fixed and mobile services is on a primary basis (see No. S5.33), subject to agreement obtained under No. S9.21.

* * * * *

S5.296 *Additional allocation:* in Germany, Austria, Belgium, Cyprus, Denmark, Spain, Finland, France, Ireland, Israel, Italy, Libya, Lithuania, Malta, Morocco, Monaco, Norway, the Netherlands, Portugal, Syria, the United Kingdom, Sweden, Switzerland, Swaziland and Tunisia, the band 470–790 MHz is also allocated on a secondary basis to the land mobile service, intended for applications ancillary to broadcasting. Stations of the land mobile service in the countries listed in this footnote shall not cause harmful interference to existing or planned stations operating in accordance with the Table in countries other than those listed in this footnote.

S5.297 *Additional allocation:* in Costa Rica, Cuba, El Salvador, the United States, Guatemala, Guyana, Honduras, Jamaica and Mexico, the band 512–608 MHz is also allocated to the fixed and mobile services on a primary basis, subject to agreement obtained under No. S9.21.

* * * * *

Non-Federal Government (NG) Footnotes

* * * * *

NG149 The frequency bands 54–72 MHz, 76–88 MHz, 174–216 MHz, 470–512 MHz, 512–608 MHz, and 614–698 MHz are also allocated to the fixed service to permit subscription television operations in accordance with Part 73 of the rules.

* * * * *

NG159 Full power analog television stations licensed and new digital television (DTV) broadcasting operations in the band 698–806 MHz shall be entitled to protection from harmful interference until the end of the DTV transition period. Low power television and television translators in the band 746–806 MHz must cease operations in the band at the end of the DTV transition period. Low power television and television translators in the band 698–746 MHz are secondary to all other operations in the band 698–746 MHz.

* * * * *

[FR Doc. 01–9039 Filed 4–12–01; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 537

[Docket No. NHTSA–98–3965, Notice 01]

RIN 2127–AG00

Automotive Fuel Economy; Semi-Annual Reports

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Termination of proposed rulemaking.

SUMMARY: This document terminates a rulemaking proceeding to amend the required form and content of the semi-annual reports that automobile manufacturers are required to submit under the Federal automotive fuel economy program. The purpose of the proposal was to simplify the existing reporting requirements and thereby reduce the paperwork burdens imposed on manufacturers, without inhibiting the agency's ability to comply with its statutory requirements. The agency undertook this action as part of an effort to make its regulations easier to understand and apply. However, the agency has determined that the changes it proposed would increase, rather than reduce, the regulatory burdens of the manufacturers (e.g., computer reprogramming costs) and the administrative tasks of NHTSA, and the Environmental Protection Agency (EPA). Accordingly, we are terminating the rulemaking proceeding.

FOR FURTHER INFORMATION CONTACT: For non-legal issues: Ms. Henrietta L. Spinner, Office of Planning and Consumer Programs, Safety Performance Standards, NPS–32, NHTSA, 400 Seventh Street, SW., Washington, DC 20590. Telephone: (202) 366–4802.

For legal issues: Otto Matheke, Office of the Chief Counsel, NCC–20, telephone (202) 366–5253, facsimile (202) 366–3820.

SUPPLEMENTARY INFORMATION: NHTSA undertook a review of its regulations and directives and identified rules that it could propose to eliminate as unnecessary or to amend to improve their comprehensibility, usefulness, and appropriateness. NHTSA identified the Semi-Annual Reports for Automotive Fuel Economy as a candidate for review and, as noted below, issued a proposal to amend the semi-annual report requirements.

Background

Section 32907 of title 49, United States Code (49 U.S.C. 32907) requires automobile manufacturers to submit semi-annual reports to NHTSA. These reports indicate whether the manufacturer will comply with applicable fuel economy standards for a model year, state the actions that the manufacturer has taken or intends to take to comply with the standard, and provide other information required by regulation (49 U.S.C. 32907(a)(1)). Section 32907(a)(2) specifies that two reports must be filed for each model year (49 U.S.C. 32907(a)(2)). One report is due before the beginning of each model year, and the second is due within 30 days of the 180th day of the model year. In the event that a manufacturer determines, after having previously reported that it would comply with the applicable standard for that model year, that the actions it has taken in an effort to comply with an applicable fuel economy standard are not sufficient to ensure compliance with that standard, the manufacturer is required by section 32907(a)(3) (49 U.S.C. 32907(a)(3)) to report additional actions that the manufacturer intends to take to comply and whether those actions will be sufficient to ensure compliance. However, if a manufacturer is subject to an alternative fuel economy standard under Section 32902(d)(2) (49 U.S.C. 32902(d)(2)), it is not required to submit any of the foregoing reports.

NHTSA published a final rule in the **Federal Register** on December 12, 1977 (42 FR 62374), implementing the provisions of Section 32907 and adding several requirements to those expressly contemplated by that section's provisions. In the final rule, the agency observed that since manufacturers have different annual production periods, there was no single model year designation applicable to all companies. Accordingly, NHTSA determined to use the calendar year to specify the timing of the section 32907 reports, making the pre-model year report for a model year due in December (49 CFR 537.5(b)(1)) (e.g., the pre-model year report for the 2001 model year was due in December 2000) and the mid-model year report for that model year due in July (49 CFR 537.5(b)(2)) (e.g., the mid-model year report for the 2001 model year is due in July 2001). For the major domestic manufacturers, this means that the pre-model year report is submitted during the early part of their production period and the mid-model year report is due near the end of that period. The final rule also established requirements for the content of the reports (49 CFR 537.6,

537.7), as well as for the supplemental reports that are required when a manufacturer determines that it cannot meet applicable fuel economy standards (49 CFR 537.8).

The Notice of Proposed Rulemaking

In a notice of proposed rulemaking (NPRM) issued on May 13, 1996 (61 FR 22010), the agency proposed revisions to simplify the reporting requirements contained in Part 537. The agency proposal sought to reverse the order in which the most detailed information must be submitted by manufacturers. Instead of submitting the detailed data in the pre-model year report, the NPRM proposed that these data be presented in the mid-model year report. This change was intended to lead to the submission of more complete and correct data because the data would be gathered later in the typical production period for each model. The proposal sought to reduce the amount of detailed data required in the mid-model year report by requesting data at the model level instead of requiring data about different configurations within model lines. The proposal also sought to modify the format for the reports so that data would be submitted in a form more closely matching the format used by the agency in analyzing manufacturer fleets in the annual Automotive Fuel Economy Report to Congress and other special reports and studies. The proposal also sought to eliminate some categories of information (SAE horsepower, Engine Code, Emission Control System, Existence of Overdrive, and data relating to classification as a passenger car or light truck), modified other categories (Number of Carburetor Barrels, and Projected Sales), and added new categories (Number of Engine Cylinders and Road Load power at 50 miles per hour). Further, for both the pre and mid-model year reports, the proposal indicated that model type information be provided in order of increasing equivalent test weight, replacing the prior specification that these data be provided in order of increasing average inertia weight.

The NPRM also proposed to delete § 537.8 in its entirety. This section contains the requirements for supplementary reports. The proposal explained that in the event that a supplementary report is filed or requested in the future, revisions in § 537.7(b)(4) would incorporate the supplemental report into the mid-model year reports.

Comments Received in Response to the NPRM

The agency received comments on the proposed revisions from two trade associations and three manufacturers. The American Automobile Manufacturers Association and the Association of International Automobile Manufacturers (AAMA/AIAM) submitted joint comments and Chrysler Corporation (Chrysler), Ford Motor Company (Ford), and General Motors Corporation (GM) also submitted comments. Manufacturers were generally supportive of the intent of the proposed revisions, but expressed concerns that some changes might impose significant financial burdens by requiring computer reprogramming and the expenditure of resources for the collection and preparation of information that is not used by the industry or other federal government agencies. All of the commenters objected to the proposal's specification of ''equivalent test weight'' as a replacement for ''average inertia weight'' in § 537.7(c). The commenters argued that ''equivalent test weight'' is a term that is used to describe vehicles at the model level as opposed to the configuration level. As § 537.7(c) currently specifies ''average inertia weight,'' which applies at the configuration level, the commenters indicated that use of ''equivalent test weight'' would require submission of more complex reports.

In addition to these general concerns, both AAMA/AIAM and each of the manufacturers had individual concerns regarding discrete elements of the agency's proposal.

AAMA/AIAM argued for several alterations to the proposed modifications of § 537.7(c)(4). In light of the agency's stated goal of simplifying the detailed information proposed to be incorporated into the mid-model year reports by requiring it at the model level, AAMA/AIAM requested that two other specifications—road load power and equivalent test weight—be changed or discarded. The associations also contended that other proposed parameters would be of little value, since ''loaded vehicle weight,'' as well as ''total drive ratio'' are data that relate to vehicle configurations rather than model types. Instead of using equivalent test weight and loaded vehicle weight, AAMA/AIAM suggested that ''inertia weight class'' be used instead. The organizations stated that ''loaded vehicle weight'' and ''total drive ratio'' are not used by the Environmental Protection Agency (EPA) for calculating model fuel economy and should be stricken from the proposed requirements. AAMA/AIAM also suggested that the manufacturers' final CAFE reports should be submitted concurrently to the EPA. AAMA/AIAM also stated that this process would allow the EPA time to review the calculations and to properly notify (i.e., within 60 days) both NHTSA and the manufacturers that the calculations are either correct or require modification. AAMA/AIAM recommended reducing the pre-model year report to only a projected fleet average corporate average fuel economy (CAFE) level and a projected production volume. Finally, AAMA/AIAM strongly suggested that the proposal's requirement that specific data be included in the mid-model year report be stricken entirely and that both the pre- and mid-model year reports contain only fleet averages and projected total production volumes.

GM indicated its belief that the proposed changes would not necessarily simplify reporting tasks or lessen manufacturer burdens. The company suggested that the model type report format in the proposal be modified to list each model type with its associated projected volume, combined fuel economy, and average equivalent test weight class. GM also argued for changes in the proposed format for mid-model year reports. The company noted that the proposal's revision of § 537.7(c)(3)—which sought to replace a requirement that information be provided at the configuration level for only those vehicles that had been tested with a requirement that the same information be provided at the model level—would increase the regulatory burden of manufacturers instead of reduce it. In addition, the revisions proposed for § 537.7(c)(4) would, in GM's view, require the expenditure of additional resources to acquire data and change their computer systems to include SAE power, road load horsepower, total drive ratio, and loaded vehicle weight. GM also contended that, in deleting § 537.8, relating to supplementary reports, and inserting a provision for supplementary reports into part 537, which outlines requirements for pre- and mid-model year reports, the proposal created a new requirement, as supplementary reports would have to be incorporated into the mandatory pre- and mid-model year reports. GM also observed that § 537.7(c)(3) of the proposal indicated that mid-model year report data be provided either in tabular form or electronically. The company suggested that it would be prudent to require that

the data be submitted both electronically and on paper.

Chrysler also argued that the proposed changes to data formats and content would require significant computer reprogramming efforts. The company also recommended reducing the pre-model year report to only a projected fleet average corporate average fuel economy (CAFE) level and a projected production volume. Finally, Chrysler indicated that it was unsure why NHTSA departed from English units of HP to SAE net rated power in kilowatts.

Ford recommended deleting some categories of data the proposal would require in the mid-model year report. The company indicated that final production volumes classified by loaded test weight, total drive ratio, and road load power are not known at the time of mid-model report submission. In Ford's view, the proposed requirements would force the company to submit reports that could be both inaccurate and misleading. Ford also noted that § 537.7(c)(5) of the proposed regulatory text specified that certain data be provided for light trucks classified as being capable of off-highway operation under 49 CFR Part 523 and indicated that this reference should specifically refer to § 523.5(b).

Interagency Consultation

Following its review of the comments, NHTSA sought EPA's views of the proposal and the impact that adoption of the proposal would have on that agency's role in the administration of the CAFE program. The EPA said that the agency's proposal would be detrimental in several respects. EPA opposed the relaxation of the semi-annual report requirements. In particular, EPA urged this agency to not change the requirement that data be submitted on the configuration level. As that agency analyzes fuel economy data in detail, it urged NHTSA to retain existing requirements that vehicle configuration, transmission configuration, and axle ratios be reported. In addition, EPA indicated that the continued reporting of SAE horsepower is necessary to allow EPA to continue to calculate and employ a ''performance index.'' EPA also suggested that NHTSA continue to require both pre- and mid-model year reports. Although it acknowledged that pre-model year reports are, by their nature, incomplete and preliminary, these reports do contain valuable information on projected sales, vehicle performance, and vehicle characteristics.

EPA also noted that one of the aspects of the NHTSA proposal that had been favored by commenters—the direct concurrent submission of fuel economy reports to both agencies—was recently addressed in a rule issued by the EPA. In that rulemaking (64 FR 23976), EPA modified 40 CFR 600.512–01(a) to require reports to be submitted to NHTSA at the same time they are submitted to the EPA.

Analysis

The agency proposal sought to amend Part 537 to simplify the requirements for the submission of fuel economy reports. After review of the comments submitted in response to that proposal and discussions between NHTSA and the EPA, it has become apparent that the agency's proposal would add additional burdens to manufacturers and increase their reporting costs while depriving EPA of some of the information it needs to complete its mission.

Conclusion

For the reasons stated above, NHTSA is terminating this rulemaking action.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegation of authority at 49 CFR 1.50.

Issued on: April 4, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–8650 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–59–P

Notices

Federal Register
Vol. 66, No. 72
Friday, April 13, 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.

JOINT BOARD FOR THE ENROLLMENT OF ACTUARIES

Meeting of the Advisory Committee

AGENCY: Joint Board for the Enrollment of Actuaries.

ACTION: Notice of Federal Advisory Committee meeting.

SUMMARY: The Executive Director of the Joint Board for the Enrollment of Actuaries gives notice of a closed meeting of the Advisory Committee on Actuarial Examination at The Segal Company, New York, New York, on May 7, 2001.

DATES: The meeting will be held on May 7, 2001, from 8:30 AM to 5:00 PM.

ADDRESSES: The meeting will be held at The Segal Company, at One Park Avenue, Conference Room 7A, New York, NY.

FOR FURTHER INFORMATION CONTACT: Patrick W. McDonough, Director of Practice and Executive Director of the Joint Board for the Enrollment of Actuaries, 202–694–1805.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the Advisory Committee on Actuarial Examinations will meet at The Segal Company, One Park Avenue, Conference Room 7A, New York, NY, on Monday, May 7, 2001, from 8:30 AM to 5:00 PM.

The purpose of the meeting is to discuss topics and questions, which may be recommended for inclusion on future Joint Board examinations in actuarial mathematics, pension law and methodology referred to in 29 U.S.C. 1242(a)(1)(B).

A determination has been made as required by section 10(d) of the Federal Advisory Committee Act (Public Law 92–463) that the subject of the meeting falls within the exception to the open meeting requirement set forth in 5 U.S.C. 552b(c)(9)(B), and that the public interest requires that such meeting be closed to public participation.

Dated: March 22, 2001.

Patrick W. McDonough,

Executive Director, Joint Board for the Enrollment of Actuaries.

[FR Doc. 01–9233 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF AGRICULTURE

Rural Utilities Service

Tri-State Generation and Transmission Association, Inc.; Notice of Availability of a Draft Environmental Impact Statement

AGENCY: Rural Utilities Service, USDA.

ACTION: Notice of availability of a draft environmental impact statement.

SUMMARY: Notice is hereby given that the U.S. Forest Service (FS) has released for public review and comment a Draft Environmental Impact Statement (DEIS) for the Nucla—Telluride 115 kV Transmission Line Project. The project is proposed by Tri-State Generation and Transmission Association, Inc. (Tri-State), of Westminster, Colorado. The FS is the lead Federal agency in the environmental review process. The Rural Utilities Service (RUS) and the Bureau of Land Management (BLM) are serving as cooperating agencies.

FOR FURTHER INFORMATION CONTACT: Dennis E. Rankin, Environmental Protection Specialist, RUS, Engineering and Environmental Staff, Stop 1571, 1400 Independence Avenue, SW, Washington, DC 20250–1571; Steve Wells, FS, Norwood Ranger District, P.O. Box 388, Norwood, Colorado 81423; and Teresa Pfifer, BLM, Uncompahgre Field Office, 2465 South Townsend Avenue, Montrose, Colorado 81401.

SUPPLEMENTARY INFORMATION: Tri-State has proposed a 115 kV transmission line in order to improve the reliability of power to Telluride and other surrounding communities, as well as increase the capacity of the regional transmission grid to transfer bulk power through southwestern Colorado. The 115 kV transmission line would replace and potentially relocate an existing 69 kV line that is owned and operated by San Miguel Power Association.

The DEIS analyzes the impacts of a 115kV transmission line that has been proposed by Tri-State between the Nucla Substation in Montrose County, Colorado and either the Telluride or Sunshine Substations in San Miguel County, Colorado. The DEIS evaluates a number of routing alternatives and related system improvements between these substation connections. The DEIS also analyzes other energy options including distributed generation.

The Federal agencies preferred alternative is a 115 kV transmission line project using the Nucla—Norwood Central Alternative and the Norwood—Sunshine Alternative corridors. FS, BLM, and RUS will issue final decisions regarding Tri-State's proposal at the conclusion of the environmental review process. Concurrent with the Federal review process, San Miguel and Montrose Counties will consider Tri-State's Special Use Permit applications.

Copies of the DEIS are available for review at the following public libraries: Norwood Public Library, Telluride Public Library, Montrose Public Library, Nucla Public Library, and Naturita Public Library. Additional copies of the DEIS are also available at the FS-Norwood Ranger District, the FS-Supervisor's Office in Delta, and at the BLM Uncompahgre Field Office in Montrose.

Public comments concerning the adequacy and accuracy of the DEIS will be accepted during a comment period ending May 31, 2001. Comments should be sent to Steve Wells, Forest Service at the address provided above.

Dated: April 10, 2001.

Blaine D. Stockton,

Assistant Administrator, Electric Program, Rural Utilities Service.

[FR Doc. 01–9175 Filed 4–12–01; 8:45 am]

BILLING CODE 3410–15–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Proposed Additions and Deletions

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

ACTION: Proposed additions to and deletions from procurement list.

SUMMARY: The Committee is proposing to add to the Procurement List commodities and services to be furnished by nonprofit agencies

employing persons who are blind or have other severe disabilities, and to delete a commodity previously furnished by such agencies.

COMMENTS MUST BE RECEIVED ON OR BEFORE: May 14, 2001.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, Jefferson Plaza 2, Suite 10800, 1215 Jefferson Davis Highway, Arlington, Virginia 22202–3259.

FOR FURTHER INFORMATION CONTACT: Patrick T. Mooney (703) 603–7740.

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

Additions

If the Committee approves the proposed addition, all entities of the Federal Government (except as otherwise indicated) will be required to procure the commodities and services listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

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

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

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

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

Commodities

Hose, Fire
4210–00–542–3480
NPA: The Oklahoma League for the Blind, Oklahoma City, Oklahoma

Proform MAXIM, Proform CHOICE, Conform ICF Medical Mattress
7210–00–NIB–0048 (Proform MAXIM)
7210–00–NIB–0049 (Proform MAXIM)
7210–00–NIB–0050 (Proform MAXIM)
7210–00–NIB–0051 (Proform CHOICE)
7210–00–NIB–0052 (Proform CHOICE)
7210–00–NIB–0053 (Proform CHOICE)
7210–00–NIB–0054 (Comform ICF)
7210–00–NIB–0055 (Comform ICF)
7210–00–NIB–0056 (Comform ICF)
NPA: Raleigh Lions Clinic for the Blind, Inc., Raleigh, North Carolina

Services

Administrative Services, Building 8–1078, 1–3571, C–7417, 8–6643, Fort Bragg, North Carolina
NPA: ServiceSource, Inc., Alexandria, Virginia

Base Supply Center, United States Coast Guard, Integrated Support Command, Building #42, Alameda, California
NPA: Associated Industries for the Blind, Milwaukee, Wisconsin

Base Supply Center, Fort McCoy, Wisconsin
NPA: Associated Industries for the Blind, Milwaukee, Wisconsin

Call Center Services, Department of State, Bureau of Consular Affairs (Various locations throughout USA), Washington, DC
NPA: National Telecommuting Institute, Inc., Boston, Massachusetts

Data Entry, Department of Justice, Immigration & Naturalization Service, Washington, DC
NPA: Goodwill Industries of San Antonio, San Antonio, Texas

Employment Placement Services, Defense Logistics Agency, National Human Resource Offices, (HRO) Locations—Columbus, OH; Richmond, VA; Battle, Creek, MI; Philadelphia, PA; New Cumberland, PA, Fort Belvoir, Virginia
NPA: Columbia Lighthouse for the Blind, Washington, DC
The Chicago Lighthouse for People who are Blind or Visually Impaired, Chicago, Illinois
Delaware County Branch of the Pennsylvania Association for the Blind, Chester, Pennsylvania
Virginia Industries for the Blind, Richmond, Virginia
The Clovernook Center for the Blind, Cincinnati, Ohio
Susquehanna Association for the Blind and Visually Impaired, Lancaster, Pennsylvania

Food Service Attendant, Main Dining Facility—Building 3650, Expanded Flight Kitchen—Building 4507, Seymour Johnson Air Force Base, North Carolina
NPA: Coastal Enterprises of Jacksonville, Inc, Jacksonville, North Carolina

Janitorial/Custodial

Veterans Affairs, Greater Los Angeles Healthcare System, East Los Angeles Out Patient Clinic, East Los Angeles, CA
NPA: Job Options, Inc., San Diego, California

Janitorial/Custodial

Social Security Administration, Western Program Center, 1221 Nevin Avenue, Richmond, California
NPA: Calidad Industries, Inc., Oakland, California

Janitorial/Custodial

Bureau of Land Management, 1340 Financial Blvd, Reno, Nevada
NPA: United Cerebral Palsy of Northern Nevada, Sparks, Nevada

Janitorial/Custodial

Chateaugay Border Station, Chateaugay, New York
NPA: Citizen Advocates, Inc., Malone, New York

Janitorial/Custodial

Defense Enterprise Computing Center (DECC), Buildings 308 & 309, Naval Supply Activity (NSA), Mechanicsburg, Pennsylvania
NPA: Goodwill Services, Inc., Harrisburg, Pennsylvania

Janitorial/Custodial

Veteran Affairs Building, 5000 Wissahickon Avenue, Philadelphia, Pennsylvania
NPA: Elwyn, Inc., Concordville, Pennsylvania

Janitorial/Custodial

Wallace F. Bennett Federal Building, Salt Lake City, Utah
NPA: Community Foundation for the Disabled, Inc., Salt Lake City, Utah

Janitorial/Custodial

Veterans Affairs Medical Center, Huntington, West Virginia
NPA: Goodwill Industries of KYOWVA, Inc., Huntington, West Virginia

Janitorial/Custodial

ATF Building, Martinsburg, West Virginia
NPA: The Jeanne Bussard Center, Inc., Frederick, Maryland

Janitorial/Grounds Maintenance

At the following Locations:

U.S. Border Patrol Sector Headquarters, El Paso, Texas
U.S. Border Patrol Station One, El Paso, Texas
U.S. Border Patrol, Ysleta Border Patrol Station, El Paso, Texas
U.S. Border Patrol, Ysleta Traffic Checkpoint, Highway 62/108, El Paso, Texas
NPA: Training, Rehabilitation & Development Institute, Inc., San Antonio, Texas

Janitorial/Grounds Maintenance

At the following Locations:

U.S. Border Patrol, Laredo Sector, Laredo, Texas
U.S. Border Patrol Laredo South Station, Laredo, Texas
Laredo Border Patrol Traffic Checkpoint, Laredo, Texas
Border Patrol Sector Headquarters, 207 W. Del Mar Boulevard, Laredo, Texas
U.S. Border Patrol Station, Freer, Texas
U.S. Border Patrol Traffic Checkpoint, Freer, Texas
The Hebbronville Border Patrol Station, 802 N. Sigrid Street, Hebbronville, Texas
The Hebbronville Checkpoint, Hebbronville, Texas
The Border Patrol Traffic Checkpoint, Bruni, Texas

Laredo Sector Air Operations Hangar, Laredo, Texas
U.S. Border Patrol Station, San Antonio, Texas
Zapata Border Patrol Station, Zapata, Texas
Laredo North Border Patrol Station, 11119 N. McPherson Road, Laredo, Texas
NPA: Professional Contract Services, Inc., Austin, Texas

Janitorial/Grounds Maintenance

At the following Locations:

Border Patrol Station, Corpus Christi, Texas
Border Patrol Station, Falfurrias, Texas
Border Patrol Traffic Checkpoint, Falfurrias, Texas
Border Patrol Station, Harlingen, Texas
Border Patrol Station (E/T), Kingsville, Texas
Border Patrol Traffic Checkpoint (Sarita), Kingsville, Texas
Border Patrol Station (Mercedes), Weslaco, Texas
Border Patrol Station, Port Isabel, Texas
Border Patrol Station, Rio Grande City, Texas
Border Patrol Raymondville Annex, Raymondville, Texas
Border Patrol Port of Entry, Roma, Texas
U.S. Border of Patrol, McAllen Sector, Texas
Border Patrol Traffic Checkpoint, Brownsville, Texas
NPA: Training, Rehabilitation & Development Institute, Inc., San Antonio, Texas
Operation of Self Service Supply Store, General Services Administration, Romano L. Mazzoli Federal Building, 600 Martin Luther King Jr. Place, Louisville, Kentucky
NPA: New Vision Enterprises, Inc., Louisville, Kentucky
Ophthalmic Support Services, Yorktown Naval Weapons Station, Yorktown, Virginia
NPA: Association for Retarded Citizens of the Peninsula, Inc., Hampton, Virginia

Deletion

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

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

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

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

The following commodity is proposed for deletion from the Procurement List:

Commodity

Bracket, Eye, Nonrotary
3040–01–240–4456

Patrick T. Mooney,
Director, Pricing and Program Operations.

[FR Doc. 01–9234 Filed 4–12–01; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List Addition

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

ACTION: Addition to the Procurement List.

SUMMARY: This action adds to the Procurement List a service to be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

EFFECTIVE DATE: May 14, 2001.

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

FOR FURTHER INFORMATION CONTACT: Patrick T. Mooney (703) 603–7740.

SUPPLEMENTARY INFORMATION: On March 2, 2001, the Committee for Purchase From People Who Are Blind or Severely Disabled published notices (66 F.R. 13041) of proposed addition to the Procurement List. After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the service and impact of the addition on the current or most recent contractors, the Committee has determined that the service listed below is 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 service to the Government.

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

3. The action will result in authorizing small entities to furnish the service 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 service proposed for addition to the Procurement List.

Accordingly, the following service is hereby added to the Procurement List:

Service

Hospital Housekeeping Services
DeWitt Army Community Hospital, Fort Belvoir, Virginia.

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

Patrick T. Mooney,
Director, Pricing and Program Operations.

[FR Doc. 01–9235 Filed 4–12–01; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

International Trade Administration

Foreign Trade Zone Application; Proposed Collection; Comment Request

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

DATES: Written comments must be submitted on or before June 12, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Email *Mclayton@doc.gov.,* Department of Commerce, Room 6086, 14th & Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instructions should be directed to: Andrew McGilvray, Foreign Trade Zones Staff, Room 4008, 14th & Constitution Avenue, NW, Washington, DC 20230; Phone number: (202) 482–2862, and fax number: (202) 482–0002. The FTZ Application Guidelines, as well as the Regulations, are available on-line at http://ia.ita.doc.gov/ftzpage.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Foreign Trade Zones Application is the vehicle by which individual firms or organizations apply for foreign-trade zone (FTZ) status, for subzone status, or for expansion of an existing zone. The FTZ Act and Regulations require that an application with a description of the

proposed project be made to the FTZ Board (19 U.S.C. 81b and 81f; 15 CFR 400.24–26) before a license can be issued or a zone can be expanded. The Act and Regulations require that applications contain detailed information on facilities, financing, operational plans, proposed manufacturing operations, need, and economic impact. Manufacturing activity in zones, which is primarily conducted in subzones, can involve issues related to domestic industry and trade policy impact. Such applications must include specific information on the Customs-tariff related savings that result from zone procedures and the economic consequences of permitting such savings. The FTZ Board needs complete and accurate information on the proposed operation and its economic effects because the Act and Regulations authorize the Board to restrict or prohibit operations that are detrimental to the public interest.

II. Method of Collection

U.S. firms or organizations submit applications to the Foreign-Trade Zones Board.

III. Data

OMB Number: 0625–0139.

Form Number: N/A.

Type of Review: Regular Submission.

Affected Public: State, local, or tribal governments or not-for-profit institutions applying for foreign trade zone status, for subzone status, or for modification of existing status.

Estimated Number of Respondents: 100.

Estimated Time Per Response: 20 to 120 hours (depending on type of application).

Estimated Total Annual Burden Hours: 9,314 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is $1,043,690.00 ($328,670.00 for respondents and $715,020.00 for federal government).

IV. Request for Comments

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

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

Dated: April 10, 2001.

Madeleine Clayton,

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

[FR Doc. 01–9189 Filed 4–12–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Annual Report for Foreign Trade Zones; Proposed collection; comment request.

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

DATES: Written comments must be submitted on or before June 12, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Email *Mclayton@doc.gov.,* Department of Commerce, Room 6086, 14th & Constitution Avenue, NW, Washington, DC 20230.

FOR FURTHER INFORMATION CONTACT: Request for additional information or copies of the information collection instructions should be directed to: Andrew McGilvray, Foreign Trade Zones Staff, Room 4008, 14th & Constitution Avenue, NW, Washington, DC 20230; Phone number: (202) 482–2862, and fax number: (202) 482–0002. The FTZ Annual Report Form and Guidelines, as well as the Regulations, are available on-line at http://ia.ita.doc.gov/ftzpage.

SUPPLEMENTARY INFORMATION:

I. Abstract

The Foreign-Trade Zone Annual Report is the vehicle by which Foreign Trade Zone (FTZ) grantees report annually to the Foreign Trade Zones Board, pursuant to the requirements of the Foreign Trade Zones Act (19 U.S.C. 81a–81u). The annual reports submitted by grantees are the only complete source of compiled information on FTZ's. The data and information contained in the reports relates to international trade activity in FTZ's. The reports are used by the Congress and the Department to determine the economic effect of the FTZ program. The reports are also used by the FTZ Board and other trade policy officials to determine whether zone activity is consistent with U.S. international trade policy, and whether it is in the public interest. The public uses the information regarding activities carried on in FTZ's to evaluate their effect on industry sectors. The information contained in annual reports also helps zone grantees in their marketing efforts.

II. Method of Collection

FTZ grantees submit annual reports to the Foreign-Trade Zones Board.

III. Data

OMB Number: 0625–0109.

Form Number: ITA–359P.

Type of Review: Regular Submission.

Affected Public: State, local, or tribal governments or not-for-profit institutions which are FTZ grantees.

Estimated Number of Respondents: 150.

Estimated Time Per Response: 38 to 211 hours (depending on the size and structure of the FTZ).

Estimated Total Annual Burden Hours: 13,352 hours.

Estimated Total Annual Costs: The estimated annual cost for this collection is $585,507.00 ($509,607.00 for respondents and $75,900.00 for federal government).

IV. Request for Comments

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

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

Dated: April 10, 2001.

Madeleine Clayton,

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

[FR Doc. 01–9190 Filed 4–12–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Institute of Standards and Technology

[Docket No. 010323078–1078–01]

RIN 0693–ZA–44

Critical Infrastructure Protection Grants Program

AGENCY: National Institute of Standards and Technology, Commerce.

ACTION: Notice of availability of funds.

SUMMARY: The National Institute of Standards and Technology (NIST) invites proposals from eligible organizations for funding projects under the Critical Infrastructure Protection Grants Program (CIPGP). The objective of the CIPGP is improvement of the robustness, resilience, and security of information in all the critical infrastructures. This will be accomplished by funding research leading to commercial solutions to those information technology (IT) security problems central to critical infrastructure protection that are not being adequately addressed. A secondary objective of the CIPGP is to cultivate a security-capable and security-conscious community. The issuance of all awards under this program is subject to the availability of funds.

DATES: Proposals must be received by 4:00 p.m. Eastern Daylight Time, June 15, 2001.

ADDRESSES: Applicants are requested to submit one signed original and two copies of the proposal to: Kim Morgan; National Institute of Standards and Technology; 100 Bureau Drive, Stop 8901; NIST North, Room 622; Gaithersburg, MD 20899–8901; Tel. (301) 975–3660. Electronic submissions are not acceptable. Questions may be directed to: E-Mail: *kimberly.morgan@nist.gov.*

FOR FURTHER INFORMATION CONTACT: Donald G. Marks; National Institute of Standards and Technology; 100 Bureau Drive, Stop 8930; NIST North, Room 682; Gaithersburg, MD 20899–8930; Tel. (301) 975–5342; E-Mail: *CIP@nist.gov.*

Additional information will be available on the web site, *http://csrc.nist.gov/grants.* Questions regarding administrative matters such as payments or required forms should be directed to the NIST Grants Office at (301) 975–5718.

SUPPLEMENTARY INFORMATION:

Authority: 15 U.S.C. 278g–3 and 15 U.S.C. 272(b) and (c).

Background

Critical infrastructures are those physical and cyber-based systems essential to the minimum operations of the economy and government. They include telecommunications, energy, banking and finance, transportation, water systems and emergency services. Many government agencies rely upon these commercially-provided systems to deliver essential government services. The importance of these systems is not lost upon those with interests inimical to those of the United States. Indeed, the fact that these systems are critical makes them targets.

Due to advances in information technology (IT) and the necessity of improved efficiency, these infrastructures have become increasingly automated and interdependent. Most modern commercial infrastructures are composed of a collection of interconnected networks that serve different purposes and have different owners. Critical information is passed between these component networks to coordinate necessary functions. The complexity and interdependency of this critical information flow introduces vulnerabilities into the entire critical infrastructure. These vulnerabilities may lead to deliberate attacks or accidental system failure, resulting in serious consequences to the nation.

In order to provide satisfactory infrastructure security, additional research must be conducted on the unique infrastructure security problems. While the United States Government has sponsored considerable research in the area of computer security for military and intelligence systems, there has been insufficient research to address the protection of private, commercial, and civil infrastructures. The new CIPGP, administered by the National Institute of Standards and Technology (NIST), recognizes that significant additional research is needed to target infrastructure IT security issues applicable to civilian and commercial systems.

Program Description and Objectives

The objective of the CIPGP is improvement of the robustness, resilience, and security of information in all the critical infrastructures. At first glance, many of the research areas that apply to traditional information security also seems to apply to critical infrastructure security. however, infrastructure systems tend to be larger, more complex and heterogeneous than typical computer-based information networks. Proposals must be properly targeted at infrastructure issues. Proposed research should investigate innovative approaches and techniques that lead to or enable significant advances in the state-of-the-art of IT security applicable to commercial and civilian critical infrastructures. Research should result in proof-of-concept hardware and/or software demonstrating integrated concepts and approaches that apply to large-scale real or virtual networks. Integrated solution sets embodying significant technological advances are strongly encouraged over narrowly defined research endeavors. Proposals should clearly explain what commercial or government entities are likely to utilize the solution and how this proposal contributes to that utilization. Applicants must have a proactive ''technology transition'' plan to facilitate the necessary technology transfer to the appropriate organizations. We encourage proposals involving cooperation among multiple parties, including academic and commercial groups.

A number of key research areas are likely to be involved with the successful development of CIP solutions. The CIPGP is generally interested in the areas of:

Threat/Vulnerability/Risk Assessments. As its name implies, this area focuses on threat, vulnerability, and risk assessments of all critical infrastructures, but especially those with under-analyzed or unique technologies. The area also includes interdependency considerations, modeling and simulation programs, metrics, and testbeds.

System Protection. This area covers cyber protection of individual, interlinked, or interdependent systems. It includes issues such as design and composibility of secure large-scale systems, encryption, public key infrastructures, network security products, reliability and security of computing systems, information access controls, and robust IT controls for power grids.

Intrusion Monitoring and Response. This area examines technologies to accurately detect and swiftly respond to intrusions or infrastructure attacks, including network intrusion detection, information assurance technologies, mobile code and agents, network alarm systems, forensic tools for electronic

media, and network defensive technologies.

Reconstitution. This area concentrates on those technologies required to reconstitute and restore critical infrastructures in the aftermath of disruptions. Specific research areas include risk management studies and tools, disaster recovery, system survivability technologies, interdependence and consequence analysis tools and supporting technologies.

Rather than focus the research on a limited set of issues, the CIPGP is seeking the very best innovative ideas from the community. As a result, it is necessary that all applicants explain why the research is applicable to a CIP problem, justify the importance of the particular problem being addressed, establish that current research is inadequate to solve the problem, explain the impact of the research, and present a plan to utilize the results.

For FY 2001, emphasis will be placed on the following topics as identified by the President's Committee of Advisors on Science and Technology (the PCAST):

- Network system interactions and vulnerabilities to cascading effects;
- Robustness, resilience, and behavior of tightly coupled, complex, nonlinear systems;
- Design of ''testbeds'' and other means for experimentally validating network security technologies;
- Fundamental principles, scientific basis, methodologies, and metrics for information assurance as an engineering discipline;
- Information assurance for emerging information technologies;
- Concepts for high-confidence systems and software;
- Increasing resistance to penetration;
- Next-generation intrusion and malicious code detection;
- User interfaces such as visualization of system security information;
- Self-healing systems;
- Security and forensics toolkits; and
- System architecture to ensure survivability, graceful degradation under stress, and ease of reconstitution.

Eligibility

Eligible applicants are institutions of higher education, other nonprofits, commercial organizations, foreign organizations and governments, international organizations, and state, local, and Indian tribal governments.

Research projects involving cooperation of multiple parties, such as universities and private businesses, are strongly encouraged. Proposals involving cooperation among multiple parties should be submitted by a single applicant, with a description of the proposed arrangements with other parties (through subcontracts and subawards) included in the project description and budget. When such a proposal is selected for funding, NIST will issue the funding directly to the applicant, who is responsible for complying with arrangements with contractors and subrecipients.

Funding Availability

In fiscal year 2001, the CIPGP anticipates funding of approximately $4,500,000. Typical awards are expected to range from approximately $100,000 to $1,000,000 over a two year period, although proposals up to $1,500,000 will be considered, and proposals for small grants (any grant or cooperative agreement not exceeding the small purchase threshold, currently at $100,000) are encouraged. Awards are contingent on the availability of funds.

Proposal Review and Evaluation Criteria

Proposals will be reviewed in a three-step process. First, at least three independent, objective individuals knowledgeable about the particular scientific area described in the section above that the proposal addresses will separately conduct a technical review of each proposal, based on the evaluation criteria described below. Second, the Division Chief will make application selections. In making application selections, the Division Chief will take into consideration the evaluation of each technical reviewer; the evaluation criteria listed below; the variety of the proposed activities; the availability of funds; and the degree to which the slate of applications, taken as a whole, satisfies the program's stated purposes. Any deviation from the ranking based on the technical reviews will be based on these factors and will be justified in writing. The final approval of selected applications and award of financial assistance will be made by the NIST Grants Officer based on compliance with application requirements as published in this notice, compliance with applicable legal and regulatory requirements, and whether the recommended applicants appear to be responsible. Applicants may be asked to modify objectives, work plans, or budgets and provide supplemental information required by the agency prior to award. The decisions of the Grants Officer are final. Technical evaluation criteria are:

a. Technical Quality of the Research

The independent reviewers (reviewers) will assess the technical quality based upon:

- Importance of the problem;
- Innovative claims for the proposed research;
- Comparison with other research efforts;
- Tangible benefits to end users;
- Critical technical barriers;
- The proposed approach to overcome the technical barriers; and
- Confidence that the proposed approach will overcome the technical barriers.

The reviewers will also consider how the proposal fits to the objectives described in the Program Objectives section of this notice. (0–50 points).

b. Potential Impact of the Results

Reviewers will assess the potential impact on commercial CIP systems. Consideration will be given to the likely costs and benefits of the solution on future commercial systems, the technical and business obstacles to acceptance, and the quality of the tech transfer plan to address these issues. (0–25 points).

c. Quality of Personnel and Facilities

Reviewers will evaluate the quality of the facilities and experience of the staff, including key personnel who are assigned a significant role in the project, to assess the likelihood of achieving the objective of the proposal. (0–15 points).

d. Cost and Budget Realism

Reviewers will assess the budget against the proposed work to ascertain the reasonableness of the request. (0–10 points)

Award Period

Proposals will be considered for research projects from one to four years. If a proposal for a multi-year project is approved, generally funding for the project is provided in annual increments subject to the availability of funding, satisfactory progress, and continued relevance to the CIPGP mission. Amendment of any award to continue funding or extend an award beyond the originally funded period of performance is at the total discretion of NIST. Multi-year projects must have scopes of work that can easily be separated into annual increments of meaningful work that represents solid accomplishments if continued funding is not made available to the applicant.

Matching Requirements

The CIPGP does not require any matching funds.

Catalog of Federal Domestic Assistance Name and Number: Measurement and Engineering Research and Standards—11.609.

Application Kit

An application kit, containing all required application forms and certifications is available by contacting Ms. Kim Morgan, (301) 975–3660. The application kit is also available at the web site, *http://csrc.nist.gov/grants*, although there is no guarantee of compatibility or interoperability with any specific applicant's hardware or software. All forms must be filled out and included as printed copies with the submission. Electronic submissions are not acceptable.

The application kit includes the following: (Although there is no required format, all forms and the proposal must be clear and easy to read—12 point font or larger recommended wherever possible.)

- SF 424 (Rev 7/97)—*Application for Federal Assistance and Proposal* (no more than 25 pages).
- SF 424A (Rev 7/97)—*Budget Information Non-Construction Programs,* including a detailed budget narrative explaining the details of each budget category and the basis for the cost. Proposals must include costs for two trips to NIST for technical exchange meetings. If indirect costs are included in the budget, a copy of the applicant's negotiated indirect cost rate must be submitted, if available. Commercial organization applicants that do not generally have an independent audit of their financial statements should include an amount in the budget to cover the cost of such an audit. An organizational or project specific audit will be a condition of any award in response to this announcement.
- SF 424B (Rev 7/97)—*Assurances—Non-Construction Programs.*
- CD 511 (7/91)—*Certification Regarding Debarment, Suspension, and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying.*
- CD 512 (7/91)—*Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying.*
- SF–LLL—*Disclosure of Lobbying Activities.*
- CD–346—*Applicant for Funding Assistance.*

Paperwork Reduction Act

The Standard Forms 424, 424A, 424B and SF–LLL in the application kit are subject to the requirements of the Paperwork Reduction Act and have been approved by the Office of Management and Budget (OMB) under Control Number 0348–0043, 0348–0044, 0348–0040, and 0348–0046, respectively. CD–346 is approved under OMB Control Number 0605–0001.

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

Research Projects Involving Human Subjects, Human Tissue, Data or Recordings Involving Human Subjects

Any proposal that includes research involving human subjects, human tissue, data or recordings involving human subjects must meet the requirements of the Common Rule for the Protection of Human Subjects, codified for the Department of Commerce at 15 CFR Part 27. In addition, any proposal that includes research on these topics must be in compliance with any statutory requirements imposed upon NIH and other federal agencies regarding these topics, all regulatory policies and guidance adopted by NIH, FDA, and other federal agencies on these topics, and all Presidential statements of policy on these topics.

On December 3, 2000, the U.S. Department of Health and Human Services (DHHS) introduced a new Federalwide Assurance of Protection of Human Subjects (FWA). The FWA covers all of an institution's Federally-supported human subjects research, and eliminates the need for other types of Assurance documents. In anticipation of the new FWA, the Office for Human Research Protections (OHRP), DHHS, has suspended processing of multiple project assurance (MPA) renewals. All existing MPAs will remain in force until further notice. OHRP will continue to accept new single project assurances (SPAs) until approximately March 1, 2001. For information about FWAs, please see the OHRP website at *http://ohrp.osophs.dhhs.gov/whatsnew.htm.*

In accordance with the OHRP, DHHS change, NIST will continue to accept the submission of human subjects protocols that have been approved by Institutional Review Boards (IRBs) possessing a current, valid MPA from DHHS. NIST also will accept the submission of human subjects protocols that have been approved by IRBs possessing a current, valid FWA from DHHS. NIST will not issue an SPA for any IRB reviewing any human subjects protocol proposed to NIST.

Research Projects Involving Vertebrate Animals

Any proposal that includes research involving vertebrate animals must be in compliance with the National Research Council's Guide for the Care and Use of Laboratory Animals which can be obtained from National Academy Press, 2101 Constitution Avenue, NW., Washington, DC 20055. In addition, such proposals must meet the requirements of the Animal Welfare Act (7 U.S.C. 2131 et seq.), 9 CFR Parts 1, 2, and 3, and if appropriate, 21 CFR Part 58. These regulations do not apply to proposed research using pre-existing images of animals or to research plans that do not include live animals that are being cared for, euthanased, or used by the project participants to accomplish research goals, teaching, or testing. These regulations also do not apply to obtaining animal materials from commercial processors of animal products or to animal cell lines or tissues from tissue banks.

Type of Funding Instrument

Proposals selected for funding will be funded through a grant or cooperative agreement, depending on the nature of the proposed work. A grant will be used unless NIST is substantially involved in the project, in which case a cooperative agreement will be used. A common example of substantial involvement is collaboration between NIST scientists and recipient scientists or technicians. Further examples are listed in Section 5.03.d of Department of Commerce Administrative Order 203–26, which can be found at http://www.osec.doc.gov/bmi/daos/203–26.htm. NIST will make decisions regarding the use of a cooperative agreement on a case-by-case basis. Funding for contractual arrangements for services and products for delivery to NIST is not available under this announcement.

Additional Requirements

Primary Application Certifications

All primary applicant institutions must submit a completed form CD–511, ''Certifications Regarding Debarment, Suspension and Other Responsibility Matters; Drug-Free Workplace Requirements and Lobbying,'' and the following explanations must be provided:

1. *Nonprocurement Debarment and Suspension.* Prospective participants (as defined at 15 CFR Part 26, Section 105) are subject to 15 CFR Part 26, ''Nonprocurement Debarment and Suspension'' and the related section of

the certification form prescribed above applies;

2. *Drug-Free Workplace.* Grantees (as defined at 15 CFR Part 26, Section 605) are subject to 15 CFR Part 26, Subpart F, ''Government wide Requirements for Drug-Free Workplace (Grants)'' and the related section of the certification form prescribed above applies;

3. *Anti-Lobbying.* Persons (as defined at 15 CFR Part 28, Section 105) are subject to the lobbying provisions of 31 U.S.C. 1352, ''Limitation on use of appropriated funds to influence certain Federal contracting and financial transactions,'' and the lobbying section of the certification form prescribed above applies to applications/bids for grants, cooperative agreements, and contracts for more than $100,000, and loans and loan guarantees for more than $150,000, or the single family maximum mortgage limit for affected programs, whichever is greater.

4. *Anti-Lobbying Disclosure.* Any applicant institution that has paid or will pay for lobbying using any funds must submit an SF–LLL, ''Disclosure of Lobbying Activities,'' as required under 15 CFR part 28, Appendix B.

5. *Lower-Tier Certifications.* Recipients shall require applicant/bidder institutions for subgrants, contracts, subcontracts, or other lower tier covered transactions at any tier under the award to submit, if applicable, a completed form CD–512, ''Certifications Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions and Lobbying'' and disclosure form, SF–LLL, ''Disclosure of Lobbying Activities,'' Form CD–512 is intended for the use of recipients and should not be transmitted to NIST. SF–LLL submitted by any tier recipient or subrecipient should be submitted to NIST in accordance with the instructions contained in the award document.

Name Check Reviews

All for-profit and non-profit applicants will be subject to a name check review process. Name checks are intended to reveal if any key individuals associated with the applicant have been convicted of or are presently facing, criminal charges such as fraud, theft, perjury, or other matters which significantly reflect on the applicant's management honesty or financial integrity. Form CD–346 must be completed for all personnel with key programmatic or fiduciary responsibilities.

Preaward Activities

Applicants (or their institutions) who incur any costs prior to an award being made do so solely at their own risk of not being reimbursed by the Government. Notwithstanding any verbal assurance that may have been provided, there is no obligation on the part of NIST to cover pre-award costs.

No Obligation for Future Funding

If an application is accepted for funding, DOC has no obligation to provide any additional future funding in connection with that award. Renewal of an award to increase funding or extend the period of performance is at the total discretion of NIST.

Past Performance

Unsatisfactory performance under prior Federal awards may result in an application not being considered for funding.

False Statements

A false statement on an application is grounds for denial or termination of funds, and grounds for possible punishment by a fine or imprisonment as provided in 18 U.S.C. 1001.

Delinquent Federal Debts

No award of Federal funds shall be made to an applicant who has an outstanding delinquent Federal debt until either:

1. The delinquent account is paid in full,

2. A negotiated repayment schedule is established and at least one payment is received, or

3. Other arrangements satisfactory to DoC are made.

Indirect Costs

Regardless of any approved indirect cost rate applicable to the award, the maximum dollar amount of allocable indirect costs for which the DoC will reimburse the Recipient shall be the lesser of:

(a) the Federal Share of the total allocable indirect costs of the award based on the negotiated rate with the cognizant Federal agency as established by audit or negotiation; or

(b) the line item amount for the Federal share of indirect costs contained in the approved budget of the award.

Purchase of American-made Equipment and Products

Applicants are hereby notified that they are encouraged, to the greatest practicable extent, to purchase American-made equipment and products with funding provided under this program.

Federal Policies and Procedures

Recipients and subrecipients of the CIPGP shall be subject to all Federal laws and Federal and Departmental regulations, policies, and procedures applicable to financial assistance awards, including 15 CFR Part 14 and 15 CFR Part 24, as applicable.

The CIPGP does not directly affect any state or local government.

Applications under the CIPGP are not subject to Executive Order 12372, ''Intergovernmental Review of Federal Programs.''

Executive Order Statement

This funding notice was determined to be ''not significant'' for purposes of Executive Order 12866.

Dated: April 7, 2001.

Karen H. Brown,

Deputy Director.

[FR Doc. 01–9247 Filed 4–12–01; 8:45 am]

BILLING CODE 3510–13–M

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Philippines

April 9, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being increased for the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS

numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69742, published on November 20, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

April 9, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 14, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man–made fiber textiles and textile products and silk blend and other vegetable fiber apparel, produced or manufactured in the Philippines and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on April 13, 2001, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
352/652	3,140,670 dozen.
447	8,053 dozen.
634	586,172 dozen.
635	378,360 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

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

Sincerely,
D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–9159 Filed 4–12–01; 8:45 am]

BILLING CODE 3510–DR–F

CORPORATION FOR NATIONAL AND COMMUNITY SERVICE

Advisory Board Meeting

AGENCY: Corporation for National and Community Service.

ACTION: Notice of Meeting.

SUMMARY: The Corporation for National and Community Service gives notice under Public Law 92–463 (Federal Advisory Committee Act), that it will hold a meeting of the Civilian Community Corps (CCC) Advisory Board. The Board advises the Director of CCC concerning the administration of the program and assists in the development and administration of the Corps. At this meeting, the Board will discuss issues related to resource development, strategic planning, and overall program sustainability. The meeting will be open to the public.

Time and Date: Tuesday, May 1, 2001, 12:00 p.m. to 5:00 p.m.

Place: The meeting will be held at Corporation Headquarters, 1201 New York Avenue, NW., Washington, DC, 20525.

FOR FURTHER INFORMATION CONTACT: Ms. Merlene Mazyck, 1201 New York Avenue NW., 9th Floor, Washington, DC 20525. Telephone (202) 606–5000, ext. 137 (T.D.D. (202) 565–2799).

Special Needs: Upon request, meeting notices will be made available in alternative formats to accommodate visual and hearing impairments. Individuals who have a disability and who need an accommodation to attend the meeting may notify Ms. Mazyck.

Dated: April 9, 2001.

Thomas L. Bryant

Associate General Counsel.

[FR Doc. 01–9144 Filed 4–12–01; 8:45 am]

BILLING CODE 6050–$$–U

DEPARTMENT OF DEFENSE

[OMB Control Number 0704–0252]

Information Collection Requirements; Defense Federal Acquisition Regulation Supplement; Use of Government Sources by Contractors

AGENCY: Department of Defense (DoD).

ACTION: Notice and request for comments regarding a proposed extension of an approved information collection requirement.

SUMMARY: In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35), DoD announces the proposed extension of a public information collection requirement and seeks public comment on the provisions thereof. DoD invites comments on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of DoD, including whether the information will have practical utility; (b) the accuracy of the estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including the use of automated collection techniques or other forms of information technology. The Office of Management and Budget (OMB) has approved this information collection requirement for use through September 30, 2001. DoD proposes that OMB extend its approval for use through September 30, 2004.

DATES: DoD will consider all comments received by June 12, 2001.

ADDRESSES: Respondents may submit comments directly on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf/pubcomm.* An as alternative, respondents may e-mail comments to: *dfars@acq.osd.mil.* Please cite OMB Control Number 0704–0252 in the subject line of e-mailed comments.

Respondents that cannot submit comments using either of the above methods may submit comments to: Defense Acquisition Regulations Council, Attn: Mr. Rick Layser, OUSD(AT&L)DP(DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062; facsimile (703) 602–0350. Please cite OMB Control Number 0704–0252.

At the end of the comment period, interested parties may view public comments on the World Wide Web at *http://emissary.acq.osd.mil/dar/dfars.nsf.*

FOR FURTHER INFORMATION CONTACT: Mr. Rick Layser, (703) 602–0293. The information collection requirements addressed in this notice are available electronically on the World Wide Web at: *http://www.acq.osd.mil/dp/dars/dfars.html.* Paper copies are available from Mr. Rick Layser, OUSD (AT&L) DP (DAR), IMD 3C132, 3062 Defense Pentagon, Washington, DC 20301–3062.

SUPPLEMENTARY INFORMATION:

Title and OMB Number: Defense Federal Acquisition Regulation Supplement (DFARS) Part 251, Use of Government Sources by Contractors, and related clauses in DFARS 252.251; OMB Control Number 0704–0252.

Needs and Uses: This information collection requirement facilitates contractor use of Government supply sources. Contractors must provide certain information to the Government to verify their authorization to purchase from Government supply sources or to use Interagency Fleet Management System vehicles and related services.

Affected Public: Businesses or other for-profit and not-for-profit institutions.

Annual Burden Hours: 5,250.

Number of Respondents: 3,500.

Responses Per Respondent: 3.

Annual Responses: 10,500.

Average Burden Per Response: .5 hours.

Frequency: On occasion.

Summary of Information Collection

The clause at DFARS 252.251–7000, Ordering from Government Supply Sources, requires a contractor to provide a copy of an authorization when placing an order under a Federal Supply Schedule or a Personal Property Rehabilitation Price Schedule.

The Clause at DFARS 252.251–7001, Use of Interagency Fleet Management System Vehicles and Related Services, requires a contractor to submit a request for use of Government vehicles when the contractor is authorized to use such vehicles, and specifies the information to be included in the contractor's request.

Michele P. Peterson,

Executive Editor, Defense Acquisition Regulations Council.

[FR Doc. 01–9195 Filed 4–12–01; 8:45 am]

BILLING CODE 5000–04–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Postponement of the Defense Finance and Accounting Service Board of Advisors

AGENCY: Department of Defense, Office of the Under Secretary of Defense (Comptroller).

ACTION: Notice of postponement of April 10, 2001 meeting.

SUMMARY: This notice sets forth the postponement of the first meeting of the Defense Finance and Accounting Service (DFAS) Board of Advisors originally scheduled for Tuesday, April 10, 2001 at the Crystal City Marriott, Salon D, Potomac Ballroom, 1999 Jefferson Davis Highway, Arlington, VA. This meeting will be rescheduled at a later date, and published in the **Federal Register**.

DATES: Tuesday, April 10, 2001.

ADDRESSES: Crystal City Marriott, Salon D, Potomac Ballroom, 1999 Jefferson Davis Highway, Arlington, VA 22202.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Codie Smith, Resource Management, DFAS, Crystal Mall 3 (Room 206) 1931 Jefferson Davis Highway, Arlington, VA 22240. Telephone (703) 607–1162.

Dated: April 6, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–9133 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on Managed Information Dissemination Follow-On Initiative will meet in closed session on April 11–12, 2001, at SAIC, 4001 N. Fairfax Drive, Arlington, VA.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Defense Science Board Task Force will review the need and feasibility of a coordinated information dissemination capability within the U.S. Government encompassing tactical, operational, and strategic information. Specifically, they will investigate detailed and actionable recommendations with respect to enabling ''channels'' and establishing appropriate ''brand identity''; DoD's role in a U.S. strategic information dissemination capability; policy, legal, and economic issues hindering U.S. capabilities; and identify new and emerging technologies capable of enhancing U.S. capabilities.

In accordance with section 10(d) of the Federal Advisory Committee Act, Pub. L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly this meeting will be closed to the public.

Due to critical mission requirements and scheduling difficulties, there is insufficient time to provide timely notice required by section 10(a)(2) of the Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to this meeting.

Dated: April 9, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–9131 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Defense Science Board

ACTION: Notice of Advisory Committee Meeting.

SUMMARY: The Defense Science Board Task Force on Intelligence Needs for Homeland Defense—Follow-On Initiative will meet in closed session on April 11, 2001, at Los Alamos National Laboratory, Albuquerque, NM, April 12–13, 2001, at Sandia National Laboratory, Albuquerque, NM. This Task Force will explore the intelligence ramifications posed by a changing spectrum of threat regimes, including biological, chemical, information, nuclear, and radiological weapons.

The mission of the Defense Science Board is to advise the Secretary of Defense and the Under Secretary of Defense for Acquisition, Technology & Logistics on scientific and technical matters as they affect the perceived needs of the Department of Defense. At this meeting, the Defense Science Board Task Force will: consider the board spectrum of intelligence issues from early threat detection to deterrence, through response—including attribution; evaluate the collection and analysis of target-related information and weapon unique information; examine the role of HUMINT against these missions as well as the technology that the HUMINT collectors needs to be equipped with; consider strategic indications and warning and tactical warning dissemination and how the two need to be merged; analyze methodology to correlate large data flows spatially temporally and functionally (Low SNR); and assess the robustness of today's intelligence apparatus for coping with these challenges.

In accordance with Section 10(d) of the Federal Advisory Committee Act, P.L. No. 92–463, as amended (5 U.S.C. App. II), it has been determined that this Defense Science Board meeting, concerns matters listed in 5 U.S.C. 552b(c)(1), and that accordingly these meetings will be closed to the public.

Due to critical mission requirements and scheduling conflicts, there is insufficient time to provide timely notice required by section 10(a)(2) of the

Federal Advisory Committee Act and Subsection 101–6.1015(b) of the GSA Final Rule on Federal Advisory Committee Management, 41 CFR part 101–6, which further requires publication at least 15 calendar days prior to the meeting of the Task Force.

Dated: April 19, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–9132 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DOD.

ACTION: Notice to Add a System of Records.

SUMMARY: The Department of the Air Force proposes to add a system of records to this inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective without further notice on May 14, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/ITC, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne Rollins at (703) 588–6187.

SUPPLEMENTARY INFORMATION: The Department of the Air Force notices for systems of records subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

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SYSTEM NAME:

Suicide Event Surveillance System (SESS).

SYSTEM LOCATION:

Defense Enterprise Computing Center, Defense Information Systems Agency Detachment San Antonio, Building 200, 450 Duncan Drive, San Antonio, TX 78241–5940, on behalf of the Air Force Medical Support Agency (AFMSA/SGMID), 2510 Kennedy Circle, Suite 208, Brooks Air Force Base, TX 78235–5123.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Air Force active duty, retired, reserve and guard personnel; Air Force civilians; dependents; and any DoD military or civilian personnel that are treated at an Air Force medical treatment facility.

CATEGORIES OF RECORDS IN THE SYSTEM:

Type of suicide event (completed and nonfatal suicide events), event details, psychological, social, behavioral, relationship, economic and other information, including name, Social Security Number, date of birth, gender, race/ethnic group, marital status, rank, military service, military status, job title, duty Air Force specialty code, permanent duty station, the major command of the permanent duty station, temporary duty station (if applicable), use of military helping services.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 55, Medical and Dental Care; 10 U.S.C. 8013, Secretary of the Air Force; 29 CFR part 1960, Occupational Illness/Injury Reporting Guidelines for Federal Agencies; Air Force Instruction 48–105, Surveillance, Prevention, and Control of Diseases and Conditions of Public Health or Military Significance; and E.O. 9397 (SSN).

PURPOSE(S):

Records from this data system will be used for direct reporting of suicide events and ongoing public health surveillance, which is the systematic collection, analysis, and interpretation of outcome-specific data for use in the planning, implementation, evaluation and prevention within the Air Force. Primary users include authorized Air Force activity/installation mental health personnel, their major command and Air Force counterparts, and Headquarters Air Force Office of Special Investigations (AFOSI), Death Investigations Section personnel. Records are created and revised by mental health and AFOSI personnel in the performance of their duties.

Mental health personnel include military and/or civilian staff assigned to the mental health department of the Air Force medical treatment facility where the medical and/or mental health records are maintained.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records, or information contained therein, may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Statistical summary data with no identifiers may be provided to federal, state and local governments for public health surveillance and research.

The DoD ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of record system notices apply to this system, except as stipulated in ''Note'' below.

Note: Records of identity, diagnosis, prognosis or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol/drug abuse treatment function conducted, requested, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided herein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. This statute takes precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The ''Blanket Routine Uses'' do not apply to these types of records.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained on computer and computer output products.

RETRIEVABILITY:

Authorized users retrieve records by case identification number which is Social Security Number, plus year, month, day of event date.

SAFEGUARDS:

Records are accessed by custodians of the record system and by person(s)

responsible for servicing the record system in performance of their official duties who are properly authorized. When under direct physical control by authorized individuals, records will be electronically stored in computer storage devices protected by computer system software. Computer terminals are located in supervised areas with terminal access controlled by password or other user code systems.

RETENTION AND DISPOSAL:

Disposition pending (until NARA disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Force Health Protection and Surveillance Branch, Air Force Institute for Environment, Safety and Occupational Health Risk Analysis, 2513 Kennedy Circle, Brooks Air Force Base, TX 78235–5123.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system or records contains information on themselves should address written inquiries to Chief, Force Health Protection and Surveillance Branch, Air Force Institute for Environment, Safety and Occupational Health Risk Analysis, 2513 Kennedy Circle, Brooks Air Force Base, TX 78235–5123.

Written requests should contain the full name, Social Security Number, and signature of the requester.

RECORD ACCESS PROCEDURES:

Individuals seeking to access records about themselves contained in this system should address written requests to the Chief, Force Health Protection and Surveillance Branch, Air Force Institute for Environment, Safety and Occupational Health Risk Analysis, 2513 Kennedy Circle, Brooks Air Force Base, TX 78235–5123.

Written requests should contain the full name, Social Security Number, and signature of the requester.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Records in this system are obtained from DOD and Air Force employees and compiled using information from personnel, medical, and casualty records, investigative reports, and environmental sampling data.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9142 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Air Force

Privacy Act of 1974; System of Records

AGENCY: Department of the Air Force, DoD.

ACTION: Notice to Add a Record System.

SUMMARY: the Department of the Air Force proposes to add a system of records notice to its inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The actions will be effective on May 14, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Air Force Access Programs Manager, Headquarters, Air Force Communications and Information Center/Inc, 1250 Air Force Pentagon, Washington, DC 20330–1250.

FOR FURTHER INFORMATION CONTACT: Mrs. Anne P. Rollins at (703) 588–6187l.

SUPPLEMENTARY INFORMATION: The Department of the Air Force's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 522a(r) of the Privacy Act of 1974, as amended, was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6247).

Dated: April 6, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

F052 AF HC A

SYSTEM NAME:

Chapel Participant Information Set.

SYSTEM LOCATION:

Chaplain's offices at Air Force installations and units. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active duty and retired military and civilian personnel, and family members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual's religious preference, name, age, religious education class/department assignment, date of birth, gender, home phone, mother and father's names, ranks, work phones, employers, religious preferences, local address, anticipated date of return from overseas, status of baptism, first communion, church membership, first penance, confirmation, special needs/handicaps, request for interview with a chaplain, request for home visit, areas of major interest in the chapel program.

Note: Any and all information relating to an individual's religious preference or religious activity is collected and maintained only if the individual has made an informed decision to voluntarily provide the information.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 8013, Secretary of the Air Force.

PURPOSE(S):

Information is used for proper placement of individuals in religious education classes/programs, emergency notification; program statistical analysis; determine parish organization membership; contact persons who have volunteered to work in chapel programs; to do home visitation with new personnel requesting a visit.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 USC 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' published at the beginning of the Air Force's compilation of systems of records notices apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file boxes and on computer and computer output products.

RETRIEVABILITY:

Retrieved by name.

SAFEGUARDS:

Records are accessed by person(s) responsible for servicing the record system in performance of their official duties and by authorized personnel who are properly screened and cleared for need-to-know. Records are stored in locked rooms and cabinets, and in computer storage devices protected by computer system software.

RETENTION AND DISPOSAL:

Disposition pending (until NARA disposition is approved, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Noncommissioned Officer in Charge, Plans and Programs Branch, Office of the Chief of Chaplain Service, 112 Luke Avenue, Bolling Air Force Base, Washington, DC 20332–9050.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether this system of records contains information on themselves should address written inquiries to or visit the wing chaplain's office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Written requests for information should contain full name of individual.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to or contact the wing chaplain's office. Official mailing addresses are published as an appendix to the Air Force's compilation of systems of records notices.

Requester must be able to provide sufficient proof of identity, with an Armed Forces identification card or a driver's license.

CONTESTING RECORD PROCEDURES:

The Air Force rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Air Force Instruction 37–132; 32 CFR part 806b; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Information provided by the individual, or parents of the minor.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9143 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The alteration adds a new category of individuals covered, i.e., key congressional staff members.

DATES: This proposed action will be effective without further notice on May 14, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a (r) of the Privacy Act of 1974, as amended, was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0360–5 SALL

SYSTEM NAME:

Biographies: Members of Congress (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Congressional Information File''.

SYSTEM LOCATION:

Delete entry and replace with ''Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Add to entry ''key congressional staff members.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Biographical information on members of Congress and key congressional staff members, mailing addresses, and committee memberships.''

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions; 10 U.S.C. 3013, Secretary of the Army; and E.O. 9397 (SSN).''

PURPOSES(S):

Delete entry and replace with ''To provide information on members of Congress and their staffs for whom Army representatives may be testifying or for whom escorts may be provided to familiarize them with the Members' relationships with the Department of the Army as well as to handle mailings for Department of the Defense related events and materials.''

* * * * *

STORAGE:

Delete entry and replace with ''Electronic storage media on local area network.''

RETRIEVABILITY:

Delete entry and replace with ''By Congress member's last name, committee membership, date of birth, party affiliation, address, marital status and key congressional staff member's names.''

* * * * *

A0360–5 SALL

SYSTEM NAME:

Congressional Information File.

SYSTEM LOCATION:

Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Current members of the U.S. Congress and key congressional staff members.

CATEGORIES OF RECORDS IN THE SYSTEM:

Biographical information on members of Congress and key congressional staff members, mailing addresses, and committee memberships.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 1034, Protected Communications; Prohibition of Retaliatory Personnel Actions; and E.O. 9397 (SSN).

PURPOSE(S):

To provide information on members of Congress and their staffs for whom Army representatives may be testifying or for whom escorts may be provided to familiarize them with the Members' relationships with the Department of the Army as well as to handle mailings for Department of the Defense related events and materials.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Electronic storage media on local area network.

RETRIEVABILITY:

By Congress member's last name, committee membership, date of birth, party affiliation, address, marital status and key congressional staff member's names.

SAFEGUARDS:

Records are maintained in password protected network accessible only to authorized personnel.

RETENTION AND DISPOSAL:

Disposition pending (until the National Archives and Records Administration has approved the disposition, treat as permanent).

SYSTEM MANAGER(S) AND ADDRESS:

Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.

For verification purposes, individual should provide the full name, Social Security Number, and should identify the Member of Congress' full name and state the Member represents.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Chief, Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.

For verification purposes, individual should provide the full name, Social Security Number, and should identify the Member of Congress' full name and state the Member represents.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Congress person, key congressional staff members. Official public records such as the Congressional Record, Congressional Quarterly Weekly Report, official transcripts of unclassified committee hearings, and the Congressional Staff Directory.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9134 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a System of Records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on May 14, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, ''Federal Agency Responsibilities for Maintaining Records About Individuals,'' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0380–19 SAIS

SYSTEM NAME:

Access to Computer Areas, Systems Electronically, and/or Data Control Records (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Information Assurance For Automated Information Systems (AIS) Files.''

SYSTEM LOCATION:

Delete entry and replace with ''Department of Defense (DoD) automated information systems which process, store, or transmit DoD information.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Individuals covered include, but is not limited to, Department of Defense civilian personnel; military personnel and Military Reserve personnel; contractor personnel; and Army and Air National Guard personnel''.

CATEGORIES OF RECORDS IN THE SYSTEM:

Add to entry ''biometrics templates and supporting documents''.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''Pub. L. 106–246, Section 112; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; DoD Directive 8500.aa, Information Assurance (IA); Army Regulation 380–19, Information Systems Security; and E.O. 9397 (SSN).''

PURPOSE(S):

Add a new paragraph to entry ''Biometrics records are used to control access to DoD information and information based systems by authenticating the identity of a user.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records in file folders and electronic storage media.''

RETRIEVABILITY:

Add ''Social Security Number'' to entry.

SAFEGUARDS:

Delete entry and replace with ''Computerized records maintained in a controlled area are accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefore in the performance of official duties.''

* * * * *

RECORD SOURCE CATEGORIES:

Delete entry and replace with 'From the individual, DoD security offices, system managers, computer facility managers, automated interfaces for user codes on file at Army sites.'

* * * * *

A0380–19 SAIS

SYSTEM NAME:

Information Assurance For Automated Information Systems (AIS) Files.

SYSTEM LOCATION:

Department of Defense (DoD) automated information systems which process, store, or transmit DoD information.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals covered includes, but not limited to, Department of Defense civilian personnel; military personnel and Military Reserve personnel; contractor personnel; and Army and Air National Guard personnel.

CATEGORIES OF RECORDS IN THE SYSTEM:

Operator's/user's name, Social Security Number, organization, telephone number, and office symbol; security clearance; level of access; subject interest code; user identification code; data files retained by users; assigned password; magnetic tape reel identification; abstracts of computer programs and names and phone numbers of contributors; similar relevant information; biometrics templates and supporting documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Pub. L. 106–246, Section 112; 10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 5013, Secretary of the Navy; 10 U.S.C. 8013, Secretary of the Air Force; Department of Defense Directive 8500.aa, Information Assurance (IA); Army Regulation 380–19, Information Systems Security; and E.O. 9397 (SSN).

PURPOSE(S):

To administer passwords and identification numbers for operators/users of data in automated media; to identify data processing and communication customers authorized access to or disclosure from data residing in information processing and/or communication activities; and to determine propriety of individual access into the physical data residing in automated media.

Biometrics records are used to control access to DoD information and information based systems by authenticating the identity of a user.

Routine uses of records maintained in the system, including categories of users and the purposes of such uses: In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

Name, Social Security Number, subject, user identification code, news item number, user password, application program key word/author.

SAFEGUARDS:

Computerized records maintained in a controlled area are accessible only to authorized personnel. Physical and electronic access is restricted to designated individuals having a need therefore in the performance of official duties.

RETENTION AND DISPOSAL:

Individual data remain on file while a user of computer facility; destroyed on person's reassignment or termination.

SYSTEM MANAGER(S) AND ADDRESS:

Director of Information Systems for Command, Control, Communications, and Computers, ATTN: SAIS–IDP, Department of the Army, 107 Army Pentagon, Washington, DC 20310–0107.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Privacy Act Officer, Director of Information Systems for Command, Control, Communications, and Computers, Department of the Army, 107 Army Pentagon, Washington, DC 20310–0107.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Privacy Act Officer, Director of Information Systems for Command, Control, Communications, and Computers, Department of the Army, 107 Army Pentagon, Washington, DC 20310–0107.

For verification purposes, individual should provide full name, sufficient details to permit locating pertinent records, and signature.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, DoD security offices, system managers, computer facility managers, automated interfaces for user codes on file at Army sites.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9135 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DOD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 194, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on May 14, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DNS 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0340–21 SAIS

SYSTEM NAME:

Privacy Case Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'A0340–21 TAPC'.

* * * * *

SAFEGUARDS:

Change entry: All records are maintained in areas accessible only to authorized personnel who have official need in the performance of their assigned duties. Automated records are further protected by assignment of user identification and password to protect the system from unauthorized access. User identification and passwords are changed at random time.

RETENTION AND DISPOSAL:

Approved requests, denials that were not appealed, denials fully overruled by appellate authorities and appeals adjudicated fully in favor of requester are destroyed after 4 years. Appeals denied in full or in part are destroyed after 10 years, provided legal proceedings are completed.

* * * * *

EXEMPTIONS CLAIMED FOR THE SYSTEM:

Delete entry and replace with ''During the course of a Privacy Act (PA) action, exempt materials from other systems of records may become part of the case records in this system of records. To the extent that copies of exempt records from those 'other' systems of records are entered into these PA case records, the Department of the Army hereby claims the same exemptions for the records as they have in the original primary systems of records which they are a part.

Department of the Army exemption rules have been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 701, subpart G. For additional information contact the system manager.''

A0340–21 TAPC

SYSTEM NAME:

Privacy Case Files.

SYSTEM LOCATION:

These records exist at Headquarters, Department of the Army, staff and field operating agencies, major commands, installations and activities receiving Privacy Act requests. Official mailing addresses are published as an appendix to the Army's compilation of systems of records notices. Records also exist in offices of Access and Amendment Refusal Authorities when an individual's request to access and/or amend his/her record is denied. Upon appeal of that denial, record is maintained by the Department of the Army Privacy Review Board.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request information concerning themselves which is in the custody of the Department of the Army or who request access to or amendment of such records in accordance with the Privacy Act of 1974, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Documents notifying requesters of the existence of records on them, providing or denying access to or amendment of records, acting on appeals or denials to provide access or amend records, and providing or developing information for use in litigation; Department of the Army Privacy Review Board minutes and actions; copies of the requested and amended or unamended records; statements of disagreement; and other related documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 552a, the Privacy Act of 1974, as amended; 10 U.S.C. 3013, Secretary of the Army; and Army Regulation 340–21, The Army Privacy Program.

PURPOSE(S):

To process and coordinate individual requests for access and amendment of personal records; to process appeals on denials of requests for access or amendment to personal records by the data subject against agency rulings; and to ensure timely response to requesters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD ''Blanket Routine Uses'' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders; microfilm.

RETRIEVABILITY:

By name of requester on whom the records pertain.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official

duties. Records are stored in locked cabinets or rooms.

RETENTION AND DISPOSAL:

Approved requests, denials that were not appealed, denials fully overruled by appellate authorities and appeals adjudicated fully in favor of requester are destroyed after 4 years. Appeals denied in full or in part are destroyed after 10 years, provided legal proceedings are completed.

SYSTEM MANAGER(S) AND ADDRESS:

FOIA/PA Manager, U.S. Army Records Management and Declassification Agency, Freedom of Information/Privacy Act Office, 7798 Cissna Road, Fort Belvoir, VA 22153–3166.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the U.S. Army Records Management and Declassification Agency, Freedom of Information/Privacy Act Office, 7798 Cissna Road, Fort Belvoir, VA 22153–3166.

For verification purposes, individual should provide full name, date and place of birth, current address and other personal information necessary to locate the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the office that processed the initial inquiry, access request, or amendment request. Individual may obtain assistance from the U.S. Army Records Management and Declassification Agency, Freedom of Information/Privacy Act Office, 7798 Cissna Road, Fort Belvoir, VA 22153–3166.

For verification purposes, individual should provide full name, date and place of birth, current address and other personal information necessary to locate the record.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Army organizations, Department of Defense components, and other Federal, state, and local government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a Privacy Act (PA) action, exempt materials from ''other'' systems of records may become part of the case records in this system of records. To the extent that copies of exempt records from those ''other'' systems of records are entered into these PA case records, the Department of the Army hereby claims the same exemptions for the records as they have in the original primary systems of records which they are a part.

An exemption rule for this system has been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 505. For additional information contact the system manager.

[FR Doc. 01–9136 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to alter a system of records.

SUMMARY: The Department of the Army is altering a system of records notice in its existing inventory of record systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended. The alteration adds a new category of records being maintained.

DATES: This proposed action will be effective without further notice on May 14, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act of 1974, as amended, was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996 (February 20, 1996, 61 FR 6427).

Dated: April 6, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0040–66b DASG

SYSTEM NAME:

Health Care and Medical Treatment Record System (September 27, 2000, 65 FR 58054).

CHANGES:

* * * * *

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete 'Coast and Geodetic Survey' and replace with 'National Oceanic and Atmospheric Agency'.

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete 'Name, sponsor's Social Security Number' from first paragraph, and 'preventive medicine HIV patients files' from second paragraph. Add 'Psychological Assessment and Selection Case records' to first paragraph.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 1071–1085, Medical and Dental Care; 50 U.S.C. Supplement IV, Appendix 454, as amended, Persons liable for training and service; 42 U.S.C. Chapter 117, Sections 11131–11152, Reporting of Information; 10 U.S.C. 1097a and 1097b TRICARE Prime and TRICARE Program; 10 U.S.C. 1079, Contracts for Medical Care for Spouses and Children; 10 U.S.C. 1079a, CHAMPUS; 10 U.S.C. 1086, Contracts for Health Benefits for Certain Members, Former Members, and Their Dependents; E.O. 9397 (SSN); DoD Instruction 6015.23, Delivery of Healthcare at Military Treatment Facilities (MTFs); DoD Directive 6040.37, Confidentiality of Medical Quality Assurance (QA) Records; DoD 6010.8–R, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Army Regulation 40–66, Medical Record Administration and Health Care Documentation.'

PURPOSE(S):

Delete entry and replace with 'To provide health care and medical

treatment of individuals; to establish tuberculosis/tumor/cancer/Human Immunodeficiency Virus (HIV) registries; for research studies; compilation of statistical data and management reports; to implement preventive medicine, dentistry, and communicable disease control programs; to adjudicate claims and determine benefits; to evaluate care rendered; determine professional certification and hospital accreditation; and determine medical and psychological suitability of persons for service or assignment.'

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with 'Military health/dental and procurement/separation x-ray records are permanent. Clinical (inpatient), outpatient, dental and consultation record files for military members are destroyed after 50–75 years.

All records (except the Military Health/Dental records) which are active while individual is on active duty, then retired with individual's Military Personnel Records Jacket and the procurement/separation x-ray records which are forwarded to the National Personnel Records Center on an accumulation basis) are retained in an active file while treatment is provided and subsequently held for a period of 1 to 5 years following treatment before being retired to the National Personnel Records Center. Subsidiary medical records, of a temporary nature, are normally not retained long beyond termination of treatment; however, supporting documents determined to have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

Until the National Archives and Records Administration approves the disposition of Psychological Assessment and Selection Case records, treat as permanent.

* * * * *

A0040–66b DASG

SYSTEM NAME:

Health Care and Medical Treatment Record System.

SYSTEM LOCATION:

Army Medical Department facilities and activities. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Military members of the Armed Forces (both active and inactive); family members; civilian employees of the Department of Defense; members of the U.S. Coast Guard, Public Health Service, and National Oceanic and Atmospheric Agency; cadets and midshipmen of the military academies; employees of the American National Red Cross; and other categories of individuals who receive medical treatment at Army Medical Department facilities/activities.

CATEGORIES OF RECORDS IN THE SYSTEM:

Medical records (of a permanent nature) used to document health; psychological and mental hygiene consultation and evaluation; medical/dental care and treatment for any health or medical condition provided an eligible individual on an inpatient and/or outpatient status to include but not limited to: health; clinical (inpatient); outpatient; dental; consultation; and procurement and separation x-ray record files; and Human Immunodeficiency Virus (HIV) blood sampling results to identify Acquired Immune Deficiency Syndrome (AIDS); and Psychological Assessment and Selection Case records.

Subsidiary medical records (of a temporary nature) are also maintained to support records relating to treatment/observation of individuals. Such records include but are not limited to: social work case files, inquiries/complaints about medical treatment or services rendered by the medical treatment facility, and patient treatment x-ray and index files.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; 10 U.S.C. 1071–1085, Medical and Dental Care; 50 U.S.C. Supplement IV, Appendix 454, as amended, Persons liable for training and service; 42 U.S.C. Chapter 117, Sections 11131–11152, Reporting of Information; 10 U.S.C. 1097a and 1097b TRICARE Prime and TRICARE Program; 10 U.S.C. 1079, Contracts for Medical Care for Spouses and Children; 10 U.S.C. 1079a, CHAMPUS; 10 U.S.C. 1086, Contracts for Health Benefits for Certain Members, Former Members, and Their Dependents; E.O. 9397 (SSN); DoD Instruction 6015.23, Delivery of Healthcare at Military Treatment Facilities (MTFs); DoD Directive 6040.37, Confidentiality of Medical Quality Assurance (QA) Records; DoD 6010.8–R, Civilian Health and Medical Program of the Uniformed Services (CHAMPUS); Army Regulation 40–66, Medical Record Administration and Health Care Documentation.

PURPOSE(S):

To provide health care and medical treatment of individuals; to establish tuberculosis/tumor/cancer/Human Immunodeficiency Virus (HIV) registries; for research studies; compilation of statistical data and management reports; to implement preventive medicine, dentistry, and communicable disease control programs; to adjudicate claims and determine benefits; to evaluate care rendered; determine professional certification and hospital accreditation; and determine medical and psychological suitability of persons for service or assignment.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

Information may be disclosed to the Department of Veterans Affairs to adjudicate veterans' claims and provide medical care to Army members.

National Research Council, National Academy of Sciences, National Institutes of Health, Armed Forces Institute of Pathology, and similar institutions for authorized health research in the interest of the Federal Government and the public. When not essential for longitudinal studies, patient identification data shall be eliminated from records used for research studies. Facilities/activities releasing such records shall maintain a list of all such research organizations and an accounting disclosure of records released thereto.

To local and state government and agencies for compliance with local laws and regulations governing control of communicable diseases, preventive medicine and safety, child abuse, and other public health and welfare programs.

Third party payers per 10 U.S.C. 1095 as amended by Pub. L. 99–272, and guidance provided to the DoD health services by DoD Instruction 6015.23, for the purpose of collecting reasonable inpatient/outpatient hospital care costs incurred on behalf of retirees or dependents.

To former DoD health care providers, who have been identified as being the subjects of potential reports to the National Practitioner Data Bank as a

result of a payment having been made on their behalf by the U.S. Government in response to a malpractice claim or litigation, for purposes or providing the provider an opportunity, consistent with the requirements of DoD Instruction 6025.15 and Army Regulation 40–68, to provide any pertinent information and to comment on expert opinions, relating to the claim for which payment has been made.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

Note: Records of identity, diagnosis, prognosis, or treatment of any client/patient, irrespective of whether or when he/she ceases to be a client/patient, maintained in connection with the performance of any alcohol or drug abuse prevention and treatment function conducted, regulated, or directly or indirectly assisted by any department or agency of the United States, shall, except as provided therein, be confidential and be disclosed only for the purposes and under the circumstances expressly authorized in 42 U.S.C. 290dd–2. This statute takes precedence over the Privacy Act of 1974 in regard to accessibility of such records except to the individual to whom the record pertains. The DoD 'Blanket Routine Uses' do not apply to these types of records.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Paper records in file folders; visible card files; microfiche; cassettes; magnetic tapes/discs; computer printouts; x-ray film preservers.

RETRIEVABILITY:

By patient or sponsor's surname or by sponsor's Social Security Number.

SAFEGUARDS:

Records are maintained in buildings which employ security guards and are accessed only by authorized personnel having an official need-to-know. Automated segments are protected by controlled system passwords governing access to data.

RETENTION AND DISPOSAL:

Military health/dental and procurement/separation x-ray records are permanent. Clinical (inpatient), outpatient, dental and consultation record files for military members are destroyed after 50–75 years.

All records (except the Military Health/Dental records) which are active while individual is on active duty, then retired with individual's Military Personnel Records Jacket and the procurement/separation x-ray records which are forwarded to the National Personnel Records Center on an accumulation basis) are retained in an active file while treatment is provided and subsequently held for a period of 1 to 5 years following treatment before being retired to the National Personnel Records Center. Subsidiary medical records, of a temporary nature, are normally not retained long beyond termination of treatment; however, supporting documents determined to have significant documentation value to patient care and treatment are incorporated into the appropriate permanent record file.

Until the National Archives and Records Administration approves the disposition of Psychological Assessment and Selection Case records, treat as permanent.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Medical Command, Suite 13, 2050 Worth Road, Fort Sam Houston, TX 78234–6010.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the medical facility where treatment was provided. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

Red Cross employees may write to the Medical Officer, American National Red Cross, 1730 E Street, NW, Washington, DC 20006. For verification purposes, the individual should provide the full name, Social Security Number of sponsor, and current address and telephone number. Inquiry should include name of the hospital, year of treatment and any details which will assist in locating the records.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the medical facility where treatment was provided. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

Red Cross employees may write to the Medical Officer, American National Red Cross, 1730 E Street, NW, Washington, DC 20006. For verification purposes, the individual should provide the full name, Social Security Number of sponsor, and current address and telephone number. Inquiry should include name of the hospital, year of treatment and any details which will assist in locating the records.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Subject individual, personal interviews and history statements from the individuals; abstracts or copies of pertinent medical records; examination records of intelligence, personality, achievement, and aptitude; reports from attending and previous physicians and other medical personnel regarding results of physical, dental, and mental examinations, treatment, evaluation, consultation, laboratory, x-ray and special studies and research conducted to provide health care and medical treatment; and similar or related documents.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9137 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend systems of records.

SUMMARY: The Department of the Army is amending two systems of records notices in its existing inventory of records systems subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended.

DATES: This proposed action will be effective without further notice on May 14, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the

Federal Register and are available from the address above.

The specific changes to the records systems being amended are set forth below followed by the notices, as amended, published in their entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 6, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0601–280a TAPC

SYSTEM NAME:

Qualitative Management Program Appeal File (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM LOCATION:

Delete entry and replace with 'Active Duty Army and Active Army Reserve records are located at Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Indianapolis, IN 46249–5301.

Active National Guard Reserve records are located at the Commander, Army Personnel Command, 1 Reserve Way, St. Louis, MO 63132–5200.'

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'Active Duty Army, full time Active National Guard Reserve and Active Army Reserve enlisted members in the grades of E–6 through E–9 who have appealed a bar to reenlistment.'

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with '10 U.S.C. 3013, Secretary of the Army; Army Regulation 635–200, Personnel Separation/Enlisted Personnel; Army Regulation 601–280, Army Retention Program; E.O. 9397 (SSN).'

PURPOSE(S):

Delete entry and replace with 'Records in this system are used for the management of personnel and manpower in order to deny continued service to non-productive enlisted soldiers and retain quality enlisted soldiers in the Army and to encourage soldiers to maintain eligibility for further service.'

* * * * *

STORAGE:

Delete entry and replace with 'Paper records in file folders and electronic storage media.'

RETENTION AND DISPOSAL:

Delete entry and replace with 'Approved certificate to bar reenlistment and approved recommendation to withdraw bar to reenlistment are filed in permanent section of the Military Personnel Records Jacket in accordance with prescribed regulations. Bar to reenlistment certificates for which total withdrawal has been approved are removed from the Military Personnel Records Jacket and destroyed. Documents used to determine reenlistment eligibility including entries transferred from personnel records, remarks by commander, additional documentation of interviews and similar information is forwarded with Military Personnel Records Jacket in accordance with prescribed regulations, destroy on reenlistment of individual.'

* * * * *

A0601–280a TAPC

SYSTEM NAME:

Qualitative Management Program Appeal File.

SYSTEM LOCATION:

Active Duty Army and Active Army Reserve records are located at U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Indianapolis, IN 46249–5301. Active National Guard Reserve records are located at the Commander, Army Personnel Command, 1 Reserve Way, St. Louis, MO 63132–5200.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Active Duty Army, full time Active National Guard Reserve and Active Army Reserve enlisted members in the grades of E–6 through E–9 who have appealed a bar to reenlistment.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains name, Social Security Number, pay grade, date of rank, basic active service date, estimated termination of service, primary and secondary military occupational specialties, bar to reenlistment letter/memorandum, appeal to bar to reenlistment and associated documentation, final determination of appeal by Reenlistment Appeals Board, enlisted efficiency reports, selected data elements pertaining to service record of appellant and similar relevant documents.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 635–200, Personnel Separation/Enlisted Personnel; Army Regulation 601–280, Army Retention Program; E.O. 9397 (SSN).

PURPOSE(S):

Records in this system are used for the management of personnel and manpower in order to deny continued service to nonproductive enlisted soldiers and retain quality enlisted soldiers in the Army and to encourage soldiers to maintain eligibility for further service.

Records in this system are used for the management of personnel, year group, and manpower, in order to retain quality soldiers in the Army.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

By individual's name and Social Security Number.

SAFEGUARDS:

Records are protected by physical security devices, guards, and personnel clearances for individuals working with the system.

RETENTION AND DISPOSAL:

Approved certificate to bar reenlistment and approved recommendation to withdraw bar to reenlistment are filed in permanent section of the Military Personnel Records Jacket in accordance with prescribed regulations. Bar to reenlistment certificates for which total withdrawal has been approved are removed from the Military Personnel Records Jacket and destroyed. Documents used to determine reenlistment eligibility including entries transferred from personnel records, remarks by commander, additional documentation of interviews and

similar information is forwarded with Military Personnel Records Jacket in accordance with prescribed regulations, destroy on reenlistment of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Indianapolis, IN 46249–5301 for matters concerning Active Duty Army and Active Army Reserve.

Commander, Army Personnel Command, 1 Reserve Way, St. Louis, MO 63132–5200 for matters concerning Active National Guard Reserve.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Indianapolis, IN 46249–5301 for matters concerning Active Duty Army and Active Army Reserve; and to the Commander, Army Personnel Command, 1 Reserve Way, St. Louis, MO 63132–5200 for matters concerning Active National Guard Reserve.

Individual should provide the full name, Social Security Number, grade, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Indianapolis, IN 46249–5301 for matters concerning Active Duty Army and Active Army Reserve; and to the Commander, Army Personnel Command, 1 Reserve Way, St. Louis, MO 63132–5200 for matters concerning Active National Guard Reserve.

Individual should provide the full name, Social Security Number, grade, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From Army records and reports; from appellant.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–280b TAPC

SYSTEM NAME:

Selective/Variable Reenlistment Bonuses (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

SYSTEM NAME:

Delete entry and replace with ''Selective Reenlistment Bonus''.

SYSTEM LOCATION:

Delete entry and replace with ''U.S. Total Army Personnel Command, Selective Reenlistment Bonus Manager, 2461 Eisenhower Avenue, Alexandria, VA 22332–0451.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Enlisted soldiers in grades E–1 through E–9 who have submitted a request for a selective reenlistment bonus.''

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with ''Name, Social Security Number, grade, Military Occupational Specialty, documentation substantiating request for accelerated payment, advisory recommendation for Army Board for Correction of Military Records consideration, and similar relevant documentation.''

* * * * *

PURPOSE(S):

Delete entry and replace with ''To determine service member's qualification for selective reenlistment bonuses.''

* * * * *

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in areas accessible only to authorized personnel within the performance of their duties. Records are in a secured office within a secured building.''

* * * * *

A0601–280b TAPC

SYSTEM NAME:

Selective Reenlistment Bonus.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, Selective Reenlistment Bonus Manager, 2461 Eisenhower Avenue, Alexandria, VA 22332–0451.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Enlisted soldiers in grades E–1 through E–9 who have submitted a request for a selective reenlistment bonus.

CATEGORIES OF RECORDS IN THE SYSTEM:

Name, Social Security Number, grade, Military Occupational Specialty, documentation substantiating request for accelerated payment, advisory recommendation for Army Board for Correction of Military Records consideration, and similar relevant documentation.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 601–280, Army Retention Program; and E.O. 9397 (SSN).

PURPOSE(S):

To determine service member's qualification for selective reenlistment bonuses.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows: The DoD 'Blanket Routine Uses' set forth at the beginning of the Army's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Paper records in file folders and electronic storage media.

RETRIEVABILITY:

By individual's surname and fiscal year.

SAFEGUARDS:

Records are maintained in areas accessible only to authorized personnel within the performance of their duties. Records are in a secured office within a secured building.

RETENTION AND DISPOSAL:

Records are destroyed upon reenlistment of individual.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, Selective Reenlistment Bonus Manager, 2461 Eisenhower Avenue, Alexandria, VA 22331–0451.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the

Commander, U.S. Total Army Personnel Command, Selective Reenlistment Bonus Manager, 2461 Eisenhower Avenue, Alexandria, VA 22331–0451.

Individual should provide the full name, Social Security Number, and current address.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Commander, U.S. Total Army Personnel Command, Selective Reenlistment Bonus Manager, 2461 Eisenhower Avenue, Alexandria, VA 22331–0451.

Individual should provide the full name, Social Security Number, and current address.

CONTESTING RECORD PROCEDURES:

The Army's rule for accessing records, and for contesting contents and appealing initial agency determinations are contained in Army Regulation 340–21; 32 CFR part 505; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, personnel records, other Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9138 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Defense Logistics Agency

Privacy Act of 1974; Notice of a Computer Matching Program

AGENCY: Defense Manpower Data Center, Defense Logistics Agency, DoD.

ACTION: Notice of a computer matching program.

SUMMARY: Subsection (e)(12) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a) requires agencies to publish advance notice of any proposed or revised computer matching program by the matching agency for public comment. The DoD, as the matching agency under the Privacy Act is hereby giving notice to the record subjects of a computer matching program between VA and DoD that their records are being matched by computer. The purpose of this match is to identify disability compensation recipients who return to active duty to insure benefits are adjusted or terminated, if appropriate, and steps taken to collect any resulting overpayment.

DATES: This proposed action will become effective May 14, 2001 and matching may commence unless changes to the matching program are required due to public comments or by Congressional or by Office of Management and Budget objections. Any public comment must be received before the effective date.

ADDRESSES: Any interested party may submit written comments to the Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502.

FOR FURTHER INFORMATION CONTACT: Mr. Vahan Moushegian, Jr. at telephone (703) 607–2943.

SUPPLEMENTARY INFORMATION: Pursuant to subsection (o) of the Privacy Act of 1974, as amended, (5 U.S.C. 552a), the DMDC and VA have concluded an agreement to conduct a computer matching program between the agencies. The purpose of the match is to exchange personal data between the agencies to identify disability compensation recipients who have returned to active duty and are therefore ineligible to receive VA compensation.

The parties to this agreement have determined that a computer matching program is the most efficient, expeditious, and effective means of obtaining and processing the information needed by the VA to identify ineligible VA disability compensation recipients who have returned to active duty. Using the computer matching program, information on successful matches (hits) can be provided to VA within 90 days of receipt of a magnetic tape of VA benefits record data. A computer match is the most efficient method, other than a manual search of all active duty military personnel records, to identify such cases if an individual does not report his/her own return to active duty.

A copy of the computer matching agreement between VA and DMDC is available upon request to the public. Requests should be submitted to the address caption above or to the Department of Veterans Affairs, Veterans Benefit Administration, 810 Vermont Avenue, NW, Washington, DC 20420.

Set forth below is the notice of the establishment of a computer matching program required by paragraph 6.c. of the Office of Management and Budget Guidelines on computer matching published in the **Federal Register** at 54 FR 25818 on June 19, 1989.

The matching agreement, as required by 5 U.S.C. 552a(r) of the Privacy Act, and an advance copy of this notice was submitted on March 30, 2001, to the Committee on Government Reform and Oversight of the House of Representatives, the Committee on Governmental Affairs of the Senate, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget pursuant to paragraph 4d of Appendix I to OMB Circular No. A–130, Federal Agency Responsibilities for Maintaining Records about Individuals,' dated February 8, 1996 (61 FR 6435).

Dated: April 6, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Notice of a Computer Matching Program Between the Department of Veterans Affairs and the Department of Defense for Verification of Disability Compensation

A. Participating Agencies

Participants in this computer matching program are the Department of Veterans Affairs (VA) and the Defense Manpower Data Center (DMDC) of the Department of Defense (DoD). The VA is the source agency, i.e., the activity disclosing the records for the purpose of the match. The DMDC is the specific recipient activity or matching agency, i.e., the agency that actually performs the computer matching.

B. Purpose of the Match

The purpose of this agreement is to establish the conditions for a computer matching program between VA as the source agency and the DMDC as the recipient agency. The goal of this match is to identify VA disability benefit recipients who return to active duty and to ensure benefits are terminated if appropriate. VA will provide identifying information on disability compensation recipients to DMDC to match against a file of active duty (including full-time national Guard and Reserve) personnel. The purpose is to identify those recipients who have returned to active duty and are ineligible to receive VA compensation so that benefits can be adjusted or terminated, if in order.

C. Authority for Conducting the Match

The legal authority for conducting the matching program for use in the administration of the VA's Compensation and Pension Benefits Program is contained in 38 U.S.C. Part 5304(c), Prohibition Against Duplication of Benefits, which precludes pension, compensation, or retirement pay on account of any person's own service, for any period for which he receives active duty pay. The head of any Federal department or agency shall provide, pursuant to 38 U.S.C. Part 5106, such information as requested by VA for the purposes of determining eligibility for,

or amount of benefits, or verifying other information which respect thereto.

D. Records To Be Matched

The systems of records maintained by the respective agencies under the Privacy Act of 1974, as amended, 5 U.S.C. 552a, from which records will be disclosed for the purpose of this computer match are as follows:

The VA will use the system of records identified as 'VA Compensation, Pension and Education and Rehabilitation Records—VA (58 VA 21/22)' first published at 41 FR 924 (March 3, 1976), and last amended at 60 FR 20156, April 24, 1995, with other amendments as cited therein.

DoD will use the system of records identified as S322.10 DMDC, entitled 'Defense Manpower Data Center Data Base,' published at 66 FR 43302, July 13, 2000.

E. Description of Computer Matching Program

The VA, as the source agency, will provide DMDC with an electronic file which contains specified data elements of individual VA disability compensation recipients. Upon receipt of the electronic file, DMDC will perform a computer match using all nine digits of the SSNs in the VA file against a DMDC computer database. The DMDC database consists of personnel records of active duty (including full-time National Guard and Reserve) military members. Matching records, 'hits' based on the SSN, will produce the member's name, branch of service, unit designation, and other pertinent data elements. The hits will be furnished to the Veterans Benefits Administration which is responsible for verifying and determining that the data on the DMDC electronic file are consistent with the source file and for resolving any discrepancies or inconsistencies on an individual basis. The Veterans Benefits Administration will also be responsible for making final determinations as to eligibility for benefits or verifying any other information with respect thereto.

The electronic file provided by VA will contain information on approximately 2.2 million disability compensation recipients.

The DMDC computer database file contains approximately 1.4 million records of active duty military members, including full-time National Guard and Reserve.

DMDC will match the SSN on the VA electronic file by computer against the DMDC database. Matching records, hits based on SSNs, will produce data elements of the member's name, SSN, date of birth, branch of service, unit designation, unit address, and date of entry (DOE) on active duty.

F. Inclusive Dates of the Matching Program

This computer matching program is subject to public comment and review by Congress and the Office of Management and Budget. If the mandatory 30 day period for comment has expired and no comments are received and if no objections are raised by either Congress or the Office of Management and Budget within 40 days of the date of the transmittal letter, the computer matching program becomes effective and the respective agencies may begin the exchange at a mutually agreeable time on a quarterly basis. By agreement between VA and DMDC, the matching program will be in effect for 18 months with an option to renew for 12 additional months unless one of the parties to the agreement advises the other by written request to terminate or modify the agreement.

G. Address for Receipt of Public Comments or Inquiries:

Director, Defense Privacy Office, 1941 Jefferson Davis Highway, Suite 920, Arlington, VA 22202–4502. Telephone (703) 607–2943.

[FR Doc. 01–9139 Filed 4–12–01; 8:45 am]

BILLING CODE 5000–10–M

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DOD.

ACTION: Notice to add a system or records.

SUMMARY: The Department of the Navy proposes to add a system of records notice to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective on May 14, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 205350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act, was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: April 6, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

N07421–1

SYSTEM NAME:

Time and Attendance Feeder Records.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records of notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Civilian, military, non-appropriated, direct, indirect and contractor personnel assigned to the Navy, Marine Corps, and combatant commands under the auspices of the Department of the Navy.

CATEGORIES OF RECORDS IN THE SYSTEM:

Time and attendance data and labor distribution data that includes name, Social Security Number, work location, job order number, task orders, leave accrual data, occupational series, grade, pay period identification, time card certification information, special pay categories, work schedule, etc.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 10 U.S.C. 5013, Secretary of the Navy; and E.O. 9397 (SSN).

PURPOSE(S):

Records are being collected and maintained for the purpose of tracking time and attendance and labor distribution data for civilian, military, and contractor labor against job order numbers for financial purposes.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C.

552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' that also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Automated and manual records.

RETRIEVABILITY:

Name, Social Security Number, organization, pay period.

SAFEGUARDS:

Computer processing facilities are located in restricted areas accessible only to authorized persons that are properly screened, cleared, and trained. Manual records and computer printouts are only available to authorized personnel having a need to know. Access to individual computers is user-id and password protected. Access to the database is limited to those with a need to know. Each user has an individual user id and password for access to the database. Transfer of data is accomplished through data encryption.

RETENTION AND DISPOSAL:

Feeder reports are maintained at the local office for 6 years and then destroyed. Data base information held by the Defense Information Systems Agency is retained for 6 years and then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Deputy Assistant Secretary of the Navy (Civilian Personnel/Equal Employment Opportunity), 1000 Navy Pentagon, Washington, DC 20350–1000.

Record Holders: Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commanding officer for their organization. Official mailing addresses are published as an appendix to the Navy's compilation of records notices.

Inquiries should contain the individual's full name, home address, Social Security Number, organization, pay period and must be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the commanding officer for their organization. Official mailing addresses are published as an appendix to the Navy's compilation of records notices.

Inquiries should contain the individual's full name, home address, Social Security Number, organization, pay period, and must be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are published in Secretary of the Navy Instruction 5211.5; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

Individual; time sheets; and work schedules.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9140 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF DEFENSE

Department of the Navy

Privacy Act of 1974; System of Records

AGENCY: Department of the Navy, DOD.

ACTION: Notice to add systems of records.

SUMMARY: The Department of the Navy proposes to add two exempt systems of records to its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: This action will be effective on May 14, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to the Department of the Navy, PA/FOIA Policy Branch, Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 20350–2000.

FOR FURTHER INFORMATION CONTACT: Mrs. Doris Lama at (202) 685–6545 or DSN 325–6545.

SUPPLEMENTARY INFORMATION: The Department of the Navy's record system notices for records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The proposed system report, as required by 5 U.S.C. 552a(r) of the Privacy Act was submitted on April 3, 2001, to the House Committee on Government Reform, the Senate Committee on Governmental Affairs, and the Office of Management and Budget (OMB) pursuant to paragraph 4c of Appendix I to OMB Circular No. A–130, 'Federal Agency Responsibilities for Maintaining Records About Individuals,' dated February 8, 1996, (61 FR 6427, February 20, 1996).

Dated: April 6, 2001.

L. M. Bynum,

Alternate OSD Fedeal Register Liaison Officer, Department of Defense.

N05211–1

SYSTEM NAME:

Privacy Act Request Files and Tracking System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

Commander in Chief, U.S. Joint Forces Command, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551–2488.

Commander in Chief, U.S. Pacific Command, P.O. Box 64028, Camp H.M. Smith, HI 96861–4028.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request information concerning themselves which is in the custody of the Department of the Navy or who request access to or amendment of such records in accordance with the Privacy Act of 1974, as amended.

CATEGORIES OF RECORDS IN THE SYSTEM:

Letters, memoranda, legal opinions, messages, and miscellaneous documents relating to an individual's request for access to or amendment of records concerning that person, including letters authorizing release to another individual, lettters of denial, appeals, statements of disagreements, and related documents accumulated in processing requests received under the Privacy Act of 1974.

Names, addresses, and other personal identifiers of the individual requester. Data base which tracks action from start to finish.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552a, the Privacy Act of 1974, as amended; and E.O. 9397 (SSN).

PURPOSE(S):

To track, process, and coordinate individual requests for access and

amendment of personal records; to process appeals on denials of requests for access or amendment to personal records; to compile information for reports, and to ensure timely response to requesters.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

The DoD 'Blanket Routine Uses' set forth at the beginning of the Navy's compilation of systems of records notices also apply to this system.

POLICIES AND PRACTICES FOR STORING, RETRIEVING, ACCESSING, RETAINING, AND DISPOSING OF RECORDS IN THE SYSTEM:

STORAGE:

Maintained in file folders, microform, microfilm, manual/computerized data bases, and/or optical disk.

RETRIEVABILITY:

Name of requester; year request filed; serial number of response letter; case file number; etc.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties. Records are stored in locked cabinets or rooms. Computerized data bases are password protected and accessed by individuals who have a need to know.

RETENTION AND DISPOSAL:

Granted requests, responses to requests for non-existent records, responses to requesters who provide inadequate descriptions and responses to requesters who fail to pay agency reproduction fees that are not appealed are destroyed 2 years after date of reply; requests which are denied and are appealed are destroyed after 5 years; requests which are amended are retained for 4 years; requests for amendment which are refused are destroyed after 3 years; disclosure accounting forms are retained for the life of the record of 5 years after the disclosure, whichever is later; and privacy act databases are destroyed after 5 years.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 20350–2000.

RECORD HOLDERS: ORGANIZATIONAL ELEMENTS OF THE DEPARTMENT OF THE NAVY;

Commander in Chief, U.S. Joint Forces Command, 1562 Mitscher Avenue, Suite 200, Norfolk, VA 23551–2488; and

Commander in Chief, U.S. Pacific Command, P.O. Box 64028, Camp H.M. Smith, HI 96861–4028. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published in the Navy's compilation of systems of records notices.

The request must be signed and contain the full name of the individual and one or more of the following kinds of information: year request filed; serial number of response letter; case file number.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the commanding officer of the activity in question. Official mailing addresses are published in the Navy's compilation of systems of records notices.

The request must be signed and contain the full name of the individual and one or more of the following kinds of information: year request filed; serial number of response letter; case file number.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Secretary of the Navy Instruction 5211.5D; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Navy organizations, Department of Defense components, and other Federal, state, and local government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a Privacy Act (PA) action, exempt materials from other systems of records may become part of the case records in this system of records. To the extent that copies of exempt records from those 'other' systems of records are entered into these PA case records, the Department of the Navy hereby claims the same exemptions for the records as they have in the original primary systems of records which they are a part.

Department of the Navy exemption rules have been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 701, Subpart G. For additional information contact the system manager.

N05720–1

SYSTEM NAME:

FOIA Request Files and Tracking System.

SYSTEM LOCATION:

Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who request access to information under the provisions of the Freedom of Information Act (FOIA) or make an appeal under the FOIA.

CATEGORIES OF RECORDS IN THE SYSTEM:

FOIA request, copies of responsive records (redacted and released), correspondence generated as a result of the request, cost forms, memoranda, legal opinions, messages, and miscellaneous documents which related to the request.

Data base used to track requests from start to finish and formulate response letters may contain names, addresses, and other personal identifiers of the individual requester.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

5 U.S.C. 301, Departmental Regulations; 5 U.S.C. 552, the Freedom of Information Act; and E.O. 9397 (SSN).

PURPOSE(S):

To track, process, and coordinate requests/appeals/litigation made under the provisions of the FOIA.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

In addition to those disclosures generally permitted under 5 U.S.C. 552a(b) of the Privacy Act, these records or information contained therein may specifically be disclosed outside the DoD as a routine use pursuant to 5 U.S.C. 552a(b)(3) as follows:

To individuals who file FOIA requests for access to information on who has made FOIA requests and/or what is being requested under FOIA.

The DoD 'Blanket Routine Uses' set forth at the beginning of the Navy's

compilation of systems of records notices also apply to this system.

Policies and practices for storing, retrieving, accessing, retaining, and disposing of records in the system:

STORAGE:

Maintained in file folders, microform, microfilm, manual/computerized data bases, and/or optical disk.

RETRIEVABILITY:

Name of requester; year request filed; serial number of response letter; case file number; etc.

SAFEGUARDS:

Records are accessed by custodian of the record system and by persons responsible for servicing the record system in performance of their official duties. Records are stored in cabinets or rooms, which are not viewable by individuals who do not have a need to know. Computerized data bases are password protected and accessed by individuals who have a need to know.

RETENTION AND DISPOSAL:

Granted requests, no record responses, and/or responses to requesters who fail to adequately describe the records being sought or fail to state a willingness to pay processing fees are destroyed 2 years after date of reply. Requests which are denied in whole or in part, appealed, or litigated are destroyed 6 years after final action.

SYSTEM MANAGER(S) AND ADDRESS:

Policy Official: Chief of Naval Operations (N09B10), 2000 Navy Pentagon, Washington, DC 20350–2000.

Record Holders: Organizational elements of the Department of the Navy. Official mailing addresses are published as an appendix to the Navy's compilation of systems of records notices.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Freedom of Information Act coordinator or commanding officer of the activity in question. Official mailing addresses are published in the Navy's compilation of systems of records notices.

The request should contain the full name of the individual and one or more of the following kinds of information: year request filed; serial number of response letter; case file number. Requests must also be signed.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the Freedom of Information Act coordinator or commanding officer of the activity in question. Official mailing addresses are published in the Navy's compilation of systems of records notices.

The request should contain the full name of the individual and one or more of the following kinds of information: year request filed; serial number of response letter; case file number. Requests must also be signed.

CONTESTING RECORD PROCEDURES:

The Navy's rules for accessing records, and for contesting contents and appealing initial agency determinations are contained in Secretary of the Navy Instruction 5211.5D; 32 CFR part 701; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES:

From the individual, Navy organizations, Department of Defense components, and other Federal, state and local government agencies.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

During the course of a FOIA action, exempt materials from other systems of records may in turn became part of the case records in this system. To the extent that copies of exempt records from those 'other' systems of records are entered into this FOIA case record, the Department of the Navy hereby claims the same exemptions for the records from those 'other' systems that are entered into this system, as claimed for the original primary systems of records which they are a part.

Department of the Navy exemption rules have been promulgated in accordance with requirements of 5 U.S.C. 553(b)(1), (2), and (3), (c) and (e) published in 32 CFR part 701, Subpart G. For additional information contact the system manager.

[FR Doc. 01–9141 Filed 4–12–01; 8:45 am]

BILLING CODE 5001–10–M

DEPARTMENT OF ENERGY

Office of Science; Biological and Environmental Research Advisory Committee

AGENCY: Department of Energy.

ACTION: Notice of open meeting.

SUMMARY: This notice announces a meeting of the Biological and Environmental Research Advisory Committee. Federal Advisory Committee Act (Public Law 92–463, 86 Stat. 770) requires that public notice of these meetings be announced in the **Federal Register**.

DATES: Tuesday, May 1, 8:30 a.m. to 5:00 p.m.; and Wednesday, May 2, 2001, 8:30 a.m. to 12:00 p.m.

ADDRESSES: American Geophysical Union, 2000 Florida Avenue, NW., Washington, DC 20009

FOR FURTHER INFORMATION CONTACT: Dr. David Thomassen (301–903–9817; david.thomassen@science.doe.gov), or Ms. Shirley Derflinger (301–903–0044; shirley.derflinger@science.doe.gov), Designated Federal Officers, Biological and Environmental Research Advisory Committee, U.S. Department of Energy, Office of Science, Office of Biological and Environmental Research, SC–70, 19901 Germantown Road, Germantown, Maryland 20874–1290. The most current information concerning this meeting can be found on the website: http://www.science.doe.gov/ober/berac/announce.html

SUPPLEMENTARY INFORMATION:

Purpose of the Meeting: To provide advice on a continuing basis to the Director, Office of Science of the Department of Energy, on the many complex scientific and technical issues that arise in the development and implementation of the biological and environmental research program.

Tentative Agenda:

Tuesday, May 1, and Wednesday, May 2, 2001:

- Welcoming Remarks
- Opening of Meeting
- Remarks from Dr. James Decker, Acting Director, Office of Science
- Report by Dr. Ari Patrinos, Associate Director of Science for Biological and Environmental Research (BER) on the Status of BER
- Update on Office of Biological and Environmental Research Activities
- Review of Subcommittee Activities
- New Business
- Public Comment (10-minute rule)

Public Participation: The day and a half meeting is open to the public. If you would like to file a written statement with the Committee, you may do so either before or after the meeting. If you would like to make oral statements regarding any of the items on the agenda, you should contact David Thomassen or Shirley Derflinger at the address or telephone numbers listed above. You must make your request for an oral statement at least five business days before the meeting. Reasonable provision will be made to include the scheduled oral statements on the agenda. The Chairperson of the Committee will conduct the meeting to facilitate the orderly conduct of business. Public comment will follow the 10-minute rule.

Minutes: The minutes of this meeting will be available for public review and copying within 30 days at the Freedom of Information Public Reading Room, IE–190, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC, between 9:00 a.m. and 4:00 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC on April 10, 2001.

Rachel M. Samuel,

Deputy Advisory Committee Management Officer.

[FR Doc. 01–9249 Filed 4–12–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[FE Docket Nos. 01–09–NG, 01–10–NG, 01–08–NG, 01–11–LNG, 97–20–NG, and 00–06–NG]

Office of Fossil Energy; Progas U.S.A., Inc., et al.; Orders Granting, Transferring and Vacating Authority To Import and Export Natural Gas, Including Liquefied Natural Gas, Sempra Energy Solutions, Southern California Gas Company, Mirant Americas Energy Marketing, L.P., Enron North America Corp., Calpine Energy Services, L.P. (Successor to Calpine East Fuels LLC)

AGENCY: Office of Fossil Energy, DOE.

ACTION: Notice of orders.

SUMMARY: The Office of Fossil Energy (FE) of the Department of Energy gives notice that during March 2001, it issued Orders granting, transferring and vacating authority to import and export natural gas, including liquefied natural gas. These Orders are summarized in the attached appendix and may be found on the FE web site at http://www.fe.doe.gov, or on the electronic bulletin board at (202) 586–7853. They are also available for inspection and copying in the Office of Natural Gas & Petroleum Import & Export Activities, Docket Room 3E–033, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585, (202) 586–9478. The Docket Room is open between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday, except Federal holidays.

Issued in Washington, DC, on April 5, 2001.

Clifford P. Tomaszewski,

Manager, Natural Gas Regulation, Office of Natural Gas & Petroleum Import & Export Activities, Office of Fossil Energy.

Attachment

APPENDIX—ORDERS GRANTING, TRANSFERRING AND VACATING IMPORT/EXPORT AUTHORIZATIONS

DOE/FE Authority

Order No.	Date issued	Importer/Exporter FE Docket No.	Import Volume	Export Volume	Comments
1671	03–09–01	ProGas U.S.A., Inc., 01–09–NG	800 Bcf	200 Bcf	Import and export natural gas from and to Canada beginning on April 1, 2001, and extending through March 31, 2003.
1672	03–13–01	Sempra Energy Solutions, 01–10–NG.	100 Bcf		Import from Canada beginning on April 15, 2001, and extending through April 14, 2003.
1673	03–15–01	Southern California Gas Company, 01–08–NG.	40 Bcf		Import from Canada beginning on April 15, 2001, and extending through April 14, 2003.
1674	03–15–01	Mirant Americas Energy Marketing, L.P., 01–11–LNG.	100 Bcf		Import from various international sources over a two year term beginning on the date of first delivery.
1260–B	03–22–01	Enron North America Corp., 97–20–NG.			Vacation of long-term import authority.
1567–A	03–23–01	Calpine Energy Services, L.P. (Successor to Calpine East Fuels LLC), 00–06–NG.			Transfer of blanket import and export authority to affiliate and an increase in volumes for the duration of the authority.

[FR Doc. 01–9165 Filed 4–12–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2566]

Consumers Energy Company; Notice of Authorization for Continued Project Operation

April 9, 2001.

On March 30, 1999, Consumers Energy Company, licensee for the Webber Project No. 2566, filed an application for a new or subsequent license pursuant to the Federal Power Act (FPA) and the Commission's regulations thereunder. Project No. 2566 is located on the Grand River in Ionia County, Michigan.

The license for Project No. 2566 was issued for a period ending March 31, 2001. Section 15(a)(1) of the FPA, 16 U.S.C. 808(a)(1), requires the Commission, at the expiration of a license term, to issue from year to year an annual license to the then licensee under the terms and conditions of the prior license until a new license is issued, or the project is otherwise disposed of as provided in section 15 or any other applicable section of the FPA. If the project's prior license waived the applicability of Section 15 of the FPA, then, based on section 9(b) of the Administrative Procedure Act, 5 U.S.C. 558(c), and as set forth at 18 CFR 16.21(a), if the licensee of such project has filed an application for a subsequent license, the licensee, may continue to operate the project in accordance with the terms and conditions of the license after the minor or minor part license expires, until the Commission acts on its application. If the licensee of such a project has not filed an application for a subsequent license, then it may be required, pursuant to 18 CFR 16.21(b), to continue project operations until the Commission issues someone else a license for the project or otherwise orders disposition of the project.

If the project is subject to section 15 of the FPA, notice is hereby given that an annual license for Project No. 2566 is issued to Consumers Energy Company for a period effective April 1, 2001, through March 31, 2002, or until the issuance of a new license for the project or other disposition under the FPA, whichever comes first. If issuance of a new license (or other disposition) does

not take place on or before April 1, 2002, notice is hereby given that, pursuant to 18 CFR 16.18(c), an annual license under Section 15(a)(1) of the FPA is renewed automatically without further order or notice by the Commission, unless the Commission orders otherwise.

If the project is not subject to section 15 of the FPA, notice is hereby given that Consumers Energy Company is authorized to continue operation of the Webber Project No. 2566 until such time as the Commission acts on its application for subsequent license.

David P. Boergers,

Secretary.

[FR Doc. 01–9150 Filed 4–12–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

April 9, 2001.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11883–000.

c. *Date filed:* February 6, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name of Project:* Mackay Dam Project.

f. *Location:* On the Big Lost River, in Custer County, Idaho. Would utilize no federal land or facilities.

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

h. *Applicant Contact:* Mr. Brent L. Smith, President, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

i. *FERC Contact:* Robert Bell, (202) 219–2806.

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

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11888–000) on any comments or motions filed.

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

k. *Description of Project:* The proposed project would consist of; (1) an existing 1,450-foot-long, 74-foot-high earth fill dam; (2) an existing reservoir having a surface area of 1,200 acres with a storage capacity of 39,600 acre-feet and a normal water surface elevation of 6,601 feet msl; (3) a proposed 150-foot-long, 8-foot-diameter steel penstock; (4) a proposed powerhouse containing one generating unit having an installed capacity of 3 MW; (5) a proposed 0.5-mile-long, 15 kV transmission line; and (6) appurtenant facilities.

The project would have an annual generation of 45 GWh that would be soled to a local utility.

1. 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, D.C. 20426, or by calling (202) 208–1371. The application may be viewed on http:www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item h above.

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

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

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

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

q. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

r. Filing and Services of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division

of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

s. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for fling 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. 01–9149 Filed 4–12–01; 8:45 am]

BILLING CODE 6717–01–M

ENVIRONMENTAL PROTECTION AGENCY

[ER-FRL–6617–1]

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 April 2, 2001 Through April 6, 2001

Pursuant to 40 CFR 1506.9.

EIS No. 010105, Draft EIS, AFS, FL, Ocklawaha River Restoration Project, Continued Occupation of Florida National Forest Lands, Portions of Kirkpatrick Dam, Rodamn Reservoir and Eureka Lock and Dam in Conjunction with Partial Restoration of the Ocklawaha River, Operation and Maintenance, Permit Issuance and Implementation, Marion and Putnam Counties, FL, Comment Period Ends: June 29, 2001, Contact George Hemingway (850) 942–9364.

EIS No. 010106, Draft EIS, AFS, MT, Lolo National Forest, Big Game Winter Range and Burned Area Management, Restoration, Prevention and Cooperation, Implementation, Missoula, Lake, Mineral, Sanders, Granite, Powell, Lewis and Clark, Flathead and Ravalli Counties, MT, Comment Period Ends: May 29, 2001, Contact: Andy Kulla (406) 329–3962.

EIS No. 010107, Draft EIS, AFS, NM, Santa Fe National Forest, Santa Fe Municipal Watershed Project, Severe Crown Fire Reduction and Sustainable Forest and Watershed Conditions Restoration, Implementation, Pecos Wilderness to Cochitti Lake, Santa Fe National Forest, Santa Fe County, NM, Comment Period Ends: May 29, 2001, Susan Bruin (505) 438–7829.

EIS No. 010108, Draft EIS, FRC, FL, MS, AL, Florida Gas Transmission (FGT) Phase V Expansion Project, FGT Natural Gas Pipeline and Associated Above Ground Facilities, Construction and Operation, Approvals and Permit Issuance, several counties of FL, AL and MS, Comment Period Ends: May 29, 2001, Contact David Boergers (202) 208–2088.

EIS No. 010109, Final EIS, FHW, MD, Middle River Employment Center Access Study, Transportation Improvements, NPDES and US COE Section 404 Permits Issuance, Baltimore County, MD, Wait Period Ends: May 14, 2001, Contact: Mary Huie (410) 962–4342, Ext 148.

EIS No. 010110, Draft EIS, COE, LA, West Bay Sediment Diversion Channel Project, Construction, Funding, Plaquemines Parish, LA, Comment Period Ends: May 29, 2001, Contact Sean P. Mickal (504) 862–2319.

EIS No. 010111, Draft EIS, BOP, LA, Pollock Federal Correctional Institution, Construction and Operation, near Town of Pollock, Grant Parish, LA, Comment Period Ends: May 29, 2001, David J. Dorworth (202) 514–6470.

EIS No. 010112, Revised Final EIS, AFS, ID, Idaho Panhandle National Forests, Revision to the Small Sales, Harvesting Dead and Damaged Timber, Coeur d'Alene River Range District, Kootenai and Shoshone Counties, ID, Wait Period Ends: May 14, 2001, Contact: Bob Rehnborg (208) 664–2318.

EIS No. 010113, Draft EIS, FTA, CA, Mid-City/Westside Transit Corridor Improvements, Wilshire Bus Rapid Transit and Exposition Transitway, Construction and Operation, Funding, and Section 404 Permit, Los Angeles County, CA, Comment Period Ends: June 15, 2001, Contact: Ervin Polka (213) 202–3952.

EIS No. 010114, Draft EIS, BLM, NM, San Felipe Pueblo Land Exchange, Federal Lands to Private Lands, Acquisition, Sandoval and Santa Fe Cos. NM, Comment Period Ends: June 05, 2001, Contact: Debby Lucero (505) 761–8787.

EIS No. 010115, Final EIS, AFS, ID, Myrtle-Cascade Project Area, Implementation of Resource Management Activities, Idaho Panhandle National Forests, Bonners Ferry Ranger District, Boundary County, ID, Wait Period Ends: May 14, 2001, Pat Behresn (208) 267–6743.

EIS No. 010116, Draft EIS, BLM, CA, Northern and Eastern Mojave Planning Area (NEMO), Implementation, California Desert Conservation Area Plan Amendments, Mojave Desert, CA, Comment Period Ends: July 13, 2001, Contact: Edythe Seehafer (706) 252–6021.

EIS No. 010117, Final Supplement, IBR, CA, San Joaquin River Agreement Project, Implementation of the Meeting Flow Objectives for 1999–2010, Vernalis Adaptive Management Plan, San Joaquin, Stanislaus, Madera, Merced, Fresno and Tuolume Counties, CA, Wait Period Ends: May 14, 2001, Contact: Burke (916) 978–5556.

EIS No. 010118, Draft EIS, NPS, CA, Alcatraz Island Historic Preservation and Safety Construction Program, Protection and Implementation, San Francisco County, CA, Comment Period Ends: June 11, 2001, Contact: Jonathan Gervais (415) 561–4936.

EIS No. 010119, Final EIS, AFS, WA, Deadman Creek Ecosystem Management Projects, Sediment Delivered to Streams, Roads in Key Habitat and Noxious Weeds Reduction and Forest Stands Treatment, Implementation, Kettle Falls Ranger District, Colville National Forest, Ferry County, WA, Wait Period Ends: May 14, 2001, Contact: Sherri K. Schwenke (509) 738–7700.

Amended Notices

EIS No. 010095, Draft EIS, AFS, CO, Nucla-Telluride Transmission Line Project, Permit Approval and Funding for Construction and Operation of a 115 kV Transmission Line between the Nucla Substation in Montrose County and either the Telluride or Sunshine Substations in San Miguel County, CO, Comment Period Ends: May 31, 2001, Contact: Steve Wells (970) 327–4261. Revision of FR Notice Published on 03/30/2001: CEQ Review Period Ending 05/14/2001 has been Extended to 05/31/2001.

Dated: April 10, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–9241 Filed 4–12–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6617–2]

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 April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–L65375–00 Rating EC2, Lookout Pass Ski and Recreation Area (LPSRA) Expansion Project, Implementation, Amendment to the Existing Special Use Permit, NPDES Permit and COE Section 404 Permit, Idaho Panhandles National Forests, Coeur d'Alene River Range District, ID and MT.

Summary: EPA expressed environmental concerns over the lack of mitigation for aquatic habitat impacts; consistency with TMDL development for 303(d) listed waters; and the indirect effects to off site land uses.

ERP No. D–IBR–L65374–WA Rating EC2, Potholes Reservoir Resource Management Plan, Implementation, COE Section 404 and NPDES Permits, Moses Lake, Grant County, WA.

Summary: EPA expressed concerns regarding the loss of shrub-steppe and water quality. EPA requested that the Bureau of Reclamation estimate the direct, indirect and cumulative effects on shrub-steppe from project implementation, and contact the state Ecology Department for information on load limits for the Potholes Reservoir and East Potholes Canal.

ERP No. D–NPS–K65229–CA Rating EC2, Santa Cruz Island Primary Restoration Plan, Implementation, Channel Islands National Park, Santa Cruz Island, Santa Barbara County, CA.

Summary: EPA expressed environmental concerns with the adequacy of the proposed mitigation measures concerning soil erosion and noxious weeds and from potential impacts to air and water quality from aerially applied herbicides. While EPA agrees with the need for the project EPA favors the selection of Alternative 2 which appears more cost effective and efficient in the long term.

Final EISs

ERP No. F–AFS–J65316–MT Clearwater Ecosystem Management and Timber Sale Project, Timber Harvesting, Burning, Weed Spraying and Road Management, Lola National Forest, Seeley Lake Ranger District, Missoula County, MT.

Summary: EPA expressed environmental concerns regarding short-term increases in sediments levels from temporary road construction and reconstruction, road obliteration and timber harvest. EPA supports the long term objectives of the proposed project which will reduce road densities; protect the grizzly bear; reduce sources of sediment to protect water quality and bull trout habitat; improve forest health and reduce risk of insect infestation and wildfire; improve wildlife habitat; treat noxious weeds; and enhance scenic views.

ERP No. F–AFS–L65346–OR Triangle Land Exchange Project, Between Clearwater Land Exchange Oregon (Clearwater) an Oregon Partnership, Implementation, Malheur, Umatilla and Wallowa-Whitman National Forests, Baker, Grant, Harney and Wallowa Counties, OR.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–BLM–K61148–NV Red Rock Canyon National Conservation Area (RRCNCA), General Management Plan (GMP), Amendment to the Las Vegas Resource Management Plan, Las Vegas, NV.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–DOE–K22004–CA National Ignition Facility Project Specific Analysis, Construction and Operation at the Lawrence Livermore National Laboratory, Livermore, CA.

Summary: EPA noted that the FSEIS satisfactorily responds to EPA comments on the DSEIS.

ERP No. F–FHW–G40152–LA North-South Expressway Const. I–220 in Shreveport, LA to the Arkansas State Line, Funding and COE Section 404 Permit Issuance, Caddo Parish, LA.

Summary: The Final EIS adequately responded to comments offered on the DEIS. EPA has no objection to the section of the preferred alternative. EPA has no further comments to offer.

ERP No. F–NPS–J65319–UT Zion National Park, General Management Plan, Implementation, Washington, Iron and Kane Counties, UT.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–NPS–K65221–AZ Chiricahua National Monument, General Management Plan, To Protect Certain National Formations, Known as ''The Pinnacles,'' AZ.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–NPS–K65222–AZ Fort Bowie National Historic Site General Management Plan, Implementation, Cochise County, AZ.

Summary: No formal comment letter was sent to the preparing agency.

ERP No. F–TVA–E06020–MS Kemper County Combustion Turbine Plant, Construction and Operation, Addition of Electric General Peaking Capacity at Greenfield Sites, NPDES Permit, Kemper County, MS.

Summary: Although overall impacts do not appear to be major, EPA has some concerns with the proposed new peaking power facility. These include air quality and compensation for the proposed conversion of forested wetlands. EPA also suggest that substantive issues be included in the TVA ROD. EPA will continue to review this project through the State of Mississippi's PSD process.

ERP No. F–TVA–E39053–TN Future Water Supply Needs in the Upper Duck River Basin, NPDES Permit and COE Section 404 Permit, Bedford, Marshall, Maury and Williamson Counties, TN.

Summary: EPA notes that no preferred alternative was identified in the FEIS and believes that the No-Action Alternative should be continued with water conservation measures implemented before any additional source water action alternative is initiated when water shortfalls become acute. EPA prefers action alternatives C and E, and has environmental objections to alternatives B and D, as proposed.

Dated: April 10, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–9242 Filed 4–12–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2477]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceedings

April 6, 2001.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceedings

listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by April 30, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions have expired.

Subject: Amendment of FM Table of Allotments (MM Docket No. 99–233).

Number of Petitions Filed: 1.

Subject: Policies and Rules Concerning Unauthorized Changes of Consumers Long Distance Carriers (CC Docket No. 94–129).

Number of Petitions Filed: 4.

Subject: Provisions of Directory Listing Information Under the Telecommunications Act of 1934 (CC Docket No. 99–273).

Number of Petitions Filed: 2.

Subject: The Development of Operational, Technical, and Spectrum Requirements for Meeting Federal State and Local Public Safety Agency Communications Requirements Through the Year 2010 (WT Docket No. 96–86).

Number of Petitions Filed: 4.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–9160 Filed 4–12–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Sunshine Act Meeting; Notice of Agency Meeting

Pursuant to the provisions of the ''Government in the Sunshine Act'' (5 U.S.C. 552b), notice is hereby given that at 10:26 a.m. on Tuesday, April 10, 2001, the Board of Directors of the Federal Deposit Insurance Corporation met in closed session to consider matters relating to the Corporation's corporate and supervisory activities.

In calling the meeting, the Board determined, on motion of Director Ellen S. Seidman (Director, Office of Thrift Supervision), seconded by Director John D. Hawke, Jr. (Comptroller of the Currency), concurred in by Director John M. Reich (Appointive), and Chairman Donna Tanoue, that Corporation business required its consideration of the matters on less than seven days' notice to the public; that no notice earlier than April 4, 2001, of the meeting was practicable; that the public interest did not require consideration of the matters in a meeting open to public observation; and that the matters could be considered in a closed meeting by authority of subsections (c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B) of the ''Government in the Sunshine Act'' (5 U.S.C. 552b(c)(2), (c)(8), (c)(9)(A)(ii), and (c)(9)(B)).

The meeting was held in the Board Room of the FDIC Building located at 550—17th Street, N.W., Washington, D.C.

Dated: April 11, 2001.

Federal Deposit Insurance Corporation.

James D. LaPierre,

Deputy Executive Secretary.

[FR Doc. 01–9342 Filed 4–11–01; 11:50 am]

BILLING CODE 6714–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Submission for OMB Review; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency has submitted the following proposed information collection to the Office of Management and Budget for review and clearance in accordance with the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3507).

Title: National Fire Department Census.

Type of Information Collection: New.

Abstract. The U.S. Fire Administration (USFA) receives many requests from Fire Service organizations and the general public for information related to fire Departments, including total number of departments, number of stations per department, population protected, and number of fire fighters. Many data products and reports exist that contain fragmented or estimated information about fire department demographics, and capabilities, but there is no single reference source today that aggregates this data to provide a complete and accurate profile of fire departments in the United States. The data collected from this collection of information will be used to develop a database by the USFA to identify all fire departments in the United States that will include information related to demographics, capabilities and activities. The database will also be used by USFA to guide programmatic decisions, provide the Fire Service and the public with information about fire departments, to produce mailing lists for USFA publications and other materials, and serve as a baseline from which to sample fire loss data.

Affected Public: Federal, State, local government, volunteer, and industrial fire departments.

Number of Respondents: 33,000.

Estimated Time per Respondent: 25 minutes.

Estimated Total Annual Burden Hours: 13,860.

Frequency of Response: One-time.

COMMENTS: Interested persons are invited to submit written comments on the proposed information collection to David Rostkler, Desk Officer for the Federal Emergency Management Agency, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 within 30 days of the date of this notice.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be made to Muriel B. Anderson, FEMA Information Collections Officer, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472. Telephone number (202) 646–2625. FAX number (202) 646–3524, or email address: muriel.anderson@fema.gov.

Dated: April 9, 2001.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 01–9174 Filed 4–12–01; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL RESERVE SYSTEM

[Docket No. R–1100]

Policy Statement on Payments System Risk

AGENCY: Board of Governors of the Federal Reserve System.

ACTION: Policy statement.

SUMMARY: The Board is eliminating the requirements for establishing Fedwire third-party access arrangements from its Policy Statement on Payments System Risk.

EFFECTIVE DATE: April 9, 2001.

FOR FURTHER INFORMATION CONTACT: Paul Bettge, Associate Director (202–452–3174), or Sue Harris, Senior Financial Services Analyst (202–452–3490), Division of Reserve Bank Operations and Payment Systems.

SUPPLEMENTARY INFORMATION:

I. Background

Fedwire is the large-value payment and securities settlement mechanism operated by the Federal Reserve Banks. Fedwire provides depository institutions with real-time gross settlement of funds transfers and book-entry securities transfers made for their own account or on behalf of their customers. Typically, depository institutions with Federal Reserve accounts originate their own funds and book-entry transfers by accessing Fedwire directly. In some cases, however, a depository institution enters into an agreement in which a service provider, acting as agent for the depository institution, initiates transfers that are posted to the institution's account at the Federal Reserve.

In July 1987, the Board approved a set of conditions under which Fedwire third-party access arrangements could be established, as part of its payment system risk reduction policy (52 FR 29255, August 6, 1987). The Board allows institutions meeting the conditions to establish third-party access arrangements whereby a sending or receiving institution (''the participant'') designates another depository institution or other service provider to initiate, receive, or otherwise process Fedwire funds transfers or book-entry securities transfers that are posted to the participant's account at the Federal Reserve. The Board modified the policy in August 1995 to clarify its applicability and to reduce the administrative burden of some of its provisions (60 FR 42418, August 15, 1995).

The policy requires depository institutions to impose prudent controls over Fedwire funds transfers and book-entry securities transfers initiated, received, or otherwise processed on their behalf by a third-party service provider. The participant must retain control over the credit granting process, must monitor its own Federal Reserve account position, and must maintain adequate audit and contingency backup capabilities. As a part of obtaining prior approval from the Federal Reserve, the institution must also obtain a written ''no objection'' letter from its primary supervisor.

In January 1996, the Board modified the policy to address explicitly third-party access arrangements involving service providers located outside the United States. (61 FR 3035, January 30, 1996). Foreign service providers are subject to additional requirements, such as making audit reports available in English and submitting to on-site reviews by the depository institution's primary U.S. supervisor.

II. Discussion

The Federal Reserve's experience with the Fedwire third-party access policy indicates that such access, when properly managed by depository institutions, poses little additional risk to the Federal Reserve. Third-party access arrangements have neither adversely affected the ability of depository institutions to manage their daylight overdrafts nor increased risk to the Federal Reserve. The Board has found no evidence to suggest that outsourcing Fedwire transactions leads to a higher incidence of Federal Reserve account-management problems. As a result, the Board has determined that a specific policy addressing Fedwire third-party access is no longer necessary, and that the administrative burden imposed on institutions associated with the procedural requirements of the policy warrant its revocation at this time.

As part of the ongoing supervisory process, banking organizations are expected to address and manage risks that may arise out of Fedwire operations, including its outsourcing. The Board's supervisory guidance on outsourcing, which addresses both domestic and foreign arrangements, lays out basic supervisory expectations for outsourcing of Fedwire and other information- and transaction-processing activities by banking organizations supervised by the Federal Reserve. Fedwire outsourcing arrangements will continue to be reviewed as appropriate during the normal supervisory process.[1] Risk management controls for Fedwire outsourcing arrangements contained in interagency examination procedures, which will be revised as necessary to reflect elimination of the pre-approval requirements of the third-party access policy, will continue to be addressed to the extent necessary during risk-focused examinations.[2]

Upon rescission of the third-party access policy, depository institutions will no longer be required to obtain formal approval from the Federal Reserve to engage in Fedwire third-party service provider arrangements, but they will continue to communicate requests for any related operating changes to the Reserve Bank. The depository institution and the service provider will be required to submit to the Federal Reserve a written authorization for the service provider to access the depository institution's account. The authorization also acknowledges the depository institution's responsibility for the management of its Federal Reserve account and requires the service provider to indicate the location from which it will provide the services.[3] The current approval process for establishing Fedwire third-party access arrangements will be eliminated upon rescission of the policy:

- Participants will no longer be required by the Federal Reserve to obtain a ''no objection'' letter from their primary supervisor before outsourcing Fedwire operations.
- The Federal Reserve will no longer require the existing warranties, certifications, and authorizations as a condition of approval of Fedwire outsourcing arrangements. For example, the participant no longer must certify that the arrangement is consistent with corporate separateness and does not violate branching restrictions. The existing letter of authorization will be replaced by the authorization described above.
- Participants will no longer be required to certify to the Federal Reserve that they have established certain operating procedures, audit plans, and contingency plans in advance of establishing a Fedwire third-party access arrangement.
- The Federal Reserve will no longer require certain additional controls and reviews prior to the establishment of arrangements involving foreign service providers and service providers that are not affiliated with the participant.

The Board is therefore rescinding the Fedwire third-party access policy, part I, section G of the Federal Reserve Policy Statement on Payments System Risk.[4] The Federal Reserve continues to expect that institutions implement prudent controls over outsourced Fedwire operations. In addition, the Board or the Reserve Banks may provide federal and state banking agencies with information regarding outsourcing of Fedwire activities of supervised institutions to facilitate ongoing supervisory review.

By order of the Board of Governors of the Federal Reserve System, April 9, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–9124 Filed 4–12–01; 8:45 am]

BILLING CODE 6210–01–P

[1] See ''Outsourcing of Information and Transaction Processing,'' SR Letter 00–4, February 29, 2000.

[2] See *FFIEC Information Systems Examination Handbook,* 1996, Chapter 18.

[3] Appendix C of Operating Circular 6, *Funds Transfer Through Fedwire,* will be replaced by an authorization for third-party access arrangements.

[4] The current part I, section H of the policy, Monitoring, will be designated as section G.

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Statement of Delegation of Authority

Notice is hereby given that I have delegated to the Director, National Institutes of Health (NIH), the authorities under Public Law 106–551 (Chimpanzee Health Improvement, Maintenance, and Protection Act), section 2, as amended, to establish and to operate a sanctuary system for surplus chimpanzees that have been used, or were bred or purchased for use, in research conducted or supported by agencies of the Federal Government. NIH shall take the lead in coordinating all efforts on behalf of the Department of Health and Human Services concerning a sanctuary system for surplus chimpanzees from both Federal and non-Federal sources.

This delegation shall be exercised under the Department's delegation of authority and policy on regulation, and it excludes the authority to submit reports to Congress.

These authorities may be redelegated and further redelegation is authorized. Redelegations must be in writing and exercised in accordance with any conditions or restrictions imposed by law or regulation. All previous delegations of authority inconsistent with the provisions of this delegation are superseded.

This delegation is effective upon date of signature. In addition, I ratified and affirmed any actions take by the Director, NIH, or other NIH officials, which involved the exercise of authorities delegated herein prior to the effective date of this delegation.

Dated: April 5, 2001.

Tommy G. Thompson,

Secretary.

[FR Doc. 01–9130 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Citizens Advisory Committee on Public Health Service (PHS) Activities and Research at Department of Energy (DOE) Sites: Oak Ridge Reservation Health Effects Subcommittee

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) and the Centers for Disease Control and Prevention (CDC) announce the following meeting.

Name: Citizens Advisory Committee on PHS Activities and Research at DOE Sites: Oak Ridge Reservation Health Effects Subcommittee (ORRHES).

Time and Date: 11:30 a.m.–12:30 p.m.

Place: This meeting will be conducted via conference call and on-site at the Tennessee Department of Environment and Conservation (TDEC), Department of Energy Oversight Division, 761 Emory Valley Road, Oak Ridge, TN 38730. Telephone: 865–481–0995. To participate via conference call, please dial 1–800–311–3437 and when prompted, enter participant code #224425.

Status: Open to the public, limited only by space available at TDEC. The room accommodates approximately 25 people. This notice is being published less than 15 days in advance of the meeting due to administrative delay. The meeting room accommodates approximately 25 people.

Background: A Memorandum of Understanding (MOU), signed in October 1990 and renewed in September 2000 between ATSDR and DOE, 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.

In addition, under an MOU signed in December 1990 with DOE and replaced by an MOU signed in 2000, the Department of Health and Human Services (HHS) has been 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 and use. HHS has delegated program responsibility to CDC.

Purpose: This subcommittee is charged with providing advice and recommendations to the Director, CDC, and the Administrator, ATSDR, pertaining to CDC's and ATSDR's public health activities and research at this DOE site. Activities shall focus on providing the public with a vehicle to express concerns and provide advice and recommendations to CDC and ATSDR. The purpose of this meeting is to receive updates from ATSDR and CDC, and to address other issues and topics, as necessary.

Matters to be Discussed: Agenda item includes a discussion on the needs assessment from the Needs Assessment Workgroup and a recommendation for George Washington University on community contacts. Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Bill Murray, Oak Ridge Field Office at (865) 220–0295, or Marilyn Palmer, Committee Management Specialist, Division of Health Assessment and Consultation, ATSDR, 1600 Clifton Road, NE, M/S E–54, Atlanta, Georgia 30333, telephone 1–888–422–8737, fax 404/639–4699.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 9, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–9155 Filed 4–12–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Interagency Committee on Smoking and Health: Notice of Charter Renewal

This gives notice under the Federal Advisory Committee Act (Public Law 92–463) of October 6, 1972, that the charter for the Interagency Committee on Smoking and Health (ICSH) of the Centers for Disease Control and Prevention (CDC), Department of Health and Human Services, has been renewed for a 2-year period, through March 20, 2003.

For further information, contact Linda Bailey, Executive Secretary, Interagency Committee on Smoking and Health, Centers for Disease Control Prevention, of the Department of Health and Human Services, CDC, Washington Office, m/s P–07, Washington, DC 20201, telephone 202/205–8500 or fax 202/205–8313.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 9, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–9154 Filed 4–12–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01046]

Support State Oral Disease Prevention Programs; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program to ''Support State Oral Disease Prevention Programs''. This program addresses ''The Healthy People 2010'' focus areas of Oral Health, Public Health Infrastructure, and Educational and Community-Based Programs. For additional Healthy People 2010 information please see AR–11 in Attachment I.

The purpose of this program is to establish, strengthen and expand the capacity of states, territories, and tribes to plan, implement, and evaluate oral disease prevention and health promotion programs, targeting populations and disparities, as outlined in ''Oral Health in America: A Report of the Surgeon General'', see appendix IV. These programs may include addressing dental caries, periodontal diseases, oral and pharyngeal cancers, and other oral conditions considered to be public health problems. With enhanced capacity, States can direct and integrate strategies and resources, serving as the linking agent for collaboration between the federal, state, and local levels, including both the private and public sectors, in support of improved oral health outcomes. Competitive cooperative agreements with state health departments or agencies are announced for:

Part A: CORE

To assist States, territories, and tribes in establishing, strengthening or expanding oral health core capacity and infrastructure to the level required for effective programs. For more information on the components of state oral health programs as outlined in the Association of State and Territorial Dental Directors' ''Building Infrastructure and Capacity in State and Territorial Oral Health Programs'' see Appendices I and IV.

It is expected that CORE funding will be used to establish, strengthen and expand core capacity and infrastructure which may include, but not be limited to, support for (1) oral health program leadership (e.g., state dental director); (2) epidemiologic expertise needed to collect and analyze data, monitor oral health status, risk behaviors, preventive interventions and programs, and target intervention efforts; and (3) coordination and/or management of PREVENTION INTERVENTION(S) (e.g., prevention program management and/or coordination, support staff and community health awareness, education and health awareness).

Part B: Prevention Interventions

To provide funding to support the establishment, enhancement or expansion of oral health disparity reduction programs once adequate capacity and infrastructure are in place. For more information on community-based oral disease prevention strategies, see Appendix IV, ''The Community Guide to Preventive Services''. Prevention programs are:

B–(1) Community water fluoridation; or

B–(2) School based or school linked dental sealant programs.

B. Eligible Applicants

Limited Competition

Assistance will be provided only to the health departments of States or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, federally recognized Indian tribal governments, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. In consultation with States, assistance may be provided to political subdivisions of States.

Applicants may apply for assistance under Part A or Part A and Part B. All applicants are required to demonstrate the existing oral health program components as described under CORE (Part A). Applicants may also request support under Prevention Interventions (Part B), for either community water fluoridation (B–(1)), or school-based or school-linked dental sealants (B–(2)), but not both.

All applicants are eligible for CORE (Part A) funding. Eligible applicants or their bona fide agents for Prevention Interventions (Part B) are applicants successfully competing for CORE (Part A) and are not excluded as follows:

Part B–(1) Community water fluoridation

Applicants receiving funding for community water fluoridation under CDC's Program Announcement 99111, Water Fluoridation Assistance Program, are not eligible to apply for Part B–(1), but are eligible to apply for funding under Part B–(2).

Part B–(2) School-based or school-linked dental sealants

Applicants receiving funding for school-based or school-linked dental sealants under CDC's Program Announcement 99071, Oral Disease Prevention in School-Aged Children Using School-based or School-linked Oral Health Programs, are not eligible to apply for Part B–(2), but are eligible to apply for funding under Part B–(1).

In order to compete for funding under Part B, the applicant must either demonstrate the current existence of oral health program components, or apply and be approved for funding to establish, strengthen, or expand components under Part A.

Note: Public Law 104–65 states that an organization, described in section 501(c)(4) of the Internal Revenue Code of 1986, that engages in lobbying activities is not eligible to receive federal funds constituting an award, grant, cooperative agreement, contract, loan, or any other form.

C. Availability of Funds

Approximately $1.2 million is available in FY 2001 to fund approximately 3 to 6 awards.

Part A: Core

Approximately $800,000 is available for 3 to 6 CORE awards. It is expected that the average award will be $200,000.

Part B: Prevention Interventions

Approximately $400,000 is available for approximately 3 to 4 Prevention Intervention awards. It is expected that the average award will be $80,000.

B–(1) Approximately $200,000 for approximately 2 awards for community water fluoridation.

B–(2) Approximately $200,000 for approximately 2 awards for school-based or school-linked dental sealant programs.

It is expected that awards will begin on or about July 1, 2001, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may vary and are subject to change.

Continuation awards within the project period will be made on the basis

of satisfactory progress as evidenced by required reports and evaluation findings and the availability of funds.

Direct Assistance

You may request federal personnel as direct assistance in years two through five, in lieu of a portion of financial assistance.

Use of Funds

Applicants may not use these funds to supplant oral health program funds from local, state, or federal (e.g., Preventive Health and Health Services Block Grant). Applicants must maintain current levels of support dedicated to oral health from these other sources. Funding received under this program announcement cannot be used for the purchase of dental services.

CORE funding may be used to establish or enhance needed oral health core capacity and infrastructure. Funding for core capacity may include, but not be limited to support for:

(1) Oral health program leadership (e.g., state dental director).

(2) Epidemiologic expertise.

(3) Coordination and/or management of oral health Prevention Intervention, and efforts in oral health awareness, health communication, and education.

(4) Support infrastructure needed to monitor and maintain the quality of water fluoridation (e.g., fluoridation specialist), including Information Technology equipment.

(5) Establish/manage state oral health coalition or advocacy group.

(6) Evaluate program accomplishments, including the processes and support to the coalition.

Prevention Intervention funding may be used to establish, enhance and/or expand program for:

(1) B–(1) Community Water Fluoridation Programs

a. Training and development of training materials for State fluoridation engineers and water plant operators.

b. Development of educational materials on the benefits of water fluoridation.

c. Support to monitor the quality of water fluoridation.

e. New and/or replacement fluoridation equipment, if needed.

f. Evaluation of progress of a community water fluoridation program.

g. Surveillance of ongoing fluoride systems.

h. Participation in CDC's Water Fluoridation Reporting System (WARS).

(2) B–(2) School-based or school-linked dental sealant programs

a. Program coordination or management.

b. Assessment of extent to which schools within the State are incorporating prevention oriented oral health information, prevention or treatment services.

c. Linkage and coordination activities resulting in more school-aged children with dental sealants.

d. Implementation of program activities.

e. Evaluation of program outcomes.

Pending the availability of funds:

(1) Purchase of dental sealant materials.

(2) Purchase of portable dental sealant equipment, if needed.

Recipient Financial Participation

Applicants requesting funding for community water fluoridation equipment under B–(1) of the Prevention Interventions (Part B), will be required to provide matching funds. Matching funds are required from state and/or local sources in an amount of not less than $1 for each $3 of federal funds awarded for community water fluoridation equipment under this program announcement. Matching funds may be in cash or its equivalent, including donated or in-kind appropriate equipment, supplies and or services.

CDC funding covers some of the costs of oral health core capacity, infrastructure and community-based prevention interventions, but it is not intended to fully support all aspects of the oral health program.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1 and 2 (Recipient Activities). CDC will be responsible for the activities listed under 3 (CDC Activities).

(1) Recipient Activities (CORE Part A)

a. Describe the oral health disparities within the state and document unmet oral health needs of target populations and the existing oral health assets (e.g., professional dental/dental hygiene schools, prevention interventions within the state).

b. Describe a feasible, measurable and realistic one year plan for reducing disparities in oral health. The one year plan must be in the context of the five year plan for this project. Applicants will be expected to annually update their one year plan.

c. Establish a coalition to assist in the formulation of plans, guide project activities, and identify additional financial resources for this project, including state, local and private sources. (This committee should be representative of stakeholder organizations within the state (e.g., state and local agencies, dental societies, public awareness groups, consumer groups, businesses)).

d. Based on the oral health indicators consistent with the National Oral Health Surveillance System (NOHSS) and WFRS, establish and maintain a surveillance system to:

(1) Monitor state-specific, population-based oral disease burden and track oral disease trends; and

(2) Measure changes in program capacity and community water fluoridation access and quality.

e. Identify prevention opportunities for reducing disparities in oral health and opportunities for collaboration with state and local partners, including changes in policy and communication and education.

f. Build linkages with partners to increase community capacity to address oral health issues.

g. Integrate, coordinate and implement population-based interventions.

h. Evaluate, document, and share state program accomplishments, best practices, lessons learned, and program costs. For more detailed information on evaluation, refer to ''Framework for Program Evaluation in Public Health''. For more information, see Appendix IV.

(2) Recipient Activities (Prevention Interventions (Part B))

a. Community water fluoridation (B–(1))

(1) Describe and document the unmet needs in community water fluoridation, oral health needs of target populations, and existing oral health assets (e.g., dental/dental hygiene schools, state fluoridation coordinator, fluoridation training or education programs) within the state.

(2) Support infrastructure for the coordination and management of community water fluoridation programs and the infrastructure needed to monitor and maintain the quality of community water fluoridation.

(3) Develop or purchase and disseminate educational materials to increase awareness of the benefits of community water fluoridation.

(4) Provide and/or develop fluoridation training and fluoridation training materials for fluoridation engineers and water plant operators.

(5) Implement community-based health awareness:

a. Outline the nature and scope of the oral disease burden;

b. Target at-risk sub-populations or oral disease conditions; and

c. Evaluate the program, based on a clear evaluation strategy.

(6) Purchase new and/or replacement fluoridation equipment for community water systems, as needed.

(7) Evaluate community water fluoridation program accomplishments.

(8) Participate in CDC's (WFRS).

b. School-based or school-linked dental sealants (B–2)

(1) Describe and document the unmet oral health needs of target populations, number of eligible public or secondary schools, and existing oral health assets (e.g., dental/dental hygiene schools, oral disease prevention programs) within the state.

(2) Document collaborative working relationships between the state health department and the state educational agency and formal agreements (e.g., MOA).

(3) Support infrastructure for the coordination and management of school-based or school-linked dental sealant programs.

(4) Assess, implement, integrate and/or strengthen coordination of oral health education, prevention and linkages to preventive and treatment services within existing school health or coordinated (comprehensive) school health programs, including school-based health centers.

(5) Develop school-based or school-linked dental sealant programs targeting public elementary or secondary schools located in:

a. Urban areas, and in which more than 50% of the student population of that school or school entity is participating in federal or state free and reduced meal programs; or

b. Rural school districts having a median income that is at or below 235 percent of the poverty line, as defined in section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

(6) Enhance linkages between coordinated (comprehensive) school health programs and oral health treatment providers and/or services for at-risk children.

(7) Evaluate the accomplishments and effectiveness of the implemented dental sealant program.

(3) CDC Activities

a. Update and provide information related to the purposes or activities of the program announcement and cooperative agreement program.

b. Provide programmatic and technical assistance for recipients and their stakeholders and partners through programmatic and technical consultation, workshops, information exchanges, and other forms of guidance, assistance, and information sharing to:

(1) Assist the recipient in the assessment the oral health status and behaviors of target sub-populations;

(2) Assist the recipient to design and implement strategies for Prevention Interventions based on best available science;

(3) Assist the recipient to design, evaluate and monitor the effectiveness of their Prevention Interventions;

(4) Distribute information documented on lessons learned, best practices and program costs; and

(5) Assist in the enhancing of recipients to evaluate state core capacity and their oral health program.

c. Communicate and share information, evaluations, data, and programmatic activities with other recipients and partners, as appropriate.

d. Coordinate conference calls, workshops and other info-sharing opportunities, as appropriate.

E. Application Content

Competing Applications

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan.

For the CORE (Part A), the narrative should be no more than 32 double-spaced pages. For each Prevention Intervention (Part B–(1) or B–2)) the narrative should be no more than 19 double-spaced pages. The application should be printed on one side with one inch margins, and 12 point Universal unreduced font.

An application, either requesting assistance for or satisfactory demonstration of existing CORE (Part A), is required of all applicants. The Prevention Interventions (Part B) is optional.

Application Content

(CORE Part A)

(1) Executive Summary (not to exceed 4 pages)

The applicant should provide a clear, concise 4 page written summary to include

a. Synthesis of the need for oral health programs to reduce disparities.

b. Changes in infrastructure required to support the proposed oral health disparity programs.

c. Major proposed objectives for implementation of the operational plan.

d. Amount of federal funding requested for Part A and Part B of this cooperative agreement.

(2) Statement of Need (not to exceed 7 pages)

a. Describe the oral health disparities within the State. Applicants should indicate specific sub-populations and the source(s) of data provided.

b. Describe the current assets and capacity of the State to reduce identified disparities with existing resources (*e.g.,* private dental care providers, dental schools, state and local dental public health programs, Medicaid and States Children's Health Insurance Plan (SCHIP)).

c. Identify barriers and facilitators likely to affect the reduction of oral health disparities identified within various state sub-populations.

d. Describe the gaps in statewide infrastructure affecting the capability of the applicant to perform core functions and operate prevention programs to reduce the identified oral health disparities.

(3) Goals and Objectives (not to exceed 5 pages)

a. Design a logic model for your state oral health program. See APPENDIX II for a general logic model. Incorporate planned PREVENTION INTERVENTIONS if appropriate, into your state oral health logic model.

b. Goals: List feasible, realistic goals related to the logic model to be achieved during the budget period and during years two through five (project period).

c. Objectives: Provide specific, time-phased and measurable objectives to accomplish each goal related to your logic model. State how the achievement of the objectives will contribute to meeting the goal.

(4) Operational plan (not to exceed 5 pages)

a. Describe the operational plan for achieving each of the objectives in Section 1 above.

b. The operational plan should describe activities planned to complete each of the objectives. Applicants should link each time-phased objective with the activities intended to support that objective.

c. The operational plan should establish a time line for the completion of each component or major activity.

d. Identify the specific individual (person) responsible for each objective or activity.

(5) Evaluation Plan (not to exceed 6 pages)

Describe the plan for monitoring progress toward achieving the objectives stated in Section 1 above.

a. Indicate how the applicant plans to measure the achievement of each objective.

b. For the above objectives, specify measures, data collection protocols, and data quality required to obtain needed information for evaluation activities.

c. Using your logic model as a framework, specify

(1) The indicators for process and outcome objectives,

(2) Expected increase in capacity of the state oral health program, delivery systems, and communities as appropriate,

(3) Changes in oral health outcomes due to oral disease reduction programs.

d. Plans for analysis, interpretation, and reporting of evaluation findings.

e. Plans for use of evaluation findings to strengthen the oral health program, support policies, and improve oral health outcomes.

f. Provide a time-line for the completion of the evaluation.

(6) Program Management (not to exceed 5 pages)

a. Describe the employing agencies or institutions, as well as professional backgrounds of existing or proposed staff that will be responsible for each functional aspect involved with this project, including percent of time commitment. Include Cum Vitas as appropritate.

b. Describe the qualifications of in-kind and project budgeted staff.

c. Provide evidence of state support for the proposed project.

d. Describe how the coalition will be involved in the planning, implementation, and evaluation of the proposed project.

e. Describe the management team and how they will coordinate responsibility for different program aspects.

f. Identify staff that will direct the evaluation efforts and oversee any additional team members assigned to evaluation tasks. Provide a detailed description of expertise, experience, and delineation of staff, and responsibilities for the program evaluation team.

(7) Budget and Accompanying Justification (no page limitation)

Submit a detailed budget for CORE (Part A), and line-item justification that is consistent with the purpose of the program and the proposed project objectives and activities, using the format of the sample budget provided in appendix III.

To the extent necessary, applicants are encouraged to include travel for up to four (4) persons associated with this project to each attend up to three (3) workshops, training courses, or technical assistance meetings. For the purpose of the initial funding period, the applicant should budget for the workshops, training courses, and technical assistance meetings to be held in Atlanta, Georgia.

To the extent necessary, applicants are encouraged to include travel for two (2) staff or selected representatives to annually participate in the National Oral Health Conference. For the purpose of the initial funding period, the applicant should budget for the 2002 National Oral Health Conference to be held in Boston, MA.

Application Content

Prevention Interventions (Part B)

(1) Executive Summary (not to exceed 4 pages)

The applicant is asked to provide a clear, concise 4 page written summary to include:

a. Synthesis of the need for oral health programs to reduce disparities;

b. Changes in infrastructure required to support the proposed oral health disparity programs;

c. Major proposed objectives for implementation of the operational plan; and

d. Amount of federal funding requested for Part A and Part B of this cooperative agreement.

(2) Statement of Need (not to exceed 7 pages)

The applicant is encouraged to reference their CORE Statement of Need section as necessary. Be sure to describe the need for Prevention Interventions (Part B–(1) or B–(2)) for which funding is being requested.

a. Describe the oral health disparities within the state and how these areas relate to community water fluoridation and school-linked/or school-based dental sealant programs. Applicants should indicate specific sub-populations and the source(s) of data provided.

b. Describe the current assets and capacity of the state to reduce identified disparities with existing resources (e.g. private dental care providers, dental schools, state, and local dental public health programs, Medicaid and States Children's Health Insurance Plan (SCHIP)).

c. Identify barriers and facilitators likely to affect the reduction of oral health disparities identified within various state sub-populations.

d. Describe the gaps in statewide infrastructure affecting the capability of the applicant to perform core functions and operate prevention programs to reduce the identified oral health disparities.

(3) Goals and Objectives (not to exceed 1 page)

a. Goals: List realistic goals related to the logic model to be achieved during the budget period and during years two through five (project period).

b. Objectives: Provide specific, time-phased and measurable objectives to accomplish each goal as related to your logic model. Reference Section 3 of your CORE Goals and Objectives as appropriate or Appendix II for more information. State how the achievement of the objective will contribute to meeting the goal.

(4) Operational plan (not to exceed 3 pages)

a. Describe the operational plan for achieving each of the objectives in Section 1 above.

b. The operational plan should describe activities planned to complete each of the objectives. Applicants should link each time-phased objective with the activities intended to support that objective.

c. The operational plan must establish a time line for the completion of each component or major activity.

d. Identify which individual will be responsible for each objective or activity.

(5) Evaluation Plan (not to exceed 2 pages)

Describe the plan for monitoring progress toward achieving the objectives stated in Section 1 above.

a. Indicate how the applicant plans to measure the achievement of each objective.

b. For the above objectives, specify measures, data collection protocols, and data quality required to obtain needed information for evaluation activities.

c. Using your logic model as a framework, specify

(1) The indicators for process and outcome objectives,

(2) Expected increase in capacity of the state oral health program, delivery systems, and communities as appropriate,

(3) Changes in oral health outcomes due to oral disease reduction programs.

d. Plans for analysis, interpretation and reporting of evaluation findings.

e. Plans for use of evaluation findings to strengthen the oral health program, supporting policies and improve oral health outcomes.

f. Provide a time line for the completion of the evaluation.

(6) Program Management (not to exceed 2 pages)

a. Describe the employing agencies or institutions, as well as professional backgrounds of existing or proposed staff that will be responsible for each functional aspect involved with this project, including percent of time commitment.

b. Describe the qualifications of in-kind and project budgeted staff.

c. Provide evidence of state support for the proposed project.

d. Describe how the coalition will be involved in the planning, implementation, and evaluation of the proposed project.

e. Describe the management team and how they will coordinate responsibility for different program aspects.

f. Identify staff that will direct the evaluation efforts and oversee any additional team members assigned to evaluation tasks. Provide a detailed description of expertise, experience and areas of responsibility for the program evaluation.

g. If an applicant is requesting funding for Prevention Interventions (Part B–(2)), (e.g., dental sealant program) provide a copy of an appropriate MOA, or other written agreement(s) between the state heath department and other State agencies (e.g., state educational agency). If an appropriate MOA, or other written agreement(s) are unavailable, the applicant must provide letters from both agencies showing a commitment for the development of an appropriate MOA, or other written agreement(s) is encouraged.

(7) Budget and Accompanying Justification (no page limitation)

Submit a detailed separate budget for the Prevention Interventions (Part B) and line-item justification that is consistent with the purpose of the program and the proposed project objectives and activities and using the format of the sample budget provided in Appendix III. If applicant is requesting support for community water fluoridation (Part B–(1)), please include the match portion (refer to Recipient Financial Participation under section C) in your budget. Include type (cash, or cash equivalent, in-kind or donated), source, and how the valuation was determined.

Direct Assistance

To request new direct-assistance assignees, include:

(1) number of assignees requested;

(2) description of the position and proposed duties;

(3) ability or inability to hire locally with financial assistance;

(4) justification for request;

(5) organizational chart and name of intended supervisor;

(6) opportunities for training, education, and work experiences for assignees; and

(7) description of assignee's access to computer equipment for communication with CDC (e.g., personal computer at home, personal computer at workstation, shared computer at workstation on site, shared computer at a central office).

F. Submission and Deadline

Letter of Intent (LOI)

Prospective applicants are asked to submit a letter of intent to enable CDC to determine the level of interest in this announcement. Although a letter of intent is not required, is not binding and will not enter into the review of subsequent applications, the information that it contains will allow CDC staff to estimate the potential workload and to avoid conflict of interest in the review. Your letter of intent should include the following information. (1) Program Announcement number 01046, as noted above and (2) intent to request CoreORE and Prevention Interventions (B–(1) or B–(2)) finding. The letter of intent must be submitted on or before April 17, 2001, to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189). Forms are available at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm, or in the application kit. On or before May 15, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

a. Received on or before the deadline date.

b. 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: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC. Applications for Parts A and B will be individually scored. Each part will be allocated a total of 100 points, according to the following criteria. See chart below for more details.

	Part A	Part B–1 or B–2
1. Statement of Need	15	15
2. Goals & Objectives	20	20
3. Operational Plan	30	30
4. Evaluation Plan	15	20
5. Program Management	20	15
6. Budget	Not	Scored

(1) Statement of Need

The extent to which applicant identifies specific needs related to the purpose of this program announcement. Disparities of specific sub-populations have been identified along with barriers and needs. (Refer to Section D.1.a, D.2.a.1, and D.2.b.1 for more details.)

(2) Goals and Objectives

The extent to which (1) applicant's logic model ties project goals and objectives to health outcomes, (2) goals are feasible and realistic, (3) objectives are realistic, time phased, and measurable and are linked to appropriate evaluation criteria.

(3) Operational Plan

The adequacy of the applicant's plan to carry out the proposed activities supports the achievement of the objectives and seems realistic. The extent to which the applicant's proposed activities are necessary and sufficient to accomplish of each of the stated objectives.

(4) Evaluation Plan

The extent to which the following are identified: (1) measures selected to monitor accomplishments; (2) development and implementation of an evaluation plan; (3) strategies for measuring program effectiveness, obtaining data, reporting results; (4) use of the results for making programmatic decisions that are feasible and result in improvements in the program, policies, and the state oral health plan. (Refer to

Section D.1.g, D.2.a.6.c, D.2.a.8, and D.2.b.7 for more detail.)

(5) Program Management

The extent to which current, proposed staff and staff functions support the applicant's capacity to perform the project and the extent to which the following have been demonstrated: (1) clear delineation of responsibility; (2) commitment of sufficient time by key staff; (3) commitment of state resources to proposed project; (4) meaningful involvement of coalition in planning, implementation, and evaluation; (5) specificity and soundness of the approach for how the program will be managed.

(6) Budget (not scored)

The extent to which the applicant provides a detailed and clear budget along with justifications, a demonstration that the proposed use of funding is consistent with the proposed program objectives and activities see the sample budget in Appendix III.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

(1) Semi-annual progress reports. The progress reports should include the following for each objective involved:

a. Progress made toward accomplishment of goals and objectives, including specific comparisons of actual accomplishment of objectives compared to the planned accomplishments for the reporting period;

b. The reasons for slippage as appropriate; and

c. Other pertinent information including, when appropriate, analysis and explanation of unexpectedly high costs for performance.

(2) Financial status report, no more than 90 days after the end of the budget period.

(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 in the application kit.

AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 301(a), 311 (b) and (c), 317 (k)(2), and 317M of the Public Health Service Act, [42 U.S.C. section 241(a), 243 (b) and (c), 247b (k)(2) and 247b-14], as amended. The Catalog of Federal Domestic Assistance number is 93.283.

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.''

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Cynthia Collins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Program Announcement 01046, 2920 Brandywine Road, Room 3000; Mailstop E–18, Atlanta, GA 30341–4146; Telephone number (770) 488–2757; Email address *coc9@cdc.gov.*

For program technical assistance, contact: Kathleen Heiden, RDH, MSPH, Division of Oral Health, National Center for Chronic Disease Prevention and Health Promotion, Centers for Disease Control and Prevention (CDC), Mail Stop F–10, 4770 Buford Highway, NE, Atlanta, GA; Telephone number (770) 488–6056; Email Address *oralhealthgrants@cdc.gov.*

Dated: April 9, 2001.

John L. Williams,

Director, Procurement and Grants, Office.

[FR Doc. 01–9153 Filed 4–12–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Board of Scientific Counselors, National Center for Infectious Diseases: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following committee meeting.

Name: Board of Scientific Counselors, National Center for Infectious Diseases (NCID).

Times and Dates: 9 a.m.–5:45 p.m., May 10, 2001; 8:30 a.m.–2:30 p.m., May 11, 2001.

Place: CDC, Auditorium B, Building 1, Clifton Road, Atlanta, Georgia 30333.

Status: Open to the public, limited only by the space available.

Purpose: The Board of Scientific Counselors, NCID, provides advice and guidance to the Director, CDC, and Director, NCID, in the following areas: program goals and objectives; strategies; program organization and resources for infectious disease prevention and control; and program priorities.

Matters To Be Discussed: Agenda items will include:

1. *Opening Session:* NCID Update.
2. *Program Update:* BSE/vCJD.
3. *Program Update:* Dengue.
4. Update on NIAID Research Priorities.
5. Issue Updates;
   a. Antimicrobial Resistance
   b. Patient Safety
   c. Waterborne Infections
6. Breakout groups on Issue Updates (Item 5, a–c above).
7. Board Discussions.
8. *Program Update:* Life/GAP.
9. *Breakout Group Report/Discussion:* Antimicrobial Resistance.
10. *Breakout Group Report/Discussion:* Patient Safety.
11. *Breakout Group Report/Discussion:* Waterborne Infections.
12. *Program Update:* NEDSS.
13. Discussions.
14. Board meets with Director, CDC.
15. Discussions and Recommendations.

Other agenda items include announcements/introductions; follow-up on actions recommended by the Board December 2000; consideration of future directions, goals, and recommendations.

Agenda items are subject to change as priorities dictate.

Written comments are welcome and should be received by the contact person listed below prior to the opening of the meeting.

Contact Person for More Information: Diane S. Holley, Office of the Director, NCID, CDC, Mailstop C–20, 1600 Clifton Road, NE, Atlanta, Georgia 30333, email *dsy1@cdc.gov;* telephone 404/639–0078.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: April 9, 2001.

Carolyn J. Russell,

Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–9152 Filed 4–12–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–0154]

Agency Information Collection Activities; Proposed Collection; Comment Request; Color Additive Certification Requests and Recordkeeping

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of FDA's regulations governing batch certification of color additives manufactured for use in foods, drugs, cosmetics, or medical devices in the United States.

DATES: Submit written or electronic comments on the collection of information by June 12, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Color Additive Certification Requests and Recordkeeping—(21 CFR Part 80)—(OMB Control Number 0910–0216)—Extension

Section 721(a) of the Federal Food, Drug, and Cosmetic Act (the act) (21 U.S.C. 379e(a)) provides that a color additive shall be deemed unsafe unless the color additive and its use are in conformity with a regulation that describes the conditions under which the color additive may be safely used, or unless the color additive and its use conform to the terms of an exemption for investigational use. If a regulation prescribing safe conditions of use has been issued, the color additive must be from a batch certified by FDA to conform to the requirements of that regulation and other applicable regulations, unless the color additive has been exempted from the certification requirement.

Section 721(c) of the act instructs the Secretary of Health and Human Services (the Secretary) (through FDA) to issue regulations providing for batch certification of color additives for which the Secretary finds such requirement to be necessary in the interest of protecting the public health. FDA's implementing regulations in part 80 (21 CFR part 80) specify the information that must accompany a request for certification of a batch of color additive and require certain records to be kept pending and after certification. FDA requires batch certification for all color additives listed in 21 CFR part 74 and for all color additives provisionally listed in 21 CFR part 82. Color additives listed in 21 CFR part 73 are exempt from certification.

Under § 80.21, a request for certification must include: Name of color additive, batch number and weight in pounds, name and address of manufacturer, storage conditions, statement of use(s), fee, and signature of requester. The request for certification must also include a sample of the batch of color additive that is the subject of the request. Under § 80.22, the sample must be labeled to show: Name of color additive, batch number and quantity, and name and address of the person requesting certification. A copy of the label or labeling to be used for the batch must accompany the sample. Under § 80.39, the person to whom a certificate is issued must keep complete records showing the disposal of all the color additive covered by the certificate. Such records are to be made available upon request to any accredited representative of FDA until at least 2 years after disposal of all of the color additive.

The request for certification of a batch of color additive is reviewed by FDA's Office of Cosmetics and Colors to verify that all of the required information has been included. Because the information required in the request for certification is unique to the specific batch of color additive involved, it must be generated for each batch. The information submitted with the request helps FDA to ensure that only safe color additives will be used in foods, drugs, cosmetics, and medical devices sold in the United States. The batch number assigned by the manufacturer is a means of temporary identification until a certification lot number has been issued by FDA. After certification, the manufacturer's batch number helps ensure that the proper batch of color is indeed being used under the certification lot number issued by FDA. In the case of a batch that has been refused certification for noncompliance with the regulations, the manufacturer's batch number aids in tracing the ultimate disposal of that batch of color additive. The batch weight serves to account for the disposal of the entire batch. For example, it might be used in determining whether uncertified color has been sold under the lot number assigned to the batch by FDA or, in the event of a recall after certification, to determine whether all unused color has been recalled. In addition, the batch

weight is the basis for assessing the certification fee. The name and address of the manufacturer of the color additive being submitted for certification allows FDA to contact the person responsible for its manufacture should a question arise concerning compliance with the regulations. Information on storage conditions pending certification is used to evaluate the possibility that the batch could have been inadvertently or intentionally altered in a manner that would make the sample submitted for certification analysis no longer representative of the batch. It is also used when an FDA investigator is sent to the site; the veracity of the storage statements is checked during normal plant inspections. Information on the uses is needed to ensure that all of the proposed uses are within the limits of the listing regulation for which the person seeking certification proposes that the color be certified. The statement of the fee on the certification request is for accounting purposes so that the person seeking certification can be promptly notified if any discrepancies appear. The information requested on the label of the sample submitted with the certification request is used to identify the sample. The regulations require an accompanying copy of the label or labeling to be used for the batch so that FDA can verify that the batch will be labeled appropriately when it enters commerce.

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 Hours
80.21	41	106	4,344	0.2	869
80.22	41	106	4,344	0.05	217
Total				0.25	1,086

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

TABLE 2.—ESTIMATED ANNUAL RECORDKEEPING BURDEN[1]

21 CFR Section	No. of Recordkeepers	Annual Frequency per Recordkeeping	Total Annual Records	Hours per Record	Total Hours
80.39	41	106	4,344	0.25	1,086
Total					1,086

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The estimated total annual burden for this information collection is 2,172 hours. Over the period fiscal year (FY) 1998 to 2000, FDA processed an average of 4,344 requests for certification of batches of color additives. Approximately 41 different respondents submitted requests for certification each year over the period FY 1998 to 2000. FDA obtained the estimates for the length of time necessary to prepare certification requests and accompanying samples and to comply with recordkeeping requirements from industry program area personnel.

Dated: April 6, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–9120 Filed 4–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 01N–0153]

Agency Information Collection Activities; Proposed Collection; Comment Request; Voluntary Registration of Cosmetic Product Establishments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act of 1995 (the PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the voluntary registration of cosmetic product establishments with FDA.

DATES: Submit written or electronic comments on the collection of information by June 12, 2001.

ADDRESSES: Submit electronic comments on the collection of information to http://www.accessdata.fda.gov/scripts/oc/dockets/edockethome.cfm. Submit written comments on the collection of information to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. All comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Peggy Schlosburg, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1223.

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or

provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Voluntary Registration of Cosmetic Product Establishments—21 CFR Part 710 (OMB Control Number 0910–0027)—Extension

Under the Federal Food, Drug, and Cosmetic Act (the act), cosmetic products that are adulterated under section 601 of the act (21 U.S.C. 361) or misbranded under section 602 of the act (21 U.S.C. 362) may not be distributed in interstate commerce. To assist FDA in carrying out its responsibility to regulate cosmetics, FDA requests that establishments that manufacture or package cosmetic products register with the agency on Form FDA 2511 entitled ''Registration of Cosmetic Product Establishment.'' Regulations providing procedures for the voluntary registration of cosmetic product establishments are found in 21 CFR part 710.

Since mandatory registration of cosmetic establishments is not authorized by statute, voluntary registration provides FDA with the best information available about the location, business trade names used, and the type of activity (manufacturing or packaging) of cosmetic product establishments that participate in this program. In addition, the registration information is an essential part of planning onsite inspections to determine the scope and extent of noncompliance with applicable provisions of the act. The registration information is used to estimate the size of the cosmetic industry regulated. Registration is permanent, although FDA requests that firms submit an amended registration on Form FDA 2511 if any of the information originally submitted changes.

FDA uses registration information as input for a computer data base of cosmetic product establishments. This data base is used for mailing lists to distribute regulatory information or to invite firms to participate in workshops on topics in which they may be interested.

FDA estimates the burden of this collection of information as follows:

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	Form	No. of Respondents	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
710	FDA 2511	50	1	50	0.4	20

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

The burden estimates are based on past experience and on discussions with registrants during routine communications. FDA receives an average of 50 registration submissions annually. There has been no change over the past 16 years in the number of submissions of Form FDA 2511 or in the time it takes to complete this form.

Dated: April 6, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–9121 Filed 4–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 00N–1674]

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Specific Requirements on Content and Format of Labeling for Human Prescription Drugs; Addition of ''Geriatric Use'' Subsection in the Labeling

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that the proposed collection of information listed below has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995 (PRA).

DATES: Submit written comments on the collection of information by May 14, 2001.

ADDRESSES: Submit written comments on the collection of information to the Office of Information and Regulatory Affairs, OMB, New Executive Office Bldg., 725 17th St. NW., rm. 10235, Washington, DC 20503, Attn: Wendy Taylor, Desk Officer for FDA.

FOR FURTHER INFORMATION CONTACT: Karen L. Nelson, Office of Information Resources Management (HFA–250), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–1482.

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Specific Requirements on Content and Format of Labeling for Human Prescription Drugs; Addition of ''Geriatric Use'' Subsection in the Labeling (OMB Control No. 0910–0370)—Extension

Section 201.57(f)(10) (21 CFR 201.57(f)(10)) requires that the ''Precautions'' section of prescription drug labeling must include a subsection on the use of the drug in elderly or

geriatric patients (aged 65 and over). The information collection burden imposed by this regulation is necessary to facilitate the safe and effective use of prescription drugs in older populations. The geriatric use subsection enables physicians to more effectively access geriatric information in physician prescription drug labeling.

TABLE 1.—ESTIMATED ANNUAL REPORTING BURDEN[1]

21 CFR Section	No. of Respondents per Response	Annual Frequency per Response	Total Annual Responses	Hours per Response	Total Hours
201.57(f)(10)—new drug applications	83	1.49	124	8	992
201.57(f)(10)—abbreviated new drug applications	117	3.96	464	2	928
Total					1,920

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

In the **Federal Register** of January 5, 2001 (66 FR 1142), the agency requested comments on the proposed collections of information. No significant comments were received.

Dated: April 6, 2001.

William K. Hubbard,

Senior Associate Commissioner for Policy, Planning, and Legislation.

[FR Doc. 01–9119 Filed 4–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–4070]

International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal Products (VICH); Final Guidance for Industry Entitled ''Stability Testing of New Biotechnological/Biological Veterinary Medicinal Products'' (VICH GL17); Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a final guidance for industry (No. 99) entitled ''Stability Testing of New Biotechnological/Biological Veterinary Medicinal Products'' (VICH GL17). This guidance has been adapted for veterinary use by the International Cooperation on Harmonisation of Technical Requirements for Registration of Veterinary Medicinal (VICH) from similarly titled guidance regarding pharmaceuticals for human use, which was adopted by the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). This final VICH document is intended to provide guidance to applicants regarding the stability studies that should be conducted and the stability data that should be provided in support of new animal drug applications (NADA's) (referred to as marketing applications in the final guidance) for veterinary biotechnological/biological products that are regulated by FDA and for which the NADA's are submitted to the European Union, Japan, and the United States.

DATES: Submit written comments at any time.

ADDRESSES: Submit written requests for a single copy of the final guidance to the Communications Staff (HFV–12), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the final guidance document.

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.

FOR FURTHER INFORMATION CONTACT: William G. Marnane (HFV–140), Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 301–827–6966, e-mail: wmarnane@cvm.fda.gov.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote the international harmonization of regulatory requirements. FDA has participated in efforts to enhance harmonization and has expressed its commitment to seek scientifically based harmonized technical requirements for the development of pharmaceutical products. One of the goals of harmonization is to identify and then reduce the differences in technical requirements for drug development among regulatory agencies in different countries.

FDA has actively participated in the ICH for several years to develop harmonized technical requirements for the approval of human pharmaceutical and biological products among the European Union, Japan, and the United States. The VICH is a parallel initiative for veterinary medicinal products. The VICH is concerned with developing harmonized technical requirements for the approval of veterinary medicinal products in the European Union, Japan, and the United States, and includes input from both regulatory and industry representatives.

The VICH Steering Committee is composed of member representatives from the European Commission; the European Medicines Evaluation Agency; the European Federation of Animal Health; the U.S. FDA; the U.S. Department of Agriculture, the Animal Health Institute; the Japanese Veterinary Pharmaceutical Association; the Japanese Association of Veterinary Biologics; and the Japanese Ministry of Agriculture, Forestry and Fisheries.

Two observers are eligible to participate in the VICH Steering Committee: One representative from the Government of Australia/New Zealand, and one representative from industry in Australia/New Zealand. The VICH Secretariat, which coordinates the preparation of documentation, is provided by the Confédération Mondiale de L'Industrie de la Santé Animale (COMISA). A COMISA representative also participates in the VICH Steering Committee meetings.

II. Guidance on Stability Testing of New Biotechnological/Biological Veterinary Medicinal Products

This final guidance entitled ''Stability Testing of New Biotechnological/

Biological Veterinary Medicinal Products'' (VICH GL17) has been adapted for veterinary use by the VICH from a guidance regarding pharmaceuticals for human use, which was adopted by the ICH and published in the **Federal Register** of July 10, 1996 (61 FR 36466).

In the **Federal Register** of October 12, 1999 (64 FR 55294), FDA published the VICH draft guidance, giving interested persons until November 12, 1999, to submit comments. FDA shared the comments it received with the appropriate VICH Expert Working Group and after considering the comments, the work group submitted the final guidance to the VICH Steering Committee. No changes were made in response to the comments. At a meeting held on June 14 through 16, 2000, the VICH Steering Committee endorsed the final guidance for industry, VICH GL17.

Biotechnological/biological products have distinguishing characteristics to which consideration should be given in any well-defined testing program designed to confirm their stability during the intended storage period. For such products, in which the active components are typically proteins and/or polypeptides, maintenance of molecular conformation and biological activity is dependent on noncovalent as well as covalent forces. The products are particularly sensitive to environmental factors such as temperature changes, oxidation, light, ionic content, and shear. In order to ensure maintenance of biological activity and to avoid degradation, stringent conditions for their storage are usually necessary. The evaluation of stability may require complex analytical methodologies. With these concerns in mind, applicants should develop proper supporting stability data for new products of this type.

This final guidance document is intended to provide guidance to applicants regarding the type of stability studies that should be conducted and the stability data that should be provided in support of NADA's for veterinary biotechnological/biological products that are regulated by FDA. It is intended to supplement the tripartite VICH GL3 guidance entitled ''Stability Testing of New Veterinary Drug Substances and Medicinal Products'' (a copy of this final guidance document may be obtained on the Internet from the CVM home page at www.fda.gov/cvm).

This Level 1 final guidance is being issued consistent with FDA's good guidance practices (21 CFR 10.115; 65 FR 56468, September 19, 2000). It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

Information collected is covered under OMB control number 0910–0117.

III. Electronic Access

Copies of the final guidance document entitled ''Stability Testing of New Biotechnological/Biological Veterinary Medicinal Products'' (VICH GL17) may be obtained on the Internet from the CVM home page at http://www.fda.gov/cvm.

IV. Comments

As with all of FDA's guidances, the public is encouraged to submit written comments with new data or other new information pertinent to this final guidance. FDA will periodically review the comments in the docket and, where appropriate, will amend this final guidance. The agency will notify the public of any such amendments through a notice in the **Federal Register**.

Interested persons may submit to the Dockets Management Branch (address above) written comments regarding this final guidance document at any time. Two copies of any comments are to be submitted, except individuals may submit one copy. Comments should be identified with the docket number found in the brackets in the heading of this document. A copy of the final guidance document and received comments are available for public examination in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: April 6, 2001.

Ann M. Witt,

Acting Associate Commissioner for Policy.

[FR Doc. 01–9259 Filed 4–12–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[HCFA–3068–N]

Medicare Program; Educational Symposium To Discuss the Use of Evidence-Based Medicine in the Medicare Coverage Decision Process—May 3, 2001

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

ACTION: Notice of meeting.

SUMMARY: This document announces an educational symposium open to all interested parties at which presenters will describe evidence-based medicine and its role in the decision making process for Medicare coverage issues. This meeting represents one aspect of the evolving process for making the Medicare coverage process more open and comprehensible to the public.

DATES: *The Meeting:* The meeting will be held on May 3, 2001, from 8 a.m. until 12 noon, E.D.T.

Special Accommodations: Persons attending the meeting who are hearing or visually impaired, or have a condition that requires special assistance or accommodations, are asked to notify the **FOR FURTHER INFORMATION CONTACT** person by April 20, 2001.

ADDRESSES: The meeting will be held at the HCFA headquarters MultiPurpose Room, 7500 Security Boulevard, Baltimore, Maryland 21244. Seating in the MultiPurpose Room is limited to 150 persons, and is available on a first come, first served basis.

FOR FURTHER INFORMATION CONTACT: Janet Anderson at 410–786–2700, email *JAnderson@hcfa.gov*, or Janet Anderson, Coverage and Analysis Group, 7500 Security Blvd, mailstop S3–02–01, Baltimore, MD 21244.

SUPPLEMENTARY INFORMATION:

I. Background

On April 27, 1999, we published a general notice in the **Federal Register** (64 FR 22619) that announced the process we use to make national coverage decisions under the Medicare program. In the notice, we explained that these coverage decisions are prospective, population-based policies that apply to a clinical subset or class of Medicare beneficiaries. We described the clinical circumstances and setting under which an item or service is available (or not available). We included information and approaches we are considering for making coverage decisions. One approach is the use of the principles of evidence-based medicine in evaluating the effectiveness of health services. We also clarified that the notice was not intended to address individual medical necessity determinations and claims adjudication by our contractors and other adjudicators, nor was it intended to address changes in current Medicare payment policies.

On August 13, 1999, we published a notice in the **Federal Register** (64 FR 44231) to describe the Medicare Coverage Advisory Committee (MCAC), which provides advice and recommendations to us about clinical issues. The MCAC is charged with providing recommendations on a variety

of topics relating to the effectiveness of health services. The MCAC uses guidelines for evaluating evidence through applying criteria that employs the principles of evidence-based medicine.

Since the publication of these **Federal Register** notices we have employed the principles of evidence-based medicine in the coverage process, both in the creation of decision memorandum and in involvement with the MCAC.

II. Format of Meeting

We will begin the meeting with a brief overview of the purpose of the meeting. Following this introduction, there will be an informative presentation highlighting the principles of evidence-based medicine. This discussion will then be followed by presentations given by experts who have experience with the use of evidence-based medicine in the coverage decision process. Public comments and questions to the panel will follow these last presentations.

III. Registration

Since seating is limited to 150 persons, and is available on a first come, first served basis, prior registration with the contact person is not necessary.

Authority: 5 U.S.C. App. 2, section 10(a)(1) and (a)(2).

(Catalog of Federal Domestic Assistance Program No. 93.774, Medicare—Supplementary Medical Insurance Program)

Dated: April 6, 2001.

Jeffrey L. Kang, M.D.,

Director, Office of Clinical Standards and Quality, Health Care Financing Administration.

[FR Doc. 01–9257 Filed 4–12–01; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Special Projects of National Significance Targeted HIV Outreach and Intervention Model Development; Evaluation and Program Support Center

AGENCY: Health Resources and Services Administration, HHS.

ACTION: Notice of availability of funds.

SUMMARY: The Health Resources and Services Administration (HRSA) announces the availability of fiscal year (FY) 2001 funds to be awarded under the Special Projects of National Significance (SPNS) program for discretionary grants, under a new competition that supports the development and evaluation of models of targeted HIV outreach and intervention for under-served HIV-positive populations not in care. The purpose of this new grant initiative is to support multi-year projects that will refine and evaluate programs that identify individuals who are HIV-positive and not in health care and engage them in comprehensive and continual health care, and develop an evaluation and program support center to provide advice and technical assistance to the funded multi-year projects regarding program refinement and evaluation. Special emphasis is placed on reaching individuals from communities of color and under-served populations.

The SPNS program is authorized by section 2691 of the Public Health Service Act. Grants may be awarded directly to public and non-profit private entities, including community-based organizations. The program has $3.5 million dollars available for this initiative. HRSA expects to make approximately 15 awards for demonstration projects and one award for the Evaluation and Program Support Center. The budget and project periods for approved and funded projects will begin on or about September 30, 2001. Funds for Category I awards must be requested for the initial two years. Funds for Category II must be requested for all five years.

Funds will be awarded in two categories. In the first category (Category I), HRSA expects to award approximately fifteen (15) grants for the development and evaluation of models of targeted HIV outreach and intervention for under-served HIV-positive populations not in care. It is anticipated that in the first two years (Phase 1), each Category I site will be awarded $200,000 per year. For those study sites approved for continuation in years three through five (Phase 2), up to $400,000 per year will be available. All Category I grantees will be eligible to submit a competitive grant application during the second year for continuation funding for years three through five (Phase 2).

In the second category (Category II), HRSA expects to award one award up to $500,000 per year for a five-year project period to support an Evaluation and Program Support Center. This Center will work with grantees to develop an overall multi-site evaluation of the grant initiative and provide technical support to grantees on program development and evaluation issues.

Eligible applicants under Categories I and II may include, but are not limited to, State, local, or tribal public health, mental health, housing, or substance abuse departments; public or non-profit hospitals and medical facilities; community-based service organizations (e.g., AIDS service organizations, community and migrant health centers funded by HRSA's Bureau of Primary Health Care, other primary health care clinics, family planning centers, AIDS anti-discrimination and advocacy organizations, homeless assistance providers, hemophilia centers, community health or mental health centers, substance abuse treatment centers, urban and tribal Indian health centers or facilities, migrant health centers, etc.), institutions of higher education, and national service provider and/or policy development associations and organizations.

Outreach projects proposed in Category I should seek to improve participation by HIV infected persons in HIV counseling and testing, diagnosis, prophylaxis, and treatment of manifestations and complications of HIV infection and AIDS, including: (a) Antiretroviral therapy, and (b) prophylactic therapy for opportunistic infections, including tuberculosis. Models of care should target under served populations and determine: the spectrum of HIV disease among treated and untreated HIV-infected persons (upon entry into care), the progression of HIV disease, adherence to antiretroviral treatment and PCP prophylaxis, and the impact of the model of care upon these parameters longitudinally. Models should include links to HIV counseling and testing services.

During Phase 1 of the program (project years 1–2), Category I grantees are expected to continue to provide their existing outreach services while engaging in planning activities for the implementation and evaluation of an intervention during Phase 2 (project years 3–5) which may be: (1) A refinement and/or expansion of the intervention being implemented during Phase 1; or (2) a new intervention which was not being implemented during Phase 1. Phase 2 continuation awards will be made based on review by an external objective review committee which will use review criteria that is expected to consist of the Category I grantees' implementation of Phase 1 activities, success in implementing local and cross-site evaluation activities during Phase 1, and their ability to incorporate local and cross-site evaluation activities into the proposed Phase 2 scope of work.

The SPNS program is designed to demonstrate and evaluate innovative and replicable HIV service delivery models. The authorizing legislation specifies three SPNS program objectives: (1) To support the development of innovative models of HIV care; (2) to evaluate the effectiveness of innovative program designs; and (3) to promote replication of effective models. Therefore, crucial factors in appraising proposals for outreach demonstration models will include, among other factors, the degree to which the applicant's plan improves access to and use of health care by individuals from vulnerable subpopulations and historically under-served communities by identifying: (a) Proactive strategies for bringing minority and under served populations into health care when they are in early stages of HIV disease; (b) models that transform sporadic users of health care into regular and continual users of health care; and (c) effective methods to support and retain clients in health care.

DATES: Letters of Intent, to allow HRSA to plan for the Objective Review Process, are encouraged from all applicants. Such letters should be sent to: Barbara Aranda-Naranjo, PhD, RN, FAAN, Branch Chief, ATTN: 2001 New HAB Competitive Initiative, Demonstration Program and Evaluation Branch, HIV/AIDS Bureau, Health Resources and Services Administration, Parklawn Building, Room 7C–07, 5600 Fishers Lane, Rockville, MD 20857 or faxed to: 301/443–4965. Such letters should be received by SPNS within 30 days after the publication of this Notice of Availability of Funds in the Federal Register. Receipt of these notices of intent will not be routinely acknowledged.

Applications must be received in the HRSA Grant Application Center (GAC) by the close of business June 4, 2001 to be considered for competition. Applications will meet the deadline if they are either (1) received on or before the deadline date or (2) postmarked on or before the deadline date, and received in time for submission to the objective review panel. A legibly dated receipt from a commercial carrier or U.S. Postal Service will be accepted instead of a postmark. Private metered postmarks shall not be accepted as proof of timely mailing. Applications not accepted for processing will be returned to the applicant and will not be considered for funding.

ADDRESSES: The official grant application kit and guidance materials for this announcement may be obtained from the HRSA Grants Application Center, Attn: CFDA 93.928, 1815 N. Fort Meyer Drive, Suite 300, Arlington, VA 22209; telephone 877–477–2123, e-mail address HRSA.GAC@hrsa.gov. Applicants are strongly advised to obtain the Guidance before preparing applications. Please mail completed applications to the HRSA Grants Application Center, previously described. Applicants for grants will use Revised Form PHS 5161–1, approved under OMB Control No. 0937–0189. This form may also be downloaded from the DHHS Program Support Center (PSC) website at: http://forms.psc.gov/forms/. All applications submitted to the SPNS program will be reviewed and rated by an objective review panel. Interested parties may access the guidance only on HRSA's web site at www.hrsa.hab.gov/grants.html.

FOR FURTHER INFORMATION CONTACT: Additional information regarding business, administrative, and fiscal issues related to the awarding of grants under this Notice may be requested from Ms. Janice Gordon, Grants Management Officer, HIV/AIDS Bureau, Health Resources and Services Administration, Parklawn Building, Room 7–89, 5600 Fishers Lane, Rockville, MD 20857; telephone 301/443–2385; fax 301/594–6096; e-mail address JGordon@hrsa.gov.

Additional information related to technical and program issues regarding the overall SPNS Program may be requested from Barbara Aranda-Naranjo, PhD, RN, FAAN, Branch Chief, ATTN: 2001 New Competitive Initiative, Demonstration Program and Evaluation Branch, HIV/AIDS Bureau, Health Resources and Services Administration, Parklawn Building, Room 7C–07, 5600 Fishers Lane, Rockville, MD 20857; telephone 301/443–4149; fax 301/443–4965; e-mail address BAranda-Naranjo@hrsa.gov.

Technical assistance regarding this funding announcement, may be requested from John Hannay, Special Program Consultant, Demonstration Program and Evaluation Branch, HIV/AIDS Bureau, Health Resources and Services Administration, Parklawn Building, 5600 Fishers Lane, Room 7C–07, Rockville, MD 20857; tel. 301/443–0232; fax 410/730–6061; e-mail address SPNSOutreach2001@aol.com.

Healthy People 2010 Objectives

The Public Health Service urges applicants to address at least one of the Healthy People 2010 objectives in their work plans. Potential applicants may obtain a copy of Healthy People 2010 (Full Report) or Healthy People 2010 (Summary Report) through the Superintendent of Documents, Government Printing Office, Washington, DC 20402–9325 (Web site: http://www.access.gpo.gov; telephone: 202/512–1800).

SUPPLEMENTARY INFORMATION:

Background and Objectives

The SPNS program endeavors to advance knowledge and skills in HIV service delivery, to stimulate the design of innovative models of care, and to support the development of effective delivery systems for these services. SPNS accomplishes its purpose through funding, technical support and evaluation of innovative HIV service delivery models. HRSA has found that access to highly active antiretroviral therapy (HAART) and other care modalities reduces morbidity and mortality among people living with HIV, and that certain groups, particularly racial and ethnic minorities and women, have not benefited from such access and care as much as others. The reasons for these disparities are not well understood. They may include patients' awareness of available services, their understanding of when and how to use different components of the health care system, and their life concerns and priorities. The reasons may also include clinician characteristics and the organizational structures of health service providers. This announcement seeks applications from community-based programs that address the characteristics of targeted populations and the interactions between clients and their providers, and offer potential solutions to engaging minorities into care early in the course of HIV infection and achieving their consistent use of care. Further, the announcement seeks applications for an evaluation and program support center to work with grantees funded under Category I.

This SPNS program encourages innovative projects to rigorously evaluate implementation, utilization, costs, and process and health outcomes. Proposed process and outcomes evaluation designs by demonstration project grantees (Category I) will form the basis for the cross-site evaluation conducted by the awardee in Category II. SPNS funds should be used to create models of outreach that would likely not exist without SPNS support, or would extend HIV services to previously under-served populations defined either geographically or demographically. Services provided through SPNS funding should currently not be reimbursed or eligible for current reimbursement through other sources, including Medicaid, third party payers, or other Ryan White programs. A model

may deliver services or products that are reimbursable, but the services supported by SPNS should not be.

Eligible Applicants

The statute, section 2691(a) specifies that grants may be awarded to public and non-profit private entities to fund special programs for the care and treatment of people with HIV disease. Eligible applicants may include, but are not limited to, State, local, or tribal public health, mental health, housing, or substance abuse departments; public or non-profit hospitals and medical facilities; community-based service organizations (e.g., AIDS service organizations, community and migrant health centers funded by HRSA's Bureau of Primary Health Care, other primary health care clinics, family planning centers, AIDS anti-discrimination and advocacy organizations, homeless assistance providers, hemophilia centers, community health or mental health centers, substance abuse treatment centers, urban and tribal Indian health centers or facilities, migrant health centers, etc.), institutions of higher education, and national service provider and/or policy development associations and organizations. Additionally, applicants in Category I must demonstrate experience in providing outreach services or other programs that are providing or linking HIV-infected individuals from these under-served and vulnerable subpopulations with appropriate primary care and ancillary services on a regular basis.

Public Health System Reporting Requirements

This program is also subject to the Public Health System Reporting Requirements which have been approved by the Office of Management and Budget under No. 0937–0195. Under these requirements, any community-based, non-governmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to keep State and local health officials appraised of proposed health services grant applications submitted from within their jurisdictions.

Executive Order 12372

The Special Projects of National Significance Grant Program has been determined to be a program subject to the provisions of Executive Order 12372, concerning intergovernmental review of Federal Programs, as implemented by 45 CFR Part 100.

The OMB Catalog of Federal Domestic Assistance number for the Special Projects of National Significance is 93.928.

Dated: April 9, 2001.

Elizabeth M. Duke,

Acting Administrator.

[FR Doc. 01–9162 Filed 4–12–01; 8:45 am]

BILLING CODE 4160–15–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Proposed Collection; Comment Request; A Prospective Study of Diet and Cancer in Members of the American Association of Retired Persons (AARP)

SUMMARY: In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, for public comment on proposed data collection projects, the National Cancer Institute (NCI), the National Institutes of Health (NIH) will publish periodic summaries of proposed projects to be submitted to the Office of Management and Budget (OMB) for review and approval.

Proposed Collection: Title: A Prospective Study of diet and Cancer in Members of the American Association of Retired Persons (AARP). *Type of information request:* Reinstatement, OMB No. 0925–0423, which expired on 09/30/98. *Need and Use of Information Collection:* This study is to examine prospectively the relation between diet and major cancers (especially those of the breast, large bowel, and prostrate) in population of early- to late-middle aged men and women in the United States. In order to minimize two problems that historically have plagued observational epidemiologic studies of diet and cancer—dietary measurement error and dietary homogeneity—this study is large and oversampled screenees within extreme categories of dietary intake. Understanding the relationship between diet and cancers of the breast, large bowel, and prostrate has critical implications for the American people. This uniquely designed study has a capacity greater than that of any previous study for demonstrating these important connections between dietary factors and major cancers. *Frequency of Response:* One-time study. *Affected Public:* Individuals or households. *Type of Respondents:* Male and Female AARP members aged 50–69 years. The total annual reporting burden is as follows: *Estimated Number of Respondents:* 291,900; *Estimated Number of Responses per Respondent:* 1; *Average Burden Hours per Response:* 0.5; and *Estimated Total Annual Burden Hours Requested:* 179, 636. There are no Capital Costs, Operating Costs, and/or Maintenance Costs to report.

Request for Comments: Written comments and/or suggestions from the public and affected agencies are invited on one or more of the following points: (1) Whether the proposed collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) 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 those who are to respond, including the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and instruments, contact Arthur Schatzkin, M.D., Dr.P.H., Cancer Prevention Studies Branch, Division of Cancer Prevention and Control, National Cancer Institute, Executive Plaza South, Suite 7040, Rockville, Maryland 28092, or call non-toll free (301) 594–2931, or E-mail your request, including your address to *schatzka@mail.nih.gov.*

Comments Due Date: Comments regarding this information collection are best assured of having their full effect if received on or before June 12, 2001.

Dated: April 6, 2001.

Reesa Nichols,

NCI Project Clearance Liaison.

[FR Doc. 01–9256 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in section 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and

the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: April 11, 2001.

Time: 2 pm to 3:30 pm.

Agenda: To review and evaluate grant applications.

Place: 6100 Executive Blvd. 5th Floor, Rockville, MD 20851, (Telephone Conference Call).

Contact Person: Gopal M. Bhatnagar, PhD, Scientific Review Administrator, Division of Scientific Review, National Institutes of Child Health and Human Development, National Institutes of Health, PHS, DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: April 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9250 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development, Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis panel, Innovative Rehabilitation Interventions Meeting.

Date: April 13–14, 2001.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Ramada Inn, 1775 Rockville Pike, Rockville, MD 20852.

Contact Person: Anne Krey, Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health and Human Development, National Institutes of Health, 6100 Executive Blvd., Rm. 5E03, Bethesda, MD 20892, 301–435–6908.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: April 9, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9251 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–35, Review of R44 Grants.

Date: May 7, 2001.

Time: 1:00 pm to 3:00 pm.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philip Washko, Phd, Dmd, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–31, Review of R44 Grants.

Date: May 9, 2001.

Time: 12:00 pm to 2:00 pm.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Natcher Building, Conference Room E½, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philip Washko, Phd, Dmd, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel 01–54, Review of U01 Grants.

Date: May 21, 2001.

Time: 9:00 am to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: 45 Center Drive, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Philip Washko, Phd, Dmd, Scientific Review Administrator, 45 Center Drive, Natcher Building, Rm. 4AN44F, National Institutes of Health, Bethesda, MD 20892, (301) 594–2372.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Diseases and Disorders Research, National Institutes of Health, HHS)

Dated: April 6, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9254 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Dental & Craniofacial Research; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract

proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Dental and Craniofacial Research Special Emphasis Panel, NDS–R Fluoride Component.

Date: May 4, 2001.

Time: 1:00 p.m. to 3:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: Room 7214, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892–7924 (Telephone Conference Call).

Contact Person: C. James Scheirer, Chief, Review Branch, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, Rockledge Center II, 6701 Rockledge Drive, Suite 7216, Bethesda, MD 20892–7924, 301–435–0266.

(Catalogue of Federal Domestic Assistance Program Nos. 93.121, Oral Disease and Disorders Research, National Institutes of Health, HHS)

Dated: April 6, 2001.

Laverne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9255 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 12, 2001.

Time: 3:00 pm to 4:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Sally Ann Amero, Phd, Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC 7890, Bethesda, MD 20892–7890, 301–435–1159, ameros@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 17, 2001.

Time: 10:00 am to 12:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: J. Scott Osborne, PhD Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, 301–435–1782.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 18, 2001.

Time: 10:00 am to 1:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: J. Scott Osborne, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4114, MSC 7816, Bethesda, MD 20892, 301–435–1782.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 18, 2001.

Time: 3:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Marcia Litwack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: April 24, 2001.

Time: 11:00 am to 12:30 pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Michael Micklin, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3178, MSC 7848, Bethesda, MD 20892, (301)435–1258, micklinm@csr.nih.gov

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: May 1, 2001.

Time: 1:00 pm to 3:pm.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892 (Telephone Conference Call).

Contact Person: Alexander D. Politis, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4204, MSC 7812, Bethesda, MD 20892, (301) 435–1225, politisa@mail.nih.gov

Name of Committee: Center for Scientific Review Special Emphasis Panel

Date: May 3–4, 2001.

Time: 2:00 pm to 5:00 pm.

Agenda: To review and evaluate grant applications.

Place: Club Quarters DC, 839 17th Street, N.W., Washington, DC 20006.

Contact Person: Anne Schaffner, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7850, Bethesda, MD 20892, (301) 435–1239, schaffna@csr.nih.gov

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health HHS)

Dated: April 6, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9252 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review, Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, April 5, 2001, 12:00 p.m. to April 5, 2001, 3:00 p.m., NIH, Rockledge 2, Bethesda, MD, 20892 which was published in the **Federal Register** on April 5, 2001, 66 FR 18105–18106.

The meeting will be held April 10, 2001, from 2:00 p.m. to 5:00 p.m. The location remains the same. The meeting is closed to the public.

Dated: April 6, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–9253 Filed 4–12–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration(SAMHSA), HHS.

ACTION: Notice of fnding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for cooperative agreements for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Cooperative Agreements to Certify, Network, and Evaluate Crisis Programs That Offer Hotline Services, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Activity	Application deadline	Est. funds FY 2001	Est number of awards	Project period
Improve & Evaluate Crisis Hotline Services	May 21, 2001	$3 million*	2*	3 years*

For more detailed information on the estimated funds, the estimated number of awards, and the project period see the text below. The actual amount available for the award may vary, depending on unanticipated program requirements and the number and quality of applications received. FY 2001 funds for the activity discussed in this announcement were appropriated by the Congress under Public Law No. 106–310. SAMHSA's policies and procedures for peer review and Advisory Council review of grant and cooperative agreement application were published in the **Federal Register** (Vol. 58, No. 126) on July 2, 1993.

General Instructions: Applicants must use application form PHS 5161–1 (Rev. 7/00). The application kit contains the two-part application materials (complete programmatic guidance and instructions for preparing and submitting applications), the PHS 5161–1 which includes Standard Form 424 (Face Page), and other documentation and forms. Application kits may be obtained from: National Mental Health Services Knowledge Exchange, Network (KEN), P.O. Box 42490, Washington, DC 20015, Telephone: 1–800–789–2647.

The PHS 5161–1 application form and the full text of the activity are also available electronically via SAMHSA's World Wide Web Home Page: http://www.samhsa.gov

When requesting an application kit, the applicant must specify the particular activity for which detailed information is desired. All information necessary to apply, including where to submit applications and application deadline instructions, are included in the application kit.

Purpose: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of Fiscal Year 2001 funds for cooperative agreements to certify, network, and evaluate crisis programs that offer hotline services. The overall purposes of this program are to: (1) Increase the number of crisis programs offering hotline services that are certified in suicide prevention in the United States; (2) increase the number of crisis centers/hotlines certified in suicide prevention that are networked through a single, toll-free, nationwide number, utilizing telecommunications technology that links callers to their geographically nearest crisis center. It is expected that approximately 200–300 of these crisis centers will be certified and networked over the project period of the award (3 years) and (3) coordinate, collect, and analyze data from crisis centers/hotlines in order to evaluate their effectiveness. This GFA solicits applications for two categories of cooperative agreements: Category I, Certification and Networking; and Category II, Client and Community-Centered Outcomes Evaluation. In Category I, the recipient must carry out the activities in each of the following three elements: (1) Certification of crisis centers/hotlines, (2) Networking certified hotline services, and (3) Project evaluation. In Category II, the recipient must carry out activities in the design of data collection standards and in the collection and analysis of data and the production of a final outcomes report.

*Eligibility:*Domestic, not-for-profit organizations may apply, including consortium/partnerships of organizations brought together for the purpose of this GFA; community-based organizations, including faith-based and consumer and family groups; public or private universities; hospitals; and units of State or local governments, Indian tribes and tribal organizations.

*Availability of Funds:*For Category I, up to $2,550,000 is available per budget year, including direct and indirect costs. In Category II, up t $450,000 is available per budget year, including direct and indirect costs. It is anticipated that one award will be made for each category.

*Period of Support:*The period of support for each Category is 3 years. Continuation awards will depend on the availability of funds and progress achieved.

Criteria for Review and Funding: General Review Criteria: Competing applications requesting funding under this activity will be reviewed for technical merit in accordance with established PHS/SAMHSA peer review procedures. Review criteria that will be used by the peer review groups are specified in the application guidance material.

Award Criteria for Scored Applications: Applications will be considered for funding on the basis of their overall technical merit as determined through the peer review group and the appropriate National Advisory Council review process. Availability of funds will also be an award criteria. Additional award criteria specific to the programmatic activity may be included in the application guidance materials.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact:

Maria T. Baldi, Public Health Advisor, Division of Program Development, Special Populations, and Projects, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 17C–26, Rockville, MD 20857, (301) 443–2892, E-Mail: *mbaldi@samhsa.gov*

or

Robert DeMartino, M.D., Associate Director for Program in Trauma and Terrorism, Division of Program Development, Special Populations, and Projects, Center for Mental Health Services, Substance Abuse and Mental Health Services

Administration, 5600 Fishers Lane, Room 17C–26, Rockville, MD 20857, (301) 443–2940, E-mail: *rdemarti@samhsa.gov*

Questions on grants management issues should be directed to: Steve Hudak, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13–103, Rockville, MD 20857, (301) 443–4456, E-Mail: *shudak@samhsa.gov*

Public Health Grants Management System Reporting Requirements: The Public Health System Impact Statement (PHSIS) is intended to keep State and local health officials apprised of proposed health services grant and cooperative agreement applications submitted by community-based nongovernmental organizations within their jurisdictions.

Community-based nongovernmental service providers who are not transmitting their applications through the State must submit a PHSIS to the head(s) of the appropriate State and local health agencies in the area(s) to be affected not later than the pertinent receipt date for applications. This PHSIS consists of the following information:

(a) A copy of the face page of the application (Standard form 424).

(b) A summary of the project (PHSIS), not to exceed one page, which provides:

(1) A description of the population to be served.

(2) A summary of the services to be provided.

(3) A description of the coordination planned with the appropriate State or local health agencies.

State and local governments and Indian Tribal Authority applicants are not subject to the Public Health System Reporting Requirements. Application guidance materials will specify if a particular FY 2001 activity is subject to the Public Health System Reporting Requirements.

PHS Non-use of Tobacco Policy Statement: The PHS strongly encourages all grant and contract recipients to provide a smoke-free workplace and promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care, or early childhood development services are provided to children. This is consistent with the PHS mission to protect and advance the physical and mental health of the American people.

Executive Order 12372: Applications submitted in response to the FY 2001 activity listed above are subject to the intergovernmental review requirements of Executive Order 12372, as implemented through DHHS regulations at 45 CFR Part 100. E.O. 12372 sets up a system for State and local government review of applications for Federal financial assistance. Applicants (other than Federally recognized Indian tribal governments) should contact the State's Single Point of Contact (SPOC) as early as possible to alert them to the prospective application(s) and to receive any necessary instructions on the State's review process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. A current listing of SPOCs is included in the application guidance materials. The SPOC should send any State review process recommendations directly to: Division of Extramural Activities, Policy, and Review, Substance Abuse and Mental Health Services Administration, Parklawn Building, Room 17–89, 5600 Fishers Lane, Rockville, Maryland 20857

The due date for State review process recommendations is no later than 60 days after the specified deadline date for the receipt of applications. SAMHSA does not guarantee to accommodate or explain SPOC comments that are received after the 60-day cut-off.

Dated: April 9, 2001.

Richard Kopanda

Executive Officer,, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–9163 Filed 4–12–01; 8:45 am]

BILLING CODE 4162–20–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Fiscal Year (FY) 2001 Funding Opportunities

AGENCY: Substance Abuse and Mental Health Services Administration (SAMHSA), HHS.

ACTION: Notice of funding availability.

SUMMARY: The Substance Abuse and Mental Health Services Administration (SAMHSA) Center for Mental Health Services (CMHS) announces the availability of FY 2001 funds for cooperative agreements for the following activity. This notice is not a complete description of the activity; potential applicants must obtain a copy of the Guidance for Applicants (GFA), including Part I, Coordinating Center for Cooperative Agreements to Evaluate Housing Approaches for Persons with Serious Mental Illness-Phase II, and Part II, General Policies and Procedures Applicable to all SAMHSA Applications for Discretionary Grants and Cooperative Agreements, before preparing and submitting an application.

Eligibility: Eligibility is limited to the currently funded Housing Initiative Coordinating Center, operated by the Vanderbilt University Institute for Public Policy Studies (VIPPS) in Nashville, Tennessee, simply referred to as the VIPPS Coordinating Center (VIPPSCC). The VIPPSCC is uniquely positioned to perform these tasks effectively with the additional funds and without the need for the usual start-up time.

Availability of Funds: It is estimated that up to $500,000 (direct and indirect costs) will be available to support this basic award under this GFA in FY2001. Actual funding level will depend upon the availability of appropriated funds and the applicant's budget justification.

Period of Support: Support may be requested for up to one year.

Catalog of Federal Domestic Assistance Number: 93.230.

Program Contact: For questions concerning program issues, contact: Pamela J. Fischer, Ph.D., Homeless Programs Branch, Center for Mental Health Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 11C–05, Rockville, MD 20857, (301) 443–3706, E-Mail: *pfischer@samhsa.gov*.

Questions on grants management issues should be directed to: Steve Hudak, Division of Grants Management, OPS, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Room 13–103, Rockville, MD 20857, (301) 443–4456, E-Mail: shudak@samhsa.gov.

Dated: April 9, 2001.

Richard Kopanda,

Executive Officer, Substance Abuse and Mental Health Services Administration.

[FR Doc. 01–9164 Filed 4–12–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4655–N–11]

Notice of Proposed Information Collection: Comment Request; Owner's Certification of Compliance With HUD's Tenant Eligibility and Rent Procedures

AGENCY: Office of the Assistant Secretary for 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:* June 12, 2001.

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: Wayne Eddins, Reports Management Officer, Department of Housing and Urban Development, 451 7th Street, SW., L'Enfant Building, Room 8202, Washington, D.C. 20410.

FOR FURTHER INFORMATION CONTACT: Willie Speramon, Director, Office of Housing Assistance and Grants Administration, U.S. Department of Housing and Urban Development, 451 7th Street, SW, Washington, DC 20410, telephone number (202) 708–3000, (this is not a toll-free number) for copies of the proposed forms and other available information.

SUPPLEMENTARY INFORMATION: The Department is submitting the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1955 (4 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 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 the use of appropriate automated collection techniques or other forms of information technology, permitting electronic submission of responses.

This Notice also lists the following information:

Title of Proposal: Owner's Certification with HUD's Tenant Eligibility and Rent Procedures.

OMB Control Number, if applicable: 2502–0204.

Description of the need for the information and proposed use: The collection of the data elements are needed to comply with Federal statutes and regulations that (1) establish policies as to who may be admitted to subsidized and/or assisted housing; (2) specify which eligible applicants may be given priority over others; (3) prohibit racial discrimination in conjunction with tenant selection and unit assignment; (4) specify how tenants' incomes and rents must be compiled; and (5) require annual reports to Congress and to the public on the race/ethnicity and gender composition of HUD program beneficiaries.

Agency form numbers, if applicable: HUD–50059.

Estimation of the total numbers of hours needed to prepare the information collection including number of respondents, frequency of response, and hours of response: The estimated number of respondents is 2,207,339, the frequency of responses is at least annually after admission, estimated time to prepare collection is 55 minutes per response (45 minutes for 221(d)(3) BMIR); and the total annual burden hours requested are 2,008,457.

Status of the proposed information collection: Revision of a currently approved collection.

Authority: The Paperwork Reduction Act of 1995, 44 U.S.C., Chapter 35, as amended.

Dated: April 6, 2001.

Sean G. Cassidy,

General Deputy, Assistant Secretary for Housing-Deputy Federal Housing Commissioner.

[FR Doc. 01–9129 Filed 4–12–01; 8:45 am]

BILLING CODE 4210–27–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket Nos. FR–4546–FA–02, FR–4560–FA–17, and FR–4595–FA–02]

Announcement of Funding Awards for Fiscal Year 2000 Public and Indian Housing—Section 8 Housing Vouchers Assistance Programs

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, 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 announcement notifies the public of funding awards for Fiscal Year 2000 (FY 2000) to housing agencies and non-profit agencies under the Section 8 Housing Vouchers Assistance programs. The purpose of this notice is to publish the names and addresses of the award winners and the amount of the awards made available by HUD to provide rental assistance to very low income families.

FOR FURTHER INFORMATION CONTACT: Michael Diggs, Director, Grants Management Center, Office of Public and Indian Housing, Department of Housing and Urban Development, 501 School Street, SW, Suite 800, Washington, DC 20024, telephone 202–358–0273 (this is not a toll-free number). For the hearing-or speech-impaired, these numbers may be accessed via TTY (text telephone) by calling the Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION: The regulations governing Section 8 Housing Vouchers Assistance programs are published at 24 CFR part 982. The regulations for allocating housing assistance budget authority under section 213 (d) of the Housing and Community Development Act of 1974 are published at 24 CFR part 791, subpart D.

The purpose of the Section 8 Housing Voucher Assistance programs is to assist eligible families to pay the rent for decent, safe, and sanitary housing. The FY 2000 awards announced in this notice were selected for funding consistent with the provisions in the Super Notice of Funding Availability (SuperNOFA) published in the **Federal Register** on February 24, 2000 (65 FR 9963, 9977, 9985) and the NOFAs published on March 30, 2000 (65 FR 17114) and July 24, 2000 (65 FR 45688).

The February 24, 2000 SuperNOFA made vouchers available to: (a) persons with disabilities in support of designated housing allocation plans; (b) non-elderly disabled families in connection with certain housing choice vouchers project based developments where the owner has established a preference for admission of elderly households; and (c) persons with disabilities under the Mainstream housing program.

The March 30, 2000 NOFA made available Family Self Sufficiency (FSS) Coordinator funds to hire and/or continue salaries for FSS program coordinators.

The July 24, 2000 NOFA made available vouchers for the Family Unification Program to assist families for whom the lack of adequate housing is a primary factor in the separation, or imminent separation of children from their families

A total of $134,073,223 in budget authority for 13,143 vouchers was awarded to recipients. A total of

$21,883,015 in budget authority was awarded for FSS program coordinators.

The catalog of Federal Domestic Assistance numbers for these programs are 14.855 and 14.871.

In accordance with section 102 (a) (4) (C) of the Department of Housing and Urban Development Reform Act of 1989 (103 Stat. 1987, 42 U.S.C. 3545), the Department is publishing the names, addresses, and amounts of those awards as shown in Appendix A.

Dated: March 30, 2001.

Gloria J. Cousar,

Acting General Deputy Assistant Secretary, Public and Indian Housing.

APPENDIX A

RECIPIENTS OF HOUSING CHOICE VOUCHERS—CERTAIN DEVELOPMENTS FUNDING AWARDS FOR FY 2000

Applicant name	Address	City	State	Zip	Vouchers	Amount
San Diego Housing Commission	1625 Newton Avenue.	San Diego	California	92113	200	$1,249,810
Colorado Department of Human Services.	4131 S. Julian Way.	Denver	Colorado	80236	200	785,600
Bernalillo County Housing Department.	620 Lomas Boulevard NW.	Albuquerque	New Mexico	87102	169	897,255
Jefferson Metropolitan Housing Authority.	815 North Sixth Street.	Steubenville	Ohio	43952	200	717,498
Cuyahoga Metropolitan Housing Authority.	1441 West 5th Street.	Cleveland	Ohio	44113	200	1,016,730
Licking Metropolitan Housing Authority.	85 West Church Street.	Newark	Ohio	43055	30	165,262
Brown Metropolitan Housing Authority.	200 South Green Street.	Georgetown	Ohio	45121	7	27,086
Columbus Metropolitan Housing Authority.	960 E. Fifth Avenue.	Columbus	Ohio	43201	200	1,000,070
Hancock Metropolitan Housing Authority.	604 Lima Avenue	Findlay	Ohio	45840	200	663,452
Middletown Public Housing	128 City Center Mall.	Middletown	Ohio	45042	200	889,206
Accomack-Northampton Regional Housing Authority.	P.O. Box 387, 23372 Front Street.	Accomac	Virginia	23301	75	381,851
Housing Authority of the City of Longview.	1207 Commerce Avenue.	Longview	Washington	98632	200	773,820

RECIPIENT OF HOUSING CHOICE VOUCHERS—DESIGNATED HOUSING FUNDING AWARDS FOR FY 2000

Applicant name	Address	City	State	Zip	Vouchers	Amount
Mobile Housing Board	151 South Claiborne Street, P.O. Box 1345.	Mobile	Alabama	36633	122	$524,489
Manchester Housing Authority	24 Bluefield Drive	Manchester	Connecticut	06049	36	231,044
Housing Authority of the Town of Vernon.	21 Court Street	Vernon	Connecticut	06066	15	89,030
Windsor Locks Housing Authority	41 Oak Street	Windsor Locks	Connecticut	06096	32	200,850
Housing Authority of the Town of Greenwich.	P.O. Box 141	Greenwich	Connecticut	06836	78	709,667
Naugatuck Housing Authority	16 Ada Street	Naugatuck	Connecticut	06700	20	124,883
Housing Authority of Brevard County	615 Kurek Court	Merrit Island	Florida	32953	200	1,005,970
Housing Authority New Albany	500 Scribner Drive, P.O. Box 11.	New Albany	Indiana	47151	200	890,850
Housing Opportunities Commission of Montgomery.	10400 Detrick Avenue.	Kensington	Maryland	20895	200	1,785,476
Dearborn Housing Commission	13615 Michigan Avenue.	Dearborn	Michigan	48126	50	261,422
North Las Vegas Housing Authority	1632 Yale Street	North Las Vegas	Nevada	89030	71	484,744
City of Las Vegas Housing Authority	P.O. Box 1897	Las Vegas	Nevada	89125	200	1,365,476
Housing Authority of the City of Millville.	P.O. Box 803, 122 East Main Street.	Millville	New Jersey	08332	30	216,278
New York City Housing Authority	250 Boadway	New York	New York	10007	200	1,455,938
Licking Metropolitan Housing Authority	85 West Church Street.	Newark	Ohio	43055	30	165,262
Oklahoma City	1700 Northeast Fourth Street.	Oklahoma City	Oklahoma	73117	200	825,028
Lehigh County Housing Authority	635 Broad Street	Emmaus	Pennsylvania	18049	190	913,898

RECIPIENT OF HOUSING CHOICE VOUCHERS—DESIGNATED HOUSING FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Vouchers	Amount
Harrisburg Housing Authority	351 Chestnut Street, P.O. Box 3461.	Harrisburg	Pennsylvania	17105	150	752,531
Chattanooga Housing Authority	505 West M.L. King Boulevard.	Chattanooga	Tennessee	37402	100	450,709
Metropolitan Development & Housing Agency.	701 South Sixth Street, P.O. Box 846.	Nashville	Tennessee	37202	200	1,092,338
Housing Authority County of King	15455 65th Avenue South.	Seattle	Washington	98188	200	1,456,978
Huntington, WV Housing, Authority	P.O. Box 2183	Huntington	West Virginia	25722	56	216,231

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000

Applicant name	Address	City	State	Zip	Amount
Walker County Housing Authority	2084 Horsecreek Blvd., P.O. Box 607.	Dora	Alabama	35062	$22,384
Florence Housing Authority	303 North Pine Street	Florence	Alabama	35630	39,830
Housing Authority of the City of Montgomery	1020 Bell Street	Montgomery	Alabama	36104	28,600
Decatur Housing Authority	P.O. Box 878, 100 Wilson Street, NE.	Decatur	Alabama	35602	30,867
Housing Authority of Bessemer	1515 Fairfax Avenue, P.O. Box 1390.	Bessemer	Alabama	35021	24,994
Jefferson County Housing Authority	3700 Industrial Parkway.	Birmingham	Alabama	35217	32,376
Huntsville Housing Authority	200 Washington Street, P.O. Box 486.	Huntsville	Alabama	35804	29,580
Housing Authority of the Birmingham District	1826 3rd Avenue, P.O. Box 55906.	Birmingham	Alabama	35255	47,700
Housing Authority of the City of Leeds	P.O. Box 513	Leeds	Alabama	35094	27,634
Tuscaloosa Housing Authority	2808 10th Avenue, P.O. Box 2281.	Tuscaloosa	Alabama	35403	41,032
Housing Authority of the City of Prichard	P.O. Box 10307	Prichard	Alabama	36610	37,455
Housing Authority of Jacksonville	100 Roebuck Manor	Jacksonville	Alabama	36265	29,826
Housing Authority of the City of Uniontown	P.O. Box 1160	Uniontown	Alabama	36786	24,661
Ozark Housing Authority	P.O. Box 566	Ozark	Alabama	36361	30,638
Alaska Housing Finance Corporation	4300 Boniface Parkway, P.O. Box 101020.	Anchorage	Alaska	99510	47,700
City of Mesa Housing Authority	415 North Pasadena	Mesa	Arizona	85201	44,640
City of Phoenix Housing Department	830 East Jefferson Street.	Phoenix	Arizona	85034	47,529
Chandler Housing and Redevelopment Division.	P.O. Box 101, Mail Stop 101.	Chandler	Arizona	85244	40,459
Tucson Housing Management Division	Family Self Sufficiency, P.O. Box 27210.	Tucson	Arizona	85726	47,700
Scottsdale Housing Authority	7522 E. 1st Street	Scottsdale	Arizona	85251	36,275
Mohave County Housing Authority	201 N. Fourth Street, P.O. Box 7000.	Kingman	Arizona	86402	32,839
City of Yuma Housing Authority	1350 W. Colorado Street.	Yuma	Arizona	85364	40,510
Housing Authority of the City of Little Rock	1000 Wolfe Street	Little Rock	Arkansas	72202	30,900
Lee County Housing Authority	100 West Main	Marianna	Arkansas	72360	21,366
Siloam Springs Housing Authority	P.O. Box 280, 2802 Highway 412 East.	Siloam Springs	Arkansas	72761	26,430
Wynne Housing Authority	P.O. Box 552	Wynne	Arkansas	72396	22,959
Conway Housing Authority	335 S. Mitchell	Conway	Arkansas	72032	26,336
Pulaski County Housing Agency	Administration Building, Suite, 201 South Broadway.	Little Rock	Arkansas	72201	26,372
White River Regional Housing Authority	P.O. Box 650	Melbourne	Arkansas	72556	30,800
Harrison Public Housing Agency	P.O. Bix 1715, 710 N. Robinson.	Harrison	Arkansas	72601	45,064
Jonesboro Urban Renewal & Housing Authority.	330 Union Street	Jonesboro	Arkansas	72401	25,900
Fort Smith/Sebastian County Housing Authority.	2100 North 31st Street.	Ft. Smith	Arkansas	72904	30,208
Housing Authority of the City of Pine Bluff	P.O. Box 8872	Pine Bluff	Arkansas	71611	24,050

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
St. Francis County Housing Authority	P.O. Box 310, 116 A. Izard.	Forest City	Arkansas	72336	21,990
Hope Housing Authority	720 Texas Street	Hope	Arkansas	71801	24,965
Northwest Regional Housing Authority	114 Sisco Avenue, P.O. Box 2568.	Harrison	Arkansas	72601	36,578
Mississippi County Public Facilities Board	810 W. Keiser	Osceola	Arkansas	72370	31,532
Housing Authority of the City of Arkadelphia	670 South Sixth Street.	Arkadelphia	Arkansas	71823	32,800
West Memphis Housing Authority	2820 Harrison	West Memphis	Arkansas	72301	29,918
North Little Rock Housing Authority	P.O. Box 516, 2501 Willow Street.	North Little Rock	Arkansas	72115	35,735
Universal Housing Development Corporation—Pope County.	Universal Housing, 301 East Third Street,.	Russellville	Arkansas	72811	31,897
City of Madera Housing Authority	205 North G Street	Madera	California	93637	35,338
Housing Authority of the City of Napa	1115 Seminary Street, P.O. Box 660.	Napa	California	94559	47,590
Housing Authority of the City of Alameda	701 Atlantic Avenue	Alameda	California	94501	23,870
Oceanside Housing Authority	300 North Coast Highway.	Oceanside	California	92054	47,700
Norwalk Housing Authority	12035 Firestone Boulevard, P.O. Box 1030.	Norwalk	California	90651	47,658
City of Santa Rosa Housing & Redevelopment.	90 Santa Rosa Avenue, P.O. Box 1806.	Santa Rosa	California	95402	47,700
Yuba County Housing Authority	938 14th Street	Marysville	California	95901	37,500
Riverside County Housing Authority	5555 Arlington Avenue.	Riverside	California	92504	47,000
The City of Oxnard Housing Authority	300 North Marquita Street.	Oxnard	California	93030	47,700
San Diego County Housing Authority	3989 Ruffin Road	San Diego	California	92123	47,700
Housing Authority of the City of Upland	1226 North Campus Avenue.	Upland	California	91786	32,481
County of Monterey Housing Authority	123 Rico Street	Salinas	California	93907	46,350
City of Roseville Housing & Redevelopment	405 Vernon Street #1	Roseville	California	95678	45,794
City of Vacaville	40 Eldridge Avenue, Suite 2.	Vacaville	California	95688	47,700
Culver City Housing Authority	9770 Culver Boulevard.	Culver City	California	90232	22,090
City of Garden Grove Housing Authority	11400 Stanford Avenue, P.O. Box 3070.	Garden Grove	California	92842	47,700
City of Benicia Housing Authority	28 Riverhill Drive	Benicia	California	94510	47,700
City of Los Angeles Housing Authority	2600 Wilshire Boulevard.	Los Angeles	California	90057	47,700
County of Butte Housing Authority	580 Vallombrosa Avenue.	Chico	California	95926	39,184
County of Shasta Housing Authority	1670 Market Street, Suite 300.	Redding	California	96001	38,611
City of Vallejo Community Development Department.	P.O. Box 1432, 251 Georgia St.	St. Vallejo	California	94590	47,700
Santa Paula Housing Authority	15500 West Telegraph Road, B–11, P.O. Box 404.	Santa Paula	California	93061	47,700
Yolo County Housing Authority	1224 Lemen Avenue, P.O. Box 1867.	Woodland	California	95776	32,735
Housing Authority of the County of Kern	525 Roberts Lane	Bakersfield	California	93308	47,700
City of Berkeley Housing Authority	1901 Fairview Street	Berkeley	California	94703	47,700
California Department of Housing and Community.	1800 Third Street, Suite 390, P.O. Box 952054.	Sacramento	California	94252	46,671
Carlsbad Housing Authority	2965 Roosevelt Street, Suite.	Carlsbad	California	92008	28,620
Glendale Housing Authority	613 E. Broadway, Room 200.	Glendale	California	91206	44,420
Area Housing Authority of Ventura County	1400 W. Hillcrest Avenue.	Newbury Park	California	91320	41,516
Lakewood Housing Authority	5050 Clark Avenue	Lakewood	California	90712	46,350
Orange County Housing Authority	1770 North Broadway	Santa Ana	California	92706	47,700
Community Service Department of El Dorado County.	937 Spring Street	Placerville	California	95667	42,752

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Housing Authority of the County of Kings	P.O. Box 255, 680 N. Douty Street.	Hanford	California	93232	42,956
Housing Authority for the City of Santa Barbara.	808 Laguna Street	Santa Barbara	California	93101	47,700
County of Marin Housing Authority	4020 Civic Center Drive.	San Rafael	California	94903	47,700
San Francisco Housing Authority	440 Turk Street	San Francisco	California	94102	47,700
Santa Ana Housing Authority	20 Civic Center Plaza, P.O. Box 1988.	Santa Ana	California	92702	47,700
Los Angeles County Housing Authority	2 Coral Circle	Monterey Park	California	91755	46,350
County of Merced Housing Authority	405 U Street	Merced	California	95340	45,814
San Bernadino County Housing Authority	1953 North D Street	San Bernardino	California	92410	47,700
San Luis Obispo Housing Authority	487 Leff Street, P.O. Box 1289.	San Luis Obispo	California	93406	47,630
County of San Mateo Housing Authority	264 Harbor Blvd, Building A.	Belmont	California	94002	46,350
Housing Authority of Alameda County	22941 Atherton Street	Hayward	California	94541	44,817
Sonoma County Housing Authority	1440 Guerneville Road.	Santa Rosa	California	95403	47,700
San Diego Housing Commission	1625 Newton Avenue	San Diego	California	92113	47,700
Housing Authority of the City of Santa Monica.	2121 Cloverfield Boulevard.	Santa Monica	California	90404	47,700
City of Redding Housing Authority	777 Cypress Avenue	Redding	California	96001	47,224
County of San Joaquin Housing	P.O. Box 447	Stockton	California	95201	42,998
City of Fairfield Housing Authority	823B Jefferson Street	Fairfield	California	94533	43,213
Housing Authority of the County of Stanislaus.	P.O. Box 581918, 1701 Roberton Road.	Modesto	California	95358	47,700
City of Sacramento Housing Authority	P.O. Box 1834	Sacramento	California	95812	30,728
Anaheim Housing Authority	201 S. Anaheim Boulevard, Second Floor.	Anaheim	California	92805	47,700
Nevada County Housing Authority	10433 Willow Valley Road, Suite C.	Nevada City	California	95959	32,447
County of Solano Housing Authority	601 Texas Street	Fairfield	California	94533	46,528
Housing Authority of the City of Englewood	3460 S. Sherman, Suite 101.	Englewood	Colorado	80110	42,214
Colorado Division of Housing	1313 Sherman Street, Room—.	Denver	Colorado	80203	47,380
Housing Authority of the City of Aurora	10745 East Kentucky Avenue.	Aurora	Colorado	80012	28,392
Boulder County Housing Authority	2040 14th Street	Boulder	Colorado	80302	41,950
Colorado Department of Human Services	4131 South Julian Way.	Denver	Colorado	80236	46,944
Lakewood Housing Authority	445 South Allison Parkway.	Lakewood	Colorado	80226	36,466
Garfield County	2128 Railroad Avenue.	Rifle	Colorado	81650	37,066
Jefferson County Housing Authority	6025 West 38th Avenue.	Wheat Ridge	Colorado	80033	36,466
Housing Authority of the City of Loveland	375 W. 37th St., Suite 200.	Loveland	Colorado	80538	24,544
Adams County Housing Authority	7190 Colorado Boulevard.	Commerce City	Colorado	80022	42,564
Arvada Housing Authority	8001 Ralston Road	Arvada	Colorado	80002	36,466
Ansonia Housing Authority	36 Main Street	Ansonia	Connecticut	06401	46,128
Housing Authority of the City of Meriden	22 Church Street, P.O. Box 911.	Meriden	Connecticut	06451	39,562
Connecticut Department of Social Services	555 Windsor Street	Hartford	Connecticut	06120	40,190
Milford Housing Authority	75 DeMario Drive, P.O. Box 291.	Milford	Connecticut	06460	37,080
Housing Authority of Bridgeport	150 Highland Avenue	Bridgeport	Connecticut	06604	40,170
District of Columbia Housing Authority	1133 North Capitol Street.	Washington, DC	District of Columbia	20002	47,700
Panama City Housing Authority	804 East 15th Street	Panama City	Florida	32405	27,053
Tallahassee Housing Authority	2940 Grady Road	Tallahassee	Florida	32312	36,936
Broward County Housing Authority	1773 North State Road 7.	Lauderhill	Florida	33313	26,437
Deerfield Beach Housing Authority	425 Northwest First Terrace.	Deerfield Beach	Florida	33441	37,791

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Gainesville Housing Authority	1900 S.E. 4th Street, P.O. Box 1468.	Gainesville	Florida	32602	38,293
Walton County Housing Authority	161 E. Sloss Avenue, P.O. Box 1258.	DeFuniak Springs	Florida	32435	38,146
Hialeah Housing Authority	70 East 7th Street	Hialeah	Florida	33010	19,988
Housing Authority of Fort Lauderdale	437 Southwest 4th Avenue.	Fort Lauderdale	Florida	33315	41,184
Housing Authority of Palm Beach County	3432 West 45th Street.	West Palm Beach	Florida	33407	35,750
Housing Authority of the City of Orlando	300 Reves Court	Orlando	Florida	32801	44,685
Hernando County Housing Authority	20 N. Main Street, Room 205.	Brooksville	Florida	34601	38,325
Clearwater Housing Authority	210 Ewing Avenue	Clearwater	Florida	33756	35,908
City of Pensacola Department of Housing	180 Governmental Center, P.O. Box 12910.	Pensacola	Florida	32521	33,103
Housing Authority of the City of Daytona Beach.	118 Cedar Street	Daytona Beach	Florida	32114	36,117
Hollywood Housing Authority	7300 N. Davie Road,	Hollywood	Florida	33024	14,608
Housing Authority of West Palm Beach	3801 Georgia Avenue	West Palm Beach	Florida	33405	33,434
Pasco County Housing Authority	14517 7th Street	Dade City	Florida	33523	38,132
Housing Authority of Fort Pierce	707 North 7th Street	Fort Pierce	Florida	34950	45,511
Housing Authority of Boca Raton	201 West Palmetto Park Road.	Boca Raton	Florida	33432	29,638
Housing Authority of Tampa	601 Kennedy Blvd	Tampa	Florida	33601	30,165
Housing Authority of the City of Lakeland	P.O. Box 1009	Lakeland	Florida	33802	46,337
Housing Authority of Brevard County	615 Kurek Court, P.O. Box 540338.	Merritt Island	Florida	32954	32,561
Ocala Housing Authority	233 SW 3rd Street, P.O. Box 2468.	Ocala	Florida	34478	46,550
Housing Authority of Atlanta	1720 Peachtree Street NW, Suite 500.	Atlanta	Georgia	30309	35,808
Jonesboro Housing Authority	P.O. Box 459	Jonesboro	Georgia	30237	33,527
Housing Authority of Brunswick	1126 Albany Street, P.O. Box 1118.	Albany	Georgia	31521	31,046
Georgia Department of Community Affairs	60 Executive Park South, NE.	Atlanta	Georgia	30329	38,477
City of Marietta Housing Authority	205 Lawrence Street	Marietta	Georgia	30060	46,621
Housing Authority of Fulton County	10 Park Place SE, Suite 550.	Atlanta	Georgia	30303	41,620
Albany Housing Authority	P.O. Box 485	Albany	Georgia	31702	28,659
Guam Housing and Urban Renewal Authority.	117 Bien Venida Avenue.	Sinajana	Guam	96926	26,177
County of Kauai Housing Authority	4444 Rice Street, Suite 235.	Kauai	Hawaii	96766	46,859
Boise City Housing Authority	680 Cunningham Place.	Boise	Idaho	83702	43,792
Ada County Housing Authority	680 Cunningham Place.	Boise	Idaho	83702	42,603
SW Idaho Cooperative Housing Authority	1108 West Finch Drive.	Nampa	Idaho	93651	32,136
Idaho Housing & Finance Association	P.O. Box 7899, 565 West Myrtle Street.	Boise	Idaho	83707	47,700
Chicago Housing Authority	626 West Jackson Boulevard.	Chicago	Illinois	60661	47,638
Elgin Housing Authority	222 S. Winnebago St.	Rockford	Illinois	61102	38,960
Springfield Housing Authority	200 North 11th Street	Springfield	Illinois	62703	47,700
Madison County Housing Authority	1609 Olive	Collinsville	Illinois	62234	40,726
Housing Authority of the County of Cook	310 South Michigan, 15th Floor.	Chicago	Illinois	60604	47,380
Peoria Housing Authority	100 S. Sheridan Road.	Peoria	Illinois	61605	32,701
Kendall County Housing Authority	500A Countryside Center.	Yorkville	Illinois	60560	9,544
Housing Authority of the City of East St. Louis.	700 North 20th Street	East St. Louis	Illinois	62205	37,778
Housing Authority of Waukegan	215 South Utica Street.	Waukegan	Illinois	60085	39,801
Rockford Housing Authority	223 S. Winnebago Street.	Rockford	Illinois	61102	46,404

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
McHenry County Housing Authority	1108 N. Seminary, P.O. Box 1109.	Woodstock	Illinois	60098	20,080
Housing Authority of Bloomington	P.O. Box 1815	Bloomington	Indiana	47402	33,354
City of Indianapolis	Five Indiana Square	Indianapolis	Indiana	46204	37,741
Hammond Housing Authority	7329 Columbia Circle West.	Hammond	Indiana	46324	36,909
Indiana Department of Human Services	MS 01, 402 W. Washington, P.O. Box 6116.	Indianapolis	Indiana	46206	47,700
Housing Authority of the City of Evansville	500 Court Street	Evansville	Indiana	47708	34,452
Knox County Housing Authority	11 Powell Street	Bicknell	Indiana	47512	20,085
South Bend Housing Authority	501 Alonzo Watson Drive, P.O. Box 11057.	South Bend	Indiana	46634	33,948
Housing Authority of the City of Elkhart	1396 Benham Avenue.	Elkhart	Indiana	46516	26,523
Housing Authority of the City of Kokomo	210 East Taylor Street, P.O. Box 1207.	Kokomo	Indiana	46903	32,467
Logansport Housing Authority	417 North Street, Suite 102.	Logansport	Indiana	46947	25,144
Gary Housing Authority	578 Broadway	Gary	Indiana	46402	32,380
Housing Authority of the County of Delaware	2401 South Haddix Avenue.	Muncie	Indiana	47302	33,475
Marion Housing Authority	601 South Adams	Marion	Indiana	46953	31,866
The Housing Authority of the City of Goshen	Munciple Building Annex, 302 South Fifth Street.	Goshen	Indiana	46528	39,677
Vincennes Housing Authority	501 Hart Street, P.O. Box 1636.	Vincennes	Indiana	47591	18,565
Housing Authority of the City of Terre Haute	P.O. Box 3086	Terre Haute	Indiana	47803	47,528
Housing Authority of Peru	701 East Main Street	Peru	Indiana	46970	28,505
Housing Authority for the City of Lafayette	100 Executive Drive, Suite A.	Lafayette	Indiana	47903	33,771
Housing Authority of the City of Columbus	799 McClure Road	Columbus	Indiana	47201	40,693
Fort Wayne Housing Authority—City of Fort Wayne.	2013 South Anthony Blvd., P.O. Box 13489.	Fort Wayne	Indiana	46869	36,532
Muncie Housing Authority	409 First Street	Munice	Indiana	47302	24,709
Upper Explorerland Regional Housing Authority.	134 W. Greene Street, P.O. Box 219.	Postville	Iowa	52162	40,856
Ottumwa Housing Authority	102 West Finley Avenue.	Ottumwa	Iowa	52501	35,881
Region XII Regional Housing Authority	108 West 6th Street, Box 663.	Carroll	Iowa	51401	33,456
Eastern Iowa Regional Housing Authority	Suite 330, Nesler Centre, P.O. Box 1140.	Dubuque	Iowa	52004	44,210
Iowa City Housing Authority	410 East Washington Street.	Iowa City	Iowa	52240	44,904
Fort Dodge Housing Authority	700 South 17th Street	Fort Dodge	Iowa	50501	42,406
City of Cedar Rapids	1211 Sixth Street SW	Cedar Rapids	Iowa	52404	39,647
Waterloo Housing Authority Carnegie Annex	620 Mulberry Street	Waterloo	Iowa	50703	44,100
Northwest Iowa Regional Housing Authority	919 2nd Avenue SW, Box 446.	Spencer	Iowa	51301	36,568
Central Iowa Regional Housing	1111 Ninth Street, Suite 390.	Des Moines	Iowa	50314	45,682
Dubuque Department of Human Rights	1805 Central Avenue	Dubuque	Iowa	52001	31,572
Sioux City Housing Authority	P.O. Box 447, 405 6th Street, Room 107.	Sioux City	Iowa	51104	43,346
Southern Iowa Regional Housing Authority	219 N. Pine Street	Creston	Iowa	50801	33,780
Municipal Housing Agency	505 South 6th Street	Council Bluffs	Iowa	51501	33,693
Iowa Northland Regional Housing Authority	2530 University Avenue, Suite.	Waterloo	Iowa	50701	39,393
Atchison Housing Authority	103 S. 7th Street	Atchinson	Kansas	66002	13,251
Ford County Housing Authority	240 Saan Jose Drive, P.O. Box 1636.	Dodge City	Kansas	67801	26,250
Wichita Housing Authority	307 N. Riverview	Wichita	Kansas	67203	47,700
Lawrence Housing Authority	1600 Haskell Avenue	Lawrence	Kansas	66044	30,205

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
East Central Kansas Economic Opportunity Commission.	602 South Maple, P.O. Box 100.	Ottawa	Kansas	66067	29,891
Sek-Cap, Inc	401 North Sinnet, P.O. Box 128.	Girard	Kansas	66743	12,605
Northeast Kansas Community Action Program, Inc.	P.O. Box 380	Hiawatha	Kansas	66434	32,480
Chanute Housing Authority	110 S. Ronda Lane	Chanute	Kansas	66720	13,889
City of Topeka City Hall	2010 SE California Ave.	Topeka	Kansas	66607	32,298
Greenup County Housing Authority/Appalachian FootHills.	114 Riverside Boulevard.	Wurtland	Kentucky	41144	22,131
Floyd County Housing Authority	36 Blaine Hall Street, Apt. 37.	Prestonburg	Kentucky	41653	33,290
Campbellsville Housing Authority	P.O. Box 597	Campbellsville	Kentucky	42719	24,932
Cumberland Valley Regional Housing Authority.	P.O. Box 806	Barbourville	Kentucky	40906	47,700
Cynthiana Housing Authority	149 Federal Street, P.O. Box 351.	Cynthiana	Kentucky	41031	44,756
Jefferson County Housing Authority	801 Vine Street	Louisville	Kentucky	40204	40,856
Pineville/Bell County C.D.A	P.O. Drawer 460	Pinesville	Kentucky	40977	15,276
Newport Housing Authority	P.O. Box 459	Newport	Kentucky	41072	29,599
Lexington-Fayette Urban County Housing Authority.	300 W. New Circle Road At Russell Cave Road.	Lexington	Kentucky	40505	36,322
Louisville Housing Authority	420 South 8th Street	Louisville	Kentucky	40203	47,700
Henderson Housing Authority	111 South Adams Street.	Henderson	Kentucky	42420	31,721
Bowling Green C.D.A.	1017 College Street, P.O. Box 430.	Bowling Green	Kentucky	42102	39,990
Pike County Housing Authority	510 Trivette Drive, P.O. Box 1468.	Pikeville	Kentucky	41502	30,231
Georgetown Housing Authority	139 Scroggin Park	Georgetown	Kentucky	40324	11,940
Kentucky Housing Corporation	1231 Louisville Road	Frankfort	Kentucky	40601	34,178
Boone County Fiscal Court	P.O. Box 536	Burlington	Kentucky	41005	35,079
Somerset Housing Authority	P.O. Box 449	Somerset	Kentucky	42502	29,300
City of Paducah Housing Authority	City Hall P.O. Box 2267.	Paducah	Kentucky	42001	33,589
Housing Authority of the City of Lafayette	100 C.O. Circle	Lafayette	Louisiana	70501	31,394
Webster Parish Police Jury	Post Office Box 876	Minden	Louisiana	71058	22,423
Desoto Parish Police Jury	P.O. Box 898	Mansfield	Louisiana	71052	14,568
Bienville Parish Police Jury	100 Courthouse Drive, Room, P.O. Box 479.	Arcadia	Louisiana	71001	14,528
Washington Parish Housing Authority, Sec. 8 Program.	25074 Hwy. 21, Village.	Angie	Louisiana	70426	17,628
Jefferson Parish Housing Authority, Sec. 8 Program.	1718 Betty Street	Marrero	Louisiana	70072	46,020
Winn Parish Police Jury, Sec. 8	301–B West Main Street.	Winnfield	Louisiana	71483	22,382
Lincoln Parish Police Jury	P.O. Box 979	Ruston	Louisiana	71273	14,528
Portland Housing Authority	14 Baxter Boulevard	Portland	Maine	04104	47,700
Maine State Housing Authority	353 Water Street	Augusta	Maine	04330	45,481
City of Caribou Housing Agency	Municipal Building, 25 High Street.	Caribou	Maine	04736	34,973
Housing Authority of the City of Westbrook	30 Liza Harmon Drive	Westbrook	Maine	04092	47,700
Augusta Housing Authority	33 Union Street, Suite 3.	Augusta	Maine	04330	23,196
Old Town Housing Authority	P.O. Box 404, 165 So. Main Street.	Old Town	Maine	04468	37,961
St. Mary's County Housing Authority	23115 Leonard Hall Drive, P.O. Box 653—Governmental.	Leonardtown	Maryland	20650	47,700
Calvert County Housing Authority	150 Main Street, Suite 101, P.O. Box 2509.	Prince Frederick	Maryland	20678	38,395
Maryland Department of Housing and Community Development.	100 Community Place	Crownsville	Maryland	21032	25,750
Housing Authority of Prince George's County.	9400 Peppercorn Place.	Largo	Maryland	20774	47,700

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Montgomery County Housing Authority	3930 Knowles Avenue, Suite.	Kensington	Maryland	20895	47,700
Rockville Housing Enterprises	14 Moore Drive	Rockville	Maryland	20850	43,379
Frederick Housing Authority	209 Madison Street	Frederick	Maryland	21701	41,504
Carroll County Bureau of Housing and Community.	10 Distillery Drive, First Floor, Suite 101.	Westminster	Maryland	21157	34,326
Housing Authority of the City of Hagerstown	35 W. Baltimore Street.	Hagerstown	Maryland	21740	40,039
Harford County Housing Agency	15 South Main Street, Suite.	Bel Air	Maryland	21014	44,023
Milford Housing Authority	45 Birmingham Court	Milford	Massachusetts	01757	14,046
Somerville Housing Authority	30 Memorial Road	Somerville	Massachusetts	02145	44,558
Massachusetts Department of Housing and Community.	One Congress Street	Boston	Massachusetts	02114	46,350
Brockton Housing Authority	45 Goddard Road, P.O. Box 7070.	Brockton	Massachusetts	92303	46,467
Leominster Housing Authority	100 Main Street	Leominster	Massachusetts	01453	42,887
Greenfield Housing Authority	1 Elm Terrace	Greenfield	Massachusetts	01301	41,715
Shrewsbury Housing Authority	36 No. Quinsigamond Avenue.	Shrewsbury	Massachusetts	01545	25,515
Melrose Housing Authority	910 Main Street	Melrose	Massachusetts	02176	27,705
Peabody Housing Authority	Suite 2, 75 Central Avenue.	Peabody	Massachusetts	01960	36,835
Methuen Housing Authority	24 Mystic Street	Methuen	Massachusetts	01844	20,085
Danvers Housing Authority	14 Stone Street	Danvers	Massachusetts	01923	23,517
Mansfield Housing Authority	22 Bicentennial Court	Mansfield	Massachusetts	02048	25,591
North Andover Housing Authority	One Morkeski Meadows, P.O. Box 373.	North Andover	Massachusetts	01845	26,204
Medford Housing Authority	121 Riverside Avenue	Medford	Massachusetts	02155	47,700
North Attleborough Housing Authority	P.O. Box 668	N. Attleborough	Massachusetts	02761	18,604
Wakefield Housing Authority	26 Crescent Street	Wakefield	Massachusetts	01880	21,820
Tewksbury Housing Authority	Saunders Circle	Tewksbury	Massachusetts	01876	16,686
Reading Housing Authority	22 Frank D. Tanner	Reading	Massachusetts	01867	28,110
Gloucester Housing Authority	P.O. Box 1599	Gloucester	Massachusetts	01931	36,324
Quincy Housing Authority	80 Clay Street	Quincy	Massachusetts	02170	45,395
Plymouth Housing Authority	69 Allerton Street, P.O. Box 3537.	Plymouth	Massachusetts	02361	27,144
Acton Housing Authority	68 Windsor Avenue, P.O. Box 681.	Acton	Massachusetts	01720	33,208
Chelmsford Housing Authority	10 Wilson Street	Chelmsford	Massachusetts	01824	25,548
Framingham Housing Authority	1 John J. Brady Drive	Framingham	Massachusetts	01702	47,700
Brookline Housing Authority	90 Longwood Avenue	Brookline	Massachusetts	02446	47,405
Avon Housing Authority	One Fellowship Circle	Avon	Massachusetts	02322	23,764
Lynn Housing Authority	10 Church Street	Lynn	Massachusetts	01902	47,272
Lowell Housing Authority	350 Moody Street, P.O. Box 60.	Lowell	Massachusetts	01853	47,700
Holyoke Housing Authority	Administration Building, 475 Maple Street.	Holyoke	Massachusetts	01040	43,260
Norwood Housing Authority	40 William Shyne Circle.	Norwood	Massachusetts	02062	39,985
Gardner Housing Authority	116 Church Street	Gardner	Massachusetts	01440	44,176
Braintree Housing Authority	25 Roosevelt Street	Braintree	Massachusetts	02184	13,520
Saugus Housing Authority	19 Talbot Street	Saugus	Massachusetts	01906	35,636
Holbrook Housing Authority	One Holbrook Court	Holbrook	Massachusetts	02343	27,500
Salem Housing Authority	27 Charter Street	Salem	Massachusetts	01970	46,428
Hanson Housing Authority	Meetinghouse Lane	Hanson	Massachusetts	02341	25,127
Kent County Housing Commission	741 East Beltline Avenue, NE.	Grand Rapids	Michigan	49525	43,454
Traverse City Housing Commission	10200 East Carter Centre.	Traverse City	Michigan	49684	29,128
The City of Westland Department of Housing and Community.	32715 Dorsey Road	Westland	Michigan	48186	31,514
Saginaw Housing Commission	2811 Davenport, Box A.	Saginaw	Michigan	48602	26,265
Grand Rapids Housing Commission	1420 Fuller Avenue, SE.	Grand Rapids	Michigan	49507	45,658
South St. Paul Housing & Redevelopment Authority.	125 Third Avenue, North.	South Saint Paul	Minnesota	55075	44,084

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
South Central Multi-County HRA	410 Jackson Street, Suite 100.	Mankato	Minnesota	56001	31,958
Northwest Minnesota Multi-County HRA	P.O. Box 128	Mentor	Minnesota	56736	33,765
Scott County Housing & Redevelopment Authority.	323 South Naumkeag Street.	Shakopee	Minnesota	55379	16,421
Duluth Housing & Redevelopment Authority	222 East Second Street, P.O. Box 16900.	Duluth	Minnesota	55816	41,741
St. Louis Park Housing & Redevelopment Authority.	5005 Minnetonka Boulevard.	St. Louis Park	Minnesota	55416	22,087
Washington County Housing & Redevelopment Authority.	321 Broadway Avenue.	Saint Paul Park	Minnesota	55701	23,985
Plymouth Housing & Redevelopment Authority.	3400 Plymouth Boulevard.	Plymouth	Minnesota	55447	15,008
Southeastern Minnesota Multi-County HRA	134 East Second Street.	Wabasha	Minnesota	55981	31,309
Metropolitan Council Housing & Redevelopment Authority.	230 East Fifth Street	St. Paul	Minnesota	55101	27,543
Mississippi Regional Housing Authority VI	P.O. Drawer 8746	Jackson	Mississippi	39284	45,597
North Delta Regional Housing Authority	4 East Second, P.O. Drawer 1148.	Clarksdale	Mississippi	38614	30,128
Biloxi Housing Authority	P.O. Box 447	Biloxi	Mississippi	39533	21,115
Tennessee Valley Regional Housing Authority.	P.O. Box 1329	Corinth	Mississippi	38835	24,907
Mississippi Regional Housing Authority V	110 Broad Street, P.O. Box 419.	Newton	Mississippi	39345	28,925
Mississippi Regional Housing Authority IV	P.O. Box 1051	Columbus	Mississippi	39703	27,604
Long Beach Housing Authority	P.O. Box 418	Long Beach	Mississippi	39560	19,055
Mississippi Regional Housing Authority VIII	P.O. Box 2347	Gulfport	Mississippi	39505	39,307
Mississippi Regional Housing Authority VII	P.O. Box 430, 405 Maryland Avenue.	McComb	Mississippi	39648	23,698
Jasper County Public Housing Authority	305 Virginia, P.O. Box 207.	Joplin	Missouri	64802	24,228
Springfield Housing Authority	421 West Madison Street.	Springfield	Missouri	65806	25,021
Kansas City Housing Authority	299 Paseo	Kansas City	Missouri	64106	36,082
Housing Authority of St. Louis County	8865 Natural Bridge, P.O. Box 23886.	St. Louis	Missouri	63121	30,982
St. Charles Housing Authority	1041 Olive Street	St. Charles	Missouri	63301	31,712
Franklin County Public Housing Agency	P.O. Box 920	Hillsboro	Missouri	63050	30,831
St. Francois County Public Housing Agency	1111 Linden Avenue, P.O. Box 658.	Cape Girardeau	Missouri	63601	23,868
Lincoln County Public Housing Agency	16 North Court Street, P.O. Box 470.	Bowling Green	Missouri	63334	21,840
Ripley County Public Housing Agency	P.O. Box 1183, 3019 Fair.	Poplar Bluff	Missouri	63902	26,690
St. Clair County Housing Authority	P.O. Box 125, 106 W. 4th Street.	Appleton City	Missouri	64724	29,930
Phelps County Public Housing Agency	#4 Industrial Drive	St. James	Missouri	65559	24,265
Independence Housing Authority	210 South Pleasant	Independence	Missouri	64050	38,419
Liberty Housing Authority	101 E. Kansas	Liberty	Missouri	64068	31,827
Helena Housing Authority	812 Abbey Street	Helena	Montana	59601	47,378
Missoula Housing Authority	1319 East Broadway	Missoula	Montana	59802	31,518
Housing Authority of Billings	2415 1st Avenue North.	Billings	Montana	59101	37,070
Northeast Nebraska Joint Housing Authority	P.O. Box 447	Sioux City	Nebraska	51102	30,580
Central Nebraska Joint Housing Authority	P.O. Box 509	Loup City	Nebraska	68853	26,184
Bellevue Housing Authority	8214 Armstrong Circle.	Bellevue	Nebraska	68147	28,155
Kearney Housing Authority	2715 Avenue I	Kearney	Nebraska	68847	29,074
Goldenrod Joint Housing Authority	P.O. Box 280	Wisner	Nebraska	68791	29,176
Blair Housing Authority	758 South 16th Street	Blair	Nebraska	68008	15,748
Lincoln Housing Authority	P.O. Box 5327, 5700 R Street.	Lincoln	Nebraska	68505	33,062
Norfolk Housing Authority	110 North 4th Street	Norfolk	Nebraska	68701	29,907
Douglas County Housing Authority	5404 North 107 Plaza	Omaha	Nebraska	68134	33,247
County of Clark Housing Authority	5390 East Flamingo Road.	Las Vegas	Nevada	89122	47,375
Housing Authority of the City of North Las Vegas.	1632 Yale Street	North Las Vegas	Nevada		47,700

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
City of Las Vegas Housing Authority	P.O. Box 1897	Las Vegas	Nevada	89125	47,700
Dover Housing Authority	62 Whittier Street	Dover	New Hampshire	03820	12,872
New Hampshire Housing Finance Authority	P.O. Box 5087	Manchester	New Hampshire	03108	45,360
Manchester Housing and Redevelopment Authority.	198 Hanover Street	Manchester	New Hampshire	03104	43,944
Nashua Housing Authority	Administrative Center, 101 Major Drive.	Nashua	New Hampshire	03060	35,580
Keene Housing Authority	105 Castle Street	Keene	New Hampshire	03431	37,444
Lakewood RAP Housing Authority	600 W. Kennedy Boulevard, P.O. Box 856.	Lakewood	New Jersey	08701	47,700
Millville Housing Authority	P.O. Box 803, 122 East Main St..	Millville	New Jersey	08332	30,698
Montclair Housing Authority	205 Claremont Avenue.	Montclair	New Jersey	07042	47,700
Fort Lee Housing Authority	1403 Teresa Drive	Fort Lee	New Jersey	07024	46,240
Dover Housing Authority	215 East Blackwell Street.	Dover	New Jersey	07801	41,777
Passaic County Housing Authority	401 Grand Street	Paterson	New Jersey	07505	37,650
Brick Housing Authority	165 Chambersbridge Road.	Brick	New Jersey	08723	47,483
Perth Amboy Housing Authority	881 Amboy Avenue, P.O. Box 390.	Perth Amboy	New Jersey	08862	40,695
County of Hunterdon Housing Authority	Administration Building, 71 Main Street.	Flemington	New Jersey	08822	46,332
City of Vineland Housing Authority	191 Chestnut Avenue	Vineland	New Jersey	08360	41,096
Lakewood Housing Authority	317 Sampson Avenue, P.O. Box 1599.	Lakewood	New Jersey	08701	44,130
Paterson Housing Authority	60 Van Houten Street, P.O. Box "H".	Paterson	New Jersey	07509	44,550
Jersey City Housing Authority	514 Newark Avenue	Jersey City	New Jersey	07396	46,350
Housing Authority of the Township of Neptune.	1810 Alberta Avenue	Neptune	New Jersey	73277	38,268
New Jersey Department of Community Affairs.	P.O. Box 051	Trenton	New Jersey	08625	46,756
Warren County Housing Authority	415B Front Street	Belvidere	New Jersey	07823	47,700
Housing Authority of the Township of Woodbridge.	20 Burns Lane	Woodbridge	New Jersey	07095	44,010
Monmouth County Housing Authority	Hall of Records, Main Street.	Freehold	New Jersey	07728	47,700
Region IV Housing Authority	418 North Main Street.	Clovis	New Mexico	88101	24,917
Clovis Housing Authority	2101 W. Grand Ave., P.O. Box 1240.	Clovis	New Mexico	88102	31,401
City of Alamogordo Housing Authority	P.O. Box 5336 104 Avenida Amigos.	Alamogordo	New Mexico	88311	24,606
Albuquerque Housing Authority	1840 University Boulevard Se.	Albuquerque	New Mexico	87106	39,125
Socorro County Housing Authority	P.O. Box 00, 106 Center Street.	Socorro	New Mexico	87801	19,714
Truth or Consequences Housing Authority	108 South Cedar	Truth or	New Mexico	87901	29,825
Bernalillo County Housing Department	620 Lomas Blvd. N.W..	Albuquerque	New Mexico	87102	41,494
Santa Fe County Housing Authority	102 Grant Street, P.O. Box 276.	Santa Fe	New Mexico	87504	39,956
Santa Fe Civic Housing Authority	P.O. Box 4039	Santa Fe	New Mexico	87502	40,303
Town of Amherst Public Housing Authority	1195 Main Street	Buffalo	New York	14209	32,779
Poughkeepsie Housing Authority	21 Charles Street, Building 4.	Poughkeepsie	New York	12601	44,939
Housing Authority of Schenectady	375 Broadway	Schenectady	New York	12305	32,563
Housing Authority of Rochester	140 West Avenue	Rochester	New York	14611	37,622
Housing Authority of Gloversville	181 West Street	Gloversville	New York	12078	42,828
New York City Department of Housing Preservation.	100 Gold Street	New York	New York	10038	47,000
City of Poughkeepsie	Municipal Building, P.O. Box 300.	Poughkeepsie	New York	12601	37,645
Town of Rotterdam Housing Authority	1100 Sunrise Boulevard.	Rotterdam	New York	12306	47,700
Albany Housing Authority	4 Lincoln Square	Albany	New York	12202	42,002

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Housing Authority of Ithaca	800 South Plain Street.	Ithaca	New York	14850	47,700
Housing Authority of Monticello	76 Evergreen Drive	Monticello	New York	12701	46,331
North Fork Housing Alliance, Inc	110 South Street	Greenport	New York	11944	37,500
Town of Yorktown	363 Underhill Avenue, P.O. Box 703.	Yorktown Heights	New York	10598	35,755
City of Port Jervis	13–15 Jersey Avenue, P.O. Box 1002.	Port Jervis	New York	12771	30,625
City of White Plains	Municipal Building Annex, 255 Main Street.	White Plains	New York	10601	18,540
New York State Division of Housing and Community Renewal.	25 Beaver Street	New York	New York	10004	23,000
Housing Authority of New Rochelle	50 Sickles Avenue	New Rochelle	New York	10801	47,000
Plattsburgh Housing Authority	39 Oak Street	Plattsburgh	New York	12901	32,489
New York State Division of Housing and Community Renewal.	Hampton Plaza 38–40 State.	Albany	New York	12207	23,000
Village of Kiryas Joel Housing Authority	Muncipal Building, 51 Forest Road, Suite 360.	Monroe	New York	10950	47,700
Town of Guilderland Housing Authority	P.O. Box 339	Guilderland	New York	12084	45,310
City of Fulton	125 West Broadway	Fulton	New York	13069	28,750
Housing Authority of Cohoes	100 Manor Sites, Administrative Building.	Cohoes	New York	12047	35,792
Town of Coeymans Housing Authority	18 Russell Avenue	Ravena	New York	12143	22,655
Town of Bethlehem Housing Authority	445 Delaware Avenue.	Delmar	New York	12954	22,655
City of Buffalo	470 Franklin Street	Buffalo	New York	14202	40,170
Housing Authority of Amsterdam	52 Division Street	Amsterdam	New York	12010	44,334
Town of Colonie	Memorial Town Hall	Newtonville	New York	12128	45,787
Housing Authority of Statesville	110 West Allison Street.	Statesville	North Carolina	28677	42,662
Housing Authority of Winston-Salem	901 Cleveland Avenue.	Winston Salem	North Carolina	27102	43,260
Raleigh Housing Authority	P.O. Box 28007, 600 Tucker Street.	Raleigh	North Carolina	27611	36,303
City of Concord Housing Department	P.O. Box 308, 283 Harold Goodman Circle.	Concord	North Carolina	28025	14,246
Rowan County Housing Authority	310 Long Meadow Drive.	Salisbury	North Carolina	28147	33,168
Housing Authority of Rocky Mount	P.O. Box 4717	Rocky Mount	North Carolina	27803	32,083
Economic Improvement Council	P.O. Box 549	Edenton	North Carolina	27932	24,573
Town of East Spencer Housing Authority	P.O. Box 367	East Spencer	North Carolina	28039	38,114
Housing Authority of Wilmington	508 South Front Street.	Wilmington	North Carolina	28402	36,657
Isothermal Planning and Development Agency.	P.O. Box 841, 111 West Court Street.	Rutherfordton	North Carolina	28139	31,394
Sanford Housing Authority	504 N. First Street, P.O. Box 636.	Sanford	North Carolina	27331	29,080
Western Carolina Community Action, Inc	526 Seventh Avenue East, P.O. Box 685.	Hendersonville	North Carolina	28793	30,146
Chatham County Housing Authority	P.O. Box 637	Pittsboro	North Carolina	27312	23,226
Laurinburg Housing Authority	P.O. Box 1437, 1300 Woodlawn Street.	Laurinburg	North Carolina	28353	35,880
Macon Program for Progress	104 E. Main Street, P.O. Box 700.	Franklin	North Carolina	28744	14,869
Housing Authority Durham	P.O. Box 1726, 330 East Main Street.	Durham	North Carolina	27702	35,020
Housing Authority of Charlotte	P.O. Box 36795	Charlotte	North Carolina	28236	42,414
Twin Rivers Opportunity, Inc.	P.O. Box 1482, 318 Craven Street.	New Bern	North Carolina	28563	36,432
Housing Authority of Asheboro	338 West Walnman Avenue, P.O. Box 609.	Asheboro	North Carolina	27720	30,723
Northwestern Regional Housing Authority	P.O. Box 2510, 869 Highway 105 Extension.	Boone	North Carolina	28607	35,100
Mountain Projects, Inc	2251 Old Balsam Road.	Waynesville	North Carolina	28786	29,920

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Mideast Regional Housing Authority	P.O. Box 474, 809 Pennsylvania Avenue.	Washington	North Carolina	27889	23,272
Greensboro Housing Authority	450 North Church Street, P.O. Box 21287.	Greensboro	North Carolina	27420	45,940
Brunswick County Public, Housing Authority	P.O. Box 9, 60 Government Center Drive,.	Bolivia	North Carolina	28422	27,636
Housing Authority of the City of Asheville	165 South French Broad, P.O. Box 1898.	Asheville	North Carolina	28802	32,323
Stutsman County Housing Authorthy	217 First Avenue North.	Jamestown	North Dakota	58401	24,808
Fargo Housing and Redevelopment Authority.	P.O. Box 430	Fargo	North Dakota	58107	35,582
City of Grand Forks Housing Authority	1405 1st. Avenue	Grand Forks	North Dakota	58203	47,700
Minot Housing Authority	310 Second Street SE.	Minot	North Dakota	58701	21,309
Bowling Green Housing Authority	1044 Chelsea Avenue,.	Napoleon	Ohio	43545	27,860
Cuyahoga Metropolitan Housing Authority	1441 West 25th Street.	Cleveland	Ohio	44113	38,732
Springfield Metropolitan Housing Authority	437 E. John Street	Springfield	Ohio	45505	36,377
Lucas Metropolitan Housing Authority	435 Nebraska Avenue, P.O. Box 477.	Toledo	Ohio	43697	38,453
Medina Metropolitan Housing Authority	850 Walter Road	Medina	Ohio	44256	32,023
Clermont Metropolitan Housing Authority	65 South Market Street.	Batavia	Ohio	45103	21,896
Youngstown Metropolitan Housing Authority	131 West Boardman Street.	Youngstown	Ohio	44503	33,910
Delaware Metropolitan Housing Authority	P.O. Box 1292	Delaware	Ohio	43015	40,518
Vinton Metropolitan Housing Authority	P.O. Box 487	McArthur	Ohio	45651	23,475
Zanesville Metropolitan Housing, Authority	407 Pershing Road	Zanesville	Ohio	43701	44,558
Columbus Metropolitan Housing Authority	960 E. Fifth Avenue	Columbus	Ohio	43201	44,565
Dayton Metropolitan Housing Authority	400 Wayne Avenue	Dayton	Ohio	45410	34,735
Logan County Metropolitan Housing Authority.	116 North Everett Street.	Bellefontaine	Ohio	43311	34,286
Erie Metropolitan Housing Authority	322 Warren Street	Sandusky	Ohio	44870	47,700
Warren Metropolitan Housing Authority	990 East Ridge Drive	Lebanon	Ohio	45036	28,509
Hancock Metropolitan Housing Authority	604 Lima Avenue	Findlay	Ohio	45840	20,081
Cincinnati Metropolitan Housing Authority	1635 Western Avenue.	Cincinnati	Ohio	45214	47,700
Middletown Public Housing Agency	128 City Centre Mall	Middletown	Ohio	45042	22,825
Wayne Metropolitan Housing Authority	200 South Market Street.	Wooster	Ohio	44691	37,278
Tuscarawas Metropolitan Housing Authority	134 Second Street, SW.	New Philadelphia	Ohio	44663	43,658
Pickaway Metropolitan Housing Authority	176 Rustic Drive	Circleville	Ohio	43113	24,815
Meigs Metropolitan Housing Authority	117 E. Memorial Drive.	Pomeroy	Ohio	45769	11,968
Akron Metropolitan Housing Authority	100 West Cedar Street.	Akron	Ohio	44307	32,521
Lorain Metropolitan Housing Authority	1600 Kansas	Loraine	Ohio	44052	47,488
Cambridge Metropolitan Housing Authority	P.O. Box 1388, 1100 Maple Court.	Cambridge	Ohio	43725	29,250
Morgan Metropolitan Housing Authority	4580 N. State Route 376 NW.	McConnelsville	Ohio	43756	17,500
Morrow Metropolitan Housing Authority	81 North Rich Street	Mount Gilead	Ohio	43338	32,415
Jackson County Housing Authority	P.O. Box 619, 249 W. Thirteenth Street.	Wellston	Ohio	45692	35,666
Portage Metropolitan Housing Authority	2832 State Route 59	Ravenna	Ohio	44266	22,495
Allen Metropolitan Housing Authority	600 South Main Street.	Lima	Ohio	45804	30,214
Chillicothe Metropolitan Housing Authority	178 West Fourth Street.	Chillicothe	Ohio	45601	15,640
Fayette Metropolitan Housing Authority	121 E. East Street	Washington C.H.	Ohio	43160	23,301
Hamilton County Public Housing Authority	Room 507 County, 138 East Court Street.	Cincinnati	Ohio	45202	42,525

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Jefferson Metropolitan Housing Authority	815 North Sixth Street.	Steubenville	Ohio	43952	39,801
Broken Bow Housing Authority	710 E. Third, P.O. Box 177.	Broken Bow	Oklahoma	74728	16,912
Housing Authority of the City of Hugo	P.O. Box 727 300 13th Place.	Hugo	Oklahoma	74743	27,698
Housing Authority of the City of Muskogee	220 North 40th Street	Muskogee	Oklahoma	74401	36,410
Housing Authority of Shawnee	P.O. Box 3427, 601 West 7th Street.	Shawnee	Oklahoma	74802	40,486
Norman Housing Authority	700 N. Berry Road	Norman	Oklahoma	73069	37,785
Oklahoma City Housing Authority	1700 Northeast Fourth Street.	Oklahoma City	Oklahoma	73117	22,326
Housing Authority of Tulsa	415 East Independence, P.O. Box 6369.	Tulsa	Oklahoma	74148	38,662
Oklahoma Housing Finance Agency	1140 N. 63rd, Suite 200, P.O. Box 26720.	Oklahoma City	Oklahoma	73126	39,776
Stillwater Housing Authority	807 S. Lowry	Stillwater	Oklahoma	74074	32,063
Northwest Oregon Housing Association	1508 Exchange Street.	Astoria	Oregon	97103	28,251
Housing Authority of Washington County	111 NE Lincoln Street, Suite MS 163.	Hillsboro	Oregon	97124	44,652
Northeast Oregon Housing Authority	P.O. Box 3357, 2608 May Lane.	LaGrande	Oregon	97850	29,810
Coos-Curry Housing Authority	1700 Monroe Street	North Bend	Oregon	97459	35,672
Marion County Housing Authority	3150 Lancaster Drive, NE, Suite D.	Salem	Oregon	97305	34,357
Klamath Housing Authority	P.O. Box 5110, 1445 Avalon.	Klamath Falls	Oregon	97601	22,394
Housing Authority of Yamhill County	414 North East Evans Street, P.O. Box 865.	McMinnville	Oregon	97128	37,592
Housing Authority & Community Services Agency of Lane County.	177 Day Island Road	Eugene	Oregon	97401	47,700
Housing Authority of Lincoln County	1039 N.W. Nye Street, P.O. Box 1470.	Newport	Oregon	97365	29,842
Housing Authority of Jackson County	2231 Table Rock Road.	Medford	Oregon	97501	30,729
Clackamas County Housing Authority	P.O. Box 1510, 13930 South Gain Street.	Oregon City	Oregon	97045	47,700
Mid-Columbia Housing Agency	506 East Second Street.	The Dalles	Oregon	97058	28,022
Housing Authority of the City of Salem	360 Church Street SE, P.O. Box 808.	Salem	Oregon	97308	40,074
Housing Authority of Malheur County	959 Fortner Street	Ontario	Oregon	97914	21,811
Housing Authority of Douglas County	902 West Staton Street.	Roseburg	Oregon	97470	31,022
Central Oregon Regional Housing Authority	2445 SW Canal Blvd	Redmond	Oregon	97756	33,200
Linn-Benton Housing Authority	1250 Queen Avenue SE.	Albany	Oregon	97321	43,175
Housing Authority of Portland	135 S.W. Ash Street, 5th Floor.	Portland	Oregon	97204	47,700
Northumberland County Housing Authority	50 Mahoning Street	Milton	Pennsylvania	17847	29,316
Harrisburg Housing Authority	351 Chestnut Street, P.O. Box 3461.	Harrisburg	Pennsylvania	17105	46,980
Butler County Housing Authority	114 Woody Drive	Butler	Pennsylvania	16001	38,674
York City Housing Authority	30 South Broad Street, P.O. Box 1963.	York	Pennsylvania	17405	37,232
Westmoreland County Housing Authority	R.D. #6, Box 223, South Greengate Road.	Greensburg	Pennsylvania	15601	40,329
Clarion County Housing Authority	8 West Main Street	Clarion	Pennsylvania	16214	34,557
Delaware County Housing Authority	1855 Constitution Avenue, P.O. Box 100.	Woodlyn	Pennsylvania	19094	25,214
Armstrong County Housing Authority	350 South Jefferson Street.	Kittanning	Pennsylvania	16201	19,729

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Housing Authority of the County of Chester	30 West Barnard Street, 1st Floor.	West Chester	Pennsylvania	19382	44,992
Sunbury Housing Authority	Scott Tower, 705 Market, P.O. Box 458.	Sunbury	Pennsylvania	17801	29,316
Montgomery County Housing Authority	1875 New Hope Street.	Norristown	Pennsylvania	19401	34,380
Wilkes Barre Housing Authority	50 Lincoln Plaza	Wilkes-Barre	Pennsylvania	18702	41,223
Adams County Housing Authority	139143 Carlisle Street.	Gettysburg	Pennsylvania	17325	38,604
Lancaster City Housing Authority	325 Church Street	Lancaster	Pennsylvania	17602	33,000
Housing Authority of the City of Pittsburgh	200 Ross Street	Pittsburgh	Pennsylvania	15219	36,050
Indiana County Housing Authority	104 Philadelphia Street.	Indiana	Pennsylvania	15701	15,768
Centre County Housing Authority	121 Beaver Farm Lane.	Bellefonte	Pennsylvania	16823	10,400
Montour County Housing Authority	One Beaver Place	Danville	Pennsylvania	17821	47,470
Housing Authority of Union County	1610 Industrial	Lewisburg	Pennsylvania	17837	42,429
Cumberland County Housing Authority	114 N. Hanover Street, Suite.	Carlisle	Pennsylvania	17013	15,193
Virgin Islands Housing Authority Charlotte Amalie.	P.O. Box 7668	St. Thomas, U.S.	Puerto Rico;Virgin	80977	47,172
Municipality of Aguas Buenas	P.O. Box 128	Aguas Buenas	Puerto Rico;Virgin	00703	18,910
Cumberland Housing Authority	573 Mendon Road, Suite 3.	Cumberland	Rhode Island	02864	42,330
Central Falls Housing Authority	30 Washington Street	Central Falls	Rhode Island	02863	30,824
Pawtucket Housing Authority	214 Roosevelt Avenue, P.O. Box 1303.	Pawtucket	Rhode Island	02862	38,314
Coventry Housing Authority	14 Manchester Circle	Coventry	Rhode Island	02816	40,170
Narragansett Housing Authority	25th Avenue, Town Hall.	Narragansett	Rhode Island	02882	37,766
Rhode Island Housing and Mortgage Finance Corporation.	44 Washington Street	Providence	Rhode Island	02903	35,500
City of Spartanburg Housing Authority	P.O. Box 2828	Spartanburg	South Carolina	29304	35,802
Housing Authority of Greenwood	P.O. Box 973	Greenwood	South Carolina	29648	32,785
Columbia Housing Authority	1917 Harden Street	Columbia	South Carolina	29204	21,781
Housing Authority of Greenville	P.O. Box 10047	Greenville	South Carolina	29603	26,041
Housing Authority of the City of Charleston	550 Meeting Street	Charleston	South Carolina	29403	40,686
Anderson Housing Authority	1335 East River Street.	Anderson	South Carolina	29624	32,173
Housing Authority of Myrtle Beach	P.O. Box 2468	Myrtle Beach	South Carolina	29578	40,019
Housing Authority of Beaufort	1009 Prince Street, P.O. Box 1104.	Beaufort	South Carolina	29901	21,846
Charleston County Housing and Redevelopment.	P.O. Box 6188, 2106 Mt. Pleasant Street.	Charleston	South Carolina	29405	31,404
Sioux Falls Housing & Redevelopment Commission.	804 South Minnesota Avenue.	Sioux Falls	South Dakota	57104	37,864
Mobridge Housing & Redevelopment Commission.	116 4th Street W., P.O. Box 370.	Mobridge	South Dakota	57006	32,991
Housing Authority of Oak Ridge	10 Van Hicks Lane	Oak Ridge	Tennessee	37830	31,297
East Tennessee Human Resource Agency	9111 Cross Park Drive, Suite.	Knoxville	Tennessee	37923	31,230
Metropolitan Development & Housing Agency.	701 South Sixth Street.	Nashville	Tennessee	37202	47,700
Southeast Tennessee Human Resource Agency.	215 Rankin Avenue South, P.O. Box 909.	Dunlap	Tennessee	37327	39,680
Crossville Housing Authority	67 Irwin Avenue, P.O. Box 425.	Crossville	Tennessee	38557	36,942
Kingsport Housing and Redevelopment Authority.	906 East Sevier Avenue, P.O. Box 44.	Kingsport	Tennessee	37662	23,837
Housing Authority of Jackson	P.O. Box 3188, 125 Preston Street.	Jackson	Tennessee	38303	40,102
Housing Authority of the City of Corsicana	P.O. Box 1090	Corsicana	Texas	75151	40,397
Harris County Community Development Department.	8410 Lantern Point Drive.	Houston	Texas	77054	34,850
Anthony Public Housing Authority	P.O. Box 1710	Anthony	Texas	79821	25,763
Cameron County Housing Authority	65 Castellano Circle	Brownsville	Texas	78521	38,593
Midland County Housing Authority	600 N. Baird Street, Suite A.	Midland	Texas	79701	36,930

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
Baytown Housing Authority	805 West Nazro	Baytown	Texas	77520	45,304
Central Texas Council of Governments	P.O. Box 729, 302 East Central.	Belton	Texas	76513	31,569
Housing Authority of the City of Houston	P.O. Box 2971	Houston	Texas	77252	26,651
Wichita Falls Housing Assistance Program	P.O. Box 1431	Wichita Falls	Texas	76307	31,693
Rosenberg Housing Authority	927 Second Street	Rosenberg	Texas	77471	20,600
Fort Worth Housing Authority	P.O. Box 430, 1201 East 13th Street.	Fort Worth	Texas	76101	40,528
Texoma Council of Governments	3201 Texoma Parkway.	Sherman	Texas	75090	33,989
Deep East Texas Council of Governors (DETCOG).	274 East Lamar Street.	Jasper	Texas	75951	31,316
Austin Housing Authority	1640 East 2nd Street	Austin	Texas	78702	33,421
Garland Housing Authority	210 Carver Street, Suite 201B.	Garland	Texas	75040	40,619
City of Longview Housing Authority	P.O. Box 1952	Longview	Texas	75606	38,366
City of Mesquite Housing Authority	P.O. Box 850137	Mesquite	Texas	75185	23,026
Mission Housing Authority	906 East 8th Street	Mission	Texas	78572	17,503
Housing Authority of the City of El Paso	5300 E. Paisano Drive.	El Paso	Texas	79995	32,573
Housing Authority of the City of Kingsville	P.O. Box 847, 100 West Corral.	Kingsville	Texas	78363	39,894
Beaumont Housing Authority	P.O. Box 1312	Beaumont	Texas	77708	32,208
Arlington Housing Authority	501 W. Sanford Street.	Arlington	Texas	76011	42,067
Housing Authority of the City of Lubbock	P.O. Box 2568	Lubbock	Texas	79401	27,456
Plano Housing Authority	1111 Avenue H, Building A.	Plano	Texas	75074	33,204
Housing Authority of the County of Hidalgo	1800 N. Texas Boulevard.	Weslaco	Texas	78596	23,484
Housing Authority of the City of Brownsville	P.O. Box 4420	Brownsville	Texas	78523	22,994
Public Housing Authority of San Angelo	115 West 1st Street	San Angelo	Texas	76903	31,746
Montgomery County Housing Authority	1022 McCall Street	Conroe	Texas	77301	34,598
Housing Authority of Salt Lake City	1776 South West Temple.	Salt Lake City	Utah	84115	24,799
Davis County Housing Authority	352 South 22 West, Suite #1, P.O. Box 328.	Farmington	Utah	84025	35,076
Utah County Housing Authority	240 East Center Street.	Provo	Utah	84606	37,623
Provo City Housing Authority	650 West 100 North	Provo	Utah	84601	38,545
Housing Authority of the County of Salt Lake	3595 So. Main	Salt Lake City	Utah	84115	40,845
Vermont State Housing Authority	One Prospect Street	Montpelier	Vermont	05602	44,052
Barre Housing Authority Emery Knoll	4 Humbert Street	Barre	Vermont	05641	24,800
Burlington Housing Authority	230 St. Paul Street	Burlington	Vermont	05401	36,076
Newport News Redevelopment & Housing Authority.	P.O. Box 77	Newport News	Virginia	23607	47,700
Virginia Housing Development Authority	601 South Belvidere Street.	Richmond	Virginia	23220	47,700
Waynesboro Redevelopment and Housing Authority.	1700 New Hope Road, P.O. Box 1138.	Waynesboro	Virginia	22980	30,841
Lee County Redevelopment Housing Authority.	P.O. Box 665	Jonesville	Virginia	24263	32,653
City of Virginia Beach Municipal Center Building.	2424 Courthouse Drive.	Virginia Beach	Virginia	23456	33,121
Chesapeake Redevelopment & Housing Authority.	1468 S. Military Highway.	Chesapeake	Virginia	23320	38,342
County of Albemarle Office of Housing	401 McIntire Road	Charlottesville	Virginia	22902	42,031
Norfolk Redevelopment & Housing Authority	P.O. Box 968	Norfolk	Virginia	23501	42,979
Housing Authority of Thurston County	503 West 4th Avenue	Olympia	Washington	98501	47,700
Housing Authority of the City of Longview	1207 Commerce	Longview	Washington	98632	29,917
Housing Authority of Asotin County	1212 Fair Street	Clarkston	Washington	99403	29,592
Housing Authority of Island County	7 N.W. 6th Street	Coupeville	Washington	98239	44,557
Bellingham Housing Authority	208 Unity Street-Lower Level, P.O. Box 9701.	Bellingham	Washington	98227	39,049
Housing Authority of the City of Everett	3107 Colby, P.O. Box 1547.	Everett	Washington	98206	36,102
Housing Authority of the City of Spokane	55 W. Mission	Spokane	Washington	99201	47,700

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY SELF SUFFICIENCY PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Amount
King County Housing Authority	15455 65th Avenue South.	Seattle	Washington	98188	47,700
Housing Authority of the City of Pasco & Franklin County.	802 N. 1st Avenue	Pasco	Washington	99301	36,010
Housing Authority of Grays Harbor County	602 East First Street	Aberdeen	Washington	98520	37,207
Housing Authority of the City of Yakima	810 N 6th Avenue	Yakima	Washington	98902	37,854
Kitsap County Consolidated Housing Authority.	9307 Bayshore Drive NW.	Silverdale	Washington	98383	45,186
Housing Authority of Snohomish County	12625 4th Avenue, W., Suite.	Everett	Washington	98204	25,105
Pierce County Housing Authority	603 South Polk Street, P.O. Box 45410.	Tacoma	Washington	98445	41,783
Tacoma Housing Authority	902 South L Street	Tacoma	Washington	98405	39,187
Housing Authority of the County of Clallam	2603 South Francis Street.	Port Angeles	Washington	98362	37,824
Seattle Housing Authority	120 Sixth Avenue North.	Seattle	Washington	98109	47,700
Walla Walla Housing Authority	501 Cayuse Street	Walla Walla	Washington	99362	26,780
Housing Authority of Grant County	1139 Larson Boulevard.	Moses Lake	Washington	98837	17,000
Housing Authority of the City of Bremerton	110 Russell Road, P.O. Box 4460.	Bremerton	Washington	98312	21,228
Housing Authority of the City of Kennewick	1915 W. 4th Place, P.O. Box 6737.	Kennewick	Washington	99336	31,724
Housing Authority of the City of Richland	650 George Washington Way.	Richland	Washington	99352	28,579
Housing Authority of Greenbrier County	Rt. 2 Box 142	Lewisburg	West Virginia	24901	21,033
Housing Authority of the City of Buckhannon	23 ½ Hinkle Drive	Buckhannon	West Virginia	26201	20,518
Housing Authority of Mingo County	P.O. Box 1758	Williamson	West Virginia	25661	19,800
Benwood Housing Authority	Administration Building, 2200 Marshall Street.	Brenwood	West Virginia	26031	33,125
Kanawha County Housing Authority	P.O. Box 3826	Charleston	West Virginia	25338	33,768
Wheeling Housing Authority	11 Community Street—Elm, P.O. Box 2089.	Wheeling	West Virginia	26003	36,050
Beckley Housing Authority	P.O. Box 1780	Beckley	West Virginia	25802	22,620
Charleston Housing Authority	P.O. Box 86	Charleston	West Virginia	25321	31,184
Weirton Housing Authority	525 Cove Road	Weirton West	Virginia	26062	27,051
Housing Authority of Raleigh County	P.O. Box BD	Beckley	West Virginia	25802	30,341
Huntington, WV Housing Authority P.O. Box 2183.	30 Northcott Court	Huntington	West Virginia	25722	31,896
Parkersburg Housing Authority	1901 Cameron Avenue.	Parkersburg	West Virginia	26101	24,670
Kenosha Housing Authority	625 52nd Street, Room 98.	Kenosha	Wisconsin	53140	40,772
Appleton Housing Authority	525 North Oneida Street.	Appleton	Wisconsin	54911	36,488
Walworth County Housing Authority	W3929 County NN	Elkhorn	Wisconsin	53121	34,385
Housing Authority of the City of Superior	1219 North Eighth Street.	Superior	Wisconsin	54880	38,632
Eau Claire County Housing Authority	721 Oxford Avenue, Room, Eau claire County Courthouse.	Eau Claire,	Wisconsin	54703	36,100
Green Bay Housing Authority	100 North Jefferson Street.	Green Bay	Wisconsin	54301	41,521
Waukesha Housing Authority	120 Corrina Boulevard.	Waukesha	Wisconsin	53186	47,700
Dunn County Housing Authority	1421 Stout Road	Menomonie	Wisconsin	54751	34,879
Cheyenne Housing Authority	3304 Sheridan Street	Cheyenne	Wyoming	82009	25,661
Housing Authority of the City of Casper	800 Werner Court, Suite 320.	Casper	Wyoming	82604	20,875

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY UNIFICATION PROGRAM FUNDING AWARDS FOR FY 2000

Applicant name	Address	City	State	Zip	Vouchers	Amount
Mobile Housing Board	151 S. Claiborne Street, P.O. Box 1345.	Mobile	Alabama	36633	100	$429,909
Stuttgart Housing Authority	P.O. Box 569	Stuttgart	Arkansas	72160	50	158,502
Hope Housing Authority	720 Texas Street	Hope	Arkansas	71891	25	81,975
San Luis Obispo Housing Authority	487 Leff Street	San Luis Obispo	California	93401	50	280,783
Riverside County Housing Authority	5555 Arlington Avenue.	Riverside	California	92504	100	500,340
San Diego County Housing Authority	3989 Ruffin Road	San Diego	California	92123	100	540,054
County of Fresno Housing Authority	P.O. Box 11985/1331.	Fresno	California	93776	100	462,569
City of Fresno Housing Authority	P.O. Box 11985/1331.	Fresno	California	93776	100	475,814
County of San Mateo Housing Authority.	264 Harbor Boulevard.	Belmont	California	94002	100	941,456
Santa Cruz County Housing Authority	2160 41st Avenue	Capitola	California	95010	73	697,221
Colorado Division of Housing	1313 Sherman Street.	Denver	Colorado	80203	100	503,180
Grand Junction	805 Main Street	Grand Junction	Colorado	81505	50	239,186
State of Connecticut Department of Social Services.	25 Sigourney Street.	Hartford	Connecticut	06106	100	701,395
District of Columbia Housing Authority	1133 North Capitol Street.	Washington	District of Columbia.	20002	100	848,867
Miami Dade Housing Authority	111 N.W. 1st Street 29th Floor.	Miami	Florida	33125	100	659,169
Housing Authority of Brevard County	615 Kurek Court	Merritt Island	Florida	32953	100	502,985
Sarasota Office of Housing and Community Development.	P.O. Box 1058, 1567 Main Street.	Sarasota	Florida	34230	50	312,075
Broward County Housing Authority	1773 North State Road 7.	Lauderhill	Florida	33313	100	667,841
Housing Authority of Tallahassee	2940 Grady Road	Tallahassee	Florida	32312	100	562,991
Orlando Housing Authority	300 Reeves Court	Orlando	Florida	32801	100	519,884
Housing Authority of Pasco County	14517 7th Street	Dade City	Florida	33523	100	456,850
Hialeah Housing Authority	70 East 7th Street	Hialeah	Florida	33010	100	610,586
Housing Authority of Palm Beach	3432 West 45th Street.	West Palm Beach	Florida	33407	100	632,345
Housing Authority of Jonesboro	P.O. Box 458, 203 Hightower Street.	Jonesboro	Georgia	30237	100	554,562
Guam Housing and Urban Renewal Authority.	117 Bien Venida Avenue.	Sinajana	Guam	96921	100	934,691
Dupage County Illinois	128 County Farm Road.	Wheaton	Illinois	60187	15	109,568
City of Danville Housing Authority	P.O. Box 312	Danville	Illinois	61834	15	51,607
Joliet Housing Authority	6 South Broadway Street, P.O. Box 2519.	Joliet	Illinois	60434	32	206,870
Housing Authority of the City of East St. Louis.	700 North 20th Street.	East St Louis	Illinois	62205	50	273,200
Chicago Housing Authority	626 W. Jackson Boulevard.	Chicago	Illinois	60661	100	742,170
Housing Authority of Waukegan	215 South Utica Street.	Waukegan	Illinois	60085	50	350,861
Fort Wayne Housing Authority-City of Fort Wayne.	2013 S. Anthony Boulevard, P.O. Box 13489.	Fort Wayne	Indiana	46869	100	450,936
Housing Authority of New Albany	500 Scribner Drive, P.O. Box 11.	New Albany	Indiana	47150	50	223,052
Wichita Housing Authority	332 N. Riverview	Wichita	Kansas	67203	100	483,673
St. Mary's County Housing Authority	23115 Leonard Hall Drive, P.O. Box 653.	Leonardtown	Maryland	20650	50	302,618
Carroll County Housing & Community Development.	10 Distillery Drive, Suite.	Westminster	Maryland	21157	25	140,590
Department of Housing and Community Development.	One Congress Street.	Boston	Massachusetts	02114	100	741,545
Springfield Housing Authority	P.O. Box 1609	Springfield	Massachusetts	01101	100	527,255
Mississippi Regional Housing Authority V.	P.O. Box 419	Newton	Mississippi	39345	100	336,816

RECIPIENTS OF HOUSING CHOICE VOUCHERS—FAMILY UNIFICATION PROGRAM FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Vouchers	Amount
Lincoln County Public Housing Agency	16 North Court Street P.O. Box 470.	Bowling Green	Missouri	63334	100	427,204
NYS Division of Housing and Community Renewal.	25 Beaver Street	New York	New York	10004	60	455,041
NYS Division of Housing & Community Renewal.	25 Beaver Street	New York	New York	10004	40	155,503
Town of Amherst (BelmontShelter Corp).	1195 Main Street	Buffalo	New York	14209	100	428,465
New York City Housing Preservation and Development.	100 Gold Street	New York	New York	10038	100	630,416
Housing Authority of Durham	330 East Main Street, P.O. Box 1726.	Durham	North Carolina	27702	100	549,267
Housing Authority of Hickory	P.O. Box 2927	Hickory	North Carolina	28603	30	117,175
Housing Authority of Winston-Salem	901 Cleveland Avenue.	Winton Salem	North Carolina	27101	100	388,758
Housing Authority of Greensboro	P.O. Box 21287	Greensboro	North Carolina	27420	100	568,405
Zanesville Metropolitan Housing Authority.	407 Pershing Road.	Zanesville	Ohio	43701	50	182,439
Hamilton County Public Housing	138 E. Court Street, Room.	Cincinnati	Ohio	45202	50	253,692
Lake Metropolitan Housing Authority	189 First Street	Painesville	Ohio	44077	40	191,884
Youngstown Metropolitan Housing Authority.	131 W. Boardman Street.	Youngstown	Ohio	44503	30	109,167
Cuyahoga Metropolitan Housing Authority.	1441 West 25th Street.	Cleveland	Ohio	44113	100	513,273
Cambridge Metropolitan Housing Authority.	P.O. Box 1388 1100 Maple Court.	Cambridge	Ohio	43725	50	170,334
Lawton Housing Authority	609 SW F Avenue	Lawton	Oklahoma	73501	50	214,595
Oklahoma City	1700 Northeast Fourth.	Oklahoma City	Oklahoma	73117	100	429,190
Oklahoma Housing Finance Agency	P.O. Box 26720	Oklahoma City	Oklahoma	73126	100	410,669
Northwest Oregon Housing Association.	1508 Exchange Street.	Astoria	Oregon	97103	75	334,566
Central Oregon Regional Housing Authority.	2445 S.W. Canal Boulevard.	Redmond	Oregon	97756	75	364,503
Philadelphia Housing Authority	12 South 23rd Street.	Philadelphia	Pennsylvania	19103	100	700,655
Delaware County Housing Authority	1855 Constitution Avenue.	Woodlyn	Pennsylvania	19094	100	596,733
Metropolitan Development & Housing Agency.	701 South Sixth Street.	Nashville	Tennessee	37206	100	546,169
San Angelo Housing Authority	115 West 1st Street.	San Angelo	Texas	76903	25	89,323
Dallas Housing Authority	3939 North Hampton Road.	Dallas	Texas	75212	100	738,560
Burlington Housing Authority	230 St. Paul Street	Burlington	Vermont	05401	100	588,411
Fairfax County Redevelopment & Housing Authority.	3700 Pender Drive	Fairfax	Virginia	22030	35	274,411
Housing Authority of the City of Seattle	120 Sixth Avenue North.	Seattle	Washington	98109	100	736,800
Housing Authority of the City of Pasco and Franklin Counties.	820 N. 1st Street	Pasco	Washington	99301	50	250,270
Housing Authority of the County Clallam.	2603 South Francis Street.	Port Angeles	Washington	98362	50	261,315
Housing Authority of the County King	600 Andover Park West.	Tukwila	Washington	98188	100	716,572
Huntington, West Virginia Housing Authority.	P.O. Box 2183	Huntington	West Virginia	25722	100	386,126

RECIPIENTS OF HOUSING CHOICE VOUCHERS—MAINSTREAM 1 YEAR FUNDING AWARDS FOR FY 2000

Applicant name	Address	City	State	Zip	Vouchers	Amount
Mesa Housing Authority	415 N. Pasadena	Mesa	Arizona	85201–5916	75	369,767
Housing Authority Boca Raton	201 West Palmetto Park Road.	Boca Raton	Florida	33432–0000	75	452,381

RECIPIENTS OF HOUSING CHOICE VOUCHERS—MAINSTREAM 1 YEAR FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Vouchers	Amount
Hialeah Housing Authority	70 East 7th Street.	Hialeah	Florida	33010–0000	75	458,393
Hawaii Housing and Community	677 Queen Street, Suite 300.	Honolulu	Hawaii	96813–0000	75	595,817
Housing Authority of Cook County	310 S. Michigan, 15th Floor.	Chicago	Illinois	60604–4204	75	568,773
Goshen Housing Authority	302 South 5th Street.	Goshen	Indiana	46528–0000	40	187,185
Ellis County Public Housing Authority.	C/O Developmental Services of 2703 Hall, P.O. Box 1016.	Hays	Kansas	67601–0000	75	202,427
Westbrook Housing Authority	30 Liza Harmon Drive.	Westbrook	Maine	04092–0000	75	450,579
Wakefield Housing Authority	26 Crescent Street.	Wakefield	Massachusetts	01880–0000	75	577,758
Methuen Housing Authority	24 Mystic Street	Methuen	Massachusetts	01844–0000	50	293,563
City of Las Vegas Housing Authority.	420 North 10th Street.	Las Vegas	Nevada	89101–0000	75	512,054
Albuquerque Housing Authority	1840 University SE.	Albuquerque	New Mexico	87106–0000	24	120,518
Bernalillo County Housing Department.	620 Lomas Boulevard, NW.	Albuquerque	New Mexico	87102–0000	75	398,190
New York State Division of Housing and.	25 Beaver Street	New York	New York	10004–0000	45	351,068
New York City Housing Authority	250 Broadway	New York	New York	10007–0000	75	545,977
New York State Division of Housing and.	25 Beaver Street	New York	New York	10004–0000	30	119,041
Housing Authority Greensboro	P.O. Box 21287	Greensboro	North Carolina	27407–1287	75	426,304
Housing Authority Asheville	165 S. French Broad Avenue, P.O. Box 1898.	Asheville	North Carolina	28802–0000	75	286,688
Lexington Housing Authority	P.O. Box 1085	Lexington	North Carolina	27293–0000	50	188,719
Seneca Metropolitan Housing Authority.	P.O Box 1029	Mansfield	Ohio	44901–0000	20	61,848
Dayton Metropolitan Housing Authority.	400 Wayne Avenue.	Dayton	Ohio	45401–8750	75	317,304
Central Oregon Regional Housing Authority.	2445 S.W. Canal Boulevard.	Redmond	Oregon	97756–0000	75	364,503
Housing Authority of Jackson County.	2231 Table Rock Road.	Medford	Oregon	97501–0000	75	365,213
Housing Authority of Yamhill County.	414 North East Evans Street, P.O. Box 865.	McMinnville	Oregon	97128–0865	75	372,926
Northwest Oregon Housing Association.	1508 Exchange Street.	Astoria	Oregon	97103–0000	75	335,319
Philadelphia Housing Authority	12 S. 23rd Street	Philadelphia	Pennsylvania	19103–0000	75	540,434
Rhode Island Housing and Mortgage Finance.	44 Washington Street.	Providence	Rhode Island	02903–0000	75	518,740
Chattanooga Housing Authority	505 West M.L.King Boulevard, P.O. Box 1488.	Chattanooga	Tennessee	37401–0000	75	338,032
Knoxville Community Development Corp..	P.O. Box 3550, 901 Broadway, N.E..	Knoxville	Tennessee	37927–3550	75	304,341
Tarrant County	1200 Circle Drive, Suite 100.	Fort Worth	Texas	76119–8112	75	367,412
Arlington	501 West Sanford, Suite 20.	Arlington	Texas	76011–0000	75	438,600
Cedar City	2390 W. Highway 56, Suite 7.	Cedar City	Utah	84720–0000	20	76,887
Bear River	170 North Main	Logan	Utah	84321–0000	75	246,659
Burlington Housing Authority	230 St. Paul Street.	Burlington	Vermont	05401–0000	75	441,308
Accomack-Northampton Regional	23372 Front Street, P.O Box 387.	Accomack	Virginia	23301–0000	75	381,851

RECIPIENTS OF HOUSING CHOICE VOUCHERS—MAINSTREAM 1 YEAR FUNDING AWARDS FOR FY 2000—Continued

Applicant name	Address	City	State	Zip	Vouchers	Amount
Bellingham Housing Authority	P.O. Box 9701	Bellingham	Washington	98227–9701	75	466,196
Housing Authority of the City of Fairmont.	517 Fairmont Avenue.	Fairmont	West Virginia	26554–0000	75	300,818
West Bend Housing Authority	475 Meadowbrook Drive.	West Bend	Wisconsin	53090–0000	50	184,016

RECIPIENTS OF HOUSING CHOICE VOUCHERS—MAINSTREAM 5 YEAR FUNDING AWARDS FOR FY 2000

Applicant name	Address	City	State	Zip	Vouchers	Amount
Arizona Behavioral Health Corporation.	1406 N. Second Street.	Phoenix	Arizona	85004–0000	75	$2,068,871
Pima County Housing Authority	P.O. Box 27210	Tucson	Arizona	85726–7210	50	1,400,660
Mohave County Housing Authority	P.O. Box 7000	Kingman	Arizona	86402–7000	50	1,264,815
Santa Cruz County Housing Authority.	2160 41st Avenue.	Capitola	California	95010–2060	75	3,566,880
County of Santa Clara Housing	505 W. Julian Street.	San Jose	California	96110–0000	53	2,810,645
Colorado Bluesky Enterprises, Inc.	115 West 2nd Street.	Pueblo	Colorado	81003–0000	75	1,886,993
Waterbury Housing Authority	2 Lakewood Road.	Waterbury	Connecticut	06704–0000	75	2,005,226
Tallahassee Housing Authority	2940 Grady Road.	Tallahassee	Florida	32312–0000	75	2,111,216
Housing Partnership Inc.	319 Clematis Street, Suite 409.	West Palm Beach.	Florida	33401–0000	75	2,108,869
Pilgrim Rest Community Development Agency.	P.O. Box 11	Empire	Louisiana	70050–0000	75	1,548,240
Peabody Housing Authority	75 Central Street, Suite 2.	Peabody	Massachusetts	01969–0000	75	2,810,348
Lowell Housing Authority	350 Moody Street, P.O. Box 60.	Lowell	Massachusetts	01853–0060	75	2,193,776
Harbor Homes, Inc.	12 Amherst Street.	Nashua	New Hampshire	03060–0000	75	2,428,583
New Jersey Department of Community Affairs.	P.O. Box 051	Trenton	New Jersey	08625–0051	66	2,980,868
Collaborative Support Programs of New Jersey.	11 Spring Street	Freehold	New Jersey	07728–0000	75	3,396,893
New York Society for the Deaf	817 Broadway—7th Floor.	New York	New York	10003–0000	75	1,894,515
Amerhert Town (Erie Co PHA Consortium).	1195 Main Street	Buffalo	New York	14209–0000	75	1,630,628
Hancock Metropolitan Housing Authority.	604 Lima Avenue	Findlay	Ohio	45840–0000	75	1,243,973
Clackamas County Housing Authority.	P.O. Box 1510, 13930 South Gain Street.	Oregon City	Oregon	97045–0510	75	2,158,763
Northampton County Housing Authority.	15 South Wood Street, P.O. Box 252.	Nazareth	Pennsylvania	18064–0000	10	260,267
Carbon County Housing Authority	215 South Third Street.	Lehighton	Pennsylvania	18235–0000	15	289,047
Housing Authority of Myrtle Beach	P.O. Box 2468	Myrtle Beach	South Carolina	29578–2468	69	1,518,690
Logan City	170 N. Main	Logan	Utah	84321–0000	75	1,385,280
Hampton Redevelopment & Housing Authority.	P.O. Box 280	Hampton	Virginia	23669–0000	75	1,227,656
Housing Authority City of Vancouver.	2500 Main Street	Vancouver	Washington	98660–0000	75	2,137,860

[FR Doc. 01–9044 Filed 4–12–01; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–15]

Federal Property Suitable as Facilities To Assist the Homeless

AGENCY: Office of the Assistant Secretary for Community Planning and Development, HUD.

ACTION: Notice.

SUMMARY: This Notice identifies unutilized, underutilized, excess, and surplus Federal property reviewed by HUD for suitability for possible use to assist the homeless.

EFFECTIVE DATE: April 13, 2001.

FOR FURTHER INFORMATION CONTACT: Clifford Taffet, Department of Housing and Urban Development, Room 7262, 451 Seventh Street SW., Washington, DC 20410; telephone (202) 708–1234; TTY number for the hearing- and speech-impaired (202) 708–2565, (these telephone numbers are not toll-free), or call the toll-free Title V information line at 1–800–927–7588.

SUPPLEMENTARY INFORMATION: In accordance with the December 12, 1988 court order in *National Coalition for the Homeless* v. *Veterans Administration,* No. 88–2503–OG (D.D.C.), HUD publishes a Notice, on a weekly basis, identifying unutilized, underutilized, excess and surplus Federal buildings and real property that HUD has reviewed for suitability for use to assist the homeless.

Today's Notice is for the purpose of announcing that no additional properties have been determined suitable or unsuitable this week.

Dated: April 5, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 01–8942 Filed 4–12–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF THE INTERIOR

Geological Survey

Request for Public Comments on Extension of Existing Information Collection Submitted to OMB for Review Under the Paperwork Reduction Act

A request for the information collection described below has been submitted to the Office of Management and Budget (OMB) for approval under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)). Copies of the proposed collection may be obtained by contacting the Bureau's clearance officer at the phone number listed below. OMB has up to 60 days to approve or disapprove the information collection but may respond after 30 days; therefore, public comments should be submitted to OMB within 30 days in order to assure their maximum consideration. Public comments on the proposal should be made directly to the Desk Officer for the Interior Department, Office of Information and Regulatory Affairs, Office of Management and Budget, Washington, DC 20503 and to the Bureau Clearance Officer, U.S. Geological Survey, 807 National Center, Reston, VA 20192.

As required by OMB regulations at 5 CFR 1320.8(d)(1), the U.S. Geological Survey solicits specific public comments as to:

1. Whether the collection of information is necessary for the proper performance of the functions on the bureaus, including whether the information will have practical utility;

2. The accuracy of the bureau's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used:

3. The quality, utility, and clarity of the information to be collected; and

4. How to minimize the burden of the collection of information on those who are to respond, including the use of appropriate automated, electronic, mechanical, or other forms of information technology.

Title: North American Reporting Center for Amphibian Malformations.

OMB Approval No: 1028–0056.

SUMMARY: The collection of information referred herein applies to a World-Wide Web site that permits individuals who observed malformed amphibians or who inspect substantial numbers of normal or malformed amphibians to report those observations and related information. The Web site is termed the North American Reporting Center for Amphibian Malformations. Information will be used by scientists and federal, state, and local agencies to identify areas where malformed amphibians occur and the rates of occurrence.

Estimated Completion Time: 20 minutes.

Estimated Annual Number of Respondents: 450.

Frequency: Once.

Estimated Annual Burden Hours: 150 hours.

Affected Public: Primarily U.S. and Canadian residents.

FOR FURTHER INFORMATION CONTACT: To obtain copies of the survey, contact the Bureau clearance officer, U.S. Geological Survey, 807 National Center, 12201 Sunrise Valley Drive, Reston, Virginia, 20192, telephone (703) 648–7313, or go to the Website (http://www.npsc.nbs.gov./narcam).

Dated: April 9, 2001.

Dennis B. Fenn,

Associate Director for Biology.

[FR Doc. 01–9158 Filed 4–12–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

National Park Service

Sixty-Day Notice of Intention To Request Clearance of Collection of Information—Opportunity for Public Comment (''Programmatic Approval of NPS-Sponsored Public Surveys''); Correction

AGENCY: National Park Service, Department of the Interior.

ACTION: Notice, correction.

SUMMARY: The National Park Service published a Sixty-Day Notice of Intention To Request Clearance of Collection of Information—Opportunity for Public Comment (''Programmatic Approval of NPS-Sponsored Public Surveys'') in the **Federal Register** of April 9, 2001. The document contained incorrect information regarding the type of request.

FOR FURTHER INFORMATION CONTACT: Dr. Gary E. Machlis. Voice: 202–208–5391, Fax 202.208.4620, Email: gary_machlis@nps.gov>.

Correction

In the **Federal Register** of April 9, 2001, in FR Doc. 01–8687, on page 18500, correct the ''Type of Request'' caption to read:

Type of Request: Extension of a currently approved collection.

Dated: April 9, 2001.

Brian Forist,

Research Associate, NPS Social Science Program.

[FR Doc. 01–9172 Filed 4–12–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notification of Pending Nominations

Nominations for the following properties being considered for listing

in the National Register were received by the National Park Service before March 31, 2001.

Pursuant to section 60.13 of 36 CFR Part 60 written comments concerning the significance of these properties under the National Register criteria for evaluation may be forwarded to the National Register, National Park Service, 1849 C St. NW, NC400, Washington, DC 20240. Written comments should be submitted by April 30, 2001.

ARIZONA

Navajo County

Winslow Commercial Historic District (Boundary Increase), Roughly bounded by 1st, 3rd, Warren and Williamson Aves., Winslow, 01000442

ARKANSAS

Pulaski County

Anderson, H.M., House, 3415 W. Markham, Little Rock, 01000441

COLORADO

Fremont County

Deputy Warden's House, 105 Main, Canon City, 01000443

Gunnison County

Crested Butte Denver and Rio Grande Railroad Depot, (Railroads in Colorado, 1858–1948) 716 Elk Ave., Crested Butte, 01000444

Larimer County

McCreery, William H., House, 746 N. Washington Ave., Loveland, 01000445

CONNECTICUT

Tolland County

Fifth Camp of Rochambeau's Infantry, Address Restricted, Bolton, 01000446

FLORIDA

Citrus County

Hernando Elementary School, Old, 2435 N. Florida Ave., Hernando, 01000447

KANSAS

Johnson County

Wolcott House, 5701 Oakwood Rd., Mission Hills, 01000448

KENTUCKY

Bourbon County

Stoner Creek Rural Historic District, Along Winchester, Stoney Point, Spears Mill and N. Middletown Rds., Paris, 01000449

Franklin County

Stagg, George T., Distillery, 1001 Wilkinson Blvd., Frankfort, 01000450

Fulton County

Carr Historic District, Roughly bounded by Carr, 4th, W. State Line and West Sts., Fulton, 01000451

Greenup County

Russell Railroad YMCA, 451 Verhon St., Russell, 01000452

Jefferson County

Altawood Historic District, (Louisville and Jefferson County MPS) Altawood Ct., Louisville, 01000453

Universal Car Company, 2500 W. Broadway, Louisville, 01000454

MARYLAND

Baltimore Independent city

Mount Auburn Cemetery, 2614 Annapolis Rd., Baltimore, 01000456

MICHIGAN

Calhoun County

Penniman Castle, 443 Main St., Battle Creek, 01000457

Wayne County

Defer Elementary School, 15425 Kercheval, Grosse Pointe Park, 01000458

N. MARIANA ISLANDS

Saipan Municipality

Sister Remedios Early Childhood Development Center, Chalan Kanoa Village, Saipan, 01000455

PENNSYLVANIA

Berks County

Moyer, John Nicholas and Elizabeth, House, 152 Hetrick Rd. (Jefferson Township), New Shaefferstown, 01000459

Delaware County

Chester Heights Camp Meeting Historic District, 320 Valley Brook Rd., Chester Heights Borough, 01000460

Montgomery County

Heller, George K., School, 439 Ashbourne Rd. (Cheltenham Township), Ashmead Village, 01000461

Philadelphia County

Awbury Historic District, Roughly bounded by Chew Ave., Avonhoe Rd., Devon PL., Haines and Ardleigh Sts. and Arboretum boundary, Philadelphia, 01000462

Upper Roxborough Historic District, Roughly bounded by Shawmont Ave., Hagy's Mill Rd., and Schuylkill R., Philadelphia, 01000463

York County

Shelly, William, School and Annex, 201 N. Adams St., West York Borough, 01000464

RHODE ISLAND

Newport County

Rhode Island Red, (Outdoor Sculpture of Rhode Island) Jct. Adamsville, Westport Harbor, Main and Stone Church Rds., Little Compton, 01000465

Providence County

Columbus, (Outdoor Sculpture of Rhode Island) Elmwood Ave., Providence, 01000468

Liberty Arming the Patriot, (Outdoor Sculpture of Rhode Island) Park Place, Pawtucket, 01000467

World War I Memorial, (Outdoor Sculpture of Rhode Island) Jct. Taunton Ave. and Weldon St., East Providence, 01000466

TENNESSEE

Overton County

Officer Farmstead, (Historic Family Farms in Middle Tennessee MPS) 189 Rock Springs Rd., Montery, 01000469

TEXAS

Tarrant County

Markeen Apartments, 210—14 St. Louis Ave. and 406—10 W. Daggett Ave., Fort Worth, 01000470

UTAH

Box Elder County

Watkins, William L. and Mary, House, (Brigham City MPS) 74 N. 100 E, Brigham City, 01000471

Grand County

Shafer, John Henry, House, 500 S. 400 E., Moab, 01000472

Salt Lake County

Bonnyview Elementary School, (Murray City, Utah MPS) 4984 S. 300 W., Murray, 01000473

Central City Historic District (Boundary Addition), Roughly bounded by S. Temple, 11th E., 4th S., and 7th E. Sts., Salt Lake City, 01000474

Murray LDS Second Ward Meetinghouse, (Murray City, Utah MPS) 5056 S. 300 W. St., Murray, 01000475

Murray Theatre, (Murray City, Utah MPS) 4961 S. State St., Murray, 01000476

WASHINGTON

Whatcom County

Laube Hotel, 1226 N. State St., Bellingham, 01000477

Beth Boland,

Acting Keeper of the National Register Of Historic Places.

[FR Doc. 01–9171 Filed 4–12–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF LABOR

Employment and Training Administration

[TA–W–36,973]

Heidelberg Publishing Services, Inc., Formerly Known as Linotype-Hell Company, Now Known as Heidelberg USA, Inc., Also Heidelberg Digital, Inc., a/k/a Eastman Kodak, Melville, NY; Amended Certification Regarding Eligibility To Apply for Worker Adjustment Assistance

In accordance with section 223 of the Trade Act of 1974 (19 USC 2273) the Department of Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on November 16, 1999, applicable to workers of Heidelberg Publishing Services, Melville, New York. The notice was published in the **Federal Register** on December 28, 1999 (64 FR 72692).

At the request of the State agency, the Department reviewed the certification for workers of the subject firm. The workers were engaged in the production of imagesetting machines. New information received from the company shows that Heidelberg Publishing Services, Inc. formerly known as Linotype-Hell Company, merged with Heidelberg USA, Inc. in December, 1999 and is now known as Heidelberg USA, Inc; also Heidelberg Digital, Inc., a/k/a Eastman Kodak. Information also shows that workers separated after December, 1999 from employment at the subject firm, had their wages reported under several separate unemployment insurance (UI) tax accounts: Heidelberg Publishing Services, Inc., formerly known as Linotype-Hell Company, now known as Heidelberg USA, Inc; also Heidelberg, Digital, Inc., a/k/a Eastman Kodak. Accordingly, the Department is amending the certification to properly reflect this matter.

The amended notice applicable to TA–W–36,973 is hereby issued as follows:

All workers of Heidelberg Publishing Services, Inc., formerly known as Linotype-Hell Company, now known as Heidelberg USA, Inc; also Heidelberg Digital, Inc., a/k/a Eastman Kodak, Melville, New York who became totally or partially separated from employment on or after October 5, 1998 through November 16, 2001 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington, DC this 3rd day of April, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–9218 Filed 4–12–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[TW–W–38,409, TA–W–38,409A]

Money's Foods U.S., Inc., Money's Mushrooms Ltd, Blandon, PA and Money's Foods U.S., Inc. Money's Mushrooms Ltd., Jackson OH; 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 Labor issued a Certification of Eligibility to Apply for Worker Adjustment Assistance on January 30, 2001, applicable to workers of Money's Foods U.S., Inc., Money's Mushrooms LTD, Blandon, Pennsylvania. The notice was published in the **Federal Register** on February 20, 2001 (65 FR 10916).

At the request of the petitioners, the Department reviewed the certification for workers of the subject firm. New information shows that worker separations occurred at the Jackson, Ohio facility of Money's Foods U.S., Inc., Money's Mushrooms LTD when it closed in December, 2000. The workers were engaged in employment related to the production of mushrooms.

Accordingly, the Department is amending the certification to cover workers of the Jackson, Ohio location of Money's Foods U.S., Inc., Money Mushrooms Ltd.

The intent of the Department's certification is to include all workers of Money's Foods U.S., Inc., Money's Mushrooms Ltd adversely affected by increased imports of mushrooms.

The amended notice applicable to TA–W–38,409 is hereby issued as follows:

All workers of Money's Foods U.S., Inc., Money's Mushrooms Ltd, Blandon, Pennsylvania (TA–W–38,409) and Jackson, Ohio (TA–W–38,409A) who became totally or partially separated from employment on or after December 1, 1999 through January 30, 2003 are eligible to apply for adjustment assistance under Section 223 of the Trade Act of 1974.

Signed at Washington D.C. this 2nd day of April 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–9216 Filed 4–12–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

H–1B Technical Skills Training Grant Program

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of procedures for grant applications for H–1B Technical Skills Training Grants. All information required to submit a grant application is contained in this notice.

SUMMARY: The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), a partner in the America's Workforce Network℠ (AWN), announces the availability of grant funds for skill training programs for unemployed and employed workers. These grants are financed by a user fee paid by employers to bring foreign workers into the U.S. under a new H–1B nonimmigrant visa. As part of the H–1B nonimmigrant visa program, this skills training program was authorized under the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA), as amended. The grants are a long term solution to domestic skill shortages in high skill and high technology occupations. Grant awards will be made only to the extent that funds are available.

Eligible applicants for these grants will be local Workforce Investment Boards (Local Boards) established under section 117 of the Workforce Investment Act (WIA) that will carry out such programs or projects through One-Stop delivery systems established under section 121 of WIA, or regional consortia of Local Boards.

This notice describes the application submission requirements, the process that eligible entities must use to apply for funds covered by this solicitation, and how grantees will be selected. Approximately $135 million is anticipated to be available for funding the projects covered in this solicitation process.

DATES: The grant policies and procedures described in these guidelines are effective immediately, and remain in effect until further notice. Funds are available for obligation by the Secretary of Labor (the Secretary) under 29 U.S.C. 2916. Applications for grant awards will be accepted immediately upon publication of this notice in the **Federal Register**. It is anticipated that review panels will begin to convene to evaluate applications in June 2001. Telefacsimile (FAX) applications will not be accepted.

ADDRESSES: Applications must be mailed to the U.S. Department of Labor, Employment and Training Administration, Division of Federal Assistance, Attention: Le Phan, SGA/DFA 01–105, 200 Constitution Avenue, NW., Room S–4203, Washington, DC 20210.

FOR FURTHER INFORMATION CONTACT: Questions should be faxed to Le Phan, Grants Management Specialist, Division of Federal Assistance, FAX (202) 693–2879. (This is not a toll free number.) All inquiries should include the identifying number of this notice—SGA/DFA 01–105, and a contact name, FAX and phone numbers. This announcement will also be published on the Internet on the Employment and Training Administration's Home Page at http://www.doleta/gov.

SUPPLEMENTARY INFORMATION: The Employment and Training Administration (ETA), U.S. Department of Labor (DOL), partner in AWN, announces the availability of grant funds for technical skills training for employed and unemployed American workers. These grants are financed by a user fee paid by employers to bring foreign workers into the U.S. on a temporary basis to work in high skill or speciality occupations. As part of the H–1B non-immigrant visa program, this skills training program was established under the American Competitiveness and Workforce Improvement Act of 1998 (ACWIA 1998) as amended by the American Competitiveness in the Twentieth Century Act of 2000 (ACWIA 2000) and companion legislation. The grants are a long term solution to domestic skill shortages in high skill and high technology occupations—raising the skill levels of American workers so they can take advantage of the new technology-related, high skills employment opportunities and, thus, helping business reduce its dependence on skilled foreign professionals permitted to work in the U.S. on a temporary basis under the H–1B visa program. Grant awards will be made only to the extent that funds are available.

The Act creates a two-part eligibility and funding system for the new program. Seventy-five (75%) percent of the available grant funds will be awarded to Local Boards established under section 117 of the Workforce Investment Act (WIA) that will carry out such programs or projects through the One-Stop delivery systems established under section 121 of WIA, or regional consortia of Local Boards. Regional consortia of boards may be interstate. Each Local Board or consortium of boards receiving grant funds must represent a local or regional public-private partnership that is comprised of at least (i) one Local Board; (ii) one business or business-related non-profit organization such as a trade association; and (iii) one community-based organization or higher education institution or labor union. This Notice governs the procurement process for awarding the 75 percent funds.

The remaining 25 percent of the available funds will be awarded to business partnerships that consist of at least two businesses or a business-related nonprofit organization that represents more than one business. The partnership may also include any educational, labor, community organization, or Local Board. Applicants for the 25 percent funds must explain the barriers they faced in meeting the partnership eligibility criteria for the 75 percent funds—for example, the business partnerships may be on a national, multi-state, regional or rural area basis (such as rural telework programs). The Solicitation for Grant Applications (SGA) governing the competition for the first round of grants for the 25 percent funds will be published in the **Federal Register** in the near future.

Successful applicants under earlier H–1B solicitations are eligible to apply for grants under this competition. Current awardees are encouraged to indicate how their new proposals can provide a different approach or scope to skills training given program improvements developed under the current award. Consideration will be given to grantees which use grant funds to significantly expand their training program or project through such means as training more workers or offering more courses, or to applicants whose training programs or projects expand as a result of increasing collaborations—especially with more than one small business or with a labor-management training program or project.

Applicants which were unsuccessful in securing a grant award from prior competitions are strongly encouraged to amend their proposals according to this announcement and reapply.

America's Workforce Network is a national workforce investment and employment system designed to meet both the needs of the nation's businesses and the needs of job seekers and incumbent workers who want to advance their careers. ACWIA 2000 provides resources for skill training in high skill and high technology occupations that are in demand by U.S. business. One key measure of this demand is determined by the number of employer H–1B applications for foreign workers. For example, industries that appear to generate the most current H–1B demand are information technology (IT) and health care. Appendix B to this solicitation provides information on the kinds of occupations certified under the H–1B program by the Department of Labor for the first five months Fiscal Year 2000 (October 1, 1999 through February 29, 2000) and the number of job openings certified in each occupation.

This Notice describes the application submission requirements, the process that eligible entities must use to apply for funds covered by this solicitation, and how grantees will be selected. Approximately $135 million is anticipated to be available for funding the projects covered in this solicitation process.

ETA is soliciting proposals for demonstration projects to provide technical skills training for professionals, including both employed and unemployed workers.

This announcement consists of four parts:

- Part I provides background, basic DOL policies and emphasis, and the legislative mandate for technical skills training grants under Section 286(s) of INA, Section 111 of ACWIA 2000, and Section 214(i) of INA.
- Part II describes specific program, administrative and reporting requirements that will apply to all grant awards.
- Part III describes the application process.
- Part IV describes the review process and rating criteria that will be used to evaluate applications for funding.

Part I—Background and DOL Policies and Emphases

A. Background

This H–1B Technical Skills Training Grant program under ACWIA will build on similar ETA initiatives that address the issue of skills shortages. These initiatives (see the ETA website at

www.doleta.gov/h-1b) include the June 1998 dislocated worker technology demonstration; the new dislocated worker technology demonstration; the regional skills consortium building awards announced in March 2000; the individual training account (ITA) demonstration grant awards announced in February 2000; and the skills strategies partnership training/system building demonstration awards in June 2000. These efforts were intended to strengthen linkages between employers experiencing skill shortages in specific occupations and the publicly-funded workforce development system.

In June 1998, $7.5 million of discretionary dislocated worker funds were awarded to 11 organizations throughout the country to train workers in skills related to the information technology industry. In June 1999, over $9.57 million of these funds were awarded to 10 grantees to train dislocated workers in the skills necessary to obtain work requiring advanced skills in occupations in manufacturing industry settings, including computers and electronics manufacturing, machinery and motor vehicles, chemicals and petroleum, specialized instruments and devices, and biomedics.

On March 2, 2000, 23 awards totaling $15.2 million were announced for the regional skills consortium competition. Finally, this solicitation takes into account the experience gained from the first, second and third rounds of the H–1B competition for which nine awards totaling $12.4 million were announced on February 10, 2000; 12 awards totaling $29.2 million were announced on July 19, 2000; and 22 awards totaling $54 million were announced on October 20, 2000. Information on these projects can be found on the H–1B web page referenced above.

B. DOL Policies and Emphases

1. Six Basic Key Principles Underlie This Effort

Partnership Sustainability: The grant awards will not exceed a duration of 24 months with an option for 12 additional months. The primary focus of these awards is technical skills training. ETA intends that regional partnerships sustain themselves over the long term and well after the federal resources from this initiative have been exhausted. The statutory 50 percent non-Federal matching requirement is an integral part of ensuring sustainability because the matching resources are expected to help extend the skills shortages training effort beyond the term of the grant. This partnership sustainability concept relates to two rating criteria: Links with Key Partners and Sustainability (the resources each partner offers and the role of external resources in building the foundation for a permanent partnership).

Business Involvement: Businesses are essential partners and promote the need for skills requirements. Under WIA, business plays a critical, leadership role in planning and overseeing training and employment activities. WIA requires that the majority of the membership of voluntary State and local Workforce Investment Boards are business representatives, and that the State and local board chairs be drawn from business. For the purpose of these grants, it is imperative that businesses represented in the group applying for this grant include those with current skills shortages who intend to hire, retain, or promote graduates of the technical skills training program.

Business involvement is an important component of four Rating Criteria: Statement of Need (assists in assessing skills shortages in demand in the region); Linkages with Key Partners; Sustainability (private sector involvement in the partnership; resources each of the partners offers; the role of donations in building the foundation for a permanent partnership), and Outcomes (businesses involved in the partnerships and their ability to serve as a key resource in hiring/upgrading workers who have been trained).

Current Skills Gap: Access to training to fill current local or regional skills shortages is the immediate focus of this initiative. Training investments should be targeted in occupational areas that have been identified on the basis of H–1B occupations as skills shortage areas. This key principle relates to two criteria: Statement of Need, and Service Delivery Strategy (the innovative manner in which skills training will meet the skill needs of the region.)

Innovative and Effective Tools: The grantees will use innovative or proven tools and approaches, that may include on-the-job training, to close particular skills gaps and provide strategies for training that promote regional development. This principle relates to two criteria: Service Delivery Strategy in which innovation is encouraged, and Cost Effectiveness. Innovative training programs may result in better employment outcomes and higher levels of skill achieved by those participants for the same cost.

Target Population: The ACWIA technical skills training is geared towards employed and unemployed workers who can be trained and placed directly in highly skilled H–1B occupations. Bonus points may be awarded for special efforts to include outreach to target women, minorities, persons with disabilities, older workers, and workers in rural areas. This emphasis relates to the rating criterion, Target Population (a discussion of the targeted populations.)

Career Ladders: Employees at the H–1B skills level are generally characterized as having a Bachelor's degree or comparable work experience. The H–1B technical skills training is not limited to skills levels commensurate with a 4-year degree. It should prepare workers for a broad range of positions along a career ladder. ''Career ladder'' may generally be defined as a system of career options which encourage opportunities for professional growth and upward mobility. The technical skills training can include a broad range of positions along a career ladder that eventually lead to a high skills level job. Thus, potential trainees are not required to enter training with a 4-year degree. Additionally, trainees are not expected to acquire a 4-year degree to be successful. Career ladders create opportunities for individuals who may vary in experience and education levels (such as vocational training and Associates' degrees) to advance along a career ladder and qualify for H–1B related occupations.

2. Skills Shortages

Section 414(c) of ACWIA, as amended by section 111 of ACWIA 2000, mandates that the grants awarded under this authority be used for technical skills training to employed and unemployed workers. The basis of the funding for the grants is a user fee paid with the H–1B visa application by an employer seeking highly-skilled personnel to fill high-skill shortages in American industries. Training must focus on occupations that are experiencing skills shortage in the domestic job market. The long-term goal of the program is to train American workers in the necessary/appropriate skills to fill the skills shortages in highly specialized industries.

3. Skills Standards

Skills standards represent a benchmark by which an individual's achieved competence can be measured. Work in this area has been performed by private industry and trade associations, registered apprenticeship training systems, and public and private partnerships (including the Job Corps and local School-to-Work partnerships). Well-defined skills standards can be useful tools in matching training goals

to targeted occupational areas. Applicants are encouraged to survey the progress to date in developing occupational skills standards in their communities, such as establishing a clearly defined set of expectations for the requisite capabilities of workers.

As noted earlier, the definition of the minimum proficiency level required to be considered an H–1B occupation, contained in section 214 (i), 8 U.S.C. 1184 (i) of the Immigration and Naturalization Act (INA), speaks to a very high skills level for these ''specialty occupations''. These are occupations that require ''theoretical and practical application of a body of highly specialized knowledge,'' and full state licensure to practice in the occupation (if it is required). These occupations also must require either completion of at least a bachelor's degree or experience in the specialty equivalent to the completion of such degree and recognition of expertise in the specialty through progressively responsible positions relating to the specialty.

4. Regional Planning

Applicants must describe the local area or region that will be served with particular emphasis on its skills shortages. Applicants are encouraged to ascertain current labor force and industry data to reflect the skills shortages in their region. The proposal also must identify the political jurisdictions to be included and provide an enumeration of the specific local areas that are served under WIA. Although comprehensive occupational vacancy data is unavailable, current H–1B applicant data should be utilized to the extent feasible to describe occupational shortages. Attachment B to this solicitation is a listing by occupations for which H–1B visas are being sought as shown by the most current H–1B applicant data. Requests for H–1B visas for the applicant's region may reflect a skills shortage of those occupations, as well.

Applicants are encouraged to utilize all available State and local data, including that provided by area businesses and business associations, in making determinations of regional shortages. Applicants are encouraged to analyze data made available by their State labor market information (LMI) director, the Bureau of Labor Statistics (BLS), and through the local One-Stop delivery system.

5. Service Delivery and Supportive Services

Applicants should carefully describe the skills training that will be provided under the grant in the context of the goals that are to be achieved by participants. Section 111(c)(4)(A) of ACWIA 2000 states that consideration will be given to applicants who commit to provide at least one of three target outcomes for participants who complete training. These outcomes are the hiring of unemployed trainees, increased wages or salaries of employed workers, and skill certificates documenting skills acquisition or a link to industry accepted occupational skill standards, certificates, or licensing requirements.

ACWIA 2000 requires that at least 80 percent of grants be awarded to projects which target occupations in high technology, information technology and biotechnology. For example, this includes skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services. Not more than 20 percent of the available funds may be awarded for training in any single specialty occupation, as defined by section 214(i) of the INA. A response to the Statement of Work criterion should provide a detailed discussion of the kinds of training to be provided and the mechanisms to be used to provide it. Applicants must include in their work statement a discussion of the types of skills training being provided, the targeted skills levels, how the skills will be measured, and how skills shortages in the local area or region will be met through this training.

The Employment and Training Administration anticipates that applicants may need to make a range of supportive services available to enhance the quality and effectiveness of the skill training provided under the grant. Grant funds may not be used to provide supportive services. Appropriately focused services, as defined by section 101(46) of WIA—such as transportation or child care—are considered as important enhancements to the technical skills training package.

Federal resources such as co-enrollment in WIA while participating in ACWIA 2000 training for supportive services clearly cannot be counted toward the matching requirement, but are clearly desirable features of these projects. Successful applicants are encouraged to leverage such Federal resources as part of making the technical skills training more effective.

In order to provide these resources, applicants should build linkages to the One-Stop Career Center network created under America's Workforce Network to reach out, inform, and recruit individuals to participate in the H–1B-financed skill training.

The central role of the Local Boards in the planning and policy activity surrounding these grants is critical. WIA requires the Local Board to prepare a strategic workforce investment plan for the area that it embraces. The Local Board also designates One-Stop service center operators and selects eligible training providers. In short, Local Boards already are engaged in much of the necessary work that could provide a solid foundation for the training activities to be undertaken in ACWIA 2000.

Part II—Requirements

A. Eligible Participants

Training funded by a grantee may be both for persons who are currently employed and who wish to obtain and upgrade skills and for persons who are unemployed. The aim of the skills training is to place employed and unemployed workers in highly skilled H–1B related occupations. Applicants are encouraged to include efforts to outreach to target populations such as women, minorities, persons with disabilities, older workers, workers in rural areas, and other under-represented groups.

B. Administrative Requirements

1. General

Grantee organizations will be subject to: ACWIA 2000; these guidelines; the terms and conditions of the grant and any subsequent modifications; applicable Federal laws (including provisions in appropriations law); and any applicable requirements listed below—

a. Workforce Investment Boards—20 Code of Federal Regulations (CFR) Part 667, published in the **Federal Register** on Friday, August 11, 2000 (Administrative Costs).

b. Non-Profit Organizations—Office of Management and Budget (OMB) Circulars A–122 (Cost Principles) and 29 CFR Part 95 (Administrative Requirements).

c. Educational Institutions—OMB Circulars A–21 (Cost Principles) and 29 CFR Part 95 (Administrative Requirements).

d. State and Local Governments—OMB Circulars A–87 (Cost Principles) and 29 CFR Part 97 (Administrative Requirements).

e. Profit Making Commercial Firms—Federal Acquisition Regulation (FAR)—48 CFR Part 31 (Cost Principles), and 29 CFR Part 95 (Administrative

Requirements). In addition, the audit requirements at 20 CFR 627.480 apply to commercial recipients.

f. All entities must comply with 29 CFR Parts 93 and 98, and, where applicable, 29 CFR Parts 96 and 99.

2. Administrative Costs

ACWIA 2000 Section 111(c)(6) provides that an entity that receives a grant to carry out a program or project under section 414(c)(1)(A) of ACWIA may not use more than 10 percent of the amount of the grant to pay administrative costs associated with the program or project.

3. Start Up Costs

ACWIA 2000 Section 111(c)(3) limits the amount of start-up costs of partnerships or new training projects which may be charged to these grants. Except for partnerships of small businesses, the limit is five (5) percent of any single grant or costs not to exceed $75,000. For partnerships consisting primarily of small businesses, the limit is ten (10) percent of the cost allocable for a single grant or a maximum of $150,000.

C. Reporting Requirements

The grantee is required to provide the reports and documents listed below:

- *Quarterly Financial Reports.* The grantee must submit to the Grant Officer's Technical Representative (GOTR) within the 30 days following each quarter, two copies of a quarterly Financial Status Report (Standard Form 269) until such time as all funds have been expended or the period of availability has expired.
- *Progress Reports.* The grantee must submit a narrative with the quarterly reports to the GOTR within the 30 days following each quarter. Two copies are to be submitted providing a detailed account of activities undertaken during that quarter including:

a. A discussion of the occupational areas for which skills training is being provided;

b. Job placements in skills shortage occupations of both employed and unemployed workers;

c. Wage increases in skills shortage occupations of both employed and unemployed workers;

d. Number of promotions by participants who have completed the skills training program; and,

e. An indication of any current problems which may affect performance and proposed corrective action.

- *Final Report.* A draft final report which summarizes project activities and employment outcomes and related results of the demonstration must be submitted no later than the expiration date of the grant. Three copies of the final report must be submitted no later than 60 days after the grant expiration date.

D. Evaluation

As required by ACWIA 2000, applications must include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness. To learn from these skill training grants, ETA will arrange for or conduct an independent evaluation of the outcomes, impacts, and benefits of the demonstration projects. Evaluation findings will help ETA identify promising practices and approaches that will be disseminated throughout America's Workforce Network. Grantees must agree to make records on participants, employers and funding available and to provide access to program operating personnel and to participants, as specified by the evaluator(s) under the direction of ETA, including after the period of operation.

Part III—Application Process

A. Eligible Applicants

Section 111(c)(2)(A)(i) of ACWIA 2000 specifies that the Secretary shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award 75 percent of the grants to Local Boards established under section 116(b) or 117 of the WIA, 29 U.S.C. 2831(b) and 2832, or consortia of such Boards in a region. Consortia can cross state lines or involve more than one state-wide Local Board.

Each Local Board or consortium of boards receiving grant funds must represent a local or regional public-private partnership consisting of at least one Local Board; one business or business-related non-profit organization such as a trade association and one community-based organization (which may be a faith-based organization), or higher education institution, or labor union.

The activities of the local or regional public-private partnership must be conducted in coordination with the activities of the relevant Local Board or Boards established under WIA, 29 U.S.C. 2832. ACWIA 2000 requires that each partnership designate a fiscal agent responsible for being the recipient of grant funds.

Under this announcement, only Local Boards (through their designated fiscal agents) and consortia of Local Boards may apply for and receive these grant awards. This requirement does not prevent the participation of other partners or concerned entities which are integral to the process of planning for and conducting skills training in skills shortage areas.

Applicants are encouraged to collaborate, as other participating partners, with entities that possess a sound grasp of the job marketplace in the region and are in a position to address the issue of skills shortage occupations. These entities include organizations such as private, for-profit businesses—including small and medium-size businesses; business, trade, or industry associations such as local Chambers of Commerce and small business federations; and labor unions. These entities should include businesses and business associations which have experienced first hand the problems of coping with skill shortages and which employ workers engaged in skill shortage occupations.

This notice will not prescriptively define the roles of individual entities within the partnership beyond requiring that the Local Boards or consortia be the applicant and designate a fiscal agent for receiving grant funds, as stated in ACWIA 2000. The applicant's proposal is expected to provide a detailed discussion of participating organizations' respective responsibilities. As required by ACWIA, ETA will give consideration in awarding grants to any proposal which includes and directly benefits two or more small businesses (100 employees or less).

Based on ETA's experience, regional partnerships that actively engage a wide range of participation from community groups—particularly with strong private employer involvement—appear to be more successful. Applicants generally are encouraged to include a broad spectrum of stakeholder groups, including businesses, in their partnership effort. Consortia of Local Boards representing more than one area that share common economic goals may join together as one applicant rather than applying individually.

The application must clearly identify the applicant (or the fiscal agent), the grant recipient (and/or fiscal agent), and describe its capacity to administer this project. It must also indicate that the project is consistent with and will be coordinated with the activities of the relevant Local Board or Boards and with the other partners in the workforce investment system(s) that are involved in technical skills activities in the relevant region(s).

According to Section 18 of the Lobbying Disclosure Act of 1995, an organization described in Section 501(c)(4) of the Internal Revenue Code

of 1986 that engages in lobbying activities will not be eligible for the receipt of federal funds constituting an award, grant, or loan.

Note: Except as specifically provided in this Notice, DOL/ETA's acceptance of a proposal and an award of federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB Circulars require and an entity's procurement procedures must require that all procurement transactions are conducted, as much as practical, to provide open and free competition. If a proposal identifies a specific entity to provide services, the DOL/ETA's award does not provide the justification or basis to sole-source the procurement, i.e., it does not authorize the applicant to avoid competition when procuring these services.

Part IV of this announcement enumerates and defines in depth a series of criteria that will be utilized to rate applicant submissions. These criteria are:

A. Statement of Need
B. Service Delivery Strategy
C. Target Population
D. Sustainability
E. Linkages with Key Partners
F. Outcomes
G. Cost Effectiveness

B. Submission of Proposals

Applicants must submit four (4) copies of their proposal, with original signatures. The proposal must consist of two (2) separate and distinct parts, Parts I and II.

Part I of the proposal must contain the Standard Form (SF) 424, ''Application for Federal Assistance'' (Appendix C) and the Budget Information Form (Appendix D). Upon confirmation of an award, the individual signing the SF 424 on behalf of the applicant shall represent the responsible financial and administrative entity.

In preparing the Budget Information form, the applicant must provide a concise narrative explanation to support the request. The statutory language of ACWIA 2000 is specific in stating that grant resources are to be expended for programs or projects to provide technical skills training. The administrative costs are limited to no more than 10 percent of the request and must clearly support the goals of the project. An illustrative, but not exclusive, list of allowable and allocable types of administrative costs are provided in the WIA regulations at 20 CFR 667.200. In general, however, this grant does not contemplate or permit the purchase of capital equipment. The budget narrative should discuss precisely how the administrative costs support the project goals.

Part II must contain a technical proposal that demonstrates the Applicant's capabilities in accordance with the Statement of Work. A grant application is limited to twenty-five (25) double-spaced, single-sided, 8.5 inch × 11 inch pages with 1-inch margins. The Applicant may provide resumes, a staffing pattern, statistical information and related material in attachments which may not exceed fifteen (15) pages. Although not required, letters of commitment from partners or from those providing matching resources may be submitted as attachments. Such letters will not count against the allowable maximum page total. The applicant must briefly itemize those participating entities in the text of the proposal. Text type shall be 11 point or larger. Applications that do not meet these requirements will not be considered. Each application must include a Time Line outlining project activities *and* an Executive Summary that is not to exceed two pages. The Time Line and the Executive Summary do not count against the 25 page limit. No cost data or reference to prices should be included in the technical proposal.

C. Hand Delivered Proposals

Hand delivered proposals will be received at the address identified above. Telegraphed and/or faxed proposals will not be accepted. Failure to adhere to the above instructions will be considered as non-responsive.

D. Period of Performance

The initial period of performance will be up to 24 months from the date of execution of the grant documents. It is anticipated that about $135 million will be disbursed based on this notice for the coming year. It is anticipated that individual awards will not exceed $3,000,000. ETA may elect to exercise its option to extend these grants for an additional period not to exceed 12 months, based on the availability of funding and success of the program.

E. Definitions

For purposes of this solicitation:

Technical skills training may be generally defined as the ''training services'' described in Section 134(d)(4)(D) of WIA. The H–1B Technical Skills Training Grant emphasizes training in high-demand, high-level skills to individuals where there is a shortage of qualified workers. Training may include a combination of academic and work-place learning, including on-the-job training, and instruction, as well as customized training curricula developed in partnership with an employer (or group of employers). Training may be tailored to meet the needs of individual participants and successful completion of a program must be accompanied by an employer's commitment to hire those trainees.

Region may be defined as an area which exhibits a commonality of economic interest. A region may comprise of more than one labor market area or one large labor market, one labor market area joined together with adjacent rural districts, special purpose districts, and contiguous and non-contiguous Local Boards. A region may be either intrastate or interstate, and may be coterminous with a single Local Board.

Career Ladders may generally be defined as a system of career options which encourage opportunities for professional growth and upward mobility. It may be defined for the purposes of this Notice as a training and career path that may not directly result in the replacement of an H–1B visa-holder with a qualified domestic worker, but a path that provides skills which may eventually lead to replacement of such workers for positions in high technology, information technology, and biotechnology and other H–1B occupations. This training may include the skills needed for software and communication services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, bio-technology and biomedical research and manufacturing and innovation services.

Older Workers are those who meet the age standard prescribed in the Older Americans Act—fifty-five years or older—who are seeking full-time employment.

F. Sustainability

Applicants must demonstrate the ability to provide resources equivalent to at least 50 percent of the grant award amount as a match. This statutory match may be provided in cash or in kind and federal resources may not be counted against the matching requirement. ETA encourages the provision of essential capital equipment, such as computers and furniture, as part of the match. The amount and nature of the match must be clearly described in the application.

The 50 percent matching requirement is designed to assist grantees in initiating sustainability for the proposed project. The Department is particularly interested that the applicants demonstrate clear evidence that

matching resources will sustain training activities after the expiration of the grant. Although matches may be one-time occurrences, applicants are encouraged to seek partnerships that reflect a commitment, financially and non-financially, to the future success of the proposed program.

Part IV—Review Process and Rating Criteria

A. The Review Process

Applications for the H–1B technical skills training grants will be accepted continuously after the publication of this announcement. Technical review panels will meet periodically on an as-needed basis, given the number of applications and the availability of funds.

The technical review panel will make careful evaluation of applications against the criteria below. Final funding decisions will be based on the rating of applications as a result of the review process, and other factors such as statutory requirements (urban/rural balance, geographic balance, the requirement that at least 80 percent of funds be awarded for high technology, information technology, and biotechnology occupational training and that not more than 20 percent of funds be available for training in any single specialty occupation), availability of funds, and what is most advantageous to the Government. These decisions will be made in consultation with the Department of Commerce. The panel results are advisory in nature and not binding on the Grant Officer. The Government may elect to award the grant(s) with or without the discussions with the offeror(s). In situations without discussions, an award will be based on the offeror's signature on the SF 424, which constitutes a binding offer.

The rated applications will be placed in the following categories:

(1) If the application receives a rating of 80 and above, it will be placed on an eligible to be funded list. The applicant will remain on this list for 9 months before resubmittal is required. Applicants in this category may require further discussions. Inclusion on this list is not a guarantee of funding.

(2) If the application receives a rating of 79 and below, the applicant will be eligible to receive technical assistance through group workshops in areas such as:

- Grant Writing
- Partnership Building/Linkages
- Administrative Requirements
- Service Delivery Strategies

(3) Those applications receiving rating of 70–79 will also be eligible to receive additional on-site technical assistance.

All applicants will receive written notice of their rating which will include a summary of their strengths and weaknesses in the application at the conclusion of the review process.

B. Rating Criteria

1. Statement of Need (15 points)

ACWIA 2000 is a response to skills shortages around the country in specific occupations. The most recent H–1B application data are provided as an attachment to this solicitation. Applicants should clearly describe the local area or region for which services are to be provided and the skills shortages prevalent in the region.

Applicants are encouraged to utilize all available data resources to assure that its description of need is relevant to local labor market shortages. Information can include, but is not limited to, State labor market information, H–1B applications, newspaper want ads, expressed employer hiring demands, and information from One-Stop system, in responding to this criterion. Descriptive items about the local area or region, such as rural or urban, should be included. (What high technology needs and opportunities exist in the region? What are the particular characteristics of the local political, economic and administrative jurisdictions—Local Boards, labor market areas, or special district authorities—that led them to associate for the purpose of this application?)

A general description of the local area or region should include socioeconomic data, with a particular focus on the general education and skills level prevalent in the area. Applicants are encouraged to include information such as transportation patterns, and statistical and demographic information (e.g., age and income data). Other germane questions that will provide greater depth of description include: What is the general business environment? What industries and occupations are growing and declining? What types of skills are being sought in the local area or region by the major employers in general, and the partnership member companies, in particular?

2. Service Delivery Strategy (25 points)

Applicants must lay out a comprehensive strategy for providing the technical skills training that is mandated as the core activity of these grant awards. A brief discussion of the impact of skills training in response to the identified skills shortages of the region should be included. Specific issues that must be addressed as part of this section include:

- The range of potential training providers, the types of skills training that will be offered, how the training will meet the local area or regional skills needs, and how the training will be provided.
- What steps will be taken to reach out to the community(ies)? to provide information about the project and planned training activities.
- How will the types of training planned for project participants be determined.

We encourage applicants to be innovative in the training services they provide. Innovation in the context of service delivery can represent a wide variety of items. Innovation may be implemented in the manner in which training services are provided—e.g., distance learning to provide instruction, interactive video self-instructional materials, and flexible class scheduling (sections of the same class scheduled at different times of the day to accommodate workers whose schedules fluctuate). Creativity in developing the service strategy is also encouraged.

3. Target Population (10 points, 5 bonus points)

The eligibility criteria for skills training enumerated in ACWIA 2000 are extremely broad and include employed and unemployed workers. This section should clearly identify the targeted workers, including their characteristics and explain why they are targeted. A discussion of what assessment procedures are to be used is critical. The applicant should address some specific issues relating to the target employed worker population such as:

- How many employed workers will be targeted for services and why.
- What are the technical skills training needs of those workers to fulfill skills shortage occupations?
- It is extremely important that the selection process for workers, both employed and unemployed, be carefully described to make it clear how those individuals will be determined to possess the capacity after the completion of training to accept jobs that previously were filled via the H–1B visa process. In the case of unemployed workers, there needs to be an extensive discussion of the criteria to be used to assess and enroll individuals.
- In particular, the applicant should describe the outreach methods to target minorities, women, individuals with disabilities, older workers, and individuals in rural areas meet these standards. Applicants who effectively

target such workers will be awarded up to 5 additional points.

4. Sustainability (10 points)

Applicants must demonstrate a statutory 50 percent match to the resources for proposed projects. Matches may either be in cash or in kind and federal resources may not be counted against the matching requirement. Applicants must describe to what extent the partners provide matching funds or services and how this contribution assists in building the foundation for a permanent partnership, i.e., sustainability. Matching resources and partnerships are considered an integral element of the project, as they support and strengthen the quality of the technical skills training provided and contribute materially toward sustainability.

ACWIA 2000 technical skills training grant resources are limited to raising the skills levels of individuals to fill high skills H–1B occupations. Applicants will be given preference for identifying other resources both Federal and non-Federal, because they can contribute materially toward quality outcomes and sustainability. (Note that although Federal resources may not be counted as match, they may be counted to demonstrate the project sustainability.) Applicants are also encouraged to establish relationships with State Workforce Investment Boards and relevant state agencies, as they may provide valuable assistance and resources that can contribute to the success of a proposed project. Applicants should enumerate these resources in this section to support their discussion of sustainability and also describe any specific existing contractual commitments. The sustainability issue can be addressed by providing concrete evidence that activities supported by the proposal will be continued after the expiration date of the grant by using other public or private resources.

5. Linkages with Key Partners (15 points)

The application must show the partnership requested by Section 111(c)(2)(A)(i)(I)–(III) of ACWIA 2000 (a Local Board or consortium of Local Boards; one community-based organization, higher education institution, or labor union; and one business or business-related nonprofit organization such as a trade association). ETA encourages and will give consideration to applications that go beyond the minimum requirements of the statute and show broader partnerships. The applicant should identify the partners and how they will interact together, i.e., what role each will play and what resources each partner will offer. In particular, this section should identify partnerships with the private and public sectors, including ties with small- and medium-sized businesses and small business federations. The Service Delivery Strategy section of the Statement of Work describes the role of each of the actors in delivering the proposed services, while this section is intended to look at the linkages from a more structural perspective with particular emphasis on the employers in the consortium that are experiencing skills shortages.

ETA also is interested in the extent of the involvement of small businesses in the partnership. Consideration will be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

6. Outcomes (15 points)

Applicants must describe the predicted outcomes resulting from this training. It is estimated that the projected results will be somewhat varied given the broad range of people who will probably be served. For example, employed workers are more likely to be trained to achieve a higher skills level than most unemployed workers. Their success can be determined through placements in H–1B skills shortage occupations, increased wages, or skills attainment in H–1B occupations, or in training for or placement in positions on a career ladder toward such skills attainment.

There are, however, unemployed workers, including dislocated workers who have been laid off permanently from their jobs through no fault of their own, who may well already possess a very high skills level. They could receive additional technical skills training to enhance their skills. The outcomes for this group may be projected in terms of gaining new employment and skills attainment.

Outcomes for employed workers may be at a somewhat higher level than for those unemployed workers who do not possess similar skills at the outset. Because of the differing skill levels and backgrounds of participants in an H–1B training program, the outcomes section should discuss gains attained for individual participants in context of their backgrounds and skill levels when they entered. Therefore, the focus of the discussion in this section should emphasize very specifically the benefits that occur because of the training. For example, an applicant might state that a certain skills level is projected for a given group and indicate what change in skills that represents and how that might translate into an increase in earnings.

The application must identify what occupations will be trained in this grant. Please identify each occupation in terms of skills in high technology, information technology and biotechnology, including skills needed for software and communication services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, bio-technology and biomedical research and manufacturing and innovation services.

Consideration in the award of grants will be given to applicants which commit to achieving one or more of the following outcome goals upon successful completion of a training program:

(1) The hiring of unemployed trainees (if applicable);

(2) Increases in the wages or salaries of already employed trainees (if applicable); and

(3) Awards of skills certifications to trainees or links the trainees to industry-accepted occupational skill standards, certificates or licensing requirements.

7. Cost Effectiveness (10 points)

Applicants will provide a detailed cost proposal, including a discussion of the expected cost effectiveness of their proposal in terms of the expected cost per participant compared to the expected benefits for these participants. Applicants should address the employment outcomes, increased salary, promotion or retention and the levels of skills to be achieved (such as attaining State licensing in an occupation) relative to the amount of training that the individual needed to receive to achieve those outcomes. Benefits can be described both qualitatively in terms of skills attained and quantitatively in terms of wage gains.

Cost effectiveness may be demonstrated in part by cost per participant and cost per activity in relation to services provided and outcomes to be attained. This section MUST contain a detailed discussion of the size, nature, and quality of the non-Federal match. Proposals not presenting a detailed discussion of the non-Federal match or not meeting the statutory 50 percent match requirement will be considered non-responsive and will not be considered.

The application must specify a management entity, a staffing pattern, the resumes of major staff members and

detailed descriptions of the roles of various entities participating in the partnership. Each application must designate an individual who will serve as project director and who will devote a substantial portion of his/her time to the project, which may be defined as at least 40 percent. A short portion of this discussion should describe the organizational capacity and track record in high skill training and related activities of the primary actors in the partnership.

Signed in Washington, D.C., this 4th day of April 2001.

Laura A. Cesario,

Grant Officer, Division of Federal Assistance.

Appendix A—Legislative Mandate
Appendix B—Selected H–1B Professional, Technical and Managerial Occupations, and Fashion Models: Number of Job Openings Certified by the U.S. Department of Labor, Fiscal Year 2000 (Oct. 1, 1999–February 29, 2000)
Appendix C—(SF) 424–Application Form
Appendix D—Budget Information Form

Appendix A—Legislative Mandate

(1) ACWIA and ACWIA 2000

The relevant portions of ACWIA 2000 dealing with the establishment of a fund for implementing a program of H–1B skills training grants are as follows:

''Section 286(s)—H–1B Nonimmigrant Petitioner Account (as Amended)

(1) In General—There is established in the general fund of the Treasury a separate account, which shall be known as the 'H–1B Nonimmigrant Petitioner Account.' Notwithstanding any other section of this title, there shall be deposited as offsetting receipts into the account all fees collected under 8 U.S.C. 1184 (c)(9)(section 214(c)(9)).

(2) Use of Fees for Job Training—55 percent of amounts deposited into the H–1B Nonimmigrant Petitioner Account shall remain available to the Secretary of Labor until expended for demonstration programs and projects described in section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998.''

''Sec. 111. Demonstration Programs and Projects to Provide Technical Skills Training for Workers.

Section 414(c) of the American Competitiveness and Workforce Improvement Act of 1998 (as contained in title IV of division C of Public Law 105–277; 112 Stat. 2681–653) is amended to read as follows:

(c) Demonstration Programs and Projects to Provide Technical Skills Training for Workers.—

(1) In General.—

(A) Funding.—The Secretary of Labor shall use funds available under section 286(s)(2) of the Immigration and Nationality Act (8 U.S.C. 1356(s)(2)) to establish demonstration programs or projects to provide technical skills training for workers, including both employed and unemployed workers.

(B) Training Provided.—Training funded by a program or project described in subparagraph (A) shall be for persons who are currently employed and who wish to obtain and upgrade skills as well as for persons who are unemployed. Such training is not limited to skills levels commensurate with a four-year undergraduate degree, but should include the preparation of workers for a broad range of positions along a career ladder. Consideration shall be given to the use of grant funds to demonstrate a significant ability to expand a training program or project through such means as training more workers or offering more courses, and training programs or projects resulting from collaborations, especially with more than one small business or with a labor-management training program or project. The need for the training shall be justified through reliable regional, State, or local data.

(2) Grants.—

(A) Eligibility.—To carry out the programs and projects described in paragraph (1)(A), the Secretary of Labor shall, in consultation with the Secretary of Commerce, subject to the availability of funds in the H–1B Nonimmigrant Petitioner Account, award—

(i) 75 percent of the grants to a local workforce investment board established under section 116(b) or section 117 of the Workforce Investment Act of 1998 (29 U.S.C. 2832) or consortia of such boards in a region. Each workforce investment board or consortia of boards receiving grant funds shall represent a local or regional public-private partnership consisting of at least—

(I) One workforce investment board;

(II) One community-based organization or higher education institution or labor union; and

(III) One business or business-related non-profit organization such as a trade association: Provided, That the activities of such local or regional public-private partnership described in this subsection shall be conducted in coordination with the activities of the relevant local workforce investment board or boards established under the Workforce Investment Act of 1998 (29 U.S.C. 2832); and

(ii) 25 percent of the grants under the Secretary of Labor's authority to award grants for demonstration projects or programs under section 171 of the Workforce Investment Act (29 U.S.C. 2916) to partnerships that shall consist of at least 2 businesses or a business-related nonprofit organization that represents more than one business, and that may include any educational, labor, community organization, or workforce investment board, except that such grant funds may be used only to carry out a strategy that would otherwise not be eligible for funds provided under clause (i), due to barriers in meeting those partnership eligibility criteria, on a national, multi state, regional, or rural area (such as rural telework programs) basis.

(B) Designation of Responsible Fiscal Agents.—Each partnership formed under subparagraph (A) shall designate a responsible fiscal agent to receive and disburse grant funds under this subsection.

(C) Partnership Considerations.—Consideration in the awarding of grants shall be given to any partnership that involves and directly benefits more than one small business (each consisting of 100 employees or less).

(D) Allocation of Grants.—In making grants under this paragraph, the Secretary shall make every effort to fairly distribute grants across rural and urban areas, and across the different geographic regions of the United States. The total amount of grants awarded to carry out programs and projects described in paragraph (1)(A) shall be allocated as follows:

(i) At least 80 percent of the grants shall be awarded to programs and projects that train employed and unemployed workers in skills in high technology, information technology, and biotechnology, including skills needed for software and communications services, telecommunications, systems installation and integration, computers and communications hardware, advanced manufacturing, health care technology, biotechnology and biomedical research and manufacturing, and innovation services.

(ii) No more than 20 percent of the grants shall be available to programs and projects that train employed and unemployed workers for skills related to any single specialty occupation, as defined in section 214(i) of the Immigration and Nationality Act.

(3) Start-up funds.—

(A) In General.—Except as provided in subparagraph (B), not more than 5 percent of any single grant, or not to exceed $75,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

(B) Exception.— In the case of partnerships consisting primarily of small businesses, not more than 10 percent of any single grant, or $150,000, whichever is less, may be used toward the start-up costs of partnerships or new training programs and projects.

(C) Duration of Start-up Period.—For purposes of this subsection, a start-up period consists of a period of not more than 2 months after the grant period begins, at which time training shall immediately begin and no further Federal funds may be used for start-up purposes.

(4) Training Outcomes.—

(A) Consideration for Certain Programs and Projects.—Consideration in the awarding of grants shall be given to applicants that provide a specific, measurable commitment upon successful completion of a training course, to—

(i) Hire or effectuate the hiring of unemployed trainees (where applicable);

(ii) Increase the wages or salary of incumbent workers (where applicable); and

(iii) Provide skill certifications to trainees or link the training to industry-accepted occupational skill standards, certificates, or licensing requirements.

(B) Requirements for Grant Applications.—Applications for grants shall—

(i) Articulate the level of skills that workers will be trained for and the manner by which attainment of those skills will be measured;

(ii) Include an agreement that the program or project shall be subject to evaluation by the Secretary of Labor to measure its effectiveness; and

(iii) In the case of an application for a grant under subsection (c)(2)(A)(ii), explain what barriers prevent the strategy from being implemented through a grant made under subsection (c)(2)(A)(i).

(5) Matching Funds.—Each application for a grant to carry out a program or project described in paragraph (1)(A) shall state the manner by which the partnership will provide non-Federal matching resources (cash, or in-kind contributions, or both) equal to at least 50 percent of the total grant amount awarded under paragraph (2)(A)(i), and at least 100 percent of the total grant amount awarded under paragraph (2)(A)(ii). At least one-half of the non-Federal matching funds shall be from the business or businesses or business-related nonprofit organizations involved. Consideration in the award of grants shall be given to applicants that provide a specific commitment or commitments of resources from other public or private sources, or both, so as to demonstrate the long-term sustainability of the training program or project after the grant expires.

(6) Administrative Costs.—An entity that receives a grant to carry out a program or project described in paragraph (1)(A) may not use more than 10 percent of the amount of the grant to pay for administrative costs associated with the program or project.

(2) INA

The Immigration and Nationality Act (INA)(section 101(a)(15)(H)(i)(b))(8 U.S.C 1101 (a)(15)(H)(i)(B)) defines the H–1B alien as one ''who is coming temporarily to the United States to perform services in a specialty occupation * * * or as a fashion model * * *.''

The INA (Section 214(i)) sets criteria to define the term ''specialty occupation:''

(1) For purposes of section 1101(a)(15)(H)(i)(b) and paragraph 2, a ''specialty occupation'' means an occupation that requires—(A) theoretical and practical application of a body of highly specialized knowledge and,

(B) Attainment of a bachelor's or higher degree in the specific specialty (or its equivalent) as a minimum for entry into the occupation in the United States.

(2) For purposes of section 1101(a)(15)(H)(i)(b)), the requirements of this paragraph with respect to a specialty occupation are—(A) full state licensure to practice in the occupation, if such licensure is required to practice in the occupation,

(B) Completion of the degree described in paragraph (1)(B) for the occupation, or

(C)(i) Experience in the specialty equivalent to the completion of such degree, and (ii) recognition of expertise in the specialty through progressively responsible positions relating to the specialty.

Appendix B—Selected H–1B Professional, Technical and Managerial Occupations, and Fashion Models: Number of Job Openings Certified by the U.S. Department of Labor, Fiscal Year 2000 (Oct. 1, 1999–February 29, 2000)

Occupational title	No. of openings certified	Occupational code
Occupations In Systems	360,745	076
Analysis And Programming Therapists	181,665	160
Accountants, Auditors, And Related Occupations	35,665	039
Other Computer-Related Occupations	28,529	003
Electrical/Electronic Engineering Occupations	16,859	070
Physicians And Surgeons	11,264	019
Other Occupations In Architecture, Engineering And	11,175	090
Occupations In College And University Education	9,028	199
Miscellaneous Professional, Technical, And Manager	8,964	189
Miscellaneous Managers And Officials	8,824	007
Mechanical Engineering Occupations	7,115	050
Occupations In Economics	5,608	163
Sales And Distribution Management Occupations	5,368	033
Occupations In Computer Systems Technical Support	4,573	161
Budget And Management Systems Analysis Occupations	4,263	169
Other Occupations In Administrative Occupations	4,135	031
Occupations In Data Communications And Networks	4,121	041
Occupations In Biological Sciences	3,981	079
Other Occupations In Medicine And Health	3,764	012
Industrial Engineering Occupations	2,725	186
Finance, Insurance And Real Estate Managers And Off	2,624	020
Occupations In Mathematics	2,599	001
Architectural Occupations	2,490	141
Commercial Artists: Designers & Illustrators, Graphics	2,371	297
Fashion Models	2,367	092
Occupations In Preschool, Primary, Kindergarten Ed.	2,359	187
Service Industry Managers And Officials	2,347	022
Occupations In Chemistry	2,345	005
Engineering Occupations	2,186	032
Occupations In Computer System User Support	1,595	091
Occupations In Secondary School Education	1,579	110
Lawyers	1,353	029
Other Occupations In Mathematics And Physical Sciences	1,306	131
Interpreters and Translators	1,270	166
Personnel Administration Occupations	1,229	165
Public Relations Management Occupations	1,216	185
Wholesale And Retail Trade Managers And Officials	1,183	008
Inspectors And Investigators, Managerial & Public	974	142
Environmental, Product And Related Designers	955	119
Other Occupations In Law And Jurisprudence	882	099
Other Occupations In Education	841	023
Occupations In Physics	836	010
Mining And Petroleum Engineering Occupations	777	164
Advertising Management Occupations	773	132
Editors: Publication, Broadcast, And Script	748	078
Occupations In Medical And Dental Technology	699	183
Manufacturing Industry Managers And Officials	681	184
Transportation, Communication, And Utilities Management	659	049
Other Occupations In Life Sciences	612	162
Purchasing Management Occupations	604	040
Occupations In Agricultural Sciences	574	074
Pharmacists	508	159
Other Occupations In Entertainment And Recreation	506	

Technical Note: The Immigration and Nationality Act (Act) assigns responsibility to the Department of Labor with respect to the temporary entry of foreign professionals to work in specialty occupations in the U.S. under H–1B nonimmigrant status. Before the Immigration and Naturalization Service will approve a petition for an H–1B nonimmigrant worker, the employer must have filed and had certified by the Department a Labor Condition Application. The employer must indicate on the application the number of H–1B nonimmigrant workers sought, the rate of pay offered to the nonimmigrants, and the

location where the nonimmigrants will work, among other things.

The Act limits the number of foreign workers who may be assigned H–1B status in each fiscal year, however, there is no limit on the number of job openings that may be certified by the Department. Historically, the actual number of job openings certified by the Department each year far exceeds the number of available visas. This excess in the number of certified openings is due to a number of factors: extension of status filings that are not subject to the annual cap; openings certified for anticipated employment that does not transpire; or movement from one employer to another (again, not subject to cap).

The occupational codes in the left-hand column represent the three-digit occupational groups codes for professional, technical and managerial occupations from the Dictionary of Occupational Titles (DOT).

BILLING CODE 4510–30–P

APPLICATION FOR FEDERAL ASSISTANCE

APPENDIX C

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction / Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, State and zip code):	Name, telephone number and fax number of the person to be contacted on matters involving this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐-☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipa
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H Independent School Dist.
I State Controlled Institution of Higher Learning
J . Private University
K Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐-☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which ave established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable)
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake this assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided. - "New" means a new assistance award. - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is required.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of the project.
12.	List only the largest political entities affected (e.g., State, counties, cities.
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate <u>only</u> the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

APPENDIX D

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

NOTE: *Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).*

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. *Personnel: Show salaries to be paid for project personnel which you are required to provide with W2 forms.*

2. *Fringe Benefits: Indicate the rate and amount of fringe benefits.*

3. *Travel: Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.*

4. *Equipment: Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more. Also include a detailed description of equipment to be purchased including price information.*

5. *Supplies: Include the cost of consumable supplies and materials to be used during the project period.*

6. *Contractual: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.*

7. *Other: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.*

8. *Total, Direct Costs: Add lines 1 through 7.*

9. *Indirect Costs: Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.*

10. *Training /Stipend Cost: (If allowable)*

11. *Total Federal funds Requested: Show total of lines 8 through 10.*

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE: PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

[FR Doc. 01–8651 Filed 4–12–01; 8:45 am]
BILLING CODE 4510–30–C

DEPARTMENT OF LABOR

Employment and Training Administration

Workforce Investment Act, Section 171(d), Demonstration Program: Sectoral Employment Demonstration

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of Availability of Funds and Solicitation for Grant Applications (SGA).

This notice contains all of the necessary information and forms needed to apply for grant funding.

SUMMARY: The U.S. Department of Labor (DOL), Employment and Training Administration (ETA), announces a demonstration program to inform partners in America's Workforce Network (AWN) about sectoral employment strategies that help local communities keep pace with economic changes and address change in ways that benefit both American workers and businesses. The program encompasses two types of grant awards to test the feasibility of the workforce development system to plan and undertake local/regional initiatives involving a particular industry sector in order to increase access to employment for targeted groups and to strengthen the economic competitiveness and performance of the sector's firms. The two types of grant awards will be: (1)

Sectoral Initiative Formation Grants, and (2) Sectoral Initiative Implementation Grants. The activities are expected to include: (1) Examining, designing, and implementing an array of improvements to the sector's human resource practices including, but not limited to, recruitment, career ladders, training, and mentoring and (2) identifying groups in the community in need of employment assistance.

DATES: The closing date for receipt of applications is Friday, May 18, 2001. Applications must be received by 4:00 p.m. (Eastern Daylight Time) at the address below. Applications that do not meet the conditions set forth in this notice will not be honored. Telefacsimile (FAX) applications will not be honored.

ADDRESSES: Applications must be mailed to: U.S. Department of Labor; Employment and Training Administration, Division of Federal Assistance, 200 Constitution Avenue, N.W., Room S–4203, Washington, D.C. 20210, Attention: B. Jai Johnson, Reference: SGA/DFA 01–104.

FOR FURTHER INFORMATION CONTACT: Questions should be faxed to B. Jai Johnson, Division of Federal Assistance at (202) 693–2879. (This is not a toll-free number.) All inquiries should include the SGA/DFA 01–104 and contact name, fax and phone numbers. This solicitation will also be published on the Internet on the Employment and Training Administration's (ETA) Home Page at *http://www.doleta.gov.* Award notifications will also be published on the ETA Home Page.

Hand-Delivered Proposals

Proposals should be mailed at least five (5) days prior to the closing date. However, if proposals are hand-delivered, they must be received at the designated address by 4:00 p.m., Eastern Daylight Time, Friday, May 18, 2001. All overnight mail will be considered to be hand-delivered and must be received at the designated place by the specified closing date and time. Telegraphed, e-mailed and/or faxed applications will not be honored. Failure to adhere to the above instructions will be a basis for a determination of non-responsiveness.

Late Proposals

Any proposal at the office designated in this solicitation after the exact time specified for receipt will not be considered, unless it is received before the awards are made and it was either:

- Sent by U.S. Postal Service Express Mail Next Day Service Post Office to Addressee, not later than 5:00 p.m. at the place of mailing two working days before the date specified for receipt of the proposals. The term ''working days'' excludes weekends and U.S. Federal holidays.
- Sent by registered or certified mail not later than the fifth calendar day before the date specified for receipt of applications (e.g., an application submitted in response to a solicitation requiring receipt of applications by the 20th of the month must have been mailed by the 15th of the month). The only acceptable evidence to establish the date of mailing of a late proposal sent by either U.S. Postal Service registered or certified mail is the U.S. postmark both on the envelope or wrapper and on the original receipt from the U.S. Postal Service. Both postmarks must show a legible date or the proposal shall be processed as if mailed late. ''Postmark'' means a printed, stamped, or otherwise placed impression (exclusive of a postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by an employee of the U.S. Postal Service on the date of the mailing. Therefore, offerors should request the postal clerk to place a legible hand cancellation ''bull's eye'' postmark on both the receipt and the envelope or wrapper. Both postmarks must show a legible date, or the application shall be processed as though it had been mailed late.

Withdrawal of Applications

Applications may be withdrawn by written notice or telegram (including a mail gram) received at any time before an award is made. Applications may be withdrawn in person by the applicant or by an authorized representative thereof, if the representative's identity is made known and the representative signs a receipt for the proposal.

SUPPLEMENTARY INFORMATION: ETA is soliciting proposals on a competitive basis for the Sectoral Employment Demonstration program. It is envisioned that the program will encompass two types of grant awards focusing on the initial development of sectoral initiatives including stakeholder group formation and strategic planning and on the implementation of selected sectoral interventions aimed at increasing employment and firm economic performance.

This announcement consists of five (5) parts:

- Part I—Background.
- Part II—Eligible Applicants and the Application Process.
- Part III—Statement of Work.
- Part IV—Review Process and Evaluation Criteria.
- Part V—Monitoring, Reporting and Evaluation.

Part I. Background

A. Authority

Section 171(d) of the Workforce Investment Act of 1998 (WIA) (Public Law 105–220, 29 U.S.C. 2916) authorizes the use of funds for demonstration projects for dislocated workers from funds made available to the Secretary under section 132(a)(2)(A) of WIA (29 U.S.C. 2862). In addition, the DOL FY 2000 Appropriations Act of November 29, 1999, authorizes the use of dislocated worker demonstration funds to provide assistance to incumbent workers and new entrants in the workforce (Public Law 106–113, 113 Stat 1501, 1501A–217). Demonstration program grantees must comply with all applicable federal and state laws and regulations in setting up and carrying out their program.

B. Purpose

The purpose of this demonstration is to test the feasibility of the workforce development system to plan and undertake local/regional initiatives involving a particular industry sector in order to increase access to employment for designated target groups and to strengthen the economic competitiveness and performance of the sector's firms. Sectoral interventions require an in-depth knowledge of and extensive work with a particular industry as well as a substantial knowledge of and commitment to assisting targeted populations needing improved employment opportunities. The activities are expected to include: (1) Examining, designing, and implementing an array of improvements to the sector's human resource practices including, but not limited to, recruitment, career ladders, training, and mentoring and (2) identifying specific groups in the community in need of employment assistance. In undertaking this demonstration program, the Department wishes to examine whether reported successes with these types of interventions can be replicated with particular reference to increasing employment opportunities and industry performance and whether local Workforce Investment Boards (Local Boards) can become major catalysts in these activities. Local Board success in these endeavors would be in keeping with the roles envisioned under WIA for the Local Boards in such areas as developing employer linkages, coordinating with economic development, promoting private sector involvement in the workforce

investment system, and developing workforce investment plans as part of a comprehensive workforce investment system focusing on individual employment goals and the needs of firms for skilled workers.

DOL intends that this demonstration program inform partners in America's Workforce Network (AWN) about sectoral employment strategies that help local communities keep pace with economic changes and address change in ways that benefit both American workers and businesses. AWN is an umbrella partnership of federal, State, and local governments; the private sector; labor organizations; educational institutions; and community- and faith-based organizations that administer ETA-funded programs. Local and regional labor markets have changed dramatically over the past decade. DOL is looking for new ways to help prepare the 21st century workforce. This demonstration program will encourage fresh approaches for AWN partners to use in equipping American workers with the skills and knowledge needed for fulfilling and rewarding careers and workers' employers with the skills needed to maintain their firms' economic competitiveness.

C. Types of Projects

Two types of grant awards are under this solicitation. The first, Sectoral Initiative Formation Grants, are designed to allow for the initial development and planning of a local sectoral initiative including establishing a knowledge base of strategies and practices, the selection of a target industry, formation of a sectoral stakeholder group, an analysis of community and industry needs relevant to the targeted industry, and the development of a strategic plan for implementing a specific sectoral intervention. The second type of grant award, Sectoral Initiative Implementation Grants, are designed for the implementation of specific interventions focusing at targeted individuals, firms, and measured outcomes. These grant awards also allow for some initial planning development, but are designed for those applicants who have had some prior experience in the planning and/or implementation of sectoral practices.

D. Grant Awards

DOL anticipates awarding $3.8 million for approximately 35 grants (for the two types of grants referenced above). Sectoral Initiative Formation Grants are not to exceed $75,000 per grant, and Sectoral Initiative Implementation Grants are not to exceed $150,000 per grant.

E. Period of Performance

The period of performance will be 12 months for Sectoral Initiative Formation Grants and 15 months for Sectoral Initiative Implementation Grants, from the date of execution by the Government.

F. Option To Extend

DOL may exercise the option to extend the Sectoral Initiative Formation Grants for 15 months for the purpose of allowing the implementation of sectoral initiatives planned for in the initial grant award. Such an option shall be in an amount not to exceed $100,000. The Department may exercise this option depending on the availability of funds, the successful completion of the initial grant, and the needs of the Department.

G. Allowable Activities

Funds provided through this demonstration may be used to support staff and other costs necessary to undertake the activities and outcomes described in Part III below for the two types of grant awards under this solicitation.

Successful awardees for the Sectoral Initiative Formation Grants will be expected to include in their budget at least $10,000 to cover the salary and fringe benefit costs of one or two key staff of the applicant. Participation of these staff will indicate a commitment by the Local Board to these activities and help ensure a continuation of these efforts from planning to implementation.

Successful awardees for the Sectoral Initiative Implementation Grants, which require participant training as part of the services to be provided, will be expected to include in their budget, training and necessary supportive services costs, identified separately, which together constitutes 30–40% of grant funding. Some activities for which training costs could be applied include:

(a) Development, testing, and initial application of curricula, focused on intensive, short-term training to get participants into productive, high-demand employment as quickly as possible;

(b) Working with employers to develop and apply worksite-based learning strategies that use cutting-edge technology and equipment;

(c) Development of employer-based training programs that will take advantage of opportunities created by employers' needs for workers with new skills;

(d) Development and initial application of contextual learning opportunities for participants to learn occupational theory in a classroom setting, while applying that learning in an on-the-job setting; and/or

(e) Use of curriculum and skills training programs that are designed to impart learning to meet employer-specified or industry specific skill standards or certification requirements.

Prospective applicants should be aware that grant funds may not be used for the following purposes:

(a) To pay stipends for program participants;

(b) To pay salaries for program participants;

(c) For acquisition of production equipment;

(d) For acquisition of real estate or buildings.

Applicants may budget limited amounts of funds to work with technical experts or consultants to provide advice and develop more complete project plans after a grant award.

H. Coordination

In order to maximize the use of public resources and avoid duplication of effort, applicants shall coordinate the delivery of services under this demonstration with the delivery of services under other programs (public or private), available to all or part of the target group. Projects which link or collaborate with an existing WIA funded One–Stop Career Center, industry training initiatives, and similar activities within a project area fulfill this requirement.

Part II. Eligible Applicants and the Application Process

A. Eligible Applicants and Participants

Applicants eligible to apply for grant awards under this solicitation are limited to Local Workforce Investment Boards (Local Boards) as defined under section 117 of WIA. For this solicitation, eligible applicants may apply for *only one* of the two types of grant awards referenced in Part I–C above. Proposals received from the same applicant for both grant awards will not be considered. Prospective eligible applicants which have had minimal or no experience with sector initiatives should consider applications for the Sectoral Initiative Formation Grants, which are designed to lay the groundwork for the subsequent initiation of sectoral initiatives. In contrast, the Sectoral Initiative Implementation Grants require some previous applicant experience in this area.

All participants who receive services in projects funded under this demonstration program must be either:

(a) *Eligible dislocated workers.* This is defined at section 101(9) of the Workforce Investment Act (29 U.S.C. 2801). The Workforce Investment Act may be viewed at *http://usworkforce.org/asp/act.asp.* Proposed projects may target subgroups of the eligible population based on factors such as, but not limited to, income, occupation, industry, nature of dislocation, and reason for unemployment; or

(b) *Incumbent workers.* These are currently-employed workers whose employers have determined that the workers require training in order to help keep their firms competitive and the subject workers employed, avert layoffs, upgrade workers' skills, increase wages earned by employees and/or keep workers' skills competitive; or

(c) *New entrants.* These are persons aged 18 years and over who have limited work histories and for whom the type of employment assistance and training envisioned under this demonstration will lead to self-sufficiency.

Note: Except as specifically provided, DOL/ETA acceptance of a proposal and an award of federal funds to sponsor any program(s) does not provide a waiver of any grant requirements and/or procedures. For example, the OMB circulars require an entity's procurement procedures must require that *all procurement transactions* shall be conducted, as practical, to provide open and free competition. If a proposal identifies a specific entity to provide the services, the DOL/ETA's award *does not* provide the justification or basis to sole-source the procurement, i.e., avoid competition.

B. Proposal Submission

Applicants must submit four (4) copies of their proposal with original signatures. The proposal must consist of two (2) distinct parts, Part I and Part II. Part I of the proposal, the financial application, shall contain the Standard Form SF–424, ''Application for Federal Assistance'' (Appendix A) and the Budget Information Form (Appendix B). The Catalog of Federal Domestic Assistance number is 17.255. Applicants shall indicate on the SF–424 the organization's IRS status, if applicable. According to the Lobbying Disclosure Act of 1995, section 18 (25 U.S.C. 1611), an organization described in section 501(c)(4) of the Internal Revenue Code of 1986 which engages in lobbying activities shall not be eligible for the receipt of federal funds constituting an award, grant, or loan. The individual signing the SF–424 on behalf of the applicant must represent the responsible financial and administrative entity for a grant should that application result in an award.

1. Budget

The budget must include on separate pages detailed breakouts of each proposed budget line item found in the Budget Information Form including detailed administrative costs. The Salaries line item shall be used to document the project staffing plan by providing a detailed listing of each staff position providing more than .05 Full Time Employee (FTE) support to the project, by annual salary, number of months assigned to demonstration responsibilities, and the FTE percentage to be charged to the grant. In addition, for the Contractual line item, each planned contract and the amount of the contract shall be listed. For each budget line item that includes funds or in-kind contributions from a source other than the requested grant funds, the source, the amount, and in-kind contributions, including any restrictions that may apply to these funds, shall be identified. The budget shall include sufficient funds for a one two-person trip to a DOL-sponsored grant orientation meeting in Washington, D.C. of approximately 3–4 days. In addition to the above, the detailed breakouts shall indicate the costs associated with each major activity identified in the technical proposal submitted.

Since Sectoral Initiative Formation Grant awards are to assist in providing a knowledge base of sectoral initiatives to Local Boards and their partners, applications for those grants shall include in their budgets sufficient funds for three two-person trips each of 3–4 days duration to be taken in consultation with DOL should an award be granted. These trips are designed to permit first-hand observation of successful sectoral initiatives around the country and for discussions with counterpart staff on useful sectoral practices and strategies. (Note: It is expected that at least one of the two persons traveling on these learning visits is a key Local Board staff person.) Applicants for Sectoral Initiative Formation Grant awards will be expected to include in their detailed budget, at least $10,000 to cover the salary and fringe benefits costs of one or two key Local Board staff who will be working on the project. The detailed budget also shall indicate the name(s) of the key staff, titles, annual salary and fringe benefits costs, and the amount of time key staff will devote to the project during the project year.

For Sectoral Initiative Implementation Grant awards, the detailed budget shall indicate costs for training and necessary supportive services indicated separately. Per Part I.G., training and supportive services combined constitute 30–40% of grant funding.

2. Technical Proposal

Part II, the technical proposal, shall demonstrate the offeror's capabilities in accordance with the Statement of Work in Part III of this solicitation and shall clearly indicate the type of grant award for which the application is being made. The technical proposal shall be limited to twenty-five (25) double-spaced, single-side, 8.5-inch × 11-inch pages with 1-inch margins. An Executive Summary not to exceed two pages must be included and *will be counted* within the 25 page limit. Include in the summary the target population(s) and target industry of focus and, if applying for the Implementation Grants, the types of key stakeholders currently working in your area on sectoral initiatives. Attachments shall not exceed ten (10) pages including the required Appendices A–C listed at the end of this SGA. Text type shall be 11 point or larger. NO COST DATA OR REFERENCE TO PRICE SHALL BE INCLUDED IN THE TECHNICAL PROPOSAL.

Part III. Statement of Work

Applicants must submit the appropriate technical proposal for the type of grant award for which the application is made. Each technical proposal must follow the format outlined here. The evaluation criteria on which proposals will be rated relate to a specific section of this Part against which the criteria will be applied. For each section, the application should include: (1) Information that responds to the requirements in this Part; (2) information that indicates adherence to the provisions described in Parts I and II of this solicitation; and (3) other information the applicant believes will address the rating criteria identified in Part IV.

A. Sectoral Initiative Formation Grants

Describe the approaches that will be used to undertake the activities numbered 1–7 below during the first nine months of the grant's period of performance:

1. Establishment of a broad coalition of stakeholders in a local labor market area that will finalize one industry sector selected for focus, identify the target group(s) to be served, provide ongoing community support, identify the programs and policies needed to

improve employment access to the sector, identify industry and employer needs, and oversee the development of the demonstration activities. Provide evidence or a statement of intent indicating that the stakeholder coalition has/will include in its membership relevant employers, community-based organizations, community development corporations, economic development agencies, labor organizations, training institutions, employer/industry associations, and other local organizations in addition to key Local Board officials. Reference also shall be made to the collective nature of major decision making in the coalition.

2. Development of a strategic plan to implement and fund a sector project at the conclusion of the period of performance of the grant. The plan is to address both the targeted industry's needs for enhanced economic performance and ways to increase employment opportunities for a designated target group(s) (note eligible participants listed in Part II.A.). Specific measured outcomes pertaining to these two broad areas should be identified. The plan shall include among its recommendations for action specific measures to be undertaken by the Local Board in conjunction with the sector stakeholders for implementing a subsequent sector initiative. (A copy of the completed plan shall be sent to DOL by the end of the ninth month of the grant's period of performance.)

3. Analysis of labor market data including wages and benefits, vacancy and turnover problems in the industry sector selected, and data on the target group(s).

4. Analysis of the impediments and opportunities for improved human resources utilization within the target industry sector, e.g., recruitment practices, career ladders, job classifications, work-based learning, skill certification, education and training benefits.

5. Analysis of local area training capacity and providers.

6. Contacts with ongoing projects in the target industry or similar sectors which could provide useful technical assistance in developing a final strategic plan for implementation.

7. Other activities identified by the applicant which would support the development of a successful sectoral intervention.

Provide a statement of intent that the Local Board during the last three months of the grant period of performance will: (1) engage with its stakeholder coalition in a series of community presentations of the strategic plan developed; and (2) work to implement the plan.

B. Sectoral Initiative Implementation Grants

Describe briefly current local efforts by the applicant and key stakeholders to plan and/or implement a sectoral initiative(s), the timeframe involved, industry sector(s) chosen, target population(s) assisted, and results obtained. Indicate how the plan addresses specific measures to be undertaken by the Local Board for this initiative. Provide a brief description of the membership of the stakeholder coalition, its objectives, when formed, frequency of its meetings, and any other factors that demonstrate that the coalition is an active and functioning entity.

Describe any needed efforts to complete and complement existing local stakeholder work already in progress to develop a strategic plan to implement a sectoral initiative including specific measures to be undertaken by the Local Board. (Note: this activity is optional depending on whether your local area requires some additional planning efforts.)

Describe the strategy and efforts that will be made for the outreach and recruitment of individuals from the target population(s) that will be assisted in this sectoral initiative.

Describe the workforce training to be provided to the target population(s) selected as a focus for this demonstration. Such training can include, but is not limited to, skill training, literacy training, and pre-apprenticeship and apprenticeship offerings. Explain how the training proposed meets two broad goals: (1) Industry sector needs for training; and (2) an upgrading of skills of the target population leading to economic self-sufficiency. Indicate the nature of the supportive services to be provided and the eligibility criteria to be used in providing them.

Describe the approaches to be undertaken for at least one of the activities numbered 1–5 below:

1. Enterprise development training or other related workforce investment activities for creating new or enhanced employment opportunities in the target industry sector.

2. Industry-based services designed to retain target sector employers in the local area, increase efficiency or enhance industry development, e.g., joint marketing strategies, access to new markets, technology modernization.

3. Activities designed to increase the scale, industry partners, or regional reach of an existing sectoral project.

4. Activities to redesign recruitment, wages, benefits, working conditions, retention, and other human resource policies of industry firms with a particular focus on improving access to the industry by low income workers.

5. Activities designed to create new job classifications, career ladders, or other advancement opportunities for improving career mobility.

Describe the specific measured outcomes that will be the focus of the above activities and relate them to the two broad areas of sectoral initiatives: (1) Improved economic performance of the targeted sector and (2) improved economic opportunities for the designated target population(s).

Part IV. Review Process and Evaluation Criteria

A careful evaluation of applications will be made by a technical review panel who will evaluate the applications against the criteria listed in this SGA. The panel results will be advisory in nature and not binding on the Grant Officer. The Government may elect to award the grant with or without discussions with the offeror. In situations without discussion, an award will be based on the offeror's signature on the SF–424, which constitutes a binding offer. The Grant Officer will make final award decisions based upon what is most advantageous to the Federal Government in terms of geographical mix, technical quality, and other factors.

Evaluation Criteria

A. Goals and Methods (30 points)

1. The project is aimed at addressing an important workforce development (and economic development) concern or concerns in the target area by engaging local stakeholders in an effective strategic planning exercise.

2. The project design describes how the information gathered will be sufficiently detailed and wide-ranging, timely, and relevant to the project's strategic goals.

3. The project design is aimed at producing a comprehensive approach to an industry sector initiative and adequately addresses the improvement of the targeted industry sector's human resources practices and utilization as well as the improvement of the employment opportunities for the targeted population(s) to be served.

B. Collaboration/Community Involvement (25 points)

1. The collaboration on which the project is built is consistent with the goals of the project. (For example, the

collaboration includes stakeholders within an entire labor market area, regardless of Local Board boundaries.)

2. The collaboration on which the project is built has strong ties to the employer community and the Local Board.

3. The collaboration on which the project is built is broadly representative of the affected stakeholders. (In particular, the collaboration reaches beyond the traditional workforce investment community to involve other community actors such as economic development organizations, community development corporations (CDC's), community-based organizations (CBO's), employer organizations/industry associations, labor organizations, neighborhood organizations, and so on).

4. The design and governance of the project ensure that all stakeholders have a real voice in the conduct of the project and in the strategic decisions that flow from it. The project design ensures that citizens of the affected community are more involved in and have voice in the conduct of the project.

C. Commitment (15 points)

1. The participating community demonstrates a serious commitment to strategic planning.

2. The participating community demonstrates particular commitment to this project through its contribution of resources as required by this solicitation for the type of grant for which application is made.

D. Potential Use and Value of Results (15 points)

1. The project process, structure and outcomes offer lessons, tools, or other products that will assist other communities throughout the country to understand and use the information in creating workforce development initiatives.

2. The project design has the ability to broaden the role and responsibility of the Local Board consistent with state and local plans including the strength and scope of partnerships.

E. Cost Effectiveness (15 points)

The proposed budget is reasonable in relation to the activities planned. The extent to which non-grant resources will assist in achieving the project's objectives can be determined.

Part V. Monitoring, Reporting and Evaluation

A. Monitoring

The Department shall be responsible for ensuring effective implementation of each competitive grant project in accordance with the Act, the federal regulations, the provisions of this announcement and the negotiated grant agreement. Applicants should assume that at least one on-site project review will be conducted by Department staff or their designees. This review will focus on the project's performance in meeting the grant's programmatic goals, expenditure of grant funds on allowable activities, collaboration with other organizations as required, and methods for assessment of the responsiveness and effectiveness of the activities being undertaken. Grants may be subject to additional reviews at the discretion of the Department.

B. Reporting

DOL will arrange for or provide technical assistance to grantees in establishing appropriate reporting and data collection methods and processes taking into account the applicant's project management plan. An effort will be made to accommodate and provide assistance to grantees to be able to complete all reporting electronically.

Applicants selected as grantees are required to provide the following reports:

1. Monthly progress reports, during initial start-up and implementation of the project, and Quarterly Progress Reports thereafter.

2. Standard Form 269, Financial Status Report Form, on a quarterly basis.

3. Final Project Report including an assessment of project performance due at the end of the grant period of performance. This report will be submitted in hard copy and on electronic disk using a format and instructions provided by the Department. A draft of the final report is due to the Department 45 days before the end of the grant's period of performance.

C. Evaluation

DOL will arrange for or conduct an independent evaluation to determine the extent to which the demonstration projects funded by this solicitation were undertaken as planned, the nature of the results achieved, and those factors which facilitated or impeded the success of the projects. Grantees must agree to make available records on participants and employers as well as project financial and management data and to provide access to personnel, as specified by the evaluator(s) under the direction of the Department.

Signed at Washington, D.C., this 4th day of April, 2001.

Laura A. Cesario,

Grant Officer, Division of Federal Assistance.

Appendices

Appendix A—Application for Federal Assistance (SF–424)
Appendix B—Budget Information Form
Appendix C—Application Checklist

BILLING CODE 4510–30–P

APPLICATION FOR FEDERAL ASSISTANCE

APPENDIX "A"

OMB Approval No. 0348-0043

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction / Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, State and zip code):	Name, telephone number and fax number of the person to be contacted on matters involving this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐-☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipa
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H Independent School Dist.
I State Controlled Institution of Higher Learning
J . Private University
K Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐-☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:		
a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
Prescribed by OMB Circular A-102

Authorized for Local Reproduction

INSTRUCTIONS FOR THE SF 424

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance. It will be used by Federal agencies to obtain applicant certification that States which ave established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

Item:	Entry:
1.	Self-explanatory.
2.	Date application submitted to Federal agency (or State if applicable) & applicant's control number (if applicable).
3.	State use only (if applicable)
4.	If this application is to continue or revise an existing award, enter present Federal identifier number. If for a new project, leave blank.
5.	Legal name of applicant, name of primary organizational unit which will undertake this assistance activity, complete address of the applicant, and name and telephone number of the person to contact on matters related to this application.
6.	Enter Employer Identification Number (EIN) as assigned by the Internal Revenue Service.
7.	Enter the appropriate letter in the space provided.
8.	Check appropriate box and enter appropriate letter(s) in the space(s) provided. - "New" means a new assistance award. - "Continuation" means an extension for an additional funding/budget period for a project with a projected completion date. - "Revision" means any change in the Federal Government's financial obligation or contingent liability from an existing obligation.
9.	Name of Federal agency from which assistance is being requested with this application.
10.	Use the Catalog of Federal Domestic Assistance number and title of the program under which assistance is required.
11.	Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of the project.
12.	List only the largest political entities affected (e.g., State, counties, cities.
13.	Self-explanatory.
14.	List the applicant's Congressional District and any District(s) affected by the program or project.
15.	Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15.
16.	Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process.
17.	This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.
18.	To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (Certain Federal agencies may require that this authorization be submitted as part of the application.)

APPENDIX B

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

NOTE: *Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).*

SECTION A - Budget Summary by Categories

1. **Personnel:** *Show salaries to be paid for project personnel which you are required to provide with W2 forms.*

2. **Fringe Benefits:** *Indicate the rate and amount of fringe benefits.*

3. **Travel:** *Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.*

4. **Equipment:** *Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more. Also include a detailed description of equipment to be purchased including price information.*

5. **Supplies:** *Include the cost of consumable supplies and materials to be used during the project period.*

6. **Contractual:** *Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.*

7. **Other:** *Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.*

8. **Total, Direct Costs:** *Add lines 1 through 7.*

9. **Indirect Costs:** *Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.*

10. **Training /Stipend Cost:** *(If allowable)*

11. **Total Federal funds Requested:** *Show total of lines 8 through 10.*

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE: PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

Appendix C

Application Checklist

Please complete and submit this checklist with your application. It should be used as a quick reference of key provisions of the Solicitation and whether or not these provisions have been included, complied with or addressed. This document is not intended to be comprehensive or address every aspect of the solicitation.

Organization Applying_____ .

Contact Person_____.

Phone Number_____.

Date Submitted_____.

Application Process

Please check below:

___Application is 30 pages or less.
___Attachments limited to 20 pages or fewer.
___An original and three copies submitted.
___SF-424 (Appendix A) included.
___Budget Form Sheet (Appendix B) included.
___Checklist (Attachment C) included.
___Executive Summary - Two pages or less included.
___Detailed budget included.

[FR Doc. 01–8652 Filed 4–12–01; 8:45 am]
BILLING CODE 4510–30–C

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–3265]

Georgia-Pacific Corporation Chlorine Plant, Bellingham, Washington; 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, as amended (19 USC 2331), on December 7, 1999, the Department of Labor issued a Notice of Revised Determination on Reconsideration regarding eligibility to apply for NAFTA Transitional Adjustment Assistance, applicable to some of the workers of the Georgia-Pacific Corporation in Bellingham, Washington. The notice was published in the **Federal Register** December 21, 1999 (64 FR 71505).

The Department, on its own motion, reviewed that December 7, 1999 decision, because of questions it received as to the group of workers covered by the decision.

The initial NAFTA–TAA petition for the workers of the subject firm was filed with the Washington Employment and Security Department on June 17, 1999, by the Association of Western Pulp & Paper Workers on behalf of the workers producing chlorine and related byproducts. The petition investigation revealed that the affected workers were employed in the Chlorine Plant of the subject firm in Bellingham. Two other plants of the subject firm in Bellingham produced pulp and paper.

The initial investigation resulted in a negative determination issued on August 10, 1999, applicable to workers of Georgia-Pacific Corporation Chlorine Plant, Bellingham, Washington. The notice was published in the **Federal Register** on September 29, 1999 (64 FR 52542).

On December 7, 1999, the negative determination was revised on reconsideration as new evidence was presented that the layoffs of workers at the Chlorine Plant were attributable to increased imports from Canada of articles like or directly competitive with the chlorine produced by the workers at Georgia-Pacific in Bellingham. Although the December 7, 1999, revised determination noted that, ''The workers at the subject firm produced liquefied chlorine gas and a byproduct, liquid caustic soda,'' it concluded that ''All workers of Georgia-Pacific Corporation, Bellingham, Washington, . . . are eligible to apply for NAFTA–TAA, under Section 250 of the Trade Act of 1974, as amended.'' Thus, the revised determination failed to make clear that it intended to limit eligibility to the workers engaged in employment related to the production of liquefied chlorine gas and liquid caustic soda at the Chlorine Plant of Georgia-Pacific, Bellingham, Washington.

In order to clarify that eligibility was limited to the workers at the Chlorine Plant, the Department issued an April 2, 2001 Amended Notice of Revised Determination on Reopening. However, because of an error in that Notice, it was not published in the **Federal Register.** Accordingly, the Department is now amending the December 7, 1999 Notice, which will be published in the **Federal Register,** to clarify the covered group of workers.

Therefore, effective with the date of the publication of this notice in the **Federal Register,** no worker of the Georgia-Pacific Corporation, Bellingham, Washington, outside the intended class, workers who worked at the Chlorine Plant, will be covered by the certification. As to workers who, because of the unclear December 7, 1999 decision, were found by the Washington Employment and Security Department to be covered by the certification prior to the date of publication of this **Federal Register** notice, they may continue to receive benefits. Additionally, the Department will not seek overpayments for benefits those workers received prior to the publication of this notice in the **Federal Register.**

The notice applicable to NAFTA–3265 is hereby issued as follows:

''All workers of the Georgia-Pacific Corporation, Chlorine Plant, Bellingham, Washington, who became totally or partially separated from employment on or after June 16, 1998, through December 7, 2001, are eligible to apply for NAFTA–TAA under Section 250 of the Trade Act of 1974.''

Signed in Washington, D.C. this 9th day of April 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–9312 Filed 4–12–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment and Training Administration

[NAFTA–04598]

Inman Mills, Inman, SC; Notice of Termination of Investigation

Pursuant to Title V of the North American Free Trade Agreement Implementation Act (Public Law 103–182) concerning transitional adjustment assistance, hereinafter called NAFTA–TAA and in accordance with section 250(a), Subchapter D, Chapter 2, Title II, of the Trade Act of 1974, as amended (19 USC 2331), an investigation was initiated on February 28, 2001, in response to a worker petition which was filed on behalf of workers at Inman Mills, Inman, South Carolina.

The petitioner has requested that the petition be withdrawn. Consequently, further investigation in this case would serve no purpose, and the investigation has been terminated.

Signed in Washington, D.C. this 30th day of March, 2001.

Linda G. Poole,

Certifying Officer, Division of Trade Adjustment Assistance.

[FR Doc. 01–9217 Filed 4–12–01; 8:45 am]

BILLING CODE 4510–30–M

DEPARTMENT OF LABOR

Employment Standards Administration, Wage and Hour Division

Minimum Wages for Federal and Federally Assisted Construction; General Wage Determination Decisions

General wage determination decisions of the Secretary of Labor are issued in accordance with applicable law and are based on the information obtained by the Department of Labor from its study of local wage conditions and data made available from other sources. They specify the basic hourly wage rates and fringe benefits which are determined to be prevailing for the described classes of laborers and mechanics employed on construction projects of a similar character and in the localities specified therein.

The 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 supersedeas decisions thereto, contain no expiration dates and are effective from their date of notice in the **Federal Register**, or on the date written notice is received by the agency, whichever is earlier. These decisions are to be used in accordance with the provisions of 29 CFR parts 1 and 5. Accordingly, the applicable decision, together with any modifications issued, must be made a part of every contract for performance of the described work within the geographic area indicated as required by an applicable Federal prevailing wage law and 29 CFR part 5. The wage rates and fringe benefits, notice of which is published herein, and which are contained in the Government Printing Office (GPO) document entitled ''General Wage Determinations Issued Under The Davis-Bacon and Related Acts,'' shall be the minimum paid by contractors and subcontractors to laborers and mechanics.

Any person, organization, or governmental agency having an interest in the rates determined as prevailing is encouraged to submit wage rate and fringe benefit information for consideration by the Department. Further information and self-explanatory forms for the purpose of submitting this data may be obtained by writing to the U.S. Department of Labor, Employment Standards Administration, Wage and Hour Division, Division of Wage Determinations, 200 Constitution Avenue, NW., Room S–3014, Washington, DC 20210.

New General Wage Determination Decisions

The number of decisions added to the Government Printing Office document entitled ''General Wage Determinations Issued Under the Davis-Bacon and Related Acts'' are listed by Volume and States:

Volume V

New Mexico
NM010007 (Apr. 13, 2001)
NM010008 (Apr. 13, 2001)
NM010009 (Apr. 13, 2001)
NM010010 (Apr. 13, 2001)

Modification to General Wage Determination Decisions

The number of decisions listed to the Government Printing Office document entitled ''General Wage determinations Issued Under the Davis-Bacon and Related Acts'' being modified are listed by Volume and State. Dates of publication in the **Federal Register** are in parentheses following the decisions being modified.

Volume I

Connecticut
CT010001 (Mar. 02, 2001)
CT010003 (Mar. 02, 2001)
CT010004 (Mar. 02, 2001)
CT010006 (Mar. 02, 2001)
New York
NY010003 (Mar. 02, 2001)
NY010006 (Mar. 02, 2001)
NY010009 (Mar. 02, 2001)
NY010010 (Mar. 02, 2001)
NY010012 (Mar. 02, 2001)
NY010018 (Mar. 02, 2001)
NY010020 (Mar. 02, 2001)
NY010026 (Mar. 02, 2001)
NY010033 (Mar. 02, 2001)
NY010037 (Mar. 02, 2001)
NY010038 (Mar. 02, 2001)
NY010041 (Mar. 02, 2001)
NY010071 (Mar. 02, 2001)
NY010074 (Mar. 02, 2001)
NY010076 (Mar. 02, 2001)

Volume II

Pennsylvania
PA010001 (Mar. 02, 2001)
PA010002 (Mar. 02, 2001)
PA010008 (Mar. 02, 2001)
PA010013 (Mar. 02, 2001)

Volume III

Florida
FL010016 (Mar. 02, 2001)
FL010034 (Mar. 02, 2001)
FL010076 (Mar. 02, 2001)
FL010100 (Mar. 02, 2001)
Georgia
GA010004 (Mar. 02, 2001)
GA010023 (Mar. 02, 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 FedWorld Bulletin Board System of the National Technical Information Service (NTIS) of the U.S. Department of Commerce at 1–800–363–2068.

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Signed at Washington, DC this 4th day of April 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–8917 Filed 4–12–01; 8:45 am]

BILLING CODE 4510–27–M

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection, Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed revision of the ''National Compensation Survey.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the Addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the Addresses section of this notice on or before June 12, 2001.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, N.E., Washington, D.C. 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The National Compensation Survey (NCS) is an ongoing survey of earnings and benefits among private firms and State, and local government. The NCS resulted from the merger of three surveys: the NCS earnings and work level data (formerly the Occupational Compensation Survey Program); the Employment Cost Index (ECI); and the Employee Benefits Survey (EBS). Data from these surveys are critical for setting Federal white-collar salaries, determining monetary policy (as a Principal Federal Economic Indicator), and for compensation administrators and researchers in the private sector.

The survey will collect data from a sample of employers. These data will consist of information about the duties, responsibilities, and compensation (earnings and benefits) for a sample of occupations for each sampled employer.

Data will be updated on either an annual or quarterly basis. The updates will allow for production of data on change in earnings and total compensation.

II. Desired Focus of Comments

The Bureau of Labor Statistics is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

e.g., permitting electronic submissions of responses.

III. Current Action

Office of Management and Budget clearance is being sought for the National Compensation Survey.

The NCS collects earnings and work level data on occupations for the nation and selected localities. The NCS also collects information on the cost, provisions, and incidence of all the major employee benefits through its ECI and EBS programs. The NCS currently is totally integrating data collection and sampling for these three products (NCS earnings and work level data, ECI, and EBS). This change to the NCS sample will help lower total respondent burden and increase the number of possible ways the BLS can provide data.

The NCS data on benefit costs will continue to be used to produce the ECI and Employer Expenditures for Employee Compensation Series. The data provided will be the same, and the series will be continuous.

The NCS will provide all of the data now provided by the EBS. These data include estimates of how many workers receive the various employer-sponsored benefits. The data also will include information about the common features of benefit plans.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: National Compensation Survey.

OMB Number: 1220–0164.

Affected Public: Businesses or other for-profit; not-for-profit institutions; and State, local, and tribal government.

Total Respondents: 43,228 (three-year average).

Frequency: Quarterly, annually.

Total Responses: 70,886 (three-year average).

Estimated Total Burden Hours: 66,593.

All figures in the table below are based on a three-year average. The total respondents and total responses in the table are greater than the figures shown above because many respondents are asked to provide information relating to more than one form.

Collection forms can have multiple uses. The table below shows the average collection times for the predominant uses of the forms. Record checks (for quality assurance and measurement) are done on a sub-sample of respondents verifying responses for pre-selected sections of the forms. The collection times for the NCS government-only forms are zero because they are for initiation of new government sample units, and no initiations of State and local government units are planned for the requested clearance period.

TABLE 1.—ANNUAL RESPONDENT BURDEN BY FORM

[Average of FY 2002, FY 2003, and FY 2004]

Form	Total respondents	Frequency	Total responses	Average minutes for the predominant form use	Estimated total burden (In hours)
Establishment Collection Form (NCS Form 01–1G).	0	Annually or Quarterly	0	21	0
Establishment Collection Form (NCS Form 01–1P).	10,983	Annually or Quarterly	10,983	21	3,844
Earning Form (NCS Form 01–2G)	0	Annually or Quarterly	0	20	0
Earning Form (NCS Form 01–2P)	10,983	Annually or Quarterly	10,983	20	3,661
Computer Generated Earnings Update Form.	25,945	Annually or Quarterly	49,767	20	16,589
Work Level Form (NCS Form 01–3G).	0	Annually or Quarterly	0	31	0
Work Level Form (NCS Form 01–3P)	10,983	Annually or Quarterly	10,983	31	5,675
Informed consent (NCS 99–5)	[1] Unknown	Unknown	Unknown	Negligible	Negligible
Work Schedule Form (NCS 01–4G)	0	Annually or Quarterly	0	10	0
Work Schedule Form (NCS 01–4P)	10,983	Annually or Quarterly	10,983	10	1,831
Benefits Collection Form (NCS 01–5G).	0	Annually or Quarterly	0	180	0
Benefits Collection Form (NCS 01–5P).	5,533	Annually or Quarterly	5,533	180	16,599
Summary of Benefits (Benefit update Form SO–1003) is computer generated.	10,033	Quarterly	33,611	20	11,204
Collection not tied to a specific form (testing, QA/QM, etc.).	9,859	Unknown	9,859	5–60	7,190
Totals	95,302		142,702		66,593

[1] Dependent upon number of respondents who elect to have third parties provide data.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

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

Signed at Washington, D.C., this 9th day of April, 2001.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 01–9213 Filed 4–12–01; 8:45 am]

BILLING CODE 4520–24–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden,

conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c) (2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the revision of the ''Labor Market Information (LMI) Cooperative Agreement.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section of this notice on or before June 12, 2001.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, N.E., Washington, D.C. 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

BLS enters into Cooperative Agreements with State Employment Security Agencies (SESAs) annually to provide financial assistance to the SESAs for the production and operation of the following LMI statistical programs: Current Employment Statistics, Local Area Unemployment Statistics, Occupational Employment Statistics, Covered Employment and Wages Report, and Mass Layoff Statistics. The Cooperative Agreement provides the basis for managing the administrative and financial aspects of these programs.

II. Desired Focus of Comments

The BLS is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Action

Office of Management and Budget (OMB) clearance is being sought for the LMI Cooperative Agreement. The existing collection of information allows Federal staff to negotiate the Cooperative Agreement with the SESAs and monitor their financial and programmatic performance and adherence to administrative requirements imposed by common regulations implementing OMB Circular A–102 and other grant-related regulations. The information collected also is used for planning and budgeting at the Federal level and in meeting Federal reporting requirements.

Type of Review: Revision of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: Labor Market Information (LMI) Cooperative Agreement.

OMB Number: 1220–0079.

Affected Public: State, Local or Tribal Governments.

Frequency: Monthly, quarterly, annually.

Information collection	Respondents	Frequency	Responses	Time	Total hours
Work Statements	55	1	55	1–2 hr	55–110
BIF (LMI 1A, 1B)	55	1	55	1–6 hr	55–330
Quarterly Automated Financial Reports	48	4	192	10–50 min	32–160
Monthly Automated Financial Reports	48	*8	384	5–25 min	32–160
BLS Cooperative Statistics Financial Report (LMI 2A)	7	12	84	1–5 hr	84–420
Quarterly Status Report (LMI 2B)	1–30	4	4–120	1 hr	4–120
Total	1–55		774–890		264–1300
Average Totals	55		832		781

*Reports are not received for end-of-quarter months, i.e., December, March, June, September.

Total Burden Cost $ (capital/startup):0.

Total Burden Cost (operating/maintenance): $0.

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

Signed at Washington, D.C., this 9th day of April, 2001.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 01–9214 Filed 4–12–01; 8:45 am]

BILLING CODE 4510–24–P

DEPARTMENT OF LABOR

Bureau of Labor Statistics

Proposed Collection; Comment Request

ACTION: Notice.

SUMMARY: The Department of Labor, as part of its continuing effort to reduce paperwork and respondent burden, conducts a pre-clearance consultation program to provide the general public and Federal agencies with an opportunity to comment on proposed and/or continuing collections of

information in accordance with the Paperwork Reduction Act of 1995 (PRA95) [44 U.S.C. 3506(c)(2)(A)]. This program helps to ensure that requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements on respondents can be properly assessed. The Bureau of Labor Statistics (BLS) is soliciting comments concerning the proposed extension of ''General Inquiries to State Agency Contacts.'' A copy of the proposed information collection request (ICR) can be obtained by contacting the individual listed below in the addresses section of this notice.

DATES: Written comments must be submitted to the office listed in the addresses section below on or before June 12, 2001.

ADDRESSES: Send comments to Amy A. Hobby, BLS Clearance Officer, Division of Management Systems, Bureau of Labor Statistics, Room 3255, 2 Massachusetts Avenue, N.E., Washington, D.C. 20212, telephone number 202–691–7628 (this is not a toll free number).

FOR FURTHER INFORMATION CONTACT: Amy A. Hobby, BLS Clearance Officer, telephone number 202–691–7628. (See **ADDRESSES** section.)

SUPPLEMENTARY INFORMATION:

I. Background

The Bureau of Labor Statistics (BLS) awards funds to State agencies in the 50 States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, and American Samoa (hereinafter referred to as the ''States'') in order to jointly conduct BLS/State Labor Market Information and Occupational Safety and Health Statistics cooperative statistical programs, which themselves have been approved by OMB separately, as follows:

Current Employment Statistics	1220–0011
Local Area Unemployment Statistics	1220–0017
Occupational Employment Statistics	1220–0042
Employment and Wages Report	1220–0012
Annual Refiling Survey	1220–0032
Multiple Worksite Report	1220–0134
Mass Layoff Statistics	1220–0090
Annual Survey of Occupational Injuries & Illnesses	1220–0045
Census of Fatal Occupational Injuries	1220–0133

(This list of BLS/State cooperative statistical programs may change over time.)

To ensure the timely flow of data and to be able to evaluate and improve the programs, it is necessary to conduct ongoing communications between BLS and its State partners. Whether information requests deal with program deliverables, program enhancements, or administrative issues, questions and dialogue are crucial.

II. Desired Focus of Comments

The BLS is particularly interested in comments which:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submissions of responses.

III. Current Action

Office of Management and Budget (OMB) clearance is being sought for General Inquiries to State Agency Contacts. Information collected under this clearance is used to support the administrative and programmatic needs of jointly conducted BLS/State Labor Market Information and Occupational Safety and Health Statistics cooperative statistical programs.

Type of Review: Extension of a currently approved collection.

Agency: Bureau of Labor Statistics.

Title: General Inquiries to State Agency Contacts.

OMB Number: 1220–0168.

Affected Public: State, Local, or Tribal Government.

Total Respondents: 55.

Frequency: As needed.

Total Responses: 23,890.

Average Time Per Response: 40 minutes.

Estimated Total Burden Hours: 15,762 hours.

Total Burden Cost (capital/startup): $0.

Total Burden Cost (operating/maintenance): $0.

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

Signed at Washington, D.C., this 9th day of April 2001.

W. Stuart Rust, Jr.,

Chief, Division of Management Systems, Bureau of Labor Statistics.

[FR Doc. 01–9215 Filed 4–12–01; 8:45 am]

BILLING CODE 4510–24–P

INTERNATIONAL BOUNDARY AND WATER COMMISSION, UNITED STATES AND MEXICO

Implement International Agreement for Deliveries to Tijuana, Baja California, of a Part of Mexico's Colorado River Waters Through the Southern California Aqueducts; Notice of Draft Finding of No Significant Impact

AGENCY: United States Section, International Boundary and Water Commission, United States and Mexico.

ACTION: Notice of draft Finding of No Significant Impact for a draft Environmental Assessment.

SUMMARY: Based on a draft Environmental Assessment (EA), the United States Section (U.S.) finds that the proposed action of implementing an international agreement with the Government of Mexico through the International Boundary and Water Commission (IBWC) to provide emergency deliveries to Tijuana, Baja California, of a part of Mexico's Colorado River water allotment through the Southern California aqueducts, is not a major federal action that would

have a significant adverse effect on the quality of the human environment. An environmental impact statement will not be prepared for the project unless additional information which may affect this decision is brought to the attention of the U.S. within thirty (30) days of the date of this Notice. The draft Finding of No Significant Impact (FONSI) and draft EA have been forwarded to the United States Environmental Protection Agency and various Federal, State and local agencies and interested parties. Your written (ATTN: Mr. Steve Fox, USIBWC, 4171 N Mesa St, C–310, El Paso, TX 79902) or e-mailed (*stevefox@ibwc.state.gov*) comments will be considered in the final USIBWC decision on the proposed action. Your comments on the draft FONSI and draft EA would be appreciated within 30 days after publication in the **Federal Register**. These documents can be reviewed on the USIBWC Home Page at *http://www.ibwc.state.gov* under ''What's New'' or at the San Diego Central Library, 820 ''E'' St.; City of San Diego, Environmental Services Library, Ste. 130, 9601 Ridgehaven Court; Otay Mesa Branch Library, 3003 Coronado Ave., San Diego; San Ysidro Public Library, 101 West San Ysidro Blvd.; Civic Center Branch Library, Eastlake Public Library, 365 F St., Chula Vista; and San Diego County Libraries at the Casa de Oro Branch, 9628 Campo Road # L, Spring Valley and at 1043 Elkelton Blvd., Spring Valley. A limited number of copies are available for review and comment upon request from Mr. Fox at the above address or e-mail or at (915) 832–4736.

The purpose of the proposed action is to arrange emergency deliveries of a portion of Mexico's Colorado River water allocation through the Southern California aqueduct system to the Tijuana water distribution system under the terms of an international agreement. The proposed action would alleviate some of the current water shortage in Tijuana, with a population of about 1.3 million, and conditions that could lead to serious public health and economic problems that may impact inhabitants on both sides of the international boundary.

The emergency water deliveries would be made under the terms of a Minute of the IBWC utilizing the existing facilities in the United States. A minute is an international agreement of the IBWC. The agreement will provide terms and conditions for the emergency deliveries. The IBWC may conclude such agreements under the terms of the United States/Mexico Treaty of 1944 (1944 Water Treaty). The U.S. Commissioner of the IBWC is authorized to arrange such agreements in the United States by the Act of August 19, 1935 (U.S. Congress, 1935) and the American-Mexican Treaty Act of September 13, 1950, (U.S. Congress, 1950).

The alternative is no action. The City of Tijuana is considering improvements to their system. The Southern California agencies that operate and maintain the Southern California aqueducts are willing and able to make deliveries under emergency conditions.

The proposed five year emergency water deliveries would begin during the spring of 2001 and would consist of a delivery to Tijuana of a portion of the waters allotted to Mexico under the 1944 Water Treaty. The waters are for use in Tijuana, Baja California. Conveyance will be by means of aqueducts owned and operated by the Metropolitan Water District (MWD) and the San Diego County Water Authority (SDCWA). Emergency water deliveries to Mexico from the Southern California aqueducts will be through pipelines and other facilities belonging to the Otay Water District (OWD) up to a maximum rate of 0.6 m^3/sec (14 mgd) during peak demand periods in Tijuana. The delivery to Mexico, based on Mexico's request, not to exceed conveyance system capacity, would use the existing emergency connection located at the international boundary about 6.3 miles (10.1 km) east of the Otay port-of-entry, on Otay Mesa, San Diego, California.

The final conveyance point to Mexico requires use of an existing line to be replaced at Mexico's expense. This line to Mexico requires the replacement of an 80-foot segment of existing 14-inch pipeline that was initially installed as a temporary measure. Up to 120 feet of deteriorated 24-inch pipeline will also be replaced. Therefore, a maximum of approximately 200 linear feet of pipeline will be replaced, between the OWD meter to the international border, with 24-inch pipeline consistent with the remainder of OWD pipelines in the Otay Mesa area. The upgrade in diameter that will occur through the replacement of 14-inch diameter section of pipeline will require the installation of a meter vault and bypass that will also include backflow prevention and a small (less than 1,000 square foot) concrete security building or fence. All pipeline and meter vault construction, as well as completed facilities, will be located within the existing 30-foot wide OWD easement on the site which is accessible by existing roads. This improvement facilitates the City of Tijuana's peak demand of approximately 4.0 m^3/sec (91 mgd) by the Comision Estatal de Servicios Pubilico de Tijuana's (CESPT) system. The surface area of the above ground structures will be approximately 260 ft^2 (24 m^2) and the area of the temporary land disturbance (i.e., construction) will be about 3050 ft^2 (283 m^2).

Under the no action alternative, the City of Tijuana could experience a water supply shortage lasting upwards of several days. There could be the public health risk of illnesses attributed to water shortages which could have an impact on communities on both sides of the international boundary. Under another alternative, not considered in the EA, is that for water supply expansion in the City of Tijuana by Mexico. The responsible agencies in Mexico are evaluating alternative sources of water for the region such that emergency water deliveries would be needed until they can be constructed. Of the alternatives considered, the proposed action is most compatible with the responsibilities and powers of the United States Section IBWC in implementing United States/Mexico agreements of the IBWC and does not significantly affect the resources.

The detailed air quality analysis indicated project-related pollutant will be at the threshold for some of the criteria pollutants. The proposed action will be in compliance with San Diego Air Pollution Control District (APCD) Rules and Regulations. The overall air emissions impacts will be consistent with applicable ambient air quality standards. An application was submitted by the OWD to the APCD in May 2000 for a permit to increase operation of the three natural gas engines that will be required to deliver the water to Mexico. Staff plans to purchase specific equipment to continue the District's practice of equipment standardization and to obtain the best, proven engine and air pollution control technology. The APCD adopted revisions to Rule 69.4.1 in November 2000, six months after submittal of the original permit application to APCD. The revisions to APCD Rule 69.4.1 implement more stringent California state-mandated Best Available Retrofit Control Technology (BARCT) requirements to further reduce nitrogen oxide (NO_X) emissions in San Diego County that will take full effect in 2002. OWD has determined that retrofitting existing engines to meet the new emission guidelines and deliver the water to Mexico will be cost prohibitive; therefore, OWD will purchase new engines with Best Available Control Technology (BACT) [(i.e., with new Caterpillar engines and non-selective catalytic reduction (NSCR) and NO_X emissions controls)] that will more

reliably and cost-effectively meet these new emission standards. OWD has committed to purchasing equipment that is the best, proven technology for accomplishing OWD purposes that will meet APCD requirements. OWD is currently in the process of purchasing the necessary engines and BACT in order to deliver the water to Mexico; however, due to the timing of the APCD mandate relative to Rule 69.4.1 and the date when water will need to be delivered to Mexico, OWD will be required to obtain a variance from APCD in order to operate the existing engines without BARCT until the new engines with BACT are installed, tested, and permitted. OWD will off-set or otherwise mitigate the emissions allowed during the APCD variance consistent with the terms and conditions of the variance as well as existing APCD rules and regulations.

Based on the conformity determination made under 40 Code of Federal Regulations (CFR) part 51.858, the Federal action will be in conformity with the specific requirements and the purposes of the California Ambient Air Quality Standards pursuant to the United States Section's affirmative obligation under section 176(c) of the Clean Air Act in accordance with the requirements of 40 CFR, Ch. I, part 51, subpart W. The Federal action will be in compliance with the Clean Air Act and California's compliance requirements for air quality resources.

The proposed project complies with all requirements of Federal Statutes, executive orders and other statutes, regulations and applicable permit, including the National Environmental Policy Act (NEPA), United States Section's NEPA implementing procedures and the California Environmental Quality Act (CEQA) because there will be no significant project impacts. Project coordination on air quality and all other resources, including cultural, biological, and any Federally threatened and endangered species or habitats is being completed concurrently by OWD and the United States Section for NEPA and CEQA compliance.

This draft EA, ''Implement International Agreement for Deliveries to Tijuana, Baja California, of a Part of Mexico's Colorado River Waters Through the Southern California Aqueducts'' assesses the potential impacts of the proposed action and its alternatives. No significant adverse effects to the resources of the connecting facilities, Otay Mesa, Southern California Aqueducts, Colorado River, City of Tijuana, biological, archaeological, historical and other cultural resources, water, air quality, environmental justice, energy, and induced growth are expected by implementing the proposed action.

Based upon the results of the draft Environmental Assessment and implementation of the proposed best available control technology and air permit stipulations, it has been determined that the proposed action will not have a significant adverse effect on the environment and an Environmental Impact Statement is not warranted.

Dated: March 13, 2001.

William A. Wilcox, Jr.,

Attorney-Advisor (General).

[FR Doc. 01–9156 Filed 4–12–01; 8:45 am]

BILLING CODE 7010–01–P

MORRIS K. UDALL SCHOLARSHIP AND EXCELLENCE IN NATIONAL ENVIRONMENTAL POLICY FOUNDATION

The United States Institute for Environmental Conflict Resolution; Agency Information Collection Activities: Submission for OMB Review; Comment Request; U.S. Institute for Environmental Conflict Resolution, Application for the National Roster of Dispute Resolution and Consensus Building Professionals: Sub-Roster of Transportation Mediators & Facilitators

AGENCY: Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, U.S. Institute for Environmental Conflict Resolution.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act and supporting regulations, this document announces that the U.S. Institute for Environmental Conflict Resolution (the Institute), part of the Morris K. Udall Foundation, has forwarded to the Office of Management and Budget (OMB) the following Information Collection Request (ICR): National Roster of Environmental Dispute Resolution and Consensus Building Professionals: Sub-Roster of Transportation Mediators & Facilitators. The ICR describes the nature of the information collection, its expected burden and costs, the need for the transportation sub-roster, the information to be recorded, the entry criteria for applicants who wish to be listed, and a sample of the actual data collection instrument (the application.) The sub-roster application will not be available until all Paperwork Reduction Act requirements are met. The Institute published a **Federal Register** notice on January 31, 2001 at 66 FR 8432, to solicit public comments for a 60-day period. The Institute received no public comments. The purpose of this notice is to allow an additional 30 days for public comments on this information collection.

DATES: Comments must be submitted on or before May 14, 2001.

ADDRESSES: Direct comments to: Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Attention: Amy Farrell, Desk Officer for The Morris K. Udall Scholarship and Excellence in National Environmental Policy Foundation, U.S. Institute for Environmental Conflict Resolution 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: For further information or a copy of the ICR, contact: Joan C. Calcagno, Roster Manager, U.S. Institute for Environmental Conflict Resolution, 110 South Church Avenue, Suite 3350, Tucson, Arizona 85701, Fax: 520–670–5530, Phone: 520–670–5299, E-mail: roster@ecr.gov.

SUPPLEMENTARY INFORMATION:

A. Title for the Collection of Information

Application for National Roster of Environmental Dispute Resolution and Consensus Building Professionals: Sub-Roster of Transportation Mediators & Facilitators.

B. Potentially Affected Persons

You are potentially affected by this action if you are a dispute resolution professional with experience related to environmental reviews of transportation projects and you wish to be listed on the National Roster of Environmental Dispute Resolution and Consensus Building Professionals: Sub-Roster of Transportation Mediators & Facilitators.

C. Questions to Consider in Making Comments

The U.S. Institute for Environmental Conflict Resolution requests your comments to any of the following questions related to collecting information for the Sub-Roster of Transportation Mediators & Facilitators:

(1) Is the proposed sub-roster application (''collection of information'') necessary for the proper performance of the functions of the agency, including whether the information will have practical utility?

(2) Is the agency's estimate of the time spent completing the application (''burden of the proposed collection of

information'') accurate, including the validity of the methodology and assumptions used?

(3) Can you suggest ways to enhance the quality, utility, and clarity of the information collected?

(4) Can you suggest ways to 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?

D. Abstract

The U.S. Institute for Environmental Conflict Resolution plans to collect information from environmental dispute resolution professionals with experience in transportation cases who desire to become members of a roster of neutrals from which agencies may select providers of neutral services. The proposed transportation roster is being established as part of the U.S. Department of Transportation's Guidance on Dispute Resolution, to provide resources for neutral assistance in connection with environmental reviews of transportation projects.

Responses to the collection of information (the application) are voluntary, but required to obtain a benefit (listing on the Sub-Roster of Transportation Mediators & Facilitators.) 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.

Background Information: U.S. Institute for Environmental Conflict Resolution The U.S. Institute for Environmental Conflict Resolution was created in 1998 by the Environmental Policy and Conflict Resolution Act (P.L. 105–156). The Institute is located in Tucson, Arizona and is part of the Morris K. Udall Foundation, an independent agency of the executive branch of the federal government. The Institute's primary purpose is to provide impartial, non-partisan assistance to federal and non-federal parties. The Institute provides assistance in seeking agreement or resolving disputes through use of mediation and other collaborative, non-adversarial means regarding environmental, natural resources, and public lands issues involving a federal interest. The Institute accomplishes most of its work by partnering or contracting with, or referral to, experienced practitioners.

The Need for and Proposed Use of the Information Collected in the Application for the Sub-Roster of Transportation Mediators and Facilitators The environmental streamlining section of the Transportation Equity Act for the 21st Century (TEA–21) (P.L. 105–178, as amended 105–206) was created by Congress in response to undue delays in completing transportation projects and directs federal agencies to coordinate environmental reviews of transportation projects. Many of the delays were a result of unresolved disputes among agencies in the review process. Thus, a key part of environmental streamlining is managing conflict when it develops. Through discussions with federal and state transportation and environmental agencies, the Federal Highway Administration (FHWA) (an agency in the U.S. Department of Transportation) identified the need for an efficient, effective alternative dispute resolution (ADR) system. The FHWA contracted with the Institute to provide assistance in designing and implementing an ADR system. The system has been designed to prevent and resolve disputes among federal and state transportation, natural resource, and environmental regulatory agencies. It is designed to address conflicts over specific issues that arise under the National Environmental Policy Act (NEPA) process, that is, the preparation of Environmental Assessments or Environmental Impact Statements for specific projects, or determining whether Categorical Exemptions apply. It also applies to reviews for potential impacts on historical and archeological resources, and to reviews associated with permits that some projects require, such as dredge and fill permits from the Army Corps of Engineers (under Section 404 of the Clean Water Act).

The Sub-Roster of Transportation Mediators & Facilitators (''sub-roster'') is part of the ADR system. Interviews with numerous federal and state agency representatives, who are potential users of the system, identified the need for professional third-party assistance. The sub-roster provides agencies with one source from which to find experienced neutrals to facilitate negotiations and to help resolve disputes. Agency personnel will use the sub-roster primarily to find facilitators or mediators experienced in preventing and resolving disputes that arise during environmental reviews of transportation projects. Agencies may also look to the sub-roster for such services as conflict assessment, process design, or related professional advice in these same issues.

In order for the sub-roster to be an efficient and effective part of the environmental streamlining ADR system, it must provide agency personnel seeking assistance specific information related to the third-party neutral's experience with environmental reviews of transportation projects. The Institute operates the National Roster of Environmental Dispute Resolution and Consensus Building Professionals (''roster''), which has existed since February 2000. (The roster application is open and continuous and available on Institute's website: www.ecr.gov.) Sub-roster applications will be submitted by those practitioners who are already, or will become, members of the roster. The information already collected through the roster application process is not specific enough to allow all roster members with this particular experience to be identified. Collection of specific information relating to transportation experience will expedite the identification of appropriate neutrals.

The sub-roster information, instructions and application will be available from the Institute's website as a PDF document. The application gathers the information necessary to determine whether the applicant meets the entry criteria and gathers some additional information important to selecting appropriate practitioner candidates for the particular situation. Information will be entered on the application online, similarly to common computerized word processing. It will then be printed out and mailed in. The applicant can also save the application electronically for purposes of updating or revision. Hardcopy applications will be available by request to the Institute. Sub-roster members' names and locations will be tracked and searchable in an electronic database maintained by the Institute. Agencies will be able to request assistance in identifying appropriate practitioners by contacting the Institute Roster Manager.

The draft Sub-Roster Application is attached to the ICR.

E. Burden Statement

This ICR compiles data available from the resumes of most mediators and facilitators with experience in environmental reviews of transportation projects into a format that is standardized and easily accessible for use in making referrals. The application will be submitted only by members of the National Roster of Environmental Dispute Resolution and Consensus Building Professionals, who will have familiarity with providing this type of information as a result of applying for membership; the roster application is filled out and submitted online and is more detailed. Sub-roster applicants will need to complete the sub-roster application only once. They will be able to update their information on a

voluntary basis. The burden includes time spent to: (1) review the entry criteria, definitions, instructions and application; (2) access current (within the last ten years) information about their experience with environmental reviews of transportation projects; and (3) enter the information on the form, print it and mail it.

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 purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information and transmitting information.

Likely Respondents: Current and future members of the National Roster of Environmental Dispute Resolution and Consensus Building Professionals.

Estimated Number of Respondents (first year): 80.

Estimated Number of New Respondents (per year for succeeding year): 10.

Proposed Frequency of Response: one, with voluntary update.

Respondent Time Burden Estimates

Estimate Time per Response: 2.33 hours.

Estimated Number of Updates: 1, for approximately half of previous respondents.

Estimated Time for Update: .25 hours.

Estimated Total First Year Burden: 187 hours (2.33 × 80 respondents).

Estimated Total Second Year Burden: 33 hours (23 hours for 10 new respondents + 10 hours for updates by 40 previous respondents).

Estimated Total Third Year Burden: 34.25 hours (23 hours for 10 new respondents + 11.25 hours for updates by 45 previous respondents).

Respondent Cost Burden Estimates

It is not anticipated that there will be capital or start-up costs (respondents will use the same computer equipment to access the sub-roster application as was used for their National Roster of ECR Practitioner application or respondents can request an application by phone or mail; applications are submitted through US Postal Service.)

Authority: 20 U.S.C. Sec. 5601–5609.

Dated the 9th day of April, 2001.

Christopher L. Helms,

Executive Director, Morris K. Udall Foundation.

[FR Doc. 01–9157 Filed 4–12–01; 8:45 am]

BILLING CODE 6820–FN–P

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Networking Infrastructure Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Advanced Networking Infrastructure and Research (#1207).

Date/Time: May 7–8 and May 10–11, 2001; 8:00 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Taieb Znati, Division of Advanced Networking Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–8949.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Networking Research and Special Projects proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9203 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Networking Infrastructure Research; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Advanced Networking Infrastructure and Research (#1207).

Date/Time: May 3–4, 2001; 8:00 am–5:00 pm.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Taieb Znati, Division of Advanced Networking Infrastructure Research, Room 1175, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230. Telephone: (703) 292–8949.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Information Technology Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9204 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Biological Sciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Biological Sciences (1754).

Date/Time: May 3–4, 2001.

Place: National Science Foundation, 4201 Wilson Boulevard, Room 375, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Susan Mopper, Division of Environmental Biology, Room 635, National Science Foundation, 4201 Wilson Boulevard, Room 375, Arlington, VA 22230. Telephone: (703) 292–8481.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Intergrated Research Challenges in Environmental Biology (IRC–EB) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9207 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Civil and Mechanical Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date and Time: April 30 and May 1, 2001, 8:00 a.m. to 5:00 p.m.

Place: NSF, 4201 Wilson Boulevard, Room 310, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Richard Fragaszy, Program Director, Geomechanics and Geotechnical Systems, Division of Civil and Mechanical Systems, National Science Foundation, 4201 Wilson Blvd. Room 545, Arlington, VA 22230. (703) 292–8360.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate nominations for the FY' 01 IIA Review Panel as part of the selection process for awards.

Reasons for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c)(4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9210 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Computing-Communications Research; Notice of Meetings

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meetings of the Special Emphasis Panel in Computing-Communications Research (#1192):

Date/Time: May 3–4, 2001; 8:00 a.m.–5:00 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meetings: Closed.

Contact Person: Frank Anger, National Science Foundation, 4201 Wilson Boulevard, Room 1145, Arlington, VA 22230, (703) 292–8911.

Purpose of Meetings: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate Information Technology Research proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9205 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Educational Systemic Reform; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Educational Systemic Reform (1765).

Date/Time: May 2–3, 2001 8:30am–5pm.

Place: NSF, 4201 Wilson Blvd., Stafford II Room 525, Arlington, VA.

Type of Meeting: Closed.

Contact Persons: Division of Educational System Reform Program Directors, Room 875, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. Telephone: (703) 292–8690.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate proposals for the Urban Systemic Program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9198 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems (1196).

Date/Time: May 3–4, 2001; 8:30 a.m. to 5 p.m.

Place: National Science Foundation, Stafford II, 4201 Wilson Blvd., Arlington, VA., Room 535.

Type of Meeting: Closed.

Contact Persons: Dr. Usha Varshney, Program Director, Electronics, Photonics and Device Technologies (EPDT), Division of Electrical and Communications Systems, National Science Foundation, 4201 Wilson Boulevard, Room 675, Arlington, VA 22230 Telephone: (703) 292–8339.

Purpose: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals in the EPDT program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemptions 4 and 6 of 5 U.S.C. 552b (c)(4) and (6) the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9208 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Electrical and Communications Systems; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Electrical and Communications Systems (1196).

Date/Time: April 25–26, 2001; 8:30 a.m. to 5:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Kishan Baheti, Program Director, Control, Networks, and Computational Intelligence Program (CNCI) National Science Foundations, 4201 Wilson Boulevard, Room 675, Arlington, VA 22230. Telephone (703) 292–8339.

Purpose: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: To review and evaluate research proposals in the CNCI program as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a

proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are within exemption 4 and 6 of 5 U.S.C. 552b. (c)(4) and (6) the Government in the Sunshine Act.

Reason for Late Notice: Conflicting schedules of members and the necessity to proceed with review of proposals.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9211 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Geosciences; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Geosciences (1756).

Date/Time: May 7–10, 2001, 8:00 a.m. to 5:00 p.m.

Place: Room 770, National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. David J. Verardo, Program Director, Paleoclimate Program, Room 775, Division of Atmospheric Sciences, National Science Foundation–4201 Wilson Blvd., Arlington, VA 22230, (703) 292–8518.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to the National Science Foundation for financial support.

Agenda: To review and evaluate Earth System History (ESH) proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9209 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Committee of Visitors—Special Emphasis Panel for Integrative Activities; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel for Integrative Activities (1373) Committee of Visitors.

Date/Time: May 2–3, 2001, 8:30 a.m.–5:30 p.m.; May 4, 2001, 8:30 a.m.–12:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Partially closed.

Agenda:

May 2

8:00–11:00 Open; Program overview
11:00–4:30 Closed; Review of proposals, proposal processing
4:30–5:30 Open; Review of program results

May 3

8:30–10:15 Closed; Review of proposals, proposal processing
11:15–3:30 Open; Review of program results
3:30–5:30 Closed; Review of proposals, proposal processing

May 4

8:30–11:00 Closed; Review of proposals, proposal processing
11:00–12:00 Open; Presentation of findings

Contact: Patricia F. Goheen, Office of Integrative Activities, Room 1270, National Science Foundation, 4201 Wilson Blvd., Arlington, VA 22230; telephone (703) 292–8040.

Purpose of Meeting: The Committee of Visitors for the Faculty Early Career Development (CAREER) Program will meet to conduct a review of the process by which CAREER proposals are reviewed and the outcomes achieved by funded CAREER projects.

Reason for Closing: During closed sessions, the Committee of Visitors will examine proposals that include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9202 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Materials Research; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463 as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Materials Research (1203).

Date/Time: April 30 and May 1, 3 and 4, 2001; 8:00 a.m.–6:00 p.m.

Place: National Science Foundation, 4201 Wilson Blvd., Room 380, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Guebre X. Tessema, Program Director, National Facilities and Instrumentation, Division of Materials Research, Room 1065, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, Telephone (703) 292–4943.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Agenda: Review and evaluate proposals as part of the selection process to determine finalists considered for the FY2001 Instrumentation for Materials Research (IMR) and Major Research Instrumentation (MRI) Programs.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information, financial data such as salaries, and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552 b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9200 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Panel for Neuroscience; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting;

Name: Advisory Panel for Neuroscience (1158).

Date/Time: May 3–4, 2001; 8:00 a.m. to 5:00 p.m.

Place: Room 545, 4121 Wilson Boulevard, Arlington, Virginia.

Type of Meeting: Part-Open.

Contact Person: Dr. Harald Vaessin, Program Director, Developmental Neuroscience, Division of Integrative Biology and Neuroscience, Suite 685, National Science Foundation, 4201 Wilson Boulevard, Arlington, Virginia 22230. Telephone: (703) 292–8423.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted to NSF for financial support.

Minutes: May be obtained from the contact person listed above.

Agenda: Open Session: May 3, 2001; 4:00 p.m. to 5:00 p.m. to discuss goals and assessment procedures. Closed Session: May 3, 2001, 8:00 a.m. to 4:00 p.m.; May 4, 2001; 8:00 a.m. to 5:00 p.m. To review and evaluate Developmental Neuroscience proposals as part of the selection process for awards.

Reason for Closing: The proposals being reviewed include information of a proprietary or confidential nature, including technical information; financial data, such as salaries; and personal information

concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c) (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Meeting Officer.

[FR Doc. 01–9201 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Physics; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Physics (1208).

Date/Time: May 9–11, 2001, 8:30 am–5:00 pm.

Place: Room II–585, National Science Foundation, 4201 Wilson Blvd Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. John W. Lightbody, Jr., National Science Foundation, 4201 Wilson Blvd, Arlington, VA 22230, Telephone: (703) 292–7378.

Purpose of Meeting: To provide advice and recommendations concerning proposals submitted the National Science Foundation for financila support.

Agenda: Review various proposals.

Reason for Closing: The proposals being review include information of a proprietary or confidential nature, including technical information; financial data such as salaries; and personal information concerning individuals associated with the proposals. These matters are exempt under 5 U.S.C. 552b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9199 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Polar Programs; Notice of Meeting

In accordance with Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Polar Programs (1130).

Date/Time: May 3, 2001; 8:30 am to 5:00 pm; May 4, 2001; 8:30 am to 5:00 pm.

Place: National Science Foundation, 4201 Wilson Blvd., Arlington, VA.

Type of Meeting: Open.

Contact Person: Brenda Williams, Office of Polar Programs (OPP), National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230. (703) 292–8030.

Minutes: May be obtained from the contact person list above.

Purpose of Meeting: To advise NSF on the impact of its policies, programs and activities on the polar research community; to provide advice to the Director of OPP on issues related to long range planning, and to form ad hoc subcommittees to carry out needed studies and tasks.

Agenda: Discussion of NSF-wide initiatives, long-range planning and GPRA.

Dated: April 10, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9206 Filed 4–12–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–423]

Northeast Nuclear Energy Company, et al.; Millstone Nuclear Power Station, Unit No. 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an amendment to Facility Operating License No. NPF–49, issued to the Northeast Nuclear Energy Company, et al., (NNECO or the licensee), for operation of the Millstone Nuclear Power Station, Unit No. 3, located in Waterford, Connecticut.

Environmental Assessment

Identification of the Proposed Action

The proposed action would revise Technical Specification (TS) Sections: 3.3.2.1, ''Instrumentation—Engineered Safety Feature Actuation System Instrumentation;'' 3.3.3.1, ''Instrumentation—Monitoring Instrumentation—Radiation Monitoring;'' 3.7.6.1, ''Plant Systems—Control Room Emergency Ventilation System;'' 3.9.3.1, ''Refueling Operations—Decay Time;'' 3.9.4, ''Refueling Operations—Containment Penetrations;'' 3.9.9, ''Refueling Operations—Containment Radiation Monitoring;'' 3.9.10, ''Refueling Operations—Containment Purge Valve Isolation System;'' 3.9.13, ''Refueling Operations—Storage Pool Radiation Monitoring;'' 3.9.14, ''Refueling Operations—Storage Pool Area Ventilation System—Fuel Movement;'' 3.9.15, ''Refueling Operations—Storage Pool Area Ventilation System—Fuel Storage;'' 3.9.16.1, ''Refueling Operations—Shielded Cask;'' 3.9.16.2, ''Refueling Operations—Shielded Cask;'' 3.9.17, ''Refueling Operations—Movement of Fuel in Spent Fuel Pool;'' and 3.9.19.2, ''Refueling Operations—Spent Fuel Pool—Storage Pattern,'' and add new TS 3.3.4, ''Containment Purge Valve Isolation Signal.'' The requested changes would make the TSs and the Final Safety Analysis Report (FSAR) consistent with new analyses of the fuel handling and cask drop accidents. The Index pages and the Bases for these TSs would be modified to reflect these changes.

The proposed action is in accordance with the licensee's amendment request dated June 29, 2000, as supplemented by letters dated October 16, 2000, and January 25, 2001.

The Need for the Proposed Action

The proposed action is needed for the licensee to move new and spent fuel while the containment is open during refueling operations. NNECO has determined that the current analysis of a fuel handling accident inside containment needs to be revised since the current analysis is not conservative with respect to the amount of fuel damage that will occur. As a result, Millstone Unit No. 3 was required to keep containment isolated during fuel movement inside containment until a revised analysis was approved by the NRC. With the containment isolated, high temperature and humidity conditions create an adverse environment for individuals working inside containment. This type of environment is a personnel safety concern and can increase the potential for human errors. The revised analysis, which was submitted for approval by NNECO in an application dated June 29, 2000, includes a provision to maintain the personnel air lock doors open under administrative control. This will greatly simplify normal entry and egress. This provision will also decrease the time necessary to evacuate containment in the event of a fuel handling accident, thereby decreasing personnel exposure.

Environmental Impacts of the Proposed Action

The NRC has completed its assessment of the potential environmental impacts associated with the changes. These TS changes are supported by a revised fuel handling analyses and cask drop accident analyses. The impact of the above proposed TS changes has been evaluated by the NRC in consideration for approval of the changes and supporting analyses. The TS change will not significantly increase the probability of accidents, no changes are being made in the types of any effluents that may be

released offsite, and there is no significant increase in the allowable individual or cumulative occupational radiation exposure. The consequences of the postulated design basis accidents related to fuel handling and cask drop accidents will be greater than previously evaluated. However, the NRC considers NNECO's approach taken to calculate the dose analysis was conservative and conformed to the NRC Regulatory Guide 1.25. Furthermore, the consequences remain well within 10 CFR Part 100 doses (25 percent of 10 CFR Section 100.11(a)(1)) for offsite releases. Therefore, the TS changes will not significantly increase the consequences of any fuel handling or cask drop accidents.

With regard to potential non-radiological impacts, the proposed action does not involve any historic sites. It does not affect non-radiological plant effluents and has no other environmental impact. Therefore, there are no significant non-radiological environmental impacts associated with the proposed amendment.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (i.e., the ''no-action'' alternative). Denial of the application would result in no significant change in current environmental impacts. Such action would not enhance the protection of the environment and would result in unjustified hardship to the licensee. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Millstone Nuclear Power Station, Unit No. 3.

Agencies and Persons Consulted

In accordance with its stated policy, on January 25, 2001, the staff consulted with the Connecticut State official, Michael Firsick of the Division of Radiation, Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated June 29, 2000, as supplemented by letters dated October 16, 2000, and January 25, 2001. 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 ADAMS Public Library component on the NRC Web site, *http://www.nrc.gov*(the Electronic Reading Room).

Dated at Rockville, Maryland, this 9th day of April 2001.

For the Nuclear Regulatory Commission.

Victor Nerses, Sr.,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–9161 Filed 4–12–01; 8:45 am]

BILLING CODE 7590–01–P

PENSION BENEFIT GUARANTY CORPORATION

Interest Assumption for Determining Variable-Rate Premium; Interest on Late Premium Payments; Interest on Underpayments and Overpayments of Single-Employer Plan Termination Liability and Multiemployer Withdrawal Liability; Interest Assumptions for Multiemployer Plan Valuations Following Mass Withdrawal

AGENCY: Pension Benefit Guaranty Corporation.

ACTION: Notice of interest rates and assumptions.

SUMMARY: This notice informs the public of the interest rates and assumptions to be used under certain Pension Benefit Guaranty Corporation regulations. These rates and assumptions are published elsewhere (or are derivable from rates published elsewhere), but are collected and published in this notice for the convenience of the public. Interest rates are also published on the PBGC's web site (http://www.pbgc.gov).

DATES: The interest rate for determining the variable-rate premium under part 4006 applies to premium payment years beginning in April 2001. The interest assumptions for performing multiemployer plan valuations following mass withdrawal under part 4281 apply to valuation dates occurring in May 2001. The interest rates for late premium payments under part 4007 and for underpayments and overpayments of single-employer plan termination liability under part 4062 and multiemployer withdrawal liability under part 4219 apply to interest accruing during the second quarter (April through June) of 2001.

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

SUPPLEMENTARY INFORMATION:

Variable-Rate Premiums

Section 4006(a)(3)(E)(iii)(II) of the Employee Retirement Income Security Act of 1974 (ERISA) and § 4006.4(b)(1) of the PBGC's regulation on Premium Rates (29 CFR part 4006) prescribe use of an assumed interest rate in determining a single-employer plan's variable-rate premium. The rate is the ''applicable percentage'' (currently 85 percent) of the annual yield on 30-year Treasury securities for the month preceding the beginning of the plan year for which premiums are being paid (the ''premium payment year''). The yield figure is reported in Federal Reserve Statistical Releases G.13 and H.15.

The assumed interest rate to be used in determining variable-rate premiums for premium payment years beginning in April 2001 is 4.54 percent (*i.e.*, 85 percent of the 5.34 percent yield figure for March 2001).

The following table lists the assumed interest rates to be used in determining variable-rate premiums for premium payment years beginning between May 2000 and April 2001.

For premium payment years beginning in:	The assumed interest rate is:
May 2000	4.97
June 2000	5.23
July 2000	5.04
August 2000	4.97
September 2000	4.86
October 2000	4.96
November 2000	4.93
December 2000	4.91
January 2001	4.67
February 2001	4.71
March 2001	4.63
April 2001	4.54

Late Premium Payments; Underpayments and Overpayments of Single-Employer Plan Termination Liability

Section 4007(b) of ERISA and § 4007.7(a) of the PBGC's regulation on Payment of Premiums (29 CFR part 4007) require the payment of interest on late premium payments at the rate established under section 6601 of the Internal Revenue Code. Similarly, § 4062.7 of the PBGC's regulation on Liability for Termination of Single-employer Plans (29 CFR part 4062) requires that interest be charged or credited at the section 6601 rate on underpayments and overpayments of employer liability under section 4062 of ERISA. The section 6601 rate is established periodically (currently quarterly) by the Internal Revenue Service. The rate applicable to the second quarter (April through June) of 2001, as announced by the IRS, is 8 percent.

The following table lists the late payment interest rates for premiums and employer liability for the specified time periods:

From—	Through—	Interest rate (percent)
4/1/95	6/30/95	10
7/1/95	3/31/96	9
4/1/96	6/30/96	8
7/1/96	3/31/98	9
4/1/98	12/31/98	8
1/1/99	3/31/99	7
4/1/99	3/31/00	8
4/1/00	3/31/01	9
4/1/01	6/30/01	8

Underpayments and Overpayments of Multiemployer Withdrawal Liability

Section 4219.32(b) of the PBGC's regulation on Notice, Collection, and Redetermination of Withdrawal Liability (29 CFR part 4219) specifies the rate at which a multiemployer plan is to charge or credit interest on underpayments and overpayments of withdrawal liability under section 4219 of ERISA unless an applicable plan provision provides otherwise. For interest accruing during any calendar quarter, the specified rate is the average quoted prime rate on short-term commercial loans for the fifteenth day (or the next business day if the fifteenth day is not a business day) of the month preceding the beginning of the quarter, as reported by the Board of Governors of the Federal Reserve System in Statistical Release H.15 (''Selected Interest Rates''). The rate for the second quarter (April through June) of 2001 (*i.e.*, the rate reported for March 15, 2001) is 8.50 percent.

The following table lists the withdrawal liability underpayment and overpayment interest rates for the specified time periods:

From—	Through—	Interest rate (percent)
4/1/95	9/30/95	9.00
10/1/95	3/31/96	8.75
4/1/96	6/30/97	8.25
7/1/97	12/31/98	8.50
1/1/99	9/30/99	7.75
10/1/99	12/31/99	8.25
1/1/00	3/31/00	8.50
4/1/00	6/30/00	8.75
7/1/00	3/31/01	9.50
4/1/01	6/30/01	8.50

Multiemployer Plan Valuations Following Mass Withdrawal

The PBGC's regulation on Duties of Plan Sponsor Following Mass Withdrawal (29 CFR part 4281) prescribes the use of interest assumptions under the PBGC's regulation on Allocation of Assets in Single-employer Plans (29 CFR part 4044). The interest assumptions applicable to valuation dates in May 2001 under part 4044 are contained in an amendment to part 4044 published elsewhere in today's **Federal Register**. Tables showing the assumptions applicable to prior periods are codified in appendix B to 29 CFR part 4044.

Issued in Washington, DC, on this 9th day of April 2001.

John Seal,

Acting Executive Director, Pension Benefit Guaranty Corporation.

[FR Doc. 01–9194 Filed 4–12–01; 8:45 am]

BILLING CODE 7708–01–P

OFFICE OF PERSONNEL MANAGEMENT

Proposed Collection; Comment Request for Reclearance of a Revised Information Collection: RI 98–7

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) intends to submit to the Office of Management and Budget (OMB) a request for reclearance of a revised information collection. RI 98–7, We Need Important Information About Your Eligibility for Social Security Disability Benefits, is used to verify receipt of Social Security Administration (SSA) disability benefits, make necessary adjustments to the Federal Employees Retirement System (FERS) disability benefit, and to notify the retiree of any overpayment amount payable to OPM. It also specifically notifies the retiree of his or her responsibility to notify OPM of his or her Social Security status and the consequences of non-notification.

Comments are particularly invited on: whether this collection of information is necessary for the proper performance of functions of the Office of Personnel Management, and whether it will have practical utility; whether our estimate of the public burden of this collection of information 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 the use of appropriate technological collection techniques or other forms of information technology.

Approximately 2,200 RI 98–7 forms will be completed annually. We estimate it takes approximately 5 minutes to complete the form. The annual burden is 183 hours.

For copies of this proposal, contact Mary Beth Smith-Toomey on (202) 606–8358, or email to *mbtoomey@opm.gov.*

DATES: Comments on this proposal should be received on or before June 12, 2001.

ADDRESSES: Send or deliver comments to John W. Crawford, Chief, FERS Division, Retirement and Insurance Service, U.S. Office of Personnel Management, 1900 E Street, NW., Room 3313, Washington, DC 20415–3520.

FOR INFORMATION REGARDING ADMINISTRATIVE COORDINATION CONTACT: Donna G. Lease, Budget and Administrative Services Division, (202) 606–0623.

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–9128 Filed 4–12–01; 8:45 am]

BILLING CODE 6325–50–P

OFFICE OF PERSONNEL MANAGEMENT

Submission for OMB Review; Request for Reinstatement of Revised Optional Forms: OPM Form OF 510, Applying for a Federal Job, and OPM Form OF 612, Optional Application for Federal Employment

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (Public Law 104–13, May 22, 1995), this notice announces that the Office of Personnel Management (OPM) has submitted to the Office of Management and Budget a request for reinstatement of revised optional forms Applying for a Federal Job (OF 510) and Optional Application for Federal Employment (OF 612). The OF 510 is used to provide guidance to the general public on how to apply for Federal jobs. The form provides information on what necessary work, education, and other information applicants should provide in association with vacancy announcements and completing their application method of choice. The OF 612 is a data collection form used to collect applicant qualification information associated with vacancy announcements. The form provides necessary guidance to applicants so that they can be considered for employment when applying for Federal jobs.

A comment request for these optional forms was published in the **Federal Register** on October 8, 1999 [FR Doc. 99–26230]. During the initial 60-day comment request, OPM received and took action on the following comments: (1) Updated Privacy Act and Public Burden Statements have been incorporated in both optional forms; (2) an applicant e-mailed OPM identifying format errors on our downloadable OF 612, a Microsoft Word file, from OPM's USAJOBS web site [http://www.usajobs.opm.gov], which has since been corrected; and (3) one Federal agency e-mailed OPM clarifying whether it was OPM's intention to make the OF 612 mandatory and whether applicants can still use resumes for applying to Federal employment. OPM responded stating we have no intention of making the OF 612 mandatory and that application via a resume is still perfectly acceptable. The OF 612 will continue to be an ''optional form.''

In addition, OPM has revised the OF 510 to include updated information and tips for applying for a Federal job, updated Privacy Act and Public Burden Statements, and re-designed the optional form for a new look and easier flow. The OF 612 has been revised to include updated Privacy Act and Public Burden Statements. Existing stock of both optional forms are still usable until current stock is depleted.

Upon clearance from the Office of Management and Budget, it is OPM's intention to make both optional forms available via OPM's web site and OPM's USAJOBS web site. Presently both existing versions of these optional forms are available on both sites. A transmittal memo from OPM will be sent to all Federal agency personnel directors via the Human Resources Management Council, announcing the approved forms and where/how to order new stock.

For copies of this proposal, contact Mary Beth Smith-Toomey on 202–606–8358 or e-mail at *mbtoomey@opm.gov.*

DATES: Comments on this proposal should be received on or before May 14, 2001.

ADDRESSES: Send or deliver comments to:

U.S. Office of Personnel Management, Employment Service, ATTN: Rob Timmins, 1900 E Street NW., Room 1425, Washington, DC 20415–9820

and

Office of Management & Budget, Office of Information & Regulatory Affairs, ATTN: Joseph Lackey, OPM Desk Officer, New Executive Office Building, NW., Room 10235, Washington, DC 20503

U.S. Office of Personnel Management.

Steven R. Cohen,

Acting Director.

[FR Doc. 01–9127 Filed 4–12–01; 8:45 am]

BILLING CODE 6325–38–P

SECURITIES AND EXCHANGE COMMISSION

[Extension: Form 1, Rules 6a–1 and 6a–2, Rule 6a–3; SEC File No. 270–18; SEC File No. 270–15; OMB Control No. 3235–0017; OMB Control No. 3235–0021]

Proposed Collection; Comment Request

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of Filings and Information Services, Washington, DC 20549.

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) the Securities and Exchange Commission (''Commission'') is soliciting comments on the collections of information summarized below. The Commission plans to submit these existing collections of information to the Office of Management and Budget for extension and approval.

The Securities Exchange Act of 1934 (''Act'') sets forth a regulatory scheme for national securities exchanges. Rule 6a–1 under the Act [1] generally requires an applicant, for initial registration as a national securities exchange, to file an application with the Commission on Form 1. An exchange that seeks an exemption from registration based on limited trading volume also must apply for such exemption on Form 1. Rule 6a–2 under the Act [2] requires registered and exempt exchanges: (1) To amend the Form 1 if there are any material changes to the information provided in the initial Form 1; and (2) to submit periodic updates of certain information provided in the initial Form 1, whether such information has changed or not. The information required pursuant to Rules 6a–1 and 6a–2 is necessary to enable the Commission to maintain accurate files regarding the exchange and to exercise its statutory oversight functions. Without the information submitted pursuant to Rule 6a–1 of Form 1, the Commission would not be able to determine whether the respondent met the criteria for registration or exemption set forth in Sections 6 and 19 of the Act. Without the amendments and periodic updates of information submitted pursuant to Rule 6a–2, the Commission would have substantial difficulty determining whether a national securities exchange or exempt exchange was continuing to operate in compliance with the Act.

The respondents to the collection of information are entities that seek registration as a national securities exchange or that seek exemption from registration based on limited trading volume. After the initial filing of Form 1, both registered and exempt exchanges are subject to ongoing informational requirements.

Initial filings on Form 1 by new exchanges are made on a one-time basis. The Commission estimates that it will receive approximately three initial Form 1 filings per year and that each respondent would incur an average burden of 47 hours to file an initial Form 1 at an average cost per response of approximately $4517. Therefore, the Commission estimates that the annual burden for all respondents to file the initial Form 1 would be 141 hours (one response/respondent x three respondents x 47 hours/response) and $13,551 (one response/respondent x three respondents x $4517/response).

There currently are nine entities registered as national securities exchanges and two exempt exchanges. The Commission estimates that each registered or exempt exchange files one amendment or periodic update to Form 1 per year, incurring an average burden of 25 hours to comply with Rule 6a–2. The Commission estimates that the annual burden for all respondents to file amendments and periodic updates to the Form 1 pursuant to Rule 6a–2 is 275

[1] 17 CFR 240.6a–1

[2] 17 CFR 240.6a–2.

hours (11 respondents x 25 hours/response x one response/respondent per year) and $25,630 (11 respondents x $2330/response x one response/respondent per year).

Section 6 of the Act [3] sets out a framework for the registration and regulation of national securities exchanges. Under Commission Rule 6a–3,[4] one of the rules that implements Section 6, a national securities exchange (or an exchange exempted from registration as a national securities exchange based on limited trading volume) must provide certain supplemental information to the Commission, including any material (including notices, circulars, bulletins, lists, and periodicals) issued or made generally available to members of, or participants or subscribers to, the exchange. Rule 6a–3 also requires the exchanges to file monthly reports that set forth the volume and aggregate dollar amount of securities sold on the exchange each month. The information required to be filed with the Commission pursuant to Rule 6a–3 is designed to enable the Commission to carry out its statutorily mandated oversight functions and to ensure that registered and exempt exchanges continue to be in compliance with the Act.

The respondents to the collection of information are national securities exchanges and exchanges that are exempt from registration based on limited trading volume.

The Commission estimates that each respondent makes approximately 25 such filings on an annual basis at an average cost of approximately $21 per response. Currently, 11 respondents (nine national securities exchanges and two exempt exchanges) are subject to the collection of information requirements of rule 6a–3. The Commission estimates that the total burden for all respondents is 137.5 hours (25 filings/respondent per year x 0.5 hours/filing x 11 respondents) and $5775 ($21/response x 25 responses/respondent per year x 11 respondents) per year.

Written comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted in writing within within 60 days of this publication.

Direct your written comments to Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549.

Dated: April 6, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9167 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

[3] 15 U.S.C. 78f.

[4] 17 CFR 240.6a–3.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27375]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 6, 2001.

Notice is hereby given that the following filing(s) has/have been made with the Commission pursuant to provisions of the Act and rules promulgated under the Act. All interested persons are referred to the application(s) and/or declaration(s) for complete statements of the proposed transaction(s) summarized below. The application(s) and/or declaration(s) and any amendment(s) is/are available for public inspection through the Commission's Branch of Public Reference.

Interested persons wishing to comment or request a hearing on the application(s) and/or declaration(s) should submit their views in writing by May 1, 2001, to the Secretary, Securities and Exchange Commission, Washington, D.C. 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of any attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 1, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

GPU, Inc., et al. (70–7926)

GPU, Inc., (''GPU''), 300 Madison Avenue, Morristown, New Jersey 07962, a registered holding company, and its electric public utility subsidiaries, Jersey Central Power & Light Company (''JCP&L''), Metropolitan Edison Company (''Met-Ed''), and Pennsylvania Electric Company (''Penelec''), (collectively, ''GPU Subsidiaries'' or together with GPU, ''Applicants''), each of 2800 Pottsville Pike, Reading, Pennsylvania 19640 have filed with this Commission a post-effective amendment under sections 6, 7, 9(a), 10 and 12(b) of the Act and rules 45 and 54 under the Act, to their declaration previously filed under the Act.

By orders dated December 15, 2000 (Holding Company Act Release (''HCAR'') No. 27302), June 22, 1999 (HCAR No. 27041), December 22, 1997 (HCAR No. 26801), and July 17, 1996 (HCAR No. 26544) (''Prior Orders''), the Commission, among other things, authorized through December 31, 2003 (''Authorization Period''): (1) the Applicants to issue, sell and renew from time to time their respective unsecured promissory notes, with maturity dates not more than nine months after issuance, to various commercial banks under loan participation arrangements and lines of credit (''Lines of Credit''); (2) the GPU Subsidiaries to issue and sell from time to time their unsecured promissory notes as commercial paper (''Commercial Paper''); (3) the Applicants to issue, sell and renew from time unsecured promissory notes to lenders other than commercial banks, insurance companies or similar institutions (''Other Short-Term Debt'') (borrowings under Lines of Credit, Commercial Paper and Other Short-Term Debt are collectively referred to as ''Short-Term Borrowings''); (4) the Applicants to issue and sell from time to time unsecured promissory notes under an amended and restated credit agreement (''Credit Agreement'') in an aggregate amount of up to $250 million; and (5) GPU to issue and sell from time to time Commercial Paper in aggregate amount of up to $100 million. The authorized amounts of Short-Term Borrowings that may be outstanding at any one time for each Applicants are as follows: GPU, up to $250 million; JCP&L, up to the limitation on short-term indebtedness contained in its charter—$266 million as of December 31, 2000; Met-Ed, up to $150 million; and Penelec, up to $150 million (collectively, ''Authorized Amounts'').

Applicants propose that the GPU Subsidiaries issue, sell and renew Other Short-Term Debt to GPU, in addition to

the lenders authorized in the Prior Orders, from time to time through the Authorization Period. The Authorized Amounts would remain unchanged. Applicants state that the GPU Subsidiaries' first mortgage bond indentures, in general, prohibit the GPU Subsidiaries' from paying common stock dividends except to the extent they have credited amounts to earned surplus—*i.e.,* retained earnings. Applicants state that Met-ed and Penelec currently have only limited amounts of retained earnings from which they may declare and pay common stock dividends to GPU as a result of this prohibition. Accordingly, Applicants stat that in order to provide the GPU Subsidiaries with an alternative source to fund temporary cash flow requirements, GPU would intend to make short-term loans to the GPU Subsidiaries from time to time subject to the Authorized Amounts. Proceeds from these loans will be used by the GPU Subsidiaries for general corporate purposes, but will not be used for the payments of dividends to GPU. Applicants state that the interest that the GPU Subsidiaries pay on the borrowings would not exceed GPU's own average cost of short-term bank borrowing during the period when the loan is outstanding.

In addition, the GPU Subsidiaries seek authority to secure borrowings made from time to time under the Lines of Credit, Other Short-Term Debt and the Credit Agreement. Under ''provider of last resort'' obligations of the New Jersey and Pennsylvania electric utility restructuring legislation, the GPU Subsidiaries are required to supply electricity to consumers who do not receive electricity from an alternative generation supplier. Applicants state that given the GPU Subsidiaries' obligations to offer ''provider of last resort'' supply to retail customers under their respective state restructuring orders, which establish retail rate caps, and the recent financial difficulties encountered by the California electric utilities, GPU is experiencing a significant tightening of its commercial bank and other credit sources. The Credit Agreement expires on May 6, 2001. As a result, Applicants are currently negotiating with the agent banks, The Chase Manhattan Bank and Citibank, N.A. (''Agent Banks''), under the Credit Agreement the possible terms and conditions of a renewal or extension of the Credit Agreement. Applicants state that the Agent Banks have advised GPU that it will be necessary for the GPU Subsidiaries to secure their respective future borrowings under the Credit Agreement (for example, by a pledge of Senior Notes and/or First Mortgage Bonds) in connection with any renewal or extension of its Credit Agreement. Applicants state that the GPU Subsidiaries would not however, secure the borrowings with assets, the disposition of which is subject to Commission approval under the Act, without prior Commission authorization.

Applicants also state that the Agent Banks under the Credit Agreement have advised GPU that it will be necessary to increase the level of certain fees and applicable margins used in the determination of interest rates upon borrowings in connection with any such renewal or extension. Applicants state that the applicable margin and the facility fee will be based upon the level corresponding to the relevant borrower's debt rating at the time of determination. As used in this notice, the term ''Debt Rating'' means, in GPU's case, the lower of the ratings issued by Standard & Poor's Corporation (''S&P'') and Moody's Investors Service, Inc. (''Moody's'') in respect of GPU's senior unsecured non-credit enhanced long-term debt and, in the case of each GPU Subsidiary, the lower of the ratings issued by S&P and Moody's in respect of each of the GPU Subsidiary's senior secured long-term debt. Also, as used in this notice, ''D&P'' means Duff & Phelps, Inc.

Notes issued under the current terms of the Credit Agreement have corresponding applicable margins used in the determination of interest rates as follows:

	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
S&P	A− or better	BBB+	BBB	BBB−	BB+	BB or below*.
Moody's	A3 or better	Baa1	Baa2	Baa3	Ba1	Ba or below*.
D&P	A− or better	BBB+	BBB	BBB−	BB+	BB or below*.
Basis Points Per Annum						
Eurodollar Rate	25.00 b.p.	30.00 b.p.	32.50 b.p.	37.50 b.p.	62.50 b.p.	125.00 b.p.
Facility Fee	10.00 b.p.	12.50 b.p.	15.00 b.p.	20.00 b.p.	37.50 b.p.	50.00 b.p.

*Or unrated.

The new fees and applicable margins used in the determination of interest rates will not be in excess of the following:

	Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
S&P	A or better	A–	BBB+	BBB	BBB–	BB+ or below*
Moody's Debt Rating	A2 or better	A3	Baa1	Baa2	Baa3	Ba1 or below*
Applicable Eurodollar Rate	46.50 basis points.					
Margin**	(''b.p.'')	62.50 b.p.	72.50 b.p.	82.50 b.p.	115.00 b.p.	195.00 b.p.
Facility Fee	18.50 b.p.	20.00 b.p.	22.50 b.p.	25.00 b.p.	30.00 b.p.	50.00 b.p.

** The applicable margin for base rate advances will at all times be 100 basis points below the corresponding applicable margin for eurodollar rate advances (but will not be negative).

The co-agents under the Credit Agreement will each receive an agreement fee not in excess of $500,000 and each participating lender will receive an upfront fee not in excess of 22.5 basis points.

Applicants also propose to increase the aggregate principal amount of promissory notes that they may issue, sell and renew under the Credit Agreement to $500 million. In no event, however, would the aggregate outstanding amount of short-term debt issued by any Applicant at any time

exceed its Authorized Amount through the Authorization Period.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9145 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 24931; 812–12444]

SAFECO Tax-Exempt Bond Trust, et al.; Notice of Application

April 6, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of an application under section 17(b) of the Investment Company Act of 1940 (the ''Act'') for an exemption from section 17(a) of the Act.

SUMMARY OF THE APPLICATION: Applicants request an order to permit a series of a registered open-end management investment company to acquire all of the assets and assume all liabilities of another series of the investment company. Because of certain affiliations, applicants may not rely on rule 17a–8 under the Act.

APPLICANTS: SAFECO Tax-Exempt Bond Trust (''Trust)'', SAFECO Asset Management Company(''SAM''), SAFECO Insurance Company of America (''SAFECO Insurance'') and SAFECO Corporation.

FILING DATES: The application was filed on February 20, 2001. Applicants have agreed to file an amendment to the application during the notice period, the substance of which is reflected in this notice.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 27, 2001, and should be accompanied by proof of service on applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Applicants, 10865 William Road, N.E., Redmond, WA 98052.

FOR FURTHER INFORMATION CONTACT: Emerson S. Davis, Sr., Senior Counsel, at (202) 942–0714, or Michael Mundt, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee from the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (telephone (202) 942–8090.

Applicant's Representations

1. The Trust, a Delaware business trust, is registered under the Act as an open-end management investment company and offers four series, including the SAFECO Insured Municipal Bond Fund (the ''Insured Fund'') and the SAFECO Municipal Bond Fund (the ''Municipal Bond Fund,'' together with the Insured Fund, the ''Funds''). SAM is registered under the Investment Advisers Act of 1940 and is the investment adviser to the Funds. SAFECO Corporation is the parent of SAM and SAFECO Insurance. As of March 14, 2001, SAFECO Insurance owned approximately 31% of the outstanding voting securities of the Insured Fund.

2. On February 8, 2001, a majority of the board of trustees of the Trust (the ''Board''), including all of the trustees who are not ''interested persons,'' as defined in section 2(a)(19) of the Act (''Independent Trustees''), approved a Plan of Reorganization and Termination (the ''Plan''). Under the Plan, the Municipal Bond Fund will acquire all of the assets and assume all of the liabilities of the Insured Fund in exchange for shares of the Municipal Bond Fund (''Reorganization''). The Insured Fund will then distribute the shares of the Municipal Bond Fund to its shareholders of record, so that each shareholder of the Insured Fund will receive a number of full and fractional shares of the Municipal Bond Fund equal in net asset value to the shareholder's Insured Fund shares on the date of the Reorganization. The value of the assets of each Fund will be determined according to the respective Fund's then-current prospectus and statement of additional information. The Insured Fund will liquidate as soon as practicable after the Reorganization, which currently is anticipated to occur on April 30, 2001.

3. Applicants state that the investment objectives, policies and restrictions of the Municipal Bond Fund are substantially the same as those of the Insured Fund. The Insured Fund offers only one class of shares, which is not subject to any front-end or contingent deferred sales charge or rule 12b–7 fee. Shareholders will receive shares of a class of the Municipal Bond Fund with the same charge structure. No sales charges will be imposed in connection with the Reorganization. As determined by the Board, each Fund will bear the expenses incurred by it or on its behalf in connection with the Reorganization, and certain expenses will be borne by SAM.

4. The Board, including a majority of the Independent Trustees, determined that the Reorganization is in the best interests of each Fund and its shareholders, and that the interests of the existing shareholders of each Fund would not be diluted as a result of the Reorganization. In assessing the Reorganization, the Board considered various factors, including: (a) The terms and conditions of the Reorganization; (b) the compatibility of the Funds' investment objectives, policies and restrictions; (c) the Fund's respective investment performances; (d) the expense ratios of the Funds; (e) the costs incurred by each Fund as a result of the Reorganization; and (f) the tax-free nature of the Reorganization.

5. The Reorganization is subject to a number of conditions precedent, including that: (a) The shareholders of the Insured Fund will have approved the Plan; (b) the Insured Fund will have received an opinion of counsel concerning the tax-free nature of the Reorganization; and (c) the Commission will have granted an exemption from section 17(a) of the Act to permit the Reorganization. The Plan may be terminated and the Reorganization abandoned at any time prior to the Reorganization if the Board determines that proceeding with the Reorganization is inadvisable for either Fund. Applicants agree not to make any material changes to the Plan without prior Commission approval.

6. A registration statement on Form N–14 with respect to the Reorganization was filed on February 16, 2001. Materials related to the Reorganization, including a prospectus/proxy statement, were mailed to shareholders of the Insured Fund on March 28, 2001. A special meeting of shareholders of the Insured Fund will be held on April 17, 2001 to vote on the Reorganization.

Applicants' Legal Analysis

1. Section 17(a) of the Act, in relevant part, prohibits an affiliated person of a registered investment company, or an affiliated person of such person, acting as principal, from selling any security to, or purchasing any security from, the company. Section 2(a)(3) of the Act defines and ''affiliated person'' of another person to include (a) any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person; (b) any person 5% or more of whose securities are directly or indirectly owned, controlled, or held with power to vote by the other person; (c) any person directly or indirectly controlling, controlled by, or under common control with the other person; and (d) if the other person is an investment company, any investment adviser of that company.

2. Rule 17a–8 under the Act exempts from the prohibitions of section 17(a) certain mergers, consolidations or sales of substantially all of the assets of registered investment companies that are affiliated persons, or affiliated persons of an affiliated person, solely by reason of having a common investment adviser, common directors, and/or common officers, provided that certain conditions set forth in the rule are satisfied. Applicants believe that rule 17a–8 may not be available in connection with the Reorganization because the Funds may be deemed to be affiliated persons (or affiliated persons of an affiliated person) by reason of SAFECO Insurance's ownership of more than 5% of the outstanding voting shares of the Insured Fund.

3. Section 17(b) of the Act provides, in relevant part, that the Commission may exempt a transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and that the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act.

4. Applicants request an order under section 17(b) exempting them from section 17(a) to the extent necessary to complete the reorganization. Applicants believe that the terms of the Reorganization are reasonable and fair and do not involve overreaching. Applicants state that the investment objectives, policies and restrictions of the Funds are substantially the same. Applicants also state that the Board, including a majority of the Independent Trustees, has determined that the participation by the funds in the Reorganization is in the best interests of each Fund and its shareholders, and that such participation will not dilute the interests of the existing shareholders of each Fund. In addition, applicants state that the Reorganization will be on the basis of the Funds' relative net asset values.

For the Commission, by the Division of Investment Management, under delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9111 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–24927; File No. 812–12210]

State Farm Life Insurance Company, *et al.*

April 5, 2001.

AGENCY: Securities and Exchange Commission (the ''Commission'' or ''SEC'').

ACTION: Notice of Application for an order under Section 11 of the Investment Company Act of 1940 (the 1940 Act'' or ''Act'') permitting certain exchange offers between certain unit investment trusts and certain open-end management investment companies.

Applicants: State Farm Insurance Company (''Life Company''), State Farm Life and Accident Assurance Company (''Accident Company''), State Farm Life Insurance Company Variable Annuity Separate Account (''Life Company VA Separate Account''), State Farm Life and Accident Assurance Company Variable Annuity Separate Account (''Accident Company VA Separate Account,'' and together with the Life Company VA Separate Account, the ''Separate Accounts'' and individually, a ''Separate Account''), State Farm Mutual Fund Trust (the ''Retail Fund'') and State Farm VP Management Corp. (''VP Management Corp.'').

Summary of Application: Applicants seek an order to permit exchanges between individual deferred variable annuity contracts (''Contracts'') of the Separate Accounts or any future Contracts offered by Life Company, Accident Company or any current and future affiliated insurance company (''Future Contracts'') and Retail Fund or any other registered, open-end management investment companies sponsored, organized and advised by a subsidiary of State Farm Mutual Automobile Insurance Company (''Auto Company''), the parent of Life Company, Accident Company and VP Management Corp. (''Future Funds, and together with Retail Fund, the ''Funds''). Auto Company together with its subsidiaries are referred to collectively as ''State Farm.''

Filing Date: The Application was filed on August 7, 2000, and amended and restated on April 3, 2001.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Any interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 27, 2001, and should be accompanied by proof of service on the Applicants in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: c/o Alan Goldberg, Bell, Boyd & Lloyd LLC, 70 W. Madison, Suite 3300, Chicago, IL 60602.

FOR FURTHER INFORMATION CONTACT: Yolanda L. Ross, Senior Counsel, or Lorna J. MacLeod, Branch Chief, Office of Insurance Products, Division of Investment Management, at (202) 942–0670.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the SEC's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (Tel. (202) 942–8090).

Applicants' Representations

1. Life Company and Accident Company are each stock life insurance companies organized under the laws of Illinois and wholly-owned by Auto Company Life Company and Accident Company issue the Contracts.

2. The Life Company VA Separate Account is a separate account of Life Company holding assets relating to the Contracts. Accident Company VA Separate Account is a separate account of Accident Company holding assets relating to Contracts. Each is registered as a unit investment trust under the 1940 Act. Each Separate Account currently has six separate subaccounts, each of which invests in a single corresponding portfolio of State Farm

Variable Product Trust (the ''Trust''), an open-end management investment company. Shares of the Trust are currently sold exclusively to separate accounts of Life Company and Accident Company to fund benefits under variable annuity and variable life contracts.

3. The Funds are composed of the Retail Fund and Future Funds. The Retail Fund offers two classes of shares. Class A shares are offered with a maximum front-end sales charge of 3%, a distribution fee of 0.25% pursuant to Rule 12b–1 under the Act (''Rule 12b–1 fee'') and a shareholder servicing fee of 0.25% not subject to Rule 12b–1. Class B shares are offered with a maximum contingent deferred sales charge of 3%, a distribution Rule 12b–1 fee of 0.65% and shareholder servicing fee of 0.25% not subject to Rule 12b–1. The contingent deferred sales charge is imposed according to the following schedule: first year—3%; second year—2.75%; third year—2.75%; fourth year—2.5%; fifth year—2%; and sixth year—1%. The Retail Fund also will offer an institutional class of shares, which will not be able to participate in an offer of exchange. Each portfolio of the Retail Fund will pay an advisory fee and certain other expenses. Future Funds may have similar types of fees and expenses.

4. VP Management Corp. is wholly-owned by Auto Company, and is registered as a broker-dealer under the Securities Exchange Act of 1934. VP Management Corp. distributes the Contracts and will distribute the shares of the Retail Fund and any Future Funds.

5. Life Company offers Contracts to individuals through the Life Company VA Separate Account, and Accident Company offers Contracts to individuals through the Accident Company VA Separate Account. A Contract Owner may choose to have purchase payments invested in any of the respective Separate Account's subaccounts. Subject to certain limitations, Contract Owners may transfer subaccount units at net asset value among the various subaccounts. Applicants may deduct a surrender charge when a Contract Owner makes a withdrawal or surrenders the Contract during the first seven years of the Contract, but does not deduct any sales charge from premium payments. Applicants calculate the surrender charge as a percentage of the amount withdrawn or surrendered that is not eligible for a free withdrawal as described in the Application. The applicable percentage is 7% the first year of the Contract, and declines by 1% in each following year, until it reaches 0% in the eighth year of the Contract. Applicants deduct from each Contract, or respective Separate Account, a daily charge for mortality and expense risk currently equal on an annual basis to 1.15% of net assets, and an annual administrative fee (currently $30) on each Contract anniversary, on the surrender date or on the annuity date.

6. Proposed Exchange from Contracts to Funds. The Funds propose to offer Contract Owners who desire to surrender their Contracts or withdraw part of their Accumulation Value (as defined in the Contract) and use the proceeds to purchase either Class A or Class B shares of the Funds (except in limited circumstances), the option to transfer such proceeds directly to the Funds for the purchase of such shares. Applicants will waive any otherwise applicable surrender charge on the surrenders or withdrawals in connection with an exchange. Any front-end sales charge usually imposed on purchases of Class A Fund shares will be imposed on Class A Fund shares purchased with that portion, if any, of the redemption proceeds of a Contract on which the Contract Owner would have paid a surrender charge had it not been waived. Any front-end sales charge usually imposed on purchases of Fund shares will be waived with respect to Fund shares purchased with that portion, if any, of the redemption proceeds of a Contract on which a Contract Owner would not have paid a surrender charge. Any contingent deferred sales charge usually imposed on redemption of Class B Fund shares will be imposed on Class B Fund shares purchased with that portion, if any, of the redemption proceeds of a Contract on which the Contract Owner would have paid a surrender charge had it not been waived. Any contingent deferred sales charge will be calculated as if the Class B Fund shares were held as of the date of the Contract was held and the Class B Fund shares were purchased at the time the purchase payments were made. For those Contract Owners whose surrender charge would have been less than the front-end sales charge on Class A Fund shares had Life Company or Accident Company imposed the surrender charge at the time of the exchange, Applicants will apply the proceeds of the exchange solely to Class B Fund shares.

7. Proposed Exchange from the Funds to the Contracts. The Life Company, the Accident Company and the Separate Accounts propose to offer Fund shareholders who desire to redeem their shares (including shares acquired through the reinvestment of dividends and distributions arising from ownership of shares of the Funds) and use the redemption proceeds to purchase a Contract, the option to transfer such redemption proceeds directly from the Funds to Applicants along with an application for a Contract. The contingent deferred sales charge customarily imposed on redemption of Fund shares will be waived; and any surrender charge on the subsequent surrender of the Contracts will be waived to the extent such Contracts were purchased with the redemption proceeds of Class A Fund shares. Any surrender charge on the subsequent surrender of the Contracts will be imposed to the extent such Contracts were purchased with the redemption proceeds of Class B Fund shares. Any surrender charge will be calculated as if the Contract were held as of the date the Fund shares were held and the purchase payments under the Contract were made at the time the Fund shares were purchased.

8. Each exchange would be effected at the relative net asset values of the securities exchanged, and would be priced according to Rule 22c–1 under the Act. Applicants would, in their sole discretion, determine to whom an exchange offer would be made, the time period during which the exchange offer would be in effect, and when to terminate an exchange offer. Applicants may establish fixed periods of time for certain exchanges (a ''window'') of at least 60 days. No open-ended exchange offer would be terminated or its terms amended materially without prominent notice to any shareholder or Contract Owners subject to that offer of the impending termination or amendment at least 60 days prior to that offer of the termination or the effective date of the amendment; provided, however, that no such notice would be required if, under extraordinary circumstances either: (a) there was a suspension in redemption of the exchanged security under section 22(e) of the Act or rules thereunder; or (b) the offering company was temporarily to delay or cease the sale of the security because it was unable to invest amounts effectively in accordance with applicable investment objectives, policies and restrictions.

9. Applicants, subject to certain conditions more fully described in the Application, propose to retain the flexibility to impose holding periods, to limit exchanges by any one investor and to exclude specific Funds (or series or classes of shares thereof) from exchange offers, with the aim of curbing any pattern of abuse that might appear. No holding period will be imposed in connection with an exchange unless either no sales load is imposed on the

security to be acquired or such sales load imposed is less than the maximum that would be allowed if the restrictions in Rule 11a–3(b)(4) under the Act applied to the transaction. Any such holding period will be established by the offering entity and will apply uniformly to all security holders of the class specified.

10. Applicants represent that at the commencement of the exchange offers, and as long as the offers remain in effect, the prospectus of each applicable Contract and Fund will: (a) Describe the terms of each offer; (b) disclose any surrender charge, sales charge or administrative fee that would be imposed in connection with the exchange program; (c) disclose that each exchange offer is subject to termination and its terms are subject to change; and (d) describe the tax implications of the exchanges including, if appropriate, a description of any adverse tax consequences of an exchange.

11. Applicants request that the Commission order extend to: (a) all future Contracts issued by Life Company, Accident Company or any current and future State Farm insurance company, to the separate accounts relating to any such Contracts, and to the underwriters distributing the Contracts (''Future Contracts''); and (b) all Future Funds.

Applicants' Legal Analysis

1. Section 11(a) of the Act provides, in pertinent part, that it shall be unlawful for any registered open-end company or any principal underwriter for such a company to make or cause to be made an offer to the holder of a security of such company, or of any other open-end investment company, to exchange that security for a security in the same or another such company on any basis other than the relative net asset values of the respective securities to be exchanged, unless the terms of the offer have first been submitted to and approved by the Commission. Section 11(c) of the Act provides that, irrespective of the basis of exchange, Commission approval is required for any offer of exchange of any security of a registered unit investment trust for the securities of any other investment company. Accordingly, although Applicants believe that the proposed exchanges are at relative net asset value, Commission approval is required for the proposed exchanges because of the involvement of the Separate Accounts, each of which is a registered unit investment trust. Applicants state that they cannot rely on Rule 11a–2 nor rule 11a–3 because neither rule permits exchanges between a unit investment trust separate account and an open-end investment company that is not a separate account.

2. The legislative history of section 11 indicates that its purpose is to provide the Commission with an opportunity to review the terms of certain offers of exchange to ensure that a proposed offer is not being made ''solely for the purpose of exacting additional selling charges.'' H. Rep. No. 2639, 76th Cong., 2d Sess. 8 (1940). One of the practices Congress sought to prevent through Section 11 was the practice of inducing investors to switch securities so that the promoter could charge investors another sales load.

3. The proposed exchange offers will be based on the relative net asset values of the interests exchanged. Applicants represent that the offers of exchange will not generate duplicative sales charges or any other duplicative revenues, but will offer the Contract Owners and Fund shareholders the opportunity to use proceeds from one investment to acquire an interest in a different investment at a cost less than would apply in the absence of the exchange offer. Pursuant to each exchange offer, sales charges that would otherwise apply to the exchanged securities or the acquired securities are waived in certain cases.

4. In each exchange, Applicants emphasize that in no case will more than the full sales load on one security be assessed in connection with the exchanged and acquired security. Accordingly, Applicants submit the relief they request is consistent with the policies and purposes of Rules 11a–2 and 11a–3 under the 1940 Act and that the exchange would satisfy the sales load requirements of rules 11a–2 and 11a–3 under the Act if such rules applied. Those rules would permit the imposition of the full sales charge on an acquired security where, as here, no other sales charges are imposed in connection with the exchanges. Applicants assert that their proposal to impose sales charges on certain exchanges has been designed to result in the exchanging investor more nearly bearing his or her fair share of sales expense.

5. Applicants assert that the Commission, in adopting Rule 11a–3 under the Act, did not prohibit or restrict exchange offers where the acquired mutual fund shares involve a Rule 12b–1 fee. They further assert that the Commission recognized the possibility that the acquired security might have a Rule 12b–1 fee, by considering that as a factor in calculating the holding period for deferred sales charges.

6. Under the Contracts, a $30 annual administrative charge will be deducted for the year of the surrender pursuant to Rule 6c–8 upon full surrender of the Contract. Applicants submit that the imposition of this charge in connection with exchanges is fair and reasonable and consistent with the spirit and purpose of Rules 11a–2 and 11a–3 under the Act. Failure to impose this charge would result in exchanging investors avoiding their fair share of the costs of administering the Contracts. Applicants represent that the administrative charge is not designed to yield a profit to any Applicant, and is used solely to cover the Applicants' administrative costs.

7. The proposed exchanges may constitute taxable events for the investors involved. Nevertheless, the Funds and the Contracts being offered pursuant to the exchange program incorporate features which are markedly different from each other. The differences, for example, include different underlying media; the presence of annuity coverage; differences in the timing, nature and amount of charges; and different tax consequences. Applicants submit, therefore, that the features of a security being offered may very well provide a useful complement to the security then owned by the investor. The security offered may also provide a useful alternative to the security then owned by the investor and may be more appropriate to the current economic, investment and tax needs of the investor. Full disclosure of the particulars of each exchange offer will be made in the prospectus or statement of additional information, as appropriate, for the relevant security being offered.

8. Applicants submit that providing class relief is appropriate. All exchanges that would be permitted under the order would be on the same terms as the exchanges between the Separate Accounts and the Funds. Therefore, there would be no possibility of the switching abuses Congress sought to prevent through section 11. Without class relief, before Contract Owners and Fund shareholders could be given additional exchange options, Applicants would have to apply for and obtain additional exemptive orders. Applicants believe that these additional applications would present no new issues under the Act not already addressed in their Application.

9. Applicants believe that for the reasons set forth above, none of the abuses which Section 11 was enacted to prevent would be present. Applicants submit that the proposed offers of

exchange are consistent with the intent and purpose of section 11, and would provide a benefit to Contract owners and Fund shareholders by providing new investment options, and an attractive way to exchange existing interests in the Contracts for interests in open-end management investment companies.

Conclusion

For the reasons summarized above, Applicants request that the Commission issue an order under Sections 11(a) and 11(c) of the Act approving the exchange offers described in the Amended Application.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9112 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–24933; File No. 812–12362]

USAA Life Insurance Company, et al.

April 9, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order pursuant Section 26(b) of the Investment Company Act of 1940 (the ''Act'') approving certain substitutions of securities.

SUMMARY OF APPLICATION: Applicants request an order to permit unit investment trusts to substitute: (a) shares of Vanguard Variable Investment Trust (''Vanguard VIT'') Equity Index Portfolio for shares of Deutsche VIT Funds (''Deutsche VIT'') Equity 500 Index; (b) shares of Vanguard VIT Small Company Growth Portfolio for Shares of Deutsche VIT Small Cap Index; (c) shares of Vanguard VIT International Portfolio for shares of USAA Life Investment Trust (''LIT'') International Fund and shares of Deutsche VIT EAFE® Equity Index; and (d) shares of Vanguard VIT Money Market Portfolio for shares of LIT Money Market Fund. The shares to be replaced are currently held by USAA Life Insurance Company Variable Annuity Separate Account and USAA Life Variable Universal Life Insurance Separate Account to support certain variable annuity contracts (''Contracts'') and variable universal life insurance policies (''Policies'').

APPLICANTS: USAA Life Insurance Company (''USAA Life''); USAA Life Insurance Company Variable Annuity Separate Account (''VA Separate Account'') and USAA Life Variable Universal Life Insurance Separate Account (''VUL Separate Account'') VA Separate Account and VUL Separate Account are referred to collectively as the ''Accounts'').

FILING DATE: The application was filed on December 13, 2000 and amended on April 5, 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Secretary of the Commission and serving Applicants with a copy of the request personally, or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on April 30, 2001 and should be accompanied by proof of service on Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants: Cynthia A. Toles, Esq., General Counsel, C–3–W, USAA Life Insurance Company, 9800 Fredericksburg Road, San Antonio, Texas 78288–3051, and Diane E. Ambler, Esq., Kirkpatrick & Lockhart LLP, 1800 Massachusetts Avenue, N.W., Washington, DC 20036.

FOR FURTHER INFORMATION CONTACT: Kenneth C. Fang, Attorney, or Keith E. Carpenter, Branch Chief at (202) 942–0670, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application; the complete application may be obtained for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, N.W., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations:

1. USAA Life is a stock life insurance company organized under Texas law. USAA Life is a wholly-owned subsidiary of United Services Automobile Association.

2. The Accounts are registered under the Act as unit investment trusts (File Nos. 811–08670 (the VA Account) and 811–08625 (the VUL Account)). The assets of the VA Account support certain VA Contracts. The assets of the VUL Account support certain VUL Policies. Units of interest under the Contracts have been registered under the Securities Act of 1933 (''1933 Act'') on Form N–4 and interests in the Policies have been registered under the 1933 Act on Form S–6.

3. Each Account is divided into twelve ''Variable Fund Accounts,'' each of which invests in a different investment portfolio (''Portfolio''). Seven of these Portfolios are series of LIT, one is a series of Scudder Variable Life Investment Fund, one is a series of Alger American Fund and three are series of Deutsche VIT.

4. USAA Life has reserved the right under the Contracts and the Policies to substitute shares of another eligible investment fund for any of the current Portfolios.

5. USAA Life and the Accounts proposes to substitute: (a) shares of the Vanguard VIT Equity Index Portfolio (''Equity Index Replacement Portfolio'') for shares of the Deutsche VIT Equity 500 Index (''Equity 500 Index Eliminated Fund''); (b) shares of the Vanguard VIT Small Company Growth Portfolio (''Small Company Growth Replacement Portfolio'') for shares of the Deutsche VIT Small Cap Index (''Small Cap Index Eliminated Fund''); (c) shares of the Vanguard VIT International Portfolio (''International Replacement Portfolio'') for shares of the LIT International Fund (''International Eliminated fund'') and shares of Deutsche VIT EAFE® Equity Index (''EAFE® Equity Index Eliminated Fund''); and (d) shares of Vanguard VIT Money Market Portfolio (''Money Market Replacement Portfolio'') for shares of LIT Money Market Fund (''Money Market Eliminated Fund''). Each of the Equity 500 Index Eliminated Fund, Small Cap Index Eliminated Fund, International Eliminated Fund, EAFE® Equity Index Eliminated Fund, and Money Market Eliminated Fund also may be referred to herein as an ''Eliminated Portfolio.'' Each of the Equity Index Replacement Portfolio, Small Company Growth Replacement Portfolio, International Replacement Portfolio and Money Market Replacement Portfolio also may be referred to herein as a ''Replacement Portfolio.''

6. The investment objectives, strategies and risks of the Equity Index Replacement Portfolio and the Equity 500 Index Eliminated Fund are substantially similar. Both funds are passively managed index funds which seek to replicate the performance of the S&P 500 Index by investing primarily in the stocks of large U.S. companies listed on the S&P 500 Index. Both funds are subject to market, investment style and

tracking error risk, as well as the risks associated with the use of futures and options. An investor in the Equity Index Replacement Portfolio is generally attempting to achieve the same long-term goals through the same investments as an investor in the Equity 500 Index Eliminated Fund. Thus, after the proposed Substitution, an Owner who allocated value to the Equity 500 Index Eliminated Fund will continue to have value allocated to a Variable Fund Account that seeks to replicate the performance of the S&P 500 Composite Price Index and would have assumed a similar level of risk.

7. The investment objectives, policies and risks of the Small Company Growth Replacement Portfolio and the Small Cap Index Eliminated Fund are substantially similar. Both funds seek long-term capital appreciation. Although their investment strategies differ, in that the Small Company Growth Replacement Portfolio is actively managed and the Small Cap Index Eliminated Fund is passively managed, the Small Company Growth Replacement Portfolio and the Small Cap Index Eliminated Fund have similar investment portfolios as both funds invest primarily in the stocks of small companies with median market capitalizations below $1 billion. Additionally, both funds are subject to market risk and investment style risk, as well as the risks associated with investments in small companies and use of futures and options. Given the differences in their investment strategies, the Small Company Growth Replacement Portfolio is subject to manager risk while the Small Cap Index Eliminated Fund is subject to tracking error risk. Nevertheless, an investor in the Small Company Growth Replacement Portfolio is generally attempting to achieve the same long-term goals through the same investments as an investor in the Small Cap Index Eliminated Fund. Thus, after the proposed Substitution, an Owner who allocated value to the Small Cap Index Eliminated Fund would continue to have value allocated to a Variable Fund Account that seeks long-term capital appreciation through investment in small company stocks, and would have assumed a similar level of risk.

8. The investment objectives, policies and risks of the International Replacement Portfolio, the International Eliminated Fund and the EAFE® Equity Index Eliminated Fund are substantially similar. The International Replacement Portfolio, the EAFE® Equity Index Eliminated Fund and the International Eliminated Fund all seek long-term capital appreciation. Although their investment strategies differ in that the International Replacement Portfolio and the International Eliminated Fund are actively managed funds, and the EAFE® Equity Index Eliminated Fund is passively managed, the International Replacement Portfolio, the EAFE® Equity Index Eliminated Fund and the International Eliminated Fund all have investment portfolios comprised primarily of the stocks of seasoned foreign companies. Moreover, all three funds are subject to market risk, as well as the risks associated with investment in foreign securities, though the International Replacement Portfolio and the International Eliminated Fund, which are actively managed, are subject to manager risk, rather than tracking error risk, like the EAFE® Equity Index Eliminated Fund, which is passively managed. Given the similarity of their investment objectives, investment portfolios and risks, the Applicants have determined to substitute only the International Replacement Portfolio for both the EAFE® Equity Index Eliminated Fund and the International Eliminated Fund. An investor in either the International Eliminated Fund or the EAFE® Equity Index Eliminated Fund is generally attempting to achieve the same long-term goals through the same investments as an investor in the International Replacement Portfolio.

9. The investment objectives, policies and risks of the Money Market Replacement Portfolio and the Money Market Eliminated Fund are substantially similar. Both funds seek to provide income and maintain liquidity through investments in money market instruments and are subject to interest rate risk and credit risk. An investor in the Money Market Replacement Portfolio is generally attempting to achieve the same long-term goals through the same investments as an investor in the Money Market Eliminated Fund. Thus, after the proposed Substitution, an Owner who allocated value to the Money Market Eliminated Fund would continue to have value allocated to a Variable Fund Account that seeks to provide income and maintain liquidity through investments in money market instruments and would have assumed a similar level of risk.

10. Applicants assert that they can better serve the interests of Contract owners and Policy owners (collectively, ''Owners'') by replacing certain existing Portfolios with portfolios having comparable investment objectives, policies and risks, lower expenses (in all but one case, where the difference is negligible) and more favorable performance on a historical basis.

11. The advisory fees, total expenses and net assets of the Eliminated Portfolios and the Replacement Portfolios for the period ending December 31, 2000, are set forth in the table below. In each case, the advisory fee paid by each Replacement Portfolio is lower than that of the Eliminated Portfolio that it replaces. The total expenses paid by the Replacement Portfolios for the period ending December 31, 2000, are lower than the total expenses of the Eliminated Portfolios, other than with respect to the Small Company Growth Replacement Portfolio, with total expenses of .01% in excess of the total expenses of the Small Cap Index Eliminated Fund.

12. As further set forth below, the proposed Substitutions would replace each Eliminated Portfolio with a Replacement Portfolio of a substantially larger asset size. Generally speaking, larger funds tend to have lower expenses than comparable funds that are substantially smaller. This is because, with a larger asset size, fixed fund expenses are spread over a larger base, lowering the expense ratios. Also, larger funds may have lower trading expenses, potentially resulting in higher returns.

Fund	Advisory fee (percent)	Total expenses* (percent)	Net assets ($M)
Equity Index Replacement Portfolio	.01%	.16%	$1,387
Equity 500 Index Eliminated Fund	.20	.30	428
Small Company Growth Replacement Portfolio	.15	.46	467
Small Cap Index Eliminated Fund	.35	.45	104
International Replacement Portfolio	.125	.38	350
EAFE ® Equity Index Eliminated Fund	.45	.65	80
International Eliminated Fund	.65	1.10	27
Money Market Replacement Portfolio	.01	.17	872

Fund	Advisory fee (percent)	Total expenses* (percent)	Net assets ($M)
Money Market Eliminated Fund	.20	.35	27

*The data reflects an expense cap currently in effect for each of the Eliminated Portfolios, and actual expenses are higher. The Replacement Portfolios have no expense cap. Vanguard represents that it provides its services on an ''at-cost'' basis, the Replacement Portfolios' expense ratios reflect only these costs, and the Replacement Portfolios do not impose fees for Rule 12b–1 Plans.

13. As illustrated in the table below, the actual expenses of the Replacement Portfolios fall well below the actual fees incurred by the Eliminated Portfolios, for the period ending December 31, 2000. The actual expenses of the Replacement Portfolios also fall well below the capped fees of the Eliminated Portfolios for the same period, other than in the case of the Small Company Growth Replacement Portfolio, with actual expenses of .01% higher than the capped expenses of the Small Cap Index Eliminated Fund.

Portfolio	Actual expenses as of 12/31/00 (percent)	Expense cap	Portfolio	Actual expenses as of 12/31/00 (percent)
Equity 500 Index Eliminated Fund	.34	.30	Equity Index Replacement Portfolio	.16
Small Cap Index Eliminated Fund	.69	.45	Small Company Growth Replacement Portfolio	.46
International Eliminated Fund	1.39	1.10	International Replacement Portfolio	.38
EAFE® Equity Index Eliminated Fund	.92	.65	International Replacement Portfolio	.38
Money Market Eliminated Fund	.63	.35	Money Market Replacement Portfolio	.17

14. The actual expenses of the Small Cap Index Eliminated Fund were .69% for the period ending December 31, 2000. When compared against the actual expenses of the Small Company Growth Replacement Portfolio for the same period, the Small Company Growth Replacement Portfolio's expenses are .23% lower, as shown on the chart above. Applicants assert that the relatively insignificant amount of the increase in fund expenses over that of the Small Cap Index Eliminated Fund, as currently capped, and the more significant amount of the decrease in fund expenses from the Small Cap Index Eliminated fund's actual expenses indicates no harm to investors related to fee levels.

15. For the period ending December 31, 2000, the Small Company Growth Replacement Portfolio has an expense ratio that is only .01% higher than the Small Cap Index Eliminated Fund, a difference that Applicants believe is offset by the Small Company Growth Replacement Portfolio's more favorable performance. As illustrated in the chart below, the Small Company Growth Replacement Portfolio's historical performance exceeded that of the Small Cap Index Eliminated Fund by 19.67 points for one year and by 13.88 points since inception for the period ending December 31, 2000.

16. The more favorable performance of the Small Company Growth Replacement Portfolio also suggests that this fund would provide better overall investment returns for Owners. The Applicants believe that the Small Company Growth Replacement Portfolio's performance also suggests possible future growth and the potential decline in the Small Company Growth Replacement Portfolio's expense ratio as fixed fund expenses are spread over a larger asset base.

17. The chart below compares the average annual total returns for the Replacement Portfolios and the Eliminated Portfolios for one year, five years, and since inception for the period ending December 31, 2000. In each case, other than the return of the Money Market Replacement Portfolio since inception, the historical performance of the Replacement Portfolio is more favorable than or comparable to that of the corresponding Eliminated Portfolio. Applicants believe that the difference in historical performance since the inception of the Money Market Replacement Portfolio and the Money Market Eliminated Fund is offset by the one year and five year performance of the Money Market Replacement Portfolio, with returns exceeding those of the Money Market Eliminated Fund.

Fund	Performance NAV average annual total return as of 12/31/00	One year ending 12/31/00 (percent)	
		Five year ending 12/31/00 (percent)	Since inception (percent)
Equity Index Replacement Portfolio	−9.04	18.31	16.26
Equity 500 Index Eliminated Fund	−9.24	.....	11.71
Small Company Growth Replacement Portfolio	15.80	.....	19.13
Small Cap Index Eliminated Fund	−3.87	.....	5.25
International Replacement Portfolio	−6.70	10.49	10.59
Deutsche EAFE®Equity Index Eliminated Fund	−16.66	.....	5.78
International Eliminated Fund	−10.08	.....	5.59
Money Market Replacement Portfolio	6.47	5.62	5.02
Money Market Eliminated Fund	6.22	5.41	5.46

18. By supplements to the prospectuses for the Contracts and the Policies, USAA Life has notified affected owners of the VA Contracts and the VUL Policies of its intention to take the necessary actions, including seeking the order requested by this application, to substitute shares of the funds as described therein. The prospectus supplements for the Contracts and the Policies inform Owners that, for a period beginning 30 days before May 1, 2001 (the ''Substitution Date''), and ending no earlier than 60 days after the Substitutions, Owners will be permitted to transfer value among the Variable Fund Accounts and from the Variable Fund Accounts to the Fixed Fund Account without limitation and free of any otherwise applicable transfer charges.

19. Within five business days after the proposed substitutions, USAA will mail a written notice to all Owners affected by the Substitutions informing them that the Substitutions were completed (''Notice''), as well as a current prospectus and a confirmation of the transaction.

20. The proposed substitutions will take place at relative net asset value with no change in the amount of any Owners's Contract or Policy value, cash value or death benefit or in the dollar value of his or her investment in any of the Variable Fund Accounts.

21. The process for accomplishing the transfer of assets from an Eliminated Portfolio to a Replacement Portfolio will be determined on a case-by-case basis. It is expected that the Substitutions will be effected by redeeming shares of an Eliminated Portfolio for cash and using the cash to purchase shares of a Replacement Portfolio.

22. In certain cases, Substitutions may be effected in whole or in part by redeeming the shares of an Eliminated Portfolio in-kind and contributing those assets in-kind to the corresponding Replacement Portfolio for the purchase of fund shares. All in-kind redemptions from an Eliminated Portfolio, of which any of the Applicants is an affiliated person within the meaning of Section 2(a)(3) of the Act, will be effected in accordance with the conditions set forth in the no-action letter issued to Signature Financial Group (available December 28, 1999) by the Commission staff.

23. Owners will not incur any fees or charges as a result of the substitutions, nor will their rights or USAA's obligations under the Contracts or the Policies be altered in any way. All expenses incurred in connection with the proposed substitutions, including brokerage, legal, accounting and other fees and expenses, will be repaid by USAA Life. In addition, the proposed substitutions will not impose any tax liability on Owners.

Applicants' Legal Analysis

1. Section 26(b) of the Act requires the depositor of a registered unit investment trust holding the securities of a single issuer to obtain Commission approval before substituting the securities held by the trust. Specifically, Section 26(b) states:

It shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution. The Commission shall issue an order approving such substitution if the evidence establishes that it is consistent with the protection of investors and the purposes fairly intended by the policy and purposes of this title.

2. The Applicants state that the proposed substitutions involve substitutions of securities within the meaning of Section 26(b) of the Act and request that the Commission issue an order pursuant to Section 26(b) of the Act approving the proposed substitutions.

3. USAA Life has reserved the right under the Contracts and the Policies to substitute shares of another eligible investment fund for any of the current Portfolios.

4. The Applicants request an order of the Commission pursuant to Section 26(b) of the Act approving the proposed substitutions by USAA Life. The Applicants assert that the proposed substitutions are consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

5. The Applicants assert that each of the proposed substitutions is not the type of substitution which Section 26(b) was designed to prevent. Unlike traditional unit investment trusts where a depositor could only substitute investment securities in a manner which permanently affected all investors in the trust, the Contracts and Policies provide each Owner with the right to exercise his or her own judgment, and transfer Contract or Policy values and cash values into and among the Variable Fund Accounts. Moreover, for a period beginning 30 days before the Substitution Date, and ending no earlier than 60 days after the Substitutions, Owners will be permitted to transfer value among the Variable Fund Accounts and from the Variable Fund Accounts to the Fixed Fund Account, without limitation and free of any otherwise applicable transfer charges. The Applicants assert that the proposed substitutions, therefore, will not result in the type of costly forced redemption which Section 26(b) was designed to prevent.

6. The Applicants assert that the proposed substitutions also are unlike the type of substitution which Section 26(b) was designed to prevent in that by purchasing a Contract or a Policy, Owners select much more than a particular investment company in which to invest their account values. They select the specific type of insurance coverage offered by USAA Life under a Contract or a Policy as well as numerous other rights and privileges set forth in the Contract or Policy. Owners may also have considered USAA Life's size, financial condition, and its reputation for service in selecting their Contract and/or Policy. These factors will not change as a result of the proposed substitutions.

Terms

The significant terms of the proposed Substitutions described above are as follows:

1. The investment objectives and risks of the Replacement Portfolios are substantially similar to the investment objectives and risks of the Eliminated Portfolios, providing Owners with a means to continue their investment goals and risk expectations. Additionally, the Substitutions are expected to confer economic benefits to Owners as the Replacement Portfolios generally afford Owners lower advisory fees, lower total expenses and more favorable performance on an historical basis. Accordingly, the Applicants anticipate that Owners will be better off with the array of Variable Fund Accounts offered after the proposed Substitutions than they have been with the array of Variable Fund Accounts offered prior to the proposed Substitutions.

The Equity Index Replacement Portfolio. In the case of the proposed substitution of the Equity Index Replacement Portfolio for the Equity 500 Index Eliminated Fund, the Eliminated Portfolio is being replaced by a fund with: (a) a substantially similar investment objective; (b) a substantially similar risk profile; (c) a lower advisory fee; (d) lower total expenses; and (e) more favorable historical performance.

The Small Company Growth Replacement Portfolio. With respect to the proposed substitution of the Small Company Growth Replacement Portfolio for the Small Cap Index Eliminated

Fund, the Eliminated Portfolio is being replaced by a fund with: (a) a substantially similar investment objective; (b) a substantially similar risk profile; (c) a lower advisory fee (though slightly higher total expenses); and (d) more favorable historical performance.

The International Replacement Portfolio. In the case of the proposed substitution of the International Replacement Portfolio for the International Eliminated Fund and the EAFE® Equity Index Eliminated Fund, each of the Eliminated Portfolios is being replaced by a fund with: (a) a substantially similar investment objective; (b) a substantially similar risk profile, (c) a lower advisory fee; (d) lower total expenses; and (e) more favorable historical performance.

The Money Market Replacement Portfolio. With respect to the proposed substitution of the Money Market Replacement Portfolio for the Money Market Eliminated Fund, the Eliminated Portfolio is being replaced by a fund with: (a) substantially similar investment objectives; (b) a substantially similar risk profile; (c) a lower advisory fee; (d) lower total expenses; and (e) more favorable historical performance for the one year and five year periods ending December 31, 2000.

2. Investments in the Replacement Portfolios may be temporary investments for Owners as Owners may exercise their own judgment as to the most appropriate investment alternative available to them. In this regard, the proposed Substitutions retain for Owners the investment flexibility which is a central feature of the Contracts and the Policies. If the proposed Substitutions are carried out, Owners will be permitted to allocate purchase payments and transfer Contract and Policy values and cash values between and among approximately the same number of Variable Fund Accounts as they could before the proposed Substitutions. Additionally, for a period beginning 30 days before the Substitution Date, and ending no earlier than 60 days after the Substitutions, Owners are permitted to transfer value among the Variable Fund Accounts and from the Variable Fund Accounts to the Fixed Fund Account, without limitation and free of any otherwise applicable transfer charges.

3. The Substitutions will be effected at the relative net asset values of the respective shares.

4. Owners will not incur directly or indirectly related fees or charges, including brokerage-related fees or charges as a result of the transfer of account value.

5. The Substitutions will not alter or affect the insurance benefits or rights of Owners or the terms and obligations of the Contracts and the Policies.

6. The Substitutions are designed to avoid any adverse effects upon the tax benefits available to Owners under the contracts and Policies and do not give rise to any current Federal income tax to Owners.

7. Owners will not be subject to any 12b–1 fee as a result of the Substitutions.

8. Neither USAA Life nor any of its affiliates currently receives, and will not receive for a period of three years from the date of the Commission order requested herein, any amounts from the Replacement Portfolios, their advisers, and/or the advisers' affiliates, including, without limitation, 12b–1, shareholder service, administrative or other service fees, revenue sharing or other arrangement, either with specific reference to the Replacement Portfolios or as part of an overall business arrangement.

Applicants assert that, for the reasons summarized above, the proposed substitutions meet the standards of Section 26(b) of the Act and that the requested order should be granted.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9192 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44157; File No. 4–441]

Roundtable on Regulation FD

AGENCY: Securities and Exchange Commission.

ACTION: Notice of roundtable meeting.

SUMMARY: On April 24, 2001, the Securities and Exchange Commission will host a roundtable to discuss Regulation FD (Fair Disclosure). The roundtable will be moderated by Acting Chairman Laura S. Unger. It will bring together issuers, media and information disseminators, securities analysts, investors, and securities lawyers to discuss initial experience under Regulation FD.

The roundtable will take place at the Alexander Hamilton U.S. Customs House (Auditorium), 1 Bowling Green, New York, NY, form 10 a.m. to 5 p.m. The public is invited to observe the roundtable discussions. Seating is available on a first-come, first-served basis. The agenda for the roundtable will be posted on the Commission's Internet website (http://www.sec.gov).

FOR FURTHER INFORMATION CONTACT: Sharon Zamore or Jacob Lesser, Office of the General Counsel, at (202) 942–0890.

Dated: April 6, 2001.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9109 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release 34–44089A; File No. 600–22]

Self-Regulatory Organizations; MBS Clearing Corporation; Notice of Filing and Order Approving a Request for an Extension of Temporary Registration as a Clearing Agency

April 5, 2001.

Correction

In FR Document No. 01–7596, beginning on page 16961, in the issue of Wednesday, March 28, 2001, words were omitted from the first and second sentences of the last paragraph beginning on page 16961. These sentences should read as follows: ''Interested persons are invited to submit written data, views, and arguments concerning the foregoing application. Such written data, views, and arguments will be considered by the Commission in granting registration or instituting proceedings to determine whether registration should be denied in accordance with section 19(a)(1) of the Act,'' [7]

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9146 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78s(a)(1).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44156; File No. SR–CBOE–00–14]

Self-Regulatory Organizations; Order Approving Proposed Rule Change and Notice of Filing and Order Granting Accelerated Approval to Amendment No. 1 Thereto by the Chicago Board Options Exchange, Incorporated to Increase Position and Exercise Limits for Nasdaq 100 Index Options, Expand the Index Hedge Exemption, and Eliminate the Near-Term Position Limit Restriction

April 6, 2001.

I. Introduction

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4[2] thereunder, on April 10, 2000, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') a proposal to increase position and exercise limits for Nasdaq 100 Index (full value) options (''NDX'') and Nasdaq 100 Index (1/10th) options (''MNX''),[3] expand the index hedge exemption for NDX and MNX options, and eliminate the near-term position limit restriction. The proposed rule change was published for comment in the **Federal Register** on October 24, 2000.[4] On February 12, 2001, CBOE submitted Amendment No. 1 to the proposal.[5] The Commission received no comments on the proposal. This order and notice approves CBOE's proposal, solicits comment from interested persons on Amendment No. 1 thereto, and approves Amendment No. 1 on an accelerated basis.

II. Description of the Proposal

The Exchange proposed to amend CBOE Rule 24.4 by: (1) Increasing the position limit in NDX options from 25,000 contracts to 75,000 contracts; (2) increasing the position limit in MNX options from 250,000 contracts to 750,000 contracts; (3) increasing the position limit of the index hedge exemption in NDX options from 75,000 contracts to 150,000 contracts; (4) increasing the position limit of the index hedge exemption in MNX options from 500,000 contracts to 1,500,000 contracts; and (5) eliminating the 15,000 contract near-term limit for NDX options. CBOE has stated that exercise limits will continue to correspond to position limits, so that investors may exercise the number of contracts set forth as the position limit during any period of five consecutive business days.

CBOE has made several arguments in support of its request. First, CBOE maintains that the expanded position and exercise limits will give market participants greater flexibility in deciding their portfolios without increasing the risk of market manipulation or disruption. CBOE believes that the pool of securities that comprise the Nasdaq 100 Index is so large that manipulation of the index or its overlying options (such as NDX and MNX) would be extremely unlikely, even with the expanded position limits. In addition, CBOE believes that the expanded limits are necessary to help its options market to compete against the futures markets. CBOE has stated that futures positions that are deemed *bona fide* hedging transactions are exempt from position limit rules under the Commodity Exchange Act and its implementing regulations.[6] Thus, institutions may offset much larger equity positions using index futures products than by using index options. Therefore, CBOE concludes that increasing the position limits for its index options will help maintain competitive equality with the future markets. Finally, CBOE has noted that the Commission has approved similar proposals to increase or remove position and exercise limits in the past.[7]

III. Discussion

The Commission finds that the proposed rule change is consistent with the requirements of the Act.[8] In particular, the Commission finds that the proposal is consistent with Section 6(b)(5) of the Act,[9] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to facilitate transactions in securities, and to protect investors and the public interest.

Since the inception of standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of option contracts that a member or customer may hold or exercise. These rules are intended to prevent the establishment of options positions that are sufficiently large as to create incentives to manipulate or disrupt the underlying market in a manner that would benefit the options position. At the same time, the Commission has recognized that position and exercise limits for options must not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs, or to prevent specialists and other market-makers from adequately meeting their obligations to maintain fair and orderly markets.

The Commission finds that CBOE's proposal to raise the position and exercise limits for NDX and MNX options is consistent with the Act. As noted above, the Commission has approved similar proposals in the past.[10] The Commission also finds that CBOE's proposal to raise the hedge exemption for NDX and MNX option position limits is consistent with the Act. An increase in these limits will permit more effective hedging of large stock portfolios and may increase the depth and liquidity of the market for NDX and MNX options. At the same time, the Commission does not believe that raising the position, exercise, or hedge exemption limits for these options will substantially increase the likelihood of manipulation of the market for these options or their underlying securities. The Nasdaq 100 Index consists of 100 securities that collectively have a very large market capitalization, which greatly reduces the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Exchange recently listed and traded options (MNX options) based on a value of 1/10th the current value of NDX options and made related changes to position and exercise limits for that option class. *See* Securities Exchange Act Release No. 43000 (June 30, 2000), 65 FR 42409 (July 10, 2000).

[4] Securities Exchange Act Release No. 43456 (October 17, 2000), 65 FR 63657.

[5] *See* Letter from Timothy Thompson, Assistant General Counsel, CBOE, to Nancy Sanow, Assistant Director, Division of Market Regulation, Commission (February 9, 2001). In Amendment No. 1, CBOE: (1) Revised the tables in the proposed rule text to account for changes that CBOE made to the tables following the Commission's approval of SR–CBOE–00–15 on June 30, 2000; (2) clarified that positions in NDX and MNX options must be aggregated pursuant to CBOE Rule 24.4(d) to determine compliance with the position limits; and (3) provided additional reasons for the Commission to approve the proposed rule change.

[6] *See* 7 U.S.C. 6a(3); 17 CFR 1.3(z) and 1.47.

[7] *See e.g.,* Securities Exchange Act Release No. 40875 (December 31, 1998), 64 FR 1842 (January 12, 1999) (approving increase in position and exercise limits for standardized equity options on CBOE, Amex, PCX, and Phlx). *See also* Securities Exchange Act Release No. 40969 (January 22, 1999), 64 FR 49111 (February 1, 1999) (approving two-year CBOE pilot program to eliminate position and exercise limits for OEX, SPX, and DJX index options and for FLEX options overlying those indexes); Securities Exchange Act Release No. 43867 (January 22, 2001), 66 FR 8250 (January 30, 2001) (extending CBOE pilot program for an additional four months).

[8] In approving this proposal, the Commission has considered its impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[9] 15 U.S.C. 78f(b)(5).

[10] *See supra* note 7.

potential for manipulation of the index or its overlying options (such as NDX and MNX). Furthermore, the Commission previously has stated its belief that CBOE's surveillance programs are ''adequate to detect and deter violations of position and exercise limits, as well as to detect and deter attempted manipulation and other trading abuses through the use of * * * illegal positions by market participants.'' [11]

The Commission also finds that elimination of the front-month limitation for NDA options is consistent with the Act.[12] As the Exchange has noted, a front-month limitation was established for American-style broad-based index options as a measure to lessen market volatility experienced at the close of trading on expiration when stock/index programs were unwound. CBOE has argued that this rationale is not relevant for the NDX option, which is a European-style contract with a settlement value based on a volume weighting of opening stock prices as reported within the first five minutes of trading.[13] Eliminating the front-month position and exercise limits for NDX options may bring additional depth and liquidity, in terms of both volume and open interest, to the NDX without significantly increasing concerns regarding inter-market manipulation or disruption of the index options or the underlying component securities.

The Commission finds good cause for approving Amendment No. 1 to the proposal prior to the thirtieth day after the date of public notice in the **Federal Register**, pursuant to Section 19(b)(2) of the Act.[14] The original filing has been published in the **Federal Register**, and no comments were received. The only material changes to the rule text provided in Amendment No. 1 are increases in the position and hedge exemption limits for MNX options that will make these limits ten times the equivalent limits for NDX options. Currently, CBOE Rule 24.4(d) states that MNX options must be aggregated with NDX options at a ratio of ten-to-one to determine compliance with the position limits. Approving Amendment No. 1 on an accelerated basis will give force to the intent of the existing rule and help eliminate confusion in the application of position limits for NDX and MNX options.

IV. Conclusion

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[15] that the proposed rule change (SR–CBOE–00–14) is approved and that Amendment No. 1 thereto is approved on an accelerated basis.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[16]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9116 Filed 4–12–01; 8:45 am]

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[11] Securities Exchange Act Release No. 43052 (July 18, 2000), 65 FR 45805, 45808 (July 25, 2000) (approving increase in position and exercise limits for narrow-based index options on CBOE).

[12] Currently, the Exchange does not impose near-term limits on MNX options.

[13] Moreover, CBOE has stated that its surveillance procedures during the week of expiration of NDX options include communication with NASD Regulation to determine whether there are any concerns regarding potential manipulation in the securities which comprise the NDX.

[14] 15 U.S.C. 78s(b)(2).

[15] 15 U.S.C. 78s(b)(2).

[16] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44152; File No. SR–CBOE–00–13]

Self Regulatory Organizations; Order Approving Proposed Rule Change by the Chicago Board Options Exchange, Inc. Amending Procedures and Requirements for Trading in Joint Accounts in Equity and Index Options

April 5, 2001.

I. Introduction

On April 3, 2000, the Chicago Board Options Exchange, Inc. (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] a proposed rule change to amend the procedures and requirements for trading in joint accounts in equity and index options. On January 8, 2001, the CBOE filed Amendment No. 1 with the Commission.[3] The proposed rule change was published for comment in the **Federal Register** on February 27, 2001.[4] No comments were received on the proposal.[5] This order approves the proposed rule change, as amended.

II. Description of the Proposal

The CBOE proposes to amend Interpretation .06 to Exchange Rule 8.9 and Exchange Regulatory Circulars RG 98–94 and RG 98–95, which set forth Exchange procedures and requirements for trading in joint accounts in equity and index options, to allow certain transactions between joint accounts that have common participants.

In early 1980s, the CBOE adopted a regulatory interpretation that prohibited trading between related accounts with greater than 10% common ownership. The Exchange later amended Interpretation .06 to Exchange Rule 8.9 (Securities Accounts and Orders of Market-Makers) to extend this trading prohibition to market maker joint accounts that have common participants.[6] Interpretation .06 to Exchange Rule 8.9 and Exchange Regulatory Circulars [7] state that ''no joint account participant shall cause a transaction to be executed for the joint account with another member acting on behalf of another joint account if the member knows, or in the exercise of reasonable care under the circumstances, the member has reason to know that the two joint accounts have one or more common participants.'' [8]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Letter from Timothy Thompson, Assistant General Counsel, Legal Department, CBOE, to Deborah Flynn, Senior Special Counsel, Division of Market Regulation (''Division''), Commission, dated October 23, 2000 (''Amendment No. 1''). In response to comments from Commission staff, the Exchange submitted Amendment No. 1, which: (1) represents that staff at the American Stock Exchange LLC, International Securities Exchange LLC, Pacific Exchange, Inc., and Philadelphia Stock Exchange, Inc. have informed the CBOE that their respective regulatory policies do not include any specific rule or regulatory circular that prohibits trading between joint accounts with common participants or that addresses ''wash sale'' transactions (*i.e.,* a transaction in a registered security that involves no change in beneficial ownership, for the purpose of creating a false or misleading appearance of active trading); (2) represents that the proposed rule change makes the CBOE's rules and regulatory policies regarding transactions between related accounts or entities consistent with those in place at the other options exchanges; and (3) provides three letters that were submitted by CBOE members to the Exchange in support of the rule filing.

[4] Securities Exchange Act Release No. 43984 (February 20, 2001), 66 FR 12574 (February 27, 2001).

[5] Although the Commission received no comments on the proposal, three letters were sent to the CBOE and forwarded to the Commission. *See* letters from Patricia Levy, General Counsel, and Steven O'Malley, Compliance & Regulatory Officer, Hull Trading Company, LLC, to Mary Bender, Senior Vice President, Division of Regulatory Services, CBOE, dated August 13, 1999; Michael J. Carusillo, Chief Executive Officer, and Barbara McHugh, President, Fulcrum Investment Group, LLC, to Pat Cerny, CBOE, dated July 17, 1998; and William J. Shimanek, Kessler, Asher Clearing, to Pat Cerny, CBOE, dated April 24, 1996. *See also* Amendment No. 1, *supra* note 3.

[6] *See* Securities Exchange Act Release No. 38286 (February 13, 1997), 62 FR 8287 (February 24, 1997) (SR–CBOE–96–70).

[7] The Regulatory Circular governing joint account trading in certain index options was approved in Securities Exchange Act Release No. 31174 (September 10, 1992), 57 FR 42789 (September 16, 1992). The Regulatory Circular governing joint account trading in equity options was approved in Securities Exchange Act Release No. 36977 (March 15, 1996), 61 FR 11911 (March 22, 1996).

[8] CBOE Rule 8.9, Interpretation .06.

The Exchange now proposes to alter its long-standing regulatory interpretation so that certain transactions effected between joint accounts with common participants would be permitted, provided that such transactions are effected within Exchange rules. The proposal would enable common participants to trade between related joint accounts that are used as financing vehicles without violating Exchange Rule 8.9. The following activity would be permitted: (1) Trading between different market makers or other broker/dealer accounts that are financed by the same member where there is no common control over the trading activity in those accounts; and (2) trading between independently operated subsidiaries (*i.e.,* separate broker/dealers) of the same parent or holding company.[9]

The Exchange, however, would continue to prohibit the following activity: (1) Market makers trading with their joint account, even though their percentage of ownership is less than 100% (for instance, market maker ABC finances market maker XYZ via a joint account and ABC is a participant in the joint account. Ownership is 50% and XYZ makes his own trading decisions. ABC is still prohibited from trading directly with the joint account of which he is a member); (2) nominees of the same entity trading with each other on behalf of the entity; (3) firm traders employed by the same broker/dealer on different trading desks trading together, regardless of whether they are separate profit centers; and (4) spouses trading together.

III. Discussion

The Commission finds that the proposal is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[10] Specifically, the Commission believes that the proposal is consistent with Section 6(b) of the Act,[11] in general, and furthers the objectives of Section 6(b)(5),[12] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. The Commission notes that the proposal responds to concerns of CBOE's membership that its current interpretation of a wash sale does not promote a level playing field for its members *vis-á-vis* other exchanges' members. The Commission also notes that while the proposal would permit certain transactions between joint accounts with common participants, such transactions would be required to be effected within Commission and Exchange rules. Under the proposal, transactions between related joint accounts that are conducted for an improper purpose, such as trades executed to create a false and misleading appearance of activity, would continue to violate Exchange Rule 4.1 (Just and Equitable Principles of Trade). The Commission expects that the CBOE's Department of Market Regulation will continue to monitor vigorously trading between accounts with common beneficial ownership for trading abuses.

IV. Conclusion

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (SR–CBOE–00–13) is approved, as amended.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9168 Filed 4–12–01; 8:45 am]

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[9] The Exchange represented that it will issue a regulatory circular informing members of permitted and prohibited trading activity among joint accounts.

[10] In approving this rule, the Commission has considered the proposed rule change's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[11] 15 U.S.C. 78f(b).

[12] 15 U.S.C. 78f(b)(5).

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44164; File No. SR–CHX–2001–07]

Self-Regulatory Organizations: Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the Chicago Stock Exchange, Inc. Relating to the Precedence of Customer Limit Orders on the Book

April 6, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 6, 2001, the Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'' or ''SEC'') the proposed rule changes as described in Items I and II below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. As discussed below, the Commission is granting accelerated approval of the proposed rule change for a pilot period until July 9, 2001.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend CHX Article XXX, Rule 2 (Precedence to Orders in Book), which prohibits specialists from trading ahead of customer orders, by adding Interpretation and Policy .06 to the rule. The new interpretation will require a CHX specialist (including market makers who hold customer limit orders) to better the price of a customer limit order in his book which is priced at the national best bid or offer (''NBBO'') by at least one penny if the specialist determines to trade with an incoming market or marketable limit order. This proposal is filed in conjunction with the Exchange's request for exemptive relief pursuant to Rules 11Ac1–1(e),[3] 11Ac1–2(g)[4] and 11Ac1–4(d)[5] under the Act, to allow for trading in Nasdaq/National Market (''Nasdaq/NM'') securities in subpenny increments and to permit subpenny quotes to be rounded down (buy orders) and rounded up (sell orders) to the nearest penny for quote dissemination.[6] The Exchange is requesting approval of the proposed rule change on a pilot basis, through July 9, 2001. The text of the proposed rule change is set forth below. New text is italicized.

Article XXX, Rule 2

(Precedence to Orders in Book)

Rule 2. No change.

Interpretations and Policies:

.01–.05 No change.

.06 Trading in Nasdaq/NM Securities in Subpenny Increments

A specialist (including a market maker who holds customer limit orders) shall be deemed to have violated Article XXX, Rule 2 if, while holding a customer limit order (as rounded to a penny increment) representing the NBBO, the specialist, for his own account, trades with an incoming market or marketable limit order at a

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 17 CFR 240.11Ac1–1(e).

[4] 17 CFR 240.11Ac1–2(g).

[5] 17 CFR 240.11Ac1–4(d).

[6] *See* letter from Paul B. O'Kelly, CHX, to Robert Colby, Division of Market Regulation, dated April 6, 2001 (''Exemptive Request'').

price which is less than one penny better than such customer limit order in his book.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend CHX Article XXX, Rule 2 (Precedence to Orders in Book), which prohibits specialists from trading ahead of customer orders, by adding a new interpretation to the rule, relating to trading in subpenny increments in Nasdaq/NM securities, which will require a CHX specialist (including market makers who hold customer limit orders) to better the price of a customer limit order in his book which is at the NBBO by at least one penny if the specialist determines to trade with an incoming market or marketable limit order.[7]

The purpose for the new interpretation is to prevent specialists (and market makers who hold customer limit orders) from taking unfair advantage of a customer limit order in their book at the NBBO by trading ahead of such orders with incoming market or marketable limit orders in increments of less than one penny. Notwithstanding the fact that a specialist may give a price superior to that of the customer limit order, a customer at the NBBO has a reasonable expectation to be filled at his limit price, unless other customers place better-priced limit orders or his limit price is meaningfully improved by his agent. However, the prohibition will not apply to specialists when they hold no customer orders at the NBBO, but are required to fill incoming market and marketable limit orders at the NBBO pursuant to the Exchange's BEST Rule (CHX Article XX, Rule 37).

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act[8] in general and furthers the objectives of Section 6(b)(5)[9] in particular in that the proposed rule change is designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism for a free and open market and a national market system, and, in general, to protect investors and the public interest. The Exchange requests that this rule be approved on a pilot basis, to be co-extensive with its request for exemptive relief to trade (but not quote) Nasdaq/NM securities in subpennies, for a period of 90 days until July 9, 2001, and to give the Exchange the opportunity to evaluate trading patterns in Nasdaq/NM securities during the pilot period.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange believes that the proposed rule changes will impose no burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consent, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

The Exchange has requested accelerated approval of the proposed rule change pursuant to Section 19(b)(2) of the Act,[10] submitting that accelerated effectiveness of the proposed rule change would permit the Exchange to accept and execute subpenny orders for Nasdaq/NM securities, avoiding a significant competitive disadvantage to the Exchange on April 9, 2001, when the completion of Nasdaq's decimal transition will enable Nasdaq market makers and electronic communication networks (''ECNs'') to accept and execute subpenny orders in those securities. The Exchange notes that this proposed rule change was submitted in connection with the Exchange's request for exemptive relief to permit the Exchange to accept and execute subpenny orders for Nasdaq/NM securities by displaying the orders at prices rounded to the penny increment. The Exchange believes that this proposed rule change will give customers who send subpenny limit orders that create the NBBO or increase the quantity at the NBBO access to market liquidity ahead of a specialist, unless the specialist materially improves upon the customer's limit order price (rather than the customer's quoted price).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Exchange. All submissions should refer to the File No. SR–CHX–2001–07 and should be submitted by May 4, 2001.

[7] In the Exemptive Request, the Exchange represents that it will round subpenny sell orders up to the nearest penny increment and will round subpenny buy orders down to the nearest penny increment when quoting subpenny limit orders. The rounded price will determine whether the quote is at the NBBO. The Exchange represents, for example, that customer orders to buy for $10.011, $10.012 and $10.013 will each be reflected as a quote of $10.01. If the NBBO is, or as a result of the quoting of these orders becomes, $10.01, the customer limit order price is at the NBBO and the specialist must buy at a price of $10.023 or better to avoid violating the rule. *See* Exemptive Request, *supra* note 6.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 15 U.S.C. 78s(b)(2).

V. Commission Findings and Order Granting Partial Accelerated Approval of the Proposed Rule Change for a Pilot Period

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange,[11] and, in particular, Section 6(b)(5) of the Act.[12] Simultaneous with the filing of this proposal, the Commission received a request for exemptive relief submitted by the Exchange that would allow the Exchange, Exchange members, and vendors that disseminate Exchange quote information, to display and disseminate their quotes for Nasdaq/NM securities in penny increments, while trading in sub-penny increments.[13] By letter dated April 6, 2001, the Division of Market Regulation (''Division''), pursuant to delegated authority under Rules 11Ac1–1(e),[14] 11Ac1–2(g)[15] and 11Ac1–4(d)[16] under the Act, granted a conditional temporary exemption to CHX, CHX members, and vendors that disseminate CHX quote information to permit them to display and disseminate their quotes for Nasdaq/NM securities in rounded, penny increments without a rounding identifier.[17] The exemption expires on July 9, 2001. The Commission notes that the completion of Nasdaq's decimal transition will enable Nasdaq market makers and ECNs to accept and execute subpenny orders on April 9, 2001 and that the Exchange anticipates implementing subpenny trading in Nasdaq/NM securities at that time. The Commission believes that the proposed rule change should provide protection to customer limit orders in a subpenny trading environment by ensuring that such orders will continue to have access to market liquidity ahead of Exchange specialists in appropriate circumstances.

The Commission finds good cause for granting the Exchange's request for approval of the proposed rule change on a pilot basis prior to the thirtieth day after the day of publication of notice of filing thereof in the **Federal Register**. The Commission notes that the Exchange anticipates that it will begin to accept and execute orders in subpenny increments for Nasdaq/NM securities on April 9, 2001, when the Nasdaq Stock Market fully converts to decimals. The Commission believes that granting accelerated approval to the proposed rule change will allow the Exchange to continue to provide protection to customer limit orders in subpenny increments for Nasdaq/NM securities.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[18] that the proposed rule change (File No. SR–CHX–2001–07) is approved on a pilot basis until July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9169 Filed 4–12–01; 8:45 am]

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[11] In granting accelerated approval of the proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[12] 15 U.S.C. 78f(b)(5).

[13] *See* Exemptive Request, *supra* note 6.

[14] 17 CFR 240.11Ac1–1(e).

[15] 17 CFR 240.11Ac1–2(g).

[16] 17 CFR 240.11Ac1–4(d).

[17] *See* letter from Annette L. Nazareth, Director, Division, Commission, to Paul O'Kelly, CHX, dated April 6, 2001. The letter outlines several other conditions to trading in subpenny increments. The Commission will examine data provided by the CHX as specified in this letter, and information provided by all self-regulatory organizations (''SROs'') as required by the Commission's order, dated June 8, 2000, concerning decimals implementation. *See* Securities Exchange Act Release No. 42914 (June 8, 2000). The Commission intends to reconsider the position expressed in its letter dated April 6, 2001 before the expiration of the exemption.

In the June, 2000 order relating to decimals, the Commission directed the SROs to submit (individually or jointly) a study to the Commission regarding the impact of decimal pricing on systems capacity, liquidity, and trading behavior, including an analysis of whether there should be a uniform minimum increment for a security. The order sated that, if an SRO wishes to move to quoting in an increment of less than one cent, the SRO should include a full analysis of the potential impact of such trading on the SRO's market and the markets as a whole.

[18] 15 U.S.C. 78s(b)(2).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–441677; File No. SR–CHX–2001–05]

Self-Regulatory Organizations; Order Granting Accelerated Approval of Proposed Rule Change by the Chicago Stock Exchange, Incorporated, Relating to the Exchange's SuperMAX 2000 Price Improvement Algorithm

April 9, 2001.

I. Introduction

On March 16, 2001, the Chicago Stock Exchange, Incorporated (''CHX'' or filed with the Securities and Exchange Commission (''Commissin'' or ''SEC''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b-4 thereunder,[2] a proposed rule change that would amend CHX Article XX, Rule 37(h) to reduce the determinative spread from $.03 to $.02 as part of the Exchange's SuperMAX 2000 price improvement program. Notice of the proposed rule change was published for comment in the **Federal Register** on March 23, 2001.[3] This order approves the proposed rule change on an accelerated basis.

II. Description of the Proposal

According to the CHX, the primary purpose of the proposed rule change is to increase the number of orders that are eligible for automated price improvement.

On December 19, 2000, the Commission approved SR–CHX–00–37,[4] implementing SuperMAX 2000, the CHX's new price improvement program, which will govern price improvement of all order for issues quoting in decimal price increments. SuperMAX 2000 was designed to afford specialists the flexibility to provide a wide variety of price improvement alternatives, all of which will be equal to or more favorable than alternatives that existed previously at the CHX. SuperMAX 2000 originally provided for price improvement of at least $.01 on orders of 100 shares where the spread between the national best bid and offer (''NBBO'') was $.03 or greater.

To remain competitive, the CHX proposes that its specialists be permitted (but not obligated) to offer price improvement of $.01 or better where the NBBO spread is $.02 or greater. The current determinative spread is $.03. The proposal would not impact orders for more than 100 shares, in which case the specialist's price improvement options are not contingent on a determinative NBBO spread.

III. Discussion

The Commission has reviewed carefully the proposed rule change and finds that it is consistent with the Act and the rules and regulations promulgated thereunder applicable to a national securities exchange and, in particular, with the requirements of Section 6(b).[5] Specifically, the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 44085 (March 19, 2001), 66 FR 16304. In the notice, the Commission stated it would consider granting accelerated approval of the proposed rule change after a 15-day comment period.

[4] Securities Exchange Act Release No. 43742 (December 19, 2000), 65 FR 83119 (December 29, 2000).

[5] 15 U.S.C. 78f(b). In approving this proposal, the Commission has considered the proposed rule's

Continued

Commission finds that approval of the proposed rule change is consistent with Section 6(b)(5)[6] in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and in general, to protect investors and the public interest. The Commission believes that a reduction in the determinative spread from $.03 to $.02 may increase the opportunities for price improvement, resulting in a benefit to investors. Additionally, the Commission believes the proposal is reasonable because it contemplates equality among order-sending firms and their customers by mandating that additional price improvement be provided by CHX specialists on an issue-by-issue basis, rather than allowing specialists to distinguish among order-sending firms when designating price improvement levels.

The Commission finds good cause for approving the proposed rule change before the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. In the notice,[7] the Commission indicated that it would consider granting accelerated approval of the proposal after a 15-day comment period. The Commission received no comments on the proposal during the 15-day comment period. The Commission believes it is reasonable to implement the proposal on an accelerated basis, in view of the anticipated benefits of the proposal. For these reasons, the Commission finds good cause for accelerating approval of the proposed rule change.

IV. Conclusion

For the above reasons, the Commission finds that the proposed rule change is consistent with the provisions of the Act, in general, and with Section 6(b)(5)[8] in particular.

It Is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[9] that the proposed rule change (SR–CHX–2001–05), as amended, be and hereby is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9170 Filed 4–12–01; 8:45 am]

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impact on efficiency, competition and capital formation. 15 U.S.C. 78c(f).

[6] 15 U.S.C. 78f(b)(5).

[7] *See* footnote 3, *supra.*

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(2).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44151; File No. SR–ISE–01–09]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the International Securities Exchange LLC, Relating to Fees Related to Options on the Nasdaq-100 Index Tracking Stock sm

April 4, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on March 6, 2001, the International Securities Exchange LLC (''ISE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The ISE proposes to amend its fee schedule to impose a charge of $.10 per contract, per side, for transactions in options on the Nasdaq-100 Index Tracking Stock sm (excluding transactions by public customers).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the ISE included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The ISE has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange has entered into a license agreement to use various trademarks regarding the Nasdaq-100 Index® in connection with its trading of options on the Nasdaq-100 Index Tracking Stock sm. The purpose of this proposed rule change is to adopt a fee for trading in these options to defray the licensing costs. The ISE believes that charging the participants that trade in the options on the Nasdaq-100 Index Tracking Stock sm is the most equitable means of recovering the costs of the license. However, because competitive pressures in the industry have resulted in a waiver of all transaction fees for customer transactions, the ISE does not propose to charge this additional fee with respect to customer transactions. The fee will be charged only with respect to non-customer transactions.

2. Statutory Basis

The Exchange believes that its proposal to amend its fee schedule to impose a charge of $.10 per contract, per side, for transactions in options on the Nasdaq-100 Index Tracking Stock sm (excluding transactions by public customers) is consistent with section 6(b)[3] of the Act, in general, and section 6(b)(4) of the Act,[4] in particular, because it provides for the equitable allocation of reasonable dues, fees and other charges among its members and other persons using its facilities.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing rule change establishes or changes a due, fee, or other charge imposed by the Exchange, it has become effective pursuant to Section 19(b)(3)(A)[5] of the Act and subparagraph (f)(2) of Rule 19b–4[6] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78f(b).

[4] 15 U.S.C. 78f(b)(4).

[5] 15 U.S.C. 78s(b)(3)(A).

[6] 17 CFR 240.19b–4(f)(2).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying at the Commission's Public Reference Room. Copies of such filing also will be available for inspection and copying at the principal office of the ISE. All submissions should refer to File No. SR–ISE–01–09 and should be submitted by May 4, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9117 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

[7] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44158; File No. SR–NASD–01–08]

Self-Regulatory Organizations; Order Approving Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Amendments to Rule 10301 of the Code of Arbitration Procedure To Prohibit Terminated, Suspended, Barred or Otherwise Defunct Firms From Enforcing Predispute Arbitration Agreements in the NASD Arbitration Forum

April 6, 2001.

I. Introduction

On January 25, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its wholly owned subsidiary, NASD Dispute Resolution, Inc. (''NASD Dispute Resolution''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] proposed a rule change to amend Rule 10301 of the Code of Arbitration of the NASD, to prohibit a firm that has been terminated, suspended, or barred from the NASD, or that is otherwise defunct, from enforcing a predispute arbitration agreement against a customer in the NASD arbitration forum. On February 15, 2001, NASD Dispute Resolution filed Amendment No. 1 to the proposal. On February 22, 2001, NASD Dispute Resolution filed Amendment No. 2 to the proposal.

The proposed rule change including Amendment Nos. 1 and 2, was published for comment in the **Federal Register** on March 5, 2001.[3] No comments were received on the proposal. This order approves the proposal.

II. Description of the Proposal

NASD Dispute Resolution is proposing to amend Rule 10301 of the Code of Arbitration Procedure to prohibit a member whose membership has been terminated, suspended, cancelled or revoked, or has been expelled from the NASD, or that is otherwise defunct, from enforcing a predispute arbitration agreement against a customer in the NASD forum. The proposed rule change precludes a member whose membership has been terminated, suspended, cancelled or revoked, or has been expelled from the NASD, or that is otherwise defunct, from requiring a customer to arbitrate in the NASD forum under Rule 10301, unless the customer agrees in writing to arbitrate the claim in the NASD forum after the claim has arisen. As a corollary to this rule change, NASD Dispute Resolution stated in its Notice that it will advise customers making arbitration claims in the NASD forum against a member whose membership has been terminated, suspended, cancelled or revoked, or a member that has been expelled from the NASD, or that is otherwise defunct, of the member's status, so that the customers can decide whether to proceed in arbitration, to file their claim in court, or to take no action.

III. Discussions

After careful review, the Commission finds that the proposed rule changes is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities association.[4] In particular, the Commission believes that the proposed rule change is consistent with the provisions of Section 15A(b)(6) of the Act,[5] which requires, among other things, that the Association's rules be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, and, in general, to protect investors and the public interest.

The Commission believes that because terminated, suspended, barred or otherwise defunct firms have a significantly higher incidence of non-payment of arbitration awards than do active firms,[6] the proposed rule change will protect investors and the general public by giving customer greater flexibility to seek remedies against such firms. The Commission believes that because of experience with non-payment by such firm, it is inappropriate to permit terminated or suspended members to require customers who have claims against them to arbitrate such claims in the NASD forum when an arbitration award may be unenforceable against the terminated or suspended member. In such cases, the Commission believes that even if customers have signed a predispute arbitration agreement, they should be able to seek relief in court before engaging in arbitration proceedings, where they could more directly avail themselves of any judicial remedies available under state law, including those that might prevent the dissipation of assets. The Commission notes that the NASD and other self-regulatory organizations that administer arbitration programs have concluded that other categories of claims, such as class action claims, should be resolved in court rather than through arbitration.[7] The Commission believes that allowing customers to choose to go directly to seek relief may save them time and expense in cases against members who have been terminated or expelled and in which the dissipation of assets is a threat.

IV. Conclusion

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[8] that the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 43998 (February 23, 2001), 66 FR 13362.

[4] In approving this rule proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78*o*(b)(6).

[6] *See* June 2000 General Account Office Report, *Securities Arbitration: Actions Needed to Address Problem of Unpaid Awards.*

[7] *See e.g.,* NASD Rule 10301(d) and New York Stock Exchange Rule 600(f).

[8] 15 U.S.C. 78s(b)(2).

proposed rule change (SR–NASD–01–08) is approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9147 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44165; File No. SR–NASD–2001–27]

Self-Regulatory Organizations: Notice of Filing and Order Granting Accelerated Approval of a Proposed Rule Change by the National Association of Securities Dealers, Inc. Relating to Customer Limit Order Protection in a Decimal Trading Environment

April 6, 2001.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (Act) [1] and Rule 19b–4 thereunder,[2] notice is hereby given that on April 6, 2001, the National Association of Securities Dealers, Inc. (NASD or Association), through its subsidiary, the Nasdaq Stock Market, Inc. (Nasdaq), filed with the Securities and Exchange Commission (Commission or SEC) the proposed rule changes as described in Items I and II below, which Items have been prepared by Nasdaq. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons. As discussed below, the Commission is granting accelerated approval of the proposed rule change for a pilot period until July 9, 2001.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to moidfy NASD Interpretative Material 2110–2—Trading Ahead of Customer Limit Order (Manning Interpretation or Interpretation) for securities priced in decimals. Nasdaq will implement this rule change immediately upon approval. The text of this rule change is provided below. Proposed new language is italicized and deleted language is in brackets.

IM–2110–2. Trading Ahead of Customer Limit Order

(3) No Change. General Application

To continue to ensurer investor protection and enhance market quality, the Association's Board of Governors is issuing an interpretation to the Rules of the Association dealing with member firms' treatment of their customer limit orders in Nadsaq securities. This interpretation, which is applicable from 9:30 a.m. to 6:30 p.m. Eastern Time, will require members acting as market makers to handle their customer limit orders with all due care so that market makers do not ''trade ahead'' of those limit orders. Thus, members acting as market makers that handle customer limit orders, whether received from their own customers or from another member, are prohibited from trading at prices equal or superior to that of the limit order without executing the limit order. Such orders shall be protected from executions at prices that are superior but not equal to that of the limit order. In the interests of investor protection, the Association is eliminating the so-called disclosure ''safe harbor'' previously established for members that fully disclosed to their customers the practice of trading ahead of a customer limit order by a market-making firm.

Rule 2110 of the Association's Rules states that: A member, in the conduct of his business, shall observe high standards of commercial honor and just and equitable principals of trade.

Rule 2320, the Best Execution Rule, states that: In any transaction for or with a customer, a member and persons associated with a member shall use reasonable diligence to ascertain the best inter-dealer market for the subject security and buy or sell in such a market so that the resultant price to the customer is as favorable as possible to the customer under prevailing market conditions.

Interpretation

The following interpretation of Rule 2110 has been approved by the Board: A member firm that accepts and holds an unexecuted limit order form its customer (whether its own customer or a customer of another member) in a Nasdaq security and that continues to trade the subject security for its won market-making account at prices that would satisfy the customer's limit order, without executing that limit order, shall be deemed to have acted in a manner inconsistent with just and equitable principles of trade, in violation of Rule 2110, provided that, until September 1, 1995, customer limit orders in excess of 1,000 shares received from another member firm shall be protected from the market maker's executions at prices that are superior but not equal to that of the limit order, and provided further, that a member firm may negotiate specific terms and conditions applicable to the acceptance of limit orders only with respect to limit orders that are: (a) for customer accounts that meet the definition of an ''institutional account'' as that term is defined in Rule 3110(c)(4); or (b) 10,000 shares or more, unless such orders are less than $100,000 in value. Nothing in this interpretation, however, requires members to accept limit orders from any customer.

By rescinding the safe harbor position and adopting this interpretation, the Association wishes to emphasize that members may not trade ahead of their customer limit orders in their market-making capacity even if the member had in the past fully disclosed the practice to its customers prior to accepting limit orders. The Association believes that, pursuant to Rule 2110, members accepting and holding unexecuted customer limit orders we certain duties to their customers and the customers of other member firms that may not be overcome or cured with disclosure of trading practices that include trading ahead of the customer's order. The terms and conditions under which institutional account or appropriately sized customer limit orders are accepted must be made clear to customers at the time the order is accepted by the firm so that trading ahead in the firm's market making capacity does not occur. For purposes of this interpretation, a member that controls or is controlled by another member shall be considered a single entity so that if a customer's limit order is accepted by one affiliate and forwarded to another affiliate for execution, the firms are considered a single entity and the market making unit may not trade ahead of that customer's limit order.

As outlined in NASD Notice to Members 97–57, the minimum amount of price improvement necessary in order for a market maker to execute an incoming order on a proprietary basis when holding an unexecuted limit order for a Nasdaq security trading in fractions, and not be required to execute the held limit order, is as follows:

- If actual spread is greater than 1/16 of a point, a firm must price improve an incoming order by at least a 1/16. for stocks priced under $10, (which are quoted in 1/32 increments) the firm must price improve by at least 1/64.
- If actual spread is the minimum quotation increment, a firm must price

[9] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

improve an incoming order by one-half the minimum quotation increment.

For Nasdaq securities authorized for trading in decimals pursuant to the Decimals Implementation Plan For the Equities and Options Markets, the minimum amount of price improvement necessary in order for a market maker to execute an incoming order on a proprietary basis in a security trading in decimals when holding an unexecuted limit order in that same security, and not be required to execute the held limit order, is [$0.01.] *as follows:*

(1) For customer limit orders priced at or inside the best inside market displayed in Nasdaq, the minimum amount of price improvement required is $0.01; and

(2) For customer limit orders priced outside the best inside market displayed in Nasdaq, the market maker must price improve the incoming order by executing the incoming order at a price at lease equal to the next superior minimum quotation increment in Nasdaq (currently $0.01).

The Association also wishes to emphasize that all members accepting customer limit orders owe those customers duties of ''best execution'' regardless of whether the orders are executed through the member's market making capacity or sent to another member for execution. As set out above, the Best Execution Rule requires members to use reasonable diligence to ascertain the best inter-dealer market for the security and buy or sell in such a market so that the price to the customer is as favorable as possible under prevailing market conditions. The Association emphasizes that order entry firms should continue to routinely monitor the handling of their customers' limit orders regarding the quality of the execution received.

(b) No Change.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of, and basis for, the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. Nasdaq has prepared summaries set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASD's Manning Interpretation requires NASD member firms to provide a minimum level of price improvement to incoming orders in NMS and SmallCap securities if the firm chooses to trade as principal with those incoming orders at prices superior to customer limit orders they currently hold. If a firm fails to provide the minimum level of price improvement to the incoming order, the firm must execute its held customer limit orders. Generally, if a firm fails to provide the requisite amount of price improvement and also fails to execute its held customer limit orders, it is in violation of the Manning Interpretation.

On March 2, 2001, the Commission approved on a pilot basis Nasdaq's proposal to establish a uniform $0.01 price improvement standard for market makers (''MMs'') who elect to execute proprietary transactions in securities priced in decimals while holding customer limit orders on the same side of the market in those securities without triggering an obligation to ''protect'' (*i.e.,* execute, up to the amount of shares traded proprietarily by the MM) those customer orders.[3]

Recently, Nasdaq has been made aware of certain anomalies that occur under its current Manning rule when MMs elect to provide their customers the ability to enter orders into the firm's proprietary system in price increments smaller than a penny. The following example illustrates the issue:

Example 1

Market is 10.00 to 10.01
MM has accepted a customer limit order to buy 100 shares at 9.994
MM then buys 1,000 shares on a proprietary basis at 10.00.[4]

As stated above, under Nasdaq's current Manning rule, the MM must protect limit orders within $0.01 if the price at which it trades (10.00) on a proprietary basis for up to 1,000 shares (*i.e.,* the total size of the MM's proprietary trade). In this example, therefore, the MM would be obligated to execute the customer's limit order at 9.994 as well as all other customer limit orders to buy it has accepted that are priced at or between 10.00 to 9.991, up to a total of 1,000 shares.[5]

This result has raised significant negative comment from market participants who assert that if Nasdaq's Manning rule remains as currently formulated, it will force them to engage in an increasing number of unprofitable trades (*e.g.,* buy 1000 shares at 10 proprietary and be immediately obligated to sell to a total 1000 shares under Manning to a customer at 9.994). For example, a market maker may receive numerous customer limit but orders priced at just under a penny away from the inside bid and subsequently receive a market order directed to its posted best bid (or it may execute a trade at the best bid based on an understanding that it will provide its customers the best displayed price in Nasdaq), and then automatically be obligated under Manning to execute those limit orders priced outside the current inside spread, thereby consistently and unavoidably trading at a loss. In particular, market participants are concerned about electronic gaming of this pricing anomaly that could lead to significant monetary losses. For example, a single customer could electronically enter a series of limit orders into an MM's system priced outside the current market, but within one penny from the best market bid, and then subsequently enter a market sell order directed to that same MM. The resulting execution of the market order by the MM would in turn trigger a Manning obligation to that same customer's previously-entered limit orders resulting in the customer being able to automatically, and without risk, profit from the difference between the market price at which the customer sold to the MM and the price the MM is obligated to give the customer's limit orders. This concern is now at its most acute based on the upcoming full-implementation of decimal pricing for the entire Nasdaq market that will commence on Monday, April 9, 2001.

For these reasons, Nasdaq has determined to propose modifying its current Manning Interpretation. Under the proposal, Nasdaq would maintain a strict $0.01 price improvement requirement for an MM wishing to trade proprietarily in front of its held customer limit orders that are priced at

[3] Securities Exchange Act Release No. 44030 (march 2, 2001), 66 FR 14235.

[4] Nasdaq notes that the Manning pricing anomalies described in this filing are equally applicable to MM's who do not affirmatively trade in front of customer orders, but instead merely have their displayed quotes accessed by other market participants. If allowed to continue, the impact of these pricing anomalies could be exacerbated by the future expansion of automatic-execution capabilities.

[5] A firm that executes in front of customer limit orders that are owed Manning protection is obligated to only fill such limit orders for a total amount of shares equal to the number or shares traded proprietary by the firm. NASD's Notice to Members 95–43 (June 1995).

or inside the current best inside market displayed in Nasdaq. For customer limit orders priced outside the inside spread, however, Nasdaq proposes to adopt a different standard. This standard would require an MM seeking to trade in front of such limit orders, without triggering a Manning obligation, to execute its proprietary trades at a price at least equal to the next displayable minimum quotation increment in Nasdaq (currently a penny) superior to those customer limit orders.[6] The following examples illustrate how the proposed rule would operate:

Example 2

Market is 10.00 to 10.01 with MM's posted bid and offer at the inside
MM receives and accepts Customer #1's limit order to buy priced at 10.004 for 2000 shares
MM receives a market sell order directed to its posted bid of 10.00 for 1000 shares and immediately executes that order on a proprietary basis

In this example, since MM has executed within $0.01 of Customer #1's inside-the-spread buy limit order of 10.004, the MM would be obligated to protect that order and execute 1000 shares of Customer #1's order at a price of 10.004. As before, if the MM wishes to avoid a Manning obligation to Customer #1's 10.004 buy limit order, MM would have to execute its proprietary trade at a price at least $0.01 better than that limit order and execute at 10.014.

Example 3

Market is 10.00 to 10.01 with MM's posted bid and offer at the inside
MM receives and accepts Customer #2's limit order to buy priced at 9.993 for 500 shares
MM receives a market sell order directed to its posted bid of 10.00 for 700 shares and immediately executes that order on a proprietary basis

Under the proposed amendment to the Interpretation, since the MM's 700 share proprietary execution was done at a price (10.00) that is at least equal to the next superior penny minimum Nasdaq quotation increment to Customer #2's 9.993 outside-the-spread order, it would not be obligated to execute that limit order. Similarly, if the market remained at 10.00 to 10.01 and MM held a customer limit order to sell priced at 10.016, MM could trade proprietarily with an incoming buy order without triggering a Manning obligation to the 10.016 outside-the-spread limit order if the MM executes its proprietary trade at a price of at least 10.01.

Nasdaq believes that the proposed rule change draws an appropriate balance between providing effective limit order protection for customers who aggressively seek to participate in trading at the inside market while reducing the incidence of forced training losses to market makers who, in meeting their firm quote and best-execution obligations to other market participants, trade near customer limit orders which are priced outside the spread.

As they have throughout the phased-in implementation of decimal pricing in the Nasdaq market, Nasdaq and NASD Regulation will closely monitor the protection of customer limit orders during the period after the full implementation of decimal pricing and will continue to analyze and evaluate trading activity to determine if future changes to the Manning price improvement standard are warranted.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with Section 15A(b)(6) of the Act[7] in that it is designated to promote just and equitable principles of trade; to foster cooperation and coordination with persons engaged in regulating, clearing, settling, and processing information with respect to, and facilitating transactions in securities; to perfect the mechanism of a free and open market and a national market system; and to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will result in any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organizations consent, the Commission will:

A. By order approve such proposed rule change, or

B. Institute proceedings to determine whether the proposed rule change should be disapproved.

Nasdaq has requested accelerated approval of the proposed rule change pursuant to Section 19(b)(2) of the Act,[8] submitting that the trading anomalies described in the filing could have a significantly impact on market activity and that accelerated approval will allow NASD firms an opportunity to reprogram their systems prior to, or contemporaneously with, the full implementation of decimal pricing in the Nasdaq market scheduled for Monday, April 9, 2001.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, N.W., Washington, D.C. 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of NASD. All submissions should refer to the File No. SR–NASD–2001–27 and should be submitted by May 4, 2001.

[6] Pursuant to the terms of the Decimals Implementation Plan (Implementation Plan), submitted to the Commission on July 24, 2000, the minimum quotation increment for Nasdaq securities (both National Market and SmallCap) at the outset of decimal pricing is $0.01. As such, Nasdaq will only display priced quotations to two places beyond the decimal point (to the penny). Quotations submitted to Nasdaq that do not meet this standard will be rejected by Nasdaq systems. *See* SR–NASD–01–07; Securities Exchange Act Release No. 43876 (January 23, 2001), 66 FR 8251.

[7] 15 U.S.C. 78o–3.

[8] 15 U.S.C. 78s(b)(2).

V. Commission Findings and Order Granting Partial Accelerated Approval of the Proposed Rule Change for a Pilot Period

The Commission finds that the proposed rule change is consistent with the Act and the rules and regulations promulgated thereunder.[9] Specifically, the Commission finds that approval of the proposed rule change is consistent with Section 15A(b)(6) of the Act.[10]

The Commission believes the proposed amendment to the Manning Interpretation should provide protection to customer limit orders in a subpenny trading environment by ensuring that such orders will continue to have access to market liquidity ahead of market makers in appropriate circumstances.[11] However, we believe that the amendment should be reexamined once Nasdaq decimal trading behavior can be analyzed. As a result, the Commission is approving the amendment on a pilot basis through July 9, 2001. Nasdaq must submit to the Commission trade data related to the pilot on a monthly basis in order to allow the Commission to monitor the effect of the pilot on Nasdaq trading. Such information will include reported volume of orders received and executed in subpenny increments (in terms of both trades and shares), the execution price points, and the nature of the subpenny orders received and executed (*i.e.,* agency, proprietary, professional or otherwise). Requiring this data does not alleviate the NASD of its obligations to provide any other reports required to be submitted to the Commission as part of its conversion to decimal pricing.[12] The Commission will examine the data provided pursuant to this order, and other information provided by all self-regulatory organizations as required by the Implementation Plan. As a part of that examination, the Commission intends to reconsider the amendment to the Interpretation provided in this order.

The Commission finds good cause for granting Nasdaq's request for approval of the proposed rule change on a pilot basis prior to the thirtieth day after the date of publication of notice of filing thereof in the **Federal Register**. The Commission notes that the completion of Nasdaq's decimal transition will occur on April 9, 2001, at which point market makers will be subject to accepting and executing orders in subpenny increments for all Nasdaq securities. The Commission believes that granting accelerated approval to the proposed rule change will allow Nasdaq to continue to provide protection to customer limit orders when trading in subpenny increments for all Nasdaq securities begins.

It is Therefore Ordered, pursuant to Section 19(b)(2) of the Act,[13] that the proposed rule change (File No. SR–NASD–2001–27) is approved on a pilot basis until July 9, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9148 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

[9] In granting accelerated approval of the proposal, the Commission has considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[10] 15 U.S.C. 78o–3(b)(6).

[11] As noted in the Interpretation, members accepting customer limit orders continue to owe those customers duties of ''best execution,'' *i.e.,* a duty to use reasonable diligence to ascertain the best inter-dealer market for the security and buy or sell in such a market so that the price to the customer is as favorable as possible under prevailing market conditions.

[12] Specifically, NASD has agreed, pursuant to the Implementation Plan, to perform a detailed statistical analysis of quoting and trading activity that will be used to form the basis for a study or studies on systems capacity, liquidity, and trading behavior, including an analysis of whether there should be a uniform minimum trading increment. This report is required to be delivered to the Commission no later than 60 days after the full implementation of decimals. Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010.

[13] 15 U.S.C. 78s(b)(2).

[14] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44150; File No. SR–PCX–00–36]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Pacific Exchange, Inc. Relating to Solicited Options Transactions

April 4, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 26, 2001, the Pacific Exchange, Inc. (''PCX'' or ''Exchange''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange.[3] The proposed rule change has been filed by the PCX as a ''non-controversial'' rule change under Rule 19b–4(f)(6)[4] under the Act. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing to add new PCX Rule 6.49 to allow members representing an options order to solicit a third party outside of the trading crowd. Below is the text of the proposed rule change. Proposed new language is in italics.

* * * * *

¶4995 Solicited Transactions

Rule 6.49

(a) A member or member organization representing an order in options (''originating order'') may solicit another member, member organization or non-member broker/dealer outside the trading crowd (''solicited party'') to participate in the transaction on a proprietary basis provided the following criteria are met.

(1) *The member or member organization, upon entering the trading crowd to execute the transaction must announce to the trading crowd the same terms and conditions of the originating order that have been disclosed to the solicited party;*

(2) *The member or member organization must bid at the price he is prepared to buy from the solicited party or offer at the price he is prepared to sell to the solicited party; and*

(3) *The member or member organization must give the trading crowd a reasonable opportunity to accept the bid or offer.*

The members of the trading crowd will have priority over the solicited party order.

(b) It will be considered conduct inconsistent with just and equitable principles of trade for any member, member organization or person associated with a member or member organization, who has knowledge of all material terms and conditions of an originating order, a solicited order, or a facilitation order, the execution of which are imminent, to enter, based on such knowledge, an order to buy or sell an option on the underlying securities of any option that is the subject of the order, or an order to buy or sell the security underlying any option that is the subject of the order, or any order to buy or sell any related instrument until either:

(1) *All the terms and conditions of the originating order and any changes in the terms or conditions of the order of which the member, member organization or person associated with the member or member*

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The PCX filed its submission of January 26, 2001, in the form of an amendment to an earlier version of the proposed rule change filed with the Commission on October 24, 2000. *See* Letter from Hassan Abedi, attorney, PCX, to Nancy J. Sanow, assistant director, Division of Market Regulation, the Commission, dated January 25, 2001. For purposes of Rule 19b4(f)(6) under the Act, the Commission deems the date of filing and effectiveness of the proposed rule change to be January 26, 2001.

[4] 17 CFR 240.19b–4(f)(6).

organization has knowledge are disclosed to the trading crowd, or

(2) *The trade can no longer reasonably be considered imminent in view of the passage of time since the order was received.*

For the proposes of this rule, an order to buy or sell a ''related instrument'' means, in reference to an index option, an order to buy or sell securities comprising 10% or more of the component securities in the index or an order to buy or sell a futures contract on an economically equivalent index.

(c) ''Solicited'' shall be written in the ''Optional Data'' area on the order ticket of the Solicited order.

¶4981 Responsibilities of Floor Brokers

Rule 6.46

(a)–(c)-No change.

Commentary:

.01–.04–No change.

.05 A Floor Broker's use of due diligence in handling an order shall include the immediate and continuous representation of market and marketable orders at the trading post where the option class represented by his order is designated for trading, *except that a Floor Broker who is acting pursuant to Rule 6.49 need not represent such orders immediately at the designated trading post.*

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. *Purpose*

The purpose of the proposed rule change is to allow a member that is representing an options order on the trading floor to solicit a third party outside of the trading crowd to participate in the transaction on a proprietary basis before representing the order in the trading crowd.[5]

Currently, PCX Rule 6.46, Commentary .05, states that a Floor Broker's duty of due diligence in handling an order includes the immediate representation of market and marketable limit orders at the trading post where the options class represented by his order is designated for trading. The PCX has interpreted this to mean that a Floor Broker who receives an order must immediately represent it in the crowd before soliciting the other side of the trade.

Under the proposed rule change a Floor Broker will now have the ability to solicit third parties outside the trading crowd before representing the order in the crowd. The Floor Broker, however, will still have a due diligence obligation to his customer when executing the transaction. The proposed rule change will allow option transactions to be solicited provided that the member, upon entering the trading crowd to execute the transaction, (1) announces to the crowd the same terms and conditions that were disclosed to the solicited party; (2) bids (offers) at the price that he is prepared to bid (offer) to the solicited party; and (3) gives the trading crowd a reasonable opportunity to accept the bid (offer). If a member in the trading crowd decides to match or better the terms of the transaction, the proposed rule grants the member in the trading crowd priority over the solicited party.

Further, the proposed rule will prohibit the member who is representing the order to enter an order to buy or sell an option on the underlying securities of any option that is the subject of the order, or an order to buy or sell the security underlying any option that is the subject of the order, or any order to buy or sell any related instrument until the terms of the original order are disclosed or the trade can no longer be considered imminent in view of passage of time. This portion of the proposed rule change—which will also apply to orders facilitated under the provisions of PCX Rule 6.47—seek to prohibit anticipatory hedging that is based on inside information. The Commission has approved a similar rule change by the Chicago Board Options Exchange, Inc.[6] The Exchange recognizes the importance of fully disclosing the orders that comprise a solicited transaction to the trading crowd and believes that the current proposal allows customer orders to receive full consideration by the trading crowd.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with section 6(b)[7] of the Act, in general, and furthers the objectives of section 6(b)(5),[8] in particular, in that it is designed to promote just and equitable principles of trade.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

Written comments on the proposed rule change were neither solicited nor received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing proposed rule change has become effective pursuant to section 19(b)(3)(A) of the Act[9] and Rule 19b–4(f)(6) thereunder[10] because the proposed rule change (1) does not significantly affect the protection of investors or the public interest; (2) does not impose any significant burden on competition; and (3) does not become operative until more than 30 days from the date on which it was filed, and the PCX provided the Commission with written notice of its intent to file the proposed rule change at least five days prior to the filing date. At any time within 60 days of the filing of such proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

[5] The proposed rule differs from current PCX Rule 6.47(c), which also allows for solicitation of options orders in specified circumstances. Under Rule 6.47(c), a member first represents an order to the trading crowd, and if the member cannot fill the order, then an attempt to solicit the other side may be made outside the crowd. Rule 6.47(c) requires the member to continue to represent the order in the trading crowd while he attempts to solicit the other side. However, once the other side is obtained from outside the trading crowd, the member is permitted to cross the two sides, with the solicited order receiving priority over the trading crowd. Under proposed Rule 6.49, a member is permitted to solicit the other side of an order *before* taking the order to the trading crowd. However, as discussed below, once the member obtains the other side, he must then take the order to the trading crowd, disclose the terms of the order, and allow the crowd to step up and match the terms or better them. If the trading does decide to step up, it receives priority over the solicited order.

[6] *See* Securities Exchange Act Release No. 34959 (November 9, 1994), 59 FR 59446 (November 17, 1994). *See also* Securities Exchange Act Release No. 42894 (June 2, 2000), 65 FR 36850 (June 12, 2000) (concerning a similar rule change by the American Stock Exchange LLC).

[7] 15 U.S.C. 78f(b).

[8] 15 U.S.C. 78f(b)(5).

[9] 15 U.S.C. 78s(b)(3)(A).

[10] 17 CFR 240.19b–4(f)(6).

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether it is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to File No. SR–PCX–00–36, and should be submitted by May 4, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[11]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9113 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

[11] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44149; File No. SR–PCX–00–47]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by the Pacific Exchange, Inc. Adopting Formal Procedures for Members to Submit Proposals to List Option Classes on the Exchange

April 4, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b-4 thereunder,[2] notice is hereby given that on December 13, 2000, the Pacific Exchange, Inc. (''PCX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the PCX. The PCX submitted Amendment Nos. 1[3] and 2[4] to the proposed rule change on February 13, 2001 and March 14, 2001, respectively. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The PCX is proposing procedures for member organizations to propose initial options listing. The text of the proposed rule change is set forth below. All language is being added.

* * * * *

Listing Proposals

3.8. A member organization seeking to propose an option listing in the Options Listing Committee (''OLC'') must execute and deposit a Listing Request Form in the Options Allocation Box by 11:00 a.m. on a daily basis. Listing Request Forms placed in the Options Allocation Box after 11:00 a.m. will be considered on the following day. Once the request is made the PCX staff will:

(a) Confirm in writing the underlying issue of the options request meets all the requirements set forth in PCX Rule 3.6;

(b) Present the issue for listing consideration at the next scheduled OLC meeting. In making its determination the OLC will apply the qualitative and quantitative criteria set forth in Regulatory Bulletin Options 01–08; and

(c) Provide a written response to the requesting member organization within ten business days of the date of the request, (i) setting forth the basis on which any denial or placement of limitation or condition was made; or (ii) indicating that the denial or placement of limitation or condition is due to other bona-fide business reasons which are specifically documented and maintained in the OLC minutes.

* * * * *

[3] On February 13, 2001, the PCX submitted a new Form 19b–4, which replaces and supersedes the original filing in its entirety (''Amendment No. 1'').

[4] *See* letter from Hassan Abedi, Attorney, Regulatory Policy, PCX, to Nancy J. Sanow, Assistant Director, Division of Market Regulation, Commission, dated March 13, 2001 (''Amendment No. 2''). Amendment No. 2 revises proposed PCX Rule 3.8(c) to require the Exchange to provide a written response within 10 days to the requesting member specifying that a denial or placement of limitations or conditions is due to other bona fide business considerations that are specifically documented and maintained in the minutes of the Exchange's Options Listings Committee.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the PCX included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The PCX has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The PCX proposes to adopt new PCX Rule 3.8 to provide procedures for member organizations to propose the listing of options on the Exchange.[5] The proposed rule would require a member organization proposing an option listing to the Options Listing Committee (''OLC'') to execute and deposit a Listing Request Form in the Options Allocation Box by 11:00 a.m. on a daily basis.[6] Once the request is received, the PCX staff would: (i) Confirm that the underlying issue of the listing request meets all the requirements set forth in PCX Rule 3.6; (ii) present the issue for listing consideration at the next scheduled OLC meeting; and (iii) provide a written response, setting forth the basis for the denial or placement of limitations or conditions, to the requesting member organization within ten business days of the date of the request. Regulatory Bulletin Options 01–08 (''RBO 01–08'') sets forth in detail the qualitative and quantitative procedures that the OLC would follow in making a listing determination.[7] As

[5] As part of a settlement of an enforcement action by the Commission, four of the options exchanges, including the PCX, are required to adopt rules to codify listing procedures to be carried out when a member or member organization requests the exchange to list options not currently trading on the exchange. *See* Order Instituting Public Administration Proceeding Pursuant to section 19(h)(1) of the Securities Exchange Act of 1934, Making Findings and Imposing Remedial Sanctions. Securities Exchange Act Release No. 43268 (September 11, 2000), and Administrative Proceeding File 3–10282.

[6] Proposals received after 11:00 a.m. will be considered on the following day.

[7] The quantitative factors to be considered by the OLC would include: (i) Six-month trading volume in the underlying issue; (ii) three-month average daily trading volume; (iii) total shares outstanding; and (iv) market capitalization. The qualitative factors would be: (i) operating and financial history; (ii) industry and competition; (iii) reputation of

Continued

proposed, RBO 01–08 creates a formal process that: (i) Would disclose listing requirements set forth in PCX Rule 3.6; (ii) would specify quantitative and qualitative criteria considered by the OLC in evaluating listing candidates; (iii) would clarify procedures for submission of listing proposals; and (iv) would establish procedures for the reporting of OLC decisions to requesting members. The PCX believes that the proposed rule and guidelines would provide for a reasonable time frame for review and decision making on all listing proposals.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,[8] in general, and furthers the objectives of section 6(b)(5),[9] in particular, in that it is designed to promote just and equitable principles of trade, remove impediments to a free and open market and a national market system, and protect investors and the public interest by ensuring that all listing proposals are properly reviewed.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change, as amended, will impose any burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The PCX did not solicit or receive written comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PCX consents, the Commission will:

(A) By order approve the proposed rule change, or

(B) Institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filings will also be available for inspection and copying at the principal office of the PCX. All submissions should refer to the File No. SR–PCX–00–47 and should be submitted by May 4, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[10]

Jonathan G. Katz,

Secretary.

[FR Doc. 01–9114 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

management; (iv) other significant developments that may be expected to materially affect the company and its shareholders; and (v) the Exchange's internal competitive objectives and system utilization concerns. The Exchange also may take notice of other bona-fide business considerations that will be documented and maintained in the OLC minutes.

[8] 15 U.S.C. 78f(b).

[9] 15 U.S.C. 78f(b)(5).

[10] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 44155; File No. SR–Phlx–01–09]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Adopting a Monthly Fee for Electronic Communication Networks

April 5, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on January 31, 2001, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') the proposed rule change as described in Items I, II, and III, below, which Items have been prepared by the Phlx. The Phlx amended the proposed rule change on March 30, 2001.[3] The Commission is publishing this notice to solicit comments on the proposed rule change, as amended, from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to adopt a $2,500 monthly fee, on a one year pilot basis,[4] for electronic communications networks (''ECNs'')[5] that are member organizations and send order flow to the Exchange's equity trading floor. The proposed fee would apply to ECN trades where the ECN is not acting as a specialist or a floor broker, but rather an order flow provider. The proposed fee is in lieu of the equity transaction value charge that would normally apply to. The Phlx fee schedule is available at the Commission and at the Phlx.

II. Self-Regulatory Organization's Statements Regarding the Proposed Rule Change

In its filing with the Commission, the Phlx included statements concerning the purpose of, and basis for, the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Phlx has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and the Statutory Basis for, the Proposed Rule Change

1. Purpose

The proposed fee is intended to attract equity order flow from ECNs to the Exchange by substituting a fixed

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] The Phlx submitted a new Form 19b–4, which replaces and supersedes the original filing in its entirety.

[4] Thereafter, the Exchange may file to extend the fee, possibly only for ECNs that have achieved a certain average daily Phlx equity volume.

[5] ECNs shall mean any electronic system that widely disseminates to third parties orders entered therein by an Exchange market maker or over-the-counter (''OTC'') market maker, and permits such orders to be executed against in whole or in part. The term ECN shall not include: Any system that crosses multiple orders at one or more specified times at a specified price set by the ECN, algorithm, or by any derivative pricing mechanism and does not allow orders to be crossed or executed against directly by participants outside of such times; or, any system operated by or on behalf of an OTC market-maker or exchange market-maker that executes customer orders primarily against the account of such market maker as principal, other than riskless principal. *See* SEC Rule 11Ac1–1(a)(5).

monthly fee, in light of the potential for high volumes of order flow from ECNs.[6] During the pilot program, the monthly fee would apply to ECN order flow to the Exchange's equity trading floor, including from ECNs that either became members or began sending order flow after the commencement of the pilot period. The proposed fee only would apply to trades where the ECN was not acting as a Phlx specialist or floor broker.[7]

Currently, no ECN operates from the Exchange's equity trading floor as a floor broker or specialist unit. If, however, an ECN did operate from the equity trading floor, it would be subject to various floor-related fees respecting its floor operation.[8] In addition, an ECN's transactions as a floor broker would be subject to the equity transaction value charge, and its specialist trades would be subject to other charges.[9] Even if the ECN was acting as a floor broker or specialist with respect to some trades, those trades for which it was not acting as a floor broker or specialist, but rather an ECN, would be subject only to the flat monthly fee and not other transaction charges.

An ECN that only operates as a specialist or floor broker would not have to pay the monthly fee, because it would, instead, be paying the normal transaction charges applicable to floor brokers and specialists.

An ECN would also continue to be subject to, if applicable, the following membership-related fees: Membership dues or Foreign Currency User Fees, Foreign Currency Option Participation Fee, Capital Funding Fee, Application Fee, Initiation Fee, Transfer Fee, Examinations Fee, Technology Fee, Review/Process Subordinated Loans Fee, Registered Representative Registration Fee, and Off-Floor Trader Initial Registration Fee and Annual Fee.

Because the proposed fee is a flat $2,500 monthly fee as opposed to a per-transaction fee, it is intended to encourage ECN volume. Currently, the equity transaction value charge (that would otherwise apply to an ECN's equity trades) ranges from $.015 to $.14 per $1,000 of transaction value, with a maximum per trade side of $50, and various other applicable discounts. Thus, many variables determine whether the proposed monthly $2,500 fee is generally more favorable than the equity transaction value charge, depending upon the number of trades, size of the trade, and type. As a general matter, the Exchange believes that $2,500 would be more favorable to the ECN because it is a fixed amount.

The Exchange believes that the monthly ECN fee provides competitive fees with appropriate incentives, thus providing a reasonable method to attract large order flow providers such as ECNs to the Exchange. Additional order flow should enhance liquidity, and improve the Exchange's competitive position in equity trading. The Exchange believes that structuring this fee for ECNs is appropriate, as ECNs are unique in their role as order flow providers to the Exchange. Specifically, ECNs operate a unique electronic agency business, similar to a securities exchange, as opposed to directly executing orders for their own customers as principal or agent.

2. Statutory Basis

The Exchange believes that the proposed changes to the Phlx fee schedule are consistent with section 6(b) of the Act,[10] in general, and with section 6(b)(4),[11] in particular, in that they provide for the equitable allocation of reasonable dues, fees and other charges, due to the unique character of ECNs, and because the fixed monthly fee is a reasonable method of attracting a new form of order flow to the Exchange.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Phlx does not believe that the proposed rule change, as amended, will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has designated the proposed rule change as a fee change pursuant to section 19(b)(3)(A)(ii) of the Act[12] and Rule 19b–4(f)(2) thereunder.[13] Accordingly, the proposal will take effect upon filing with the Commission. At any time within 60 days of the filing of Amendment No. 1 to the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW, Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–01–09 and should be submitted by May 4, 2001.

[6] To recoup costs due from the Exchange to the Commission pursuant to Section 31(b) of the Act, the Exchange proposes to continue to apply such fee to ECNs, as the current fee schedule reflects. This fee consists of one three-hundreth of 1 percent of the aggregate dollar amount of the sales of securities transacted on a national securities exchange, as reflected in the Exchange's fee schedule.

[7] An ECN would incur specialist or floor brokerage transaction fees if it acts as a Phlx specialist or floor broker.

[8] These include the Trading Post/Booth Fee, Controller Space Fee, Floor Facility Fee, Shelf Space on Equity Option Trading Floor Fee, Computer Equipment Services, Repairs or Replacements Fee, and Computer Relocation Requests Fee. Certain communications fees could also apply, such as the Direct Wire to the Floor Fee, Telephone System Fee, Execution Services/Communication Charge, Stock Execution Machine Registration Fee (Equity Floor), Equity, Option, or FCO Transmission Charge, FCO Pricing Tape, Option Report Service Fee, Quotron Equipment Fee, Instinet, Reuters Equipment Pass-Through Fee and the Option Mailgram Service Fee.

[9] The PACE Specialist Charge is a fee imposed on specialist transactions only and the Equity Floor Brokerage Assessment and Equity Floor Brokerage Transaction Fee apply to floor brokerage activity.

[10] 15 U.S.C. 78f(b).

[11] 15 U.S.C. 78f(b)(4).

[12] 15 U.S.C. 78s(b)(3)(A)(ii).

[13] 17 CFR 240.19b–4(f)(2).

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[14]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9115 Filed 4–12–01; 8:45 am]

BILLING CODE 8010–01–M

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments and Recommendations

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the Small Business Administration's intentions to request approval on a new, and/or currently approved information collection.

DATES: Submit comments on or before June 12, 2001.

ADDRESSES: Send all comments regarding whether these information collections are necessary for the proper performance of the function of the agency, whether the burden estimate is accurate, and if there are ways to minimize the estimated burden and enhance the quality of the collections, to Carol Fendler, System Accountant, Office of Small Business Investment, Small Business Administration, 409 3rd Street, S.W., Suite 6300.

FOR FURTHER INFORMATION CONTACT: Carol Fendler, System Accountant, (202) 205–7559 or Curtis B. Rich, Management Analyst, (202) 205–7030.

SUPPLEMENTARY INFORMATION:

Title: Amendments to License Application.

Form No: SBA Form 415C.

Description of Respondents: Small Business Investment.

Annual Responses: 1,200.

Annual Burden: 300.

Jacqueline White,

Chief, Administrative Information Branch.

[FR Doc. 01–9166 Filed 4–12–01; 8:45 am]

BILLING CODE 8025–01–U

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with P.L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer and at the following addresses: (OMB), Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW, Washington, D.C. 20503; (SSA), Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235.

The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed above.

1. Beneficiary Interview and Auditor's Observations Form-0960–0630. The information collected through the Beneficiary Interview and Auditor's Observations form, SSA–322, will be used by SSA's Office of the Inspector General to interview beneficiaries and/or their caregivers to determine whether representative payees are complying with their duties and responsibilities. Respondents to this collection will be randomly selected Supplemental Security Income (SSI) recipients and Social Security beneficiaries that have representative payees.

Number of Respondents: 200.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 50 hours.

2. Pain Report—Child—0960–0540. The information collected on form SSA–3371–BK will be used to obtain the types of information specified in the regulations and to provide disability interviewers (and applicants/claimants in self-help situations) with a convenient means of recording the information obtained. This information is used by the State disability determination services (DDS) adjudicators and administrative law judges to assess the effects of symptoms on functionality for determining disability under the Social Security Act. The respondents are applicants for SSI benefits.

Number of Respondents: 250,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Annual Burden: 62,500 hours.

3. Modified Benefit Formula Questionnaire—Foreign Pension—0960–0561. The information collected on form SSA–308 is used by SSA to determine exactly how much (if any) of the foreign pension may be used to reduce the amount of the Social Security retirement or disability benefits under the modified benefit formula. The respondents are applicants for Social Security retirement/disability benefits.

Number of Responses: 50,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 8,333 hours.

4. Physical Residual Functional Capacity Assessment; Mental Residual Functional Capacity Assessment—0960–0431. The information collected on form SSA–4734 is needed by SSA to assist in the adjudication of disability claims involving physical and/or mental impairments. The form assists the State DDS to evaluate impairment(s) by providing a standardized data collection format to present findings in a clear, concise and consistent manner. The respondents are State DDSs administering Social Security and SSI disability programs.

Number of Responses: 1,130,772.

Frequency of Response: 1.

Average Burden Per Response: 20 minutes.

Estimated Annual Burden: 376,924 hours.

5. Earnings Record Information—0960–0505. The information on Form SSA–L3231–C1 is used by SSA to ensure that the proper person is credited with earnings reported for a minor under age 7. The respondents are businesses reporting earnings for children under age 7.

Number of Respondents: 20,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 3,333 hours.

6. Employer Verification of Earnings After Death—0960–0472. The information collected on Form SSA–L4112 is used by SSA to determine whether wages reported by an employer

[14] 17 CFR 200.30–3(a)(12).

are correct, when SSA records indicate that the wage earner is deceased. The respondents are employers who report wages for a deceased employee.

Number of Respondents: 50,000.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 8,333 hours.

7. Site Review Questionnaire for Volume Payees, SSA–637; Site Review Questionnaire for Fee-for Service Payees, SSA–638; Site Review—Beneficiary Interview Form, SSA–639—0960–NEW. Titles II and XVI of the Social Security Act provide for the payment of Social Security and SSI benefits to a relative, another person, or an organization when the best interests of the beneficiary will be served. Social Security regulations outline the duties and responsibilities of representative payees and require a written report accounting for these benefits.

To ensure that benefits are being used properly for beneficiaries, SSA will conduct triennial site reviews for fee-for-service payees and volume payees (organizations serving 100 or more beneficiaries). The reviews include a face-to-face meeting with the payee and appropriate staff and examination/verification of a sample of beneficiary records and supporting documentation, and may include beneficiary or custodian interviews. The information gathered using forms SSA–637, SSA–638 and SSA–639 will be used to ensure compliance with representative payment policies and procedures. It will enable SSA to identify poor payee performance and initiate corrective action as appropriate. The respondents are individuals who receive a fee for service, organizations serving as representative payees for 100 or more Social Security and SSI beneficiaries, and beneficiaries or custodians. Following is an estimate of the annual public reporting burden:

	Volume payees	Fee-for-service payees	Beneficiaries/custodians
Number of respondents	347	333	2,040
Frequency of response	1	1	1
Average burden per response (minutes)	60	60	10
Estimated annual burden (hours)	347	333	340

Dated: April 6, 2001.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 01–9122 Filed 4–12–01; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF STATE

[Public Notice 3643]

Bureau of Oceans, International Environmental and Scientific Affairs; Notice of the Availability of Draft Synthesis Report of the IPCC Third Assessment Report and Request for Comments

ACTION: Notice.

SUMMARY: The Intergovernmental Panel on Climate Change (IPCC) has prepared a draft Synthesis Report for its Third Assessment Report (TAR) on Climate Change. The IPCC is an international scientific body that prepares assessments on the state of knowledge on climate change, its potential impacts, and options for response. The topics covered by the Panel are diverse and range from detection and attribution of climate change, evaluation of climate models, and prediction of climate change, to impacts of climate change on ecosystems and human activities, evaluation of options for adaptation, and technical assessments of options for reducing emissions of greenhouse gases.

During April and May, 2001, IPCC is coordinating a simultaneous expert and government review of the draft Synthesis Report. This report synthesizes the information contained in the Third Assessment Report, including on the rate and magnitude of climate change, the extent of impacts, and the costs and benefits of different response strategies. In addition to its own expert review, the IPCC Secretariat accepts both expert and government comments on this report through national governments.

The U.S. Subcommittee on Global Change Research (SGCR) is coordinating the preparation of the comments of the U.S.G. Through this notice, the SGCR is announcing the availability of the draft Synthesis Report of the IPCC's Third Assessment Report and is requesting comments on the draft report by April 27, 2001 from scientists, experts and other interested organizations and individuals. The comments received will be reviewed, combined, and incorporated, as appropriate, in the process of preparing the set of official USG comments to the IPCC. It should be noted that this is a draft report and should not be cited or quoted as it is still undergoing review and is likely to be changed.

Comments on the review draft should indicate: (1) Name, affiliation, postal address, email address, and other contact information; and (2) the general area of expertise of the reviewer. Reviewer comments on the draft Synthesis Report of the IPCC's Third Assessment Report (preferably submitted as an attachment to an email message) must be received at the email addresses indicated below on or before April 27, 2001. The SGCR cannot extend this deadline because the member countries of the IPCC have established a strict timetable for the review process and require prompt submission of USG comments.

ADDRESSES: Interested individuals or organizations may register as a reviewer and access the draft Synthesis Report at the Global Change Research Information Office (GCRIO) website at *http://www.gcrio.org/ipccform/.* Alternatively, requests with the required information (see above) may be sent electronically to GCRIO at ''help@gcrio.org''; or to GCRIO at P. O. Box 1000, 61 Route 9W, Palisades, New York 10964. Review comments should be submitted via email to *USIPCCTARSYN@usgcrp.gov.* Review comments should be in Microsoft Word or WordPerfect and formatted according to guidance provided on the GCRIO website. If email submission is not possible, review comments may be submitted via mail to: US Comments, IPCC TAR Synthesis Report, Office of the U.S. Global Change Research Program, 400 Virginia Avenue, SW, Suite 750, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: IPCC TAR Review Coordinator, Office of the U.S. Global Change Research Program, Suite 750, 400 Virginia Avenue, SW, Washington, DC 20024; or telephone 202–488–8630, fax to 202–488–8681, or send an email to office@usgcrp.gov.

SUPPLEMENTARY INFORMATION:

I. Background

The Intergovernmental Panel on Climate Change (IPCC) was jointly established in 1988 by the United Nations Environment Programme and the World Meteorological Organization to conduct periodic assessments of the state of knowledge concerning global climate change. The first Scientific Assessment Report was prepared in 1990 and the Second Assessment Report was prepared in 1995. The IPCC has formed three working groups to conduct its assesments. Working Group I addresses the state of the science on what is happening and projected to

happen to the climate system; Working Group II addresses the state of the science on regional, sectoral and cross-sectoral impacts of, and adaptation to, climate change, including the social dimensions and economic costs and benefits; and Working Group III addresses the state of science concerning mitigation of climate change, including the social aspects and economic costs and benefits, and methodological aspects of cross-cutting issues. The individual reports of the working groups were approved in January and February. The Summary for Policymakers for each report is available on the IPCC Web site at http://www.ipcc.ch/.

The IPCC reports are prepared by hundreds of scientists from well over 50 countries. They provide a comprehensive assessment of the state of knowledge concerning topics such as scientific information, environmental impacts, response strategies, and other issues concerning climate change. Each report contains numerous technical chapters prepared by experts in the field, and a Summary for Policymakers that is based on the technical chapters but negotiated line-by-line by governments. As part of the Third Assessment Report, the IPCC is currently preparing a Synthesis Report based on the three working group reports. This report will address a series of policy-relevant science questions that have been approved by member governments of the IPCC. These questions explore the effects, costs, and benefits of different stabilization targets for atmospheric concentrations of greenhouse gases. The report is intended as input to deliberations within the UN Framework Convention on Climate Change.

II. Review Process

The member countries of the IPCC have established a timetable to ensure that the IPCC Secretariat can meet its obligations for a timely completion of the IPCC Third Assessment Report. The SGCR is responsible for coordinating preparation of the USG response, and through this notice is seeking the views of experts and interested organizations and individuals to help in the formulation of its response. Comments will be reviewed, integrated, and used, as appropriate, in the preparation of the official USG comments. An information sheet providing specific guidance on formatting comments is provided Global Change Research Information Office (GCRIO) website. All comments must provide the name and affiliation of the reviewer, and an indication of their area of expertise. This is in accord with the IPCC practice that all reviewer comments are attributed. To be most useful, comments should be specific in suggesting alternative wording or other changes to the text of a particular paragraph or section and, where appropriate, offer supporting information and peer-reviewed references and/or reference relevant sections of the approved working group reports. Comments on the overall tone and scientific validity of the report and comments expressing the reasons for agreement or disagreement with specific major points are also solicited. Reviews should consider the consistency of the Synthesis Report with the underlying materials, particularly the Summaries for Policymakers for the three Working Groups and the selection and representation of major points.

III. Public Availability of Comments

Subsequent to the USG assembly of its comments, the collection of comments received will be available for public inspection at the Department of State Reading Room. Note that the IPCC draft reports are only available over the Web. The official US Government comments will also subsequently be posted on the Web at http://www.state.gov/www/global/global_issues/climate/index.html.

Dated: April 9, 2001.

Trigg Talley,

Acting Director, Office of Global Change, U.S. Department of State.

[FR Doc. 01–9212 Filed 4–12–01; 8:45 am]

BILLING CODE 4710–06–U

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Generalized System of Preferences (GSP); Deadline for Submission of Petitions for the 2001 Annual GSP Product and Country Eligibility Practices Review

AGENCY: Office of the United States Trade Representative.

ACTION: Notice of the 2001 Annual GSP Product and Country Eligibility Practices Review.

DATES: Final date for submission of petitions is June 13, 2001.

SUMMARY: The deadline for the submission of petitions for the 2001 Annual GSP Product and Country Eligibility Practices Review is 5:00 p.m., Wednesday, June 13, 2001.

FOR FURTHER INFORMATION CONTACT: GSP Subcommittee, Office of the United States Trade Representative, 1724 F Street, NW., Room F220, Washington, DC 20508. The telephone number is (202) 395–6971.

SUPPLEMENTARY INFORMATION:

I. Announcement of 2001 Annual GSP Product and Country Eligibility Practices Review

The GSP regulations (15 CFR Part 2007) provide the schedule of dates for conducting an annual review unless otherwise specified by a Federal Register notice. Notice is hereby given that, in order to be considered in the 2001 Annual GSP Product and Country Eligibility Practices Review, all petitions to modify the list of articles eligible for duty-free treatment under GSP or to review the GSP status of any beneficiary developing country must be received by the GSP Subcommittee of the Trade Policy Staff Committee no later than 5 p.m., Wednesday, June 13, 2001. Petitions submitted after the deadline will not be considered for review and will be returned to the petitioner.

The GSP provides for the duty-free importation of designated articles when imported from designated beneficiary developing countries. The GSP is authorized by title V of the Trade Act of 1974 (19 U.S.C. 2461 *et. seq.*), as amended (the ''Trade Act''), and is implemented in accordance with Executive Order 11888 of November 24, 1975, as modified by subsequent Executive Orders and Presidential Proclamations. Section 505 of the Trade Act states that duty-free treatment provided under the GSP shall not remain in effect after September 30, 2001. If the program expires without reauthorization on that date, the 2001 Annual GSP review will be conducted according to a schedule to be issued in the **Federal Register** if and when the program is reauthorized. The review will be based on those petitions that are submitted prior to the June 13 deadline and accepted for review by the GSP Subcommittee.

A. 2001 GSP Annual Product Review

Interested parties or foreign governments may submit petitions: (1) To designate additional articles as eligible for GSP; (2) to withdraw, suspend or limit GSP duty-free treatment accorded either to eligible articles under the GSP or to individual beneficiary developing countries with respect to specific GSP eligible articles; (3) to waive the competitive need limits for individual beneficiary developing countries with respect to specific GSP eligible articles; and (4) to otherwise modify GSP coverage. As specified in 15 CFR 2007.1, all product petitions must include a detailed description of the product and the Harmonized Tariff

Schedule (HTS) subheading in which the product is classified.

B. 2001 GSP Annual Country Eligibility Practices Review

Interested parties may submit petitions to have the GSP status of any eligible beneficiary developing country revised with respect to any of the designation criteria listed in sections 502(b) or 502(c) of the Trade Act (19 U.S.C. 2462(b) and (c)). Such petitions must comply with the requirements of 15 CFR 2007.01(b).

C. Submission of Petitions and Requests

Petitions to modify GSP treatment should be addressed to GSP Subcommittee, Office of the U.S. Trade Representative, 1724 F Street, NW, Room F220, Washington, DC 20508. An original and fourteen (14) copies of each petition must be submitted in English. If the petition contains business confidential information, an original and fourteen (14) copies of a nonconfidential version of the submission along with an original and fourteen (14) copies of the confidential version must be submitted. In addition, the submission containing confidential information should be clearly marked ''confidential'' at the top and bottom of each and every page of the submission. Petitions submitted as ''business confidential'' must conform to 15 CFR 2003.6 and other qualifying information submitted in confidence must conform to 15 CFR 2007.7. The version that does not contain business confidential information (the public version) should also be clearly marked at the top and bottom of each page (either ''public version'' or ''nonconfidential''). Furthermore, interested parties submitting petitions that request action with respect to specific products should list on the first page of the petition the following information: (1) The requested action; (2) the HTS subheading in which the product is classified; and (3) if applicable, the beneficiary country.

All such submissions must conform to the GSP regulations which are set forth in 15 CFR part 2007. The regulations are also included in ''A Guide to the U.S. Generalized System of Preferences (GSP)'' (August 1991) (''GSP Guide''). Petitioners are strongly advised to review the GSP regulations. Submissions that do not provide all information required by sections 2007.0 and 2007.1 of the GSP regulations will not be accepted for review, except upon a detailed showing in the submission that the petitioner made a good faith effort to obtain the information required. These requirements will be strictly enforced. Petitions with respect to waivers of the competitive need limitations must meet the information requirements for product addition requests in section 2007.1(c) of the GSP regulations. A model petition format is available from the GSP Subcommittee and is included in the GSP Guide. Petitioners are requested to use this model petition format so as to ensure that all information requirements are met.

Only the public versions of the submissions will be available for public inspection and only by appointment. Appointments to review petitions may be made by contacting Ms. Brenda Webb (Tel. 202/395–6186) of the USTR Public Reading Room. The hours of the Reading Room are 9:30 a.m. to 12 noon and 1:00 p.m. to 4:00 p.m., Monday through Friday.

Jon Rosenbaum,

Chairman, GSP Subcommittee of the Trade Policy Staff Committee.

[FR Doc. 01–9258 Filed 4–12–01; 8:45 am]

BILLING CODE 3901–01–M

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Agency Information Collection; Proposed Extension; Request for Comments; Uniform Administrative Requirements for Grants, and Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations

AGENCY: Office of the Secretary, DOT.

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the extension of a previously approved collection.

DATES: Comments on this notice must be received by June 12, 2001.

ADDRESSES: Comments should be directed to the Grants Management Division (M–62), Office of The Senior Procurement Executive, Office of the Secretary, US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Ladd Hakes, Grants Management Division (M–62), Office of the Senior Procurement Executive, Office of the Secretary, US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4284.

SUPPLEMENTARY INFORMATION:

Title: Uniform Administrative Requirements For Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations.

Forms: SF 269, SF 270, SF 271, SF 272, and SF 424.

OMB Number: 2105–0531.

Expiration Date: June 30, 2001.

Type of Request: Extension of a previously approved collection.

Affected Public: Public Schools, hospitals, and other nonprofit organizations receiving Federal financial assistance from DOT.

Abstract: Requirements for Federal administration of financial assistance to schools, hospitals, and other nonprofit organizations is provided to affected Executive agencies via OMB Circular A–110, Uniform Administrative Requirements for Grants and Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations which the Department has codified at 49 CFR part 19. OMB provides management and oversight of the circular. OMB also provides for a standard figure of seventy (70) annual burden hours per grantee for completion of required forms.

Respondents: State and local governments receiving Federal financial assistance from the Department of Transportation (DOT).

Estimated Number of Respondents: 150 (avg. 4 responses per respondent per year).

Average Annual Burden Per Respondent: 70 hours.

Estimated Total Burden on Respondents: 10,500 hours.

These information collections are available for inspection at the Grants Management Division (M–62), Office of Acquisition and Grant Management, Department of Transportation, at the address above. Copies of 49 CFR parts 18 and 19 can be obtained from Mr. Ladd Hakes at the address and phone number shown above.

Comments are invited on: (a) 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; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

All responses to this notice, will be summarized and included in the request

for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on April 9, 2001.

Ladd Hakes,

Acting Director, Grants Management Division.

[FR Doc. 01–9183 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Agency Information Collection; Proposed Extension; Request for Comments; Uniform Administrative Requirements for Grants, and Cooperative Agreements to State and Local Governments

AGENCY: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended), this notice announces the Department of Transportation's (DOT) intention to request the extension of a previously approved collection.

DATES: Comments on this notice must be received by June 12, 2001.

ADDRESSES: Comments should be directed to the Grants Management Division (M–62), Office of The Senior Procurement Executive, Office of the Secretary, US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: Mr. Ladd Hakes, Grants Management Division (M–62), Office of the Senior Procurement Executive, Office of the Secretary, US Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590, (202) 366–4284.

SUPPLEMENTARY INFORMATION:

Title: Uniform Administrative Requirements For Grants and Cooperative Agreements to State and Local Governments.

Forms: SF 269, SF 270, SF 271, SF 272 and SF 424.

OMB Number: 2105–0520.

Expiration Date: September 30, 2001.

Type of Request: Extension of a previously approved collection.

Affected Public: State and local Governments.

Abstract: Information is required to meet the data requirements imposed by OMB Circular A–102 and the grant common rule, which the Department of Transportation codified at 49 CFR part 18. The information collected, retained and provided by the State and local government grantees is required to ensure grantee eligibility and their conformance with Federally mandated reporting requirements. OMB provides management and oversight of the circular. OMB also provides for a standard figure of seventy (70) annual burden hours per grantee for completion of required forms.

Respondents: State and local governments receiving Federal financial assistance from the Department of Transportation (DOT).

Estimated Number of Respondents: 1,795.

Average Annual Burden Per Respondent: 70 hours.

Estimated Total Burden on Respondents: 125,650 hours.

These information collections are available for inspection at the Grants Management Division (M–62), Office of Acquisition and Grant Management, Department of Transportation, at the address above. Copies of 49 CFR part 18 can be obtained from Mr. Ladd Hakes at the address and phone number shown above.

Comments are invited on: (a) 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; (b) the accuracy of the Department's estimate of the burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

All responses to this notice, will be summarized and included in the request for OMB approval. All comments will also become a matter of public record.

Issued in Washington, DC on April 9, 2001.

Ladd Hakes,

Acting Director, Grants Management Division.

[FR Doc. 01–9184 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Aviation Proceedings, Agreements Filed During Week Ending March 30, 2001

The following Agreements were filed with the Department of Transportation under provisions of 49 U.S.C. sections 412 and 414. Answers may be filed within 21 days after the filing of the applications.

Docket Number: OST–2001–9259.
Date Filed: March 27, 2001.
Parties: Members of the International Air Transport Association.
Subject:
PTC2 ME-AFR 0067 dated 20 March 2001.
TC2 Middle East-Africa Expedited Resolutions 002p, 015v.
Intended effective date: 15 April 2001.

Docket Number: OST–2001–9290.
Date Filed: March 30, 2000.
Parties: Members of the International Air Transport Association.
Subject:
PTC3 0485 dated 23 March 2001.
Mail Vote 116—TC3 Special Passenger Amending.
Resolution between Japan and Uzbekistan.
Intended effective date: 1 April 2001.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–9246 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

Notice of Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits Filed Under Subpart B (Formerly Subpart Q) During the Week Ending March 23, 2001

The following Applications for Certificates of Public Convenience and Necessity and Foreign Air Carrier Permits were filed under Subpart B (formerly Subpart Q) of the Department of Transportation's Procedural Regulations (See 14 CFR 301.201 *et seq.*). The due date for Answers, Conforming Applications, or Motions to Modify Scope are set forth below for each application. Following the Answer period, DOT may process the application by expedited procedures. Such procedures may consist of the adoption of a show-cause order, a tentative order, or in appropriate cases a final order without further proceedings.

Docket Number: OST–2000–7559.

Date Filed: March 30, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 16, 2001.

Description: Application of Atlas Air, Inc., pursuant to 49 U.S.C. section 40109(c), requesting (1) an emergency exemption to provide foreign scheduled air transportation of property and mail between Miami, on the one hand, and Manaus, Sao Paulo and Rio de Janeiro, Brazil, on the other, via points in South America and beyond Brazil to such points, on a pendente lite basis until

issuance of a final order in the U.S.-Brazil All-Cargo case, (2) the temporary assignment of ten weekly frequencies for its services, and (3) prompt transmittal, through diplomatic channels, of a formal U.S. government note designating Atlas as the fourth U.S. scheduled all cargo airline to serve Brazil.

Docket Number: OST–2001–9311.

Date Filed: March 30, 2001.

Due Date for Answers, Conforming Applications, or Motion to Modify Scope: April 20, 2001.

Description: Application of Ogden Flight Services Group, Inc., pursuant to 49 U.S.C. section 41102, Subpart B and Section 204.3, requesting a certificate of public convenience and necessity to engage in (1) interstate charter air transportation of persons, property and mail, and, (2) foreign charter air transportation of persons, property and mail.

Dorothy Y. Beard,

Federal Register Liaison.

[FR Doc. 01–9245 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–62–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2001–8629]

Information Collection Under Review by the Office of Management and Budget (OMB); Correction

AGENCY: Coast Guard, DOT.

ACTION: Notice; correction.

SUMMARY: The Coast Guard published a notice in the **Federal Register** of February 16, 2001, concerning request for comments on several collections of information. The notice contained an incorrect docket number.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326.

Correction

In the **Federal Register** of February 16, 2001, in FR Doc. 01–3898, on page 10768, correct the ''docket number'' to read [USCG 2001–8629] in the following places: (1) column 2, the heading; (2) column 2, ADDRESSES, line 3; and (3) column 3, Request for Comments, line 6.

Dated: April 5, 2001.

J. E. Evans,

Acting Director of Information and Technology.

[FR Doc. 01–9179 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG 2000–7821]

Information Collections Under Review by the Office of Management and Budget (OMB): 2115–0628 and 2115–0015

AGENCY: Coast Guard, DOT.

ACTION: Request for comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, this request for comments announces that the Coast Guard has forwarded the two Information Collection Reports (ICRs) abstracted below to OMB for review and comment. Our ICRs describe the information we seek to collect from the public. Review and comment by OMB ensure that we impose only paperwork burdens commensurate with our performance of duties.

DATES: Please submit comments on or before May 14, 2001.

ADDRESSES: Please send comments to (1) the Docket Management System (DMS), U.S. Department of Transportation (DOT), room PL–401, 400 Seventh Street S.W., Washington, DC 20590–0001; and (2) the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB), 725 17th Street N.W., Washington, DC 20503, to the attention of the Desk Officer for the USCG.

Copies of the complete ICRs are available for inspection and copying in public docket USCG 2000–7821 of the Docket Management Facility between 10 a.m. and 5 p.m., Monday through Friday, except Federal holidays; for inspection and printing on the internet at *http://dms.dot.gov;* and for inspection from the Commandant (G–CIM–2), U.S. Coast Guard, room 6106, 2100 Second Street S.W., Washington, DC, between 10 a.m. and 4 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Barbara Davis, Office of Information Management, 202–267–2326, for questions on this document; Dorothy Beard, Chief, Documentary Services Division, U.S. Department of Transportation, 202–366–5149, for questions on the docket.

SUPPLEMENTARY INFORMATION:

Regulatory History

This request constitutes the 30-day notice required by OMB. The Coast Guard has already published [65 FR 54880 (September 11, 2000)] the 60-day notice required by OMB. That notice elicited a comment for each of the two ICRs it covered.

The comment that concerned ICR 2115–0628—Navigation Safety Equipment and Emergency Instructions for Certain Towing Vessels—suggested that: (1) The frequency of certain required safety checks on towing vessels is inadequate; (2) a format for recording information is needed; (3) certain data in the statement supporting the ICR are inaccurate; (4) the Coast Guard should revise the requirements in various respects; (5) the cost estimate for this ICR is overstated; and (6) the Coast Guard should be collecting more information related to fire-protection measures for towing vessels than it is.

The Coast Guard has reviewed the comment and finds that: (1) The frequency of the safety checks is adequate but that the rules do not preclude an operator from conducting added checks if he or she deems them appropriate; (2) a prescriptive format for recording information is not needed, because we determined that the operator should retain the flexibility to decide how best to fit the required entries into an existing log-keeping system; (3) a correction to the statement supporting the ICR is indeed necessary, and we have made it; (4) the Coast Guard is processing a previous request by the submitter on this subject as a petition for rulemaking; (5) the cost estimate is realistic as is clear from a review of the estimate by the program office; and (6) this issue is under review by the program office. On January 3, 2001, we replied to the submitter and sent a copy to OMB.

The comment that concerned ICR 2115–0015—Shipping Articles—raised several questions regarding the form for Shipping Articles (CG–705A). The questions fell into three general areas:

- Whether the Coast Guard would update the form;
- Whether the Coast Guard reviews the forms submitted and compiles statistics; and
- What means of enforcement the statutes provide.

With respect to updating, the program office rersponds that the form is functional as it stands and that most users are providing the information on their own forms as permitted by rule. While citations to the U.S. Code on the current CG–705A are dated, the statutes themselves have not changed in substance, and current editions of the U.S. Code cross-refer the reader to the Revised Statutes (old editions).

With respect to statistics, the program office responds that it holds these statutorily required forms for record purposes and does not routinely review them. The shipping companies do hold them for 3 years before submitting them

to the Coast Guard for archiving. We need not review them without good cause nor need we compile statistics regarding their use. The forms provide basic protections to merchant seamen in their employment aboard U.S.-flag commercial vessels.

With respect to means of enforcement for failure to post or submit articles, the program office responds that the statutes vary depending on whether the particular voyage is coastwise rather than foreign or intercoastal. The statute covering coastwise voyages limits enforcement to the master of the vessel while the other statute permits wider discretion over enforcement. On February 23, 2001, we replied to the submitter and sent a copy to OMB.

Request for Comments

The Coast Guard invites comments on the proposed collections of information to determine whether the collections are necessary for the proper performance of the functions of the Department. In particular, the Coast Guard would appreciate comments addressing: (1) The practical utility of the collections; (2) the accuracy of the Department's estimated burden of the collections; (3) ways to enhance the quality, utility, and clarity of the information that is the subject of the collections; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology.

Comments, to DMS or OIRA, must contain the OMB Control Numbers of all ICRs addressed. Comments to DMS must contain the docket number of this request, USCG 2000–7821. Comments to OIRA are best assured of having their full effect if OIRA receives them 30 or fewer days after the publication of this request.

Information Collection Requests

1. *Title:* Navigation Safety Equipment and Emergency Instructions for Certain Towing Vessels.

OMB Control Number: 2115–0628.

Type of Request: Extension of a currently approved collection.

Affected Public: Owners, operators, and masters of vessels.

Forms: This collection of information does not require the public to fill out Coast Guard forms, but does require owners, operators, and masters of vessels to have on board the vessel, or where appropriate in company files, Navigation Safety Equipment, a Muster List, and Emergency Instructions, for the Coast Guard to inspect.

Abstract: Rules on navigational-safety equipment help assure that the mariner piloting a towing vessel has adequate equipment, charts, maps, and other publications. For inspected towing vessels, a muster list and emergency instructions provide effective plans and references for crew to follow in an emergency.

Annual Estimated Burden Hours: The estimated burden is 281,998 hours a year.

2. *Title:* Shipping Articles.

OMB Control Number: 2115–0015.

Type of Request: Extension of a currently approved collection.

Affected Public: Merchant mariners.

Form: CG–705A.

Abstract: This collection of information requires merchant mariners to complete form CG–705A, Shipping Articles, before entering the service of a shipping company.

Annual Estimated Burden Hours: The estimated burden is 18,000 hours a year.

Dated: April 5, 2001.

J. E. Evans,

Acting Director of Information and Technology.

[FR Doc. 01–9180 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–15–U

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–7514]

National Preparedness for Response Exercise Program (PREP)

AGENCY: Coast Guard, DOT.

ACTION: Notice of availability and request for comments.

SUMMARY: The four Federal agencies that comprise the National Scheduling Coordination Committee (NSCC) (U.S. Coast Guard, Environmental Protection Agency, Minerals Management Service, and Office of Pipeline Safety) hosted a Preparedness for Response Exercise Program (PREP) Workshop on August 29, 2000, in Washington, DC. Interested parties were encouraged to submit comments either at the workshop or to the docket. The NSCC has prepared responses to these comments and is drafting changes to the PREP Guidelines as a result of the workshop. Interested parties are invited to comment on these documents.

DATES: Comments and related material must reach the Docket Management Facility on or before September 1, 2001.

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

(1) By mail to the Docket Management Facility, (USCG–2000–7514), U.S. Department of Transportation, room PL–401, 400 Seventh Street SW., Washington, DC 20590–0001.

(2) By hand delivery to room PL–401 on the Plaza level of the Nassif Building, 400 Seventh 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 documents, as indicated in this notice, 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 at the same address between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. You may electronically access the public docket for this notice on the Internet at *http://dms.dot.gov*.

FOR FURTHER INFORMATION: If you have questions on this notice and general information regarding the PREP program, contact Robert Pond, Office of Response, Plan and Preparedness Division (G–MOR–2), U.S. Coast Guard Headquarters, 2100, 2nd St. SW., Washington, DC 20593–0001, telephone 202–267–6603, fax 202–267–4065 or e-mail *rpond@comdt.uscg.mil*. If you have questions on viewing, or submitting material to the docket, contact Dorothy Beard, Chief, Dockets, Department of Transportation, telephone 202–366–5149.

Request for Comments

We encourage you to participate by submitting comments and related material. If you do so, please include your name and address, identify the docket number (USCG–2000–7514), indicate the specific section of the document to which each comment applies, and give the reason for each comment. You may submit your comments and materials by mail or hand delivery, submit them in an unbound format, no larger than 8½ 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.

Background

The Coast Guard, the Environmental Protection Agency (EPA), the Research

and Special Programs Administration (RSPA), and the Minerals Management Service (MMS), in concert with the states, the oil industry and concerned citizens, developed the preparedness for Response Exercise Program (PREP). PREP was developed to establish a workable oil pollution response exercise program, which meets the intent of section 4204(a) of the Oil Pollution Act of 1990. PREP provides a mechanism for compliance with the exercise requirements, while being economically feasible for the government and oil industry to adopt and sustain. Since the inception of PREP, public meetings have been held periodically to assess the continuing vitality of the program.

Availability of Documents

The NSCC has prepared responses to comments received in association with the August 2000 PREP Workshop held in Washington, DC. These responses are available for review at the Docket Management Facility at *http://dms.dot.gov* (USCG–2000–7514). These responses and additional information regarding PREP are also available at the following web sites:

USCG:http://www.uscg.mil/hq/g-m/nmc/response/# PREP
MMS:http://www.mms.gov
EPA:http://www.epa.gov/oilspill/index.htm
OPS:http://ops.dot.gov/

As noted in some of the responses, the NSCC is currently working on revising the existing 1994 PREP Guidelines. Proposed changes to the Guidelines will be available at the Docket Management Facility Web Site (USCG–2000–7514), as well as, the above agency Web Sites by June 1, 2001. NSCC will consider whether to schedule a PREP Workshop to discuss these proposed changes. Any comments on the proposed changes must be submitted to the Docket Management Facility no later than September 1, 2001.

Dated: April 4, 2001.

Howard L. Hime,

Acting Director of Standards.

[FR Doc. 01–9182 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Coast Guard

[CGD 05–01–005]

Notice and Request for Comments; Letter of Recommendation, LHG or LNG Facility Cove Point, MD

AGENCY: Coast Guard, DOT.

ACTION: Notice and request for public comment.

SUMMARY: In accordance with the requirements in 33 CFR 127.009, the U. S. Coast Guard Captain of the Port, Baltimore (COTP) is preparing a letter of recommendation as to the suitability of the Chesapeake Bay waterway for liquefied hazardous gas (LHG) or liquefied natural gas (LNG) marine traffic. The letter of recommendation is in response to a Letter of Intent to operate the LNG facility at Cove Point, Maryland. In preparation for issuance of the letter of recommendation, the COTP will consider all information submitted by the owner or operator under the requirements of 33 CFR 127.007, as well as comments received from the public.

DATES: Comments and related material must reach the Coast Guard on or before June 12, 2001.

ADDRESSES: You may mail comments and related material to Commander, U.S. Coast Guard Activities Baltimore, 2401 Hawkins Point Road, Baltimore, Maryland 21226–1791. U.S. Coast Guard Activities Baltimore maintains a file for this notice. Comments and material received from the public during the comment period will become part of this file and will be available for inspection or copying at the U.S. Coast Guard Activities Baltimore office, room 205, between the hours of 7:00 a.m. to 3:30 p.m., Monday through Friday, excluding federal holidays.

FOR FURTHER INFORMATION CONTACT: Lieutenant Commander Gordon Loebl at U. S. Coast Guard Activities Baltimore (410) 576–2526.

SUPPLEMENTARY INFORMATION:

Request for Comments

We encourage you to submit comments and related material. If you do so, please include your name and address. Please submit all comments and related material in an unbound format, no larger than 8½ by 11 inches, suitable for copying. For a return receipt, please enclose a stamped, self-addressed postcard or envelope. We will consider all comments and material received during the comment period. The recommendation made by this office may be affected by comments received.

Public Meeting

We do not now plan to hold public meetings or hearings. But you may submit a request for meetings or hearings by writing to Commander, U.S. Coast Guard Activities Baltimore at the address under **ADDRESSES** explaining why they would be beneficial. If we determine that public hearings or meetings would benefit the recommendation process, we will hold them at a time and place announced by a later notice in the **Federal Register**.

Dated: April 6, 2001.

T. C. Paar,

Captain, U.S. Coast Guard, Acting Commander, Fifth Coast Guard District.

[FR Doc. 01–9181 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Summary Notice No. PE–2001–29]

Petitions for Exemption; Summary of Petitions Received; Dispositions of Petitions Issued

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of dispositions of prior petitions.

SUMMARY: Pursuant to FAA's rulemaking provisions governing the application, processing, and disposition of petitions for exemption part 11 of Title 14, Code of Federal Regulations (14 CFR), this notice contains a summary of certain dispositions of certain petitions previously received, and corrections. The purpose of this notice is to improve the public's awareness of, and participation in, this aspect of FAA's regulatory activities. Neither publication of this notice nor the inclusion or omission of information in the summary is intended to affect the legal status of any petition or its final disposition.

FOR FURTHER INFORMATION CONTACT: Forest Rawls (202) 267–8033, or Vanessa Wilkins (202) 267–8029 Office of Rulemaking (ARM–1), Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591.

This notice is published pursuant to §§ 11.85 and 11.91.

Issued in Washington, DC, on March 16, 2001.

Donald P. Byrne,

Assistant Chief Counsel for Regulations.

Dispositions of Petitions

Docket No.: FAA–2001–9136.

Petitioner: Evergreen International Airlines, Inc.

Section of the 14 CFR Affected: 14 CFR Special Federal Aviation Regulation No. 79.

Description of Relief Sought/Disposition: To operate a one-time flight to Pyongyang, the capital city of the Democratic People's Republic of Korea,

on or about April 1, 2001. *Grant, 03/25/2001, Exemption No. 7477.*

Docket No.: 29742.
Petitioner: National Airlines, Inc.
Section of the 14 CFR Affected: 14 CFR section V, paragraph B of appendix I to part 121.
Description of Relief Sought/Disposition: To permit National employees who perform a safety-sensitive function and who are required to undergo a medical examination under 14 CFR part 67 to be excluded from periodic drug testing. *Denial, 03/20/2001, Exemption No. 7470.*

Docket No.: FAA–2001–8984.
Petitioner: Mr. Roger J. Nilsen.
Section of the 14 CFR Affected: 14 CFR 121.383(c).
Description of Relief Sought/Disposition: To permit Mr. Nilsen to act as a pilot in operations conducted under part 121 after reaching his 60th birthday. *Denial, 03/12/2001, Exemption No. 7464.*

Docket No.: FAA–2000–8352.
Petitioner: Mr. Kevin Louis Abel.
Section of the 14 CFR Affected: 14 CFR 61.153(a).
Description of Relief Sought/Disposition: To permit Mr. Abel to obtain an airline transport pilot (ATP) certificate before reaching 23 years of age. *Denial, 03/26/2001, Exemption No. 7472.*

Docket No.: FAA–2000–8462.
Petitioner: National Warplane Museum.
Section of the 14 CFR Affected: 14 CFR 91.315, 119.5(g), and 119.21(a).
Description of Relief Sought/Disposition: To permit NWM to carry passengers on local flights for compensation or hire in its limited category Boeing B–17 aircraft in support of the NWM's fundraising efforts. *Grant, 03/26/2001, Exemption No. 7474.*

Docket No.: FAA–2000–8182.
Petitioner: Washoe County Sheriff's Office.
Section of the 14 CFR Affected: 14 CFR 61.113(e).
Description of Relief Sought/Disposition: To permit members of the Washoe County Sheriff's Air Squadron who hold private pilot certificates to continue to be reimbursed for fuel, oil, and maintenance expenses incurred while performing search and location missions for the Sheriff's Office. *Grant, 03/26/2001, Exemption No. 7473.*

Docket No.: FAA–2001–8678.
Petitioner: Lufthansa Technik.
Section of the 14 CFR Affected: 14 CFR 25.785(j).
Description of Relief Sought/Disposition: To allow the installation of an interior arrangement that does not provide firm ''handholds'' in the aft bedroom for Boeing Model 737–700 airplane, serial number 29972. *Grant, 03/27/2001, Exemption No. 7475.*

Docket No.: FAA–2001–9134.
Petitioner: Aviation Services, Ltd. dba Freedom Air.
Section of the 14 CFR Affected: 14 CFR 121.314(c).
Description of Relief Sought/Disposition: To allow operation, until June 20, 2001, of one SD3–30 airplane beyond the cargo compartment modification deadline of March 19, 2001. *Partial Grant, 03/15/2001, Exemption No. 7466.*

Docket No.: FAA–2001–8933.
Petitioner: Pacific Island Aviation, Inc.
Section of the 14 CFR Affected: 14 CFR 121.314(c).
Description of Relief Sought/Disposition: To allow operation, until June 20, 2001, of three SD3–60 airplanes beyond the cargo compartment modification deadline of March 19, 2001. *Grant, 03/15/2001, Exemption No. 7465.*

Docket No.: FAA–2001–9189.
Petitioner: Pan American Airways Corp.
Section of the 14 CFR Affected: 14 CFR 25.857(c), 25.858, and 121.314(c).
Description of Relief Sought/Disposition: To permit Pan American Airways to operate six Boeing B727–200 airplanes, without being fitted with fire suppression equipment, beyond the cargo compartment modification deadline of March 19, 2001, until the conversion kits are available from the contractor, Securaplane Technologies. *Denial, 03/30/2001, Exemption No. 7468.*

Docket No.: FAA–2000–8525 (previously Docket No. 28545).
Petitioner: United Airlines, Inc.
Section of the 14 CFR Affected: 14 CFR 121.315(a)(3).
Description of Relief Sought/Disposition: To permit United to use electronic digital technology to document the revision level in lieu of printing the last revision date on each page of each manual required under § 121.133. *Grant, 03/26/2001, Exemption No. 6612B.*

Docket No.: FAA–2000–8186 (previously Docket No. 28455).
Petitioner: Sound Flight, Inc.
Section of the 14 CFR Affected: 14 CFR 135.203(a)(1).
Description of Relief Sought/Disposition: To permit Sound Flight to conduct operations under visual flight rules at an altitude below 500 feet, over water, outside controlled airspace. *Grant, 03/26/2001, Exemption No. 6428B.*

Docket No.: FAA–2000–8319.
Petitioner: Ms. Denita Lynn O'Jala
Section of the 14 CFR Affected: 14 CFR 65.104(a)(2).
Description of Relief Sought/Disposition: To allow Ms. O'Jala to be eligible to apply for a repairman certificate (experimental aircraft builder) for a Christen Eagle II kit airplane (registration No. N13LD, serial No. O'Connell–0001), without being the primary builder. *Grant, 03/31/2001, Exemption No. 7471.*

Docket No.: FAA–2001–8863 (previously Docket No. 25506).
Petitioner: Department of the Navy.
Section of the 14 CFR Affected: 14 CFR 91.215(c).
Description of Relief Sought/Disposition: To permit the Navy to provide realistic air combat training in airspace defined in the exemption as the ''Transponder-Off Area.'' *Grant, 03/27/2001, Exemption No. 6741A.*

Docket No.: FAA–2001–9128 (previously Docket No. 05010).
Petitioner: Federal Aviation Administration Aviation Systems Standards and the U.S. Air Force Flight Inspection Center.
Section of the 14 CFR Affected: 14 CFR 91.119(b) and (c), 91.159, 91.175(a) and (b), and 91.179(b).
Description of Relief Sought/Disposition: To permit the FAA AVN and the USAF FIC to deviate from certain flight rules required by subpart B of part 91 while conducting flight inspections of air navigation facilities and instrument approach procedures. *Grant, 03/30/2001, Exemption No. 5118D.*

[FR Doc. 01–9244 Filed 4–12–01; 8:45 am]
BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Submission Deadline for International Slots

AGENCY: Department of Transportation, FAA.

ACTION: Notice of submission deadline.

SUMMARY: On October 1, 1999, the FAA amended the regulations governing takeoff and landing slots and slot allocation procedures at certain High Density Traffic Airports as a result of the ''Open Transborder'' Agreement between the Government of the United States and the Government of Canada. One element of this final rule established that the deadline for

submission of requests for international slots will be published in a **Federal Register** notice for each scheduling season. The purpose of the amendment is for the FAA deadline for international slots requests to coincide with the International Air Transport Association deadline for submission of international requests. In accordance with this amendment, the FAA announces in this notice that the deadline for submitting requests for international slots for allocation under 14 CFR 93.217 is May 14, 2001.

DATES: Requests for international slots must be submitted no later than May 14, 2001.

ADDRESSES: Requests may be submitted by mail to Slot Administration Office, AGC–230 Office of the Chief Counsel, 800 Independence Ave., SW., Washington, DC 20591; facsimile: 202–267–7668; ARINC: DCAYAXD; email address: 9–AWA–slotadmin@faa.gov.

FOR FURTHER INFORMATION CONTACT: Lorelei Peter, Airspace and Air Traffic Law Branch, Regulations Division, Office of the Chief Counsel, Federal Aviation Administration, 800 Independence Avenue, SW., Washington, DC 20591; telephone number: 202–267–3073.

Issued in Washington, DC on April 9, 2001.

James W. Whitlow,

Deputy Chief Counsel.

[FR Doc. 01–9243 Filed 4–12–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34027]

Public Service Company of Colorado d/b/a Xcel Energy—Acquisition Exemption—The Burlington Northern and Santa Fe Railway Company

Public Service Company of Colorado d/b/a Xcel Energy (Xcel), a noncarrier, has filed a verified notice of exemption under 49 CFR 1150.31 to acquire non-exclusive trackage rights from The Burlington Northern and Santa Fe Railway Company (BNSF) over a segment of BNSF trackage in the vicinity of Pueblo, CO. The trackage extends from a connection between BNSF and the Union Pacific Railroad Company (UP) at Pueblo Junction, at or near milepost 119.45 (BNSF's Spanish Peak Sub-division), to a connection with Xcel's Comanche Electric Generating Station (Comanche Station) spur track near Southern Junction, at milepost 124.74 (BNSF's Spanish Peak Sub-division), a distance of 5.29 miles.[1]

The verified notice states that the parties expected to consummate the transaction on or around March 28, 2001. Counsel for Xcel has been contacted and has expressed his understanding that the earliest the transaction can be consummated is the April 6, 2001 effective date of the exemption (7 days after the exemption was filed).

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34027 must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas W. Wilcox, Esq., Thompson Hine & Flory LLP, 1920 N Street, NW., Suite 800, Washington, DC 20036–1601.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 5, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–9239 Filed 4–12–01; 8:45 am]

BILLING CODE 4915–00–P

[1] According to the verified notice, the trackage rights are to provide service to the Comanche Station and other industries that are now located and that hereafter locate along the Comanche Station spur track. The verified notice also indicates that any rail operations using the trackage rights granted to Xcel will be conducted by a third party, which, the notice states, most likely will be UP. Anticipated rail operations by a third party over BNSF's trackage is subject to the Board's approval or exemption.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[IA–120–86]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, IA–120–86 (TD 8584), Capitalization of Interest (§§ 1.263A–8(b)(2)(iii), 1.263A–9(d)(1), 1.263A–9(e)(1), 1.263A–9(f)(1)(ii), 1.263A–9(f)(2)(iv), 1.63A–9(g)(2)(iv)(C), 1.263A–9(e)(I) and 1.263A–9(g)(3)(iv)).

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Capitalization of Interest.

OMB Number: 1545–1265.

Regulation Project Number: IA–120–86.

Abstract: Internal Revenue Code section 263A(f) requires taxpayers to estimate the length of the production period and total cost of tangible personal property to determine if interest capitalization is required. This regulation requires taxpayers to maintain contemporaneous written records of production period estimates, to file a ruling request to segregate activities in applying the interest capitalization rules, and to request the consent of the Commissioner to change their methods of accounting for the capitalization of interest.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 50.

Estimated Time Per Respondent: 2 hours.

Estimated Total Annual Burden Hours: 100 hours.

Estimated Number of Recordkeepers: 500,000.

Estimated Time Per Recordkeeper: 14 minutes.

Estimated Total Annual Recordkeeping Hours: 116,667.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9219 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 4598

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 4598, Form W–2 or 1099 Not Received or Incorrect.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form W–2 or 1099 Not Received or Incorrect.

OMB Number: 1545–0597.

Form Number: 4598.

Abstract: Form 4598 is used to resolve taxpayer inquiries concerning the non-receipt of, or incorrect, Forms W–2 or 1099. Parts one and two of Form 4598 are mailed to the employer or payer for response to the IRS and, if necessary, to the taxpayer. Part three is mailed to the taxpayer advising the taxpayer of the action taken on their behalf.

Current Actions: A checkbox and a line for ''other'' were added because the existing form boxes do not allow for the provision of enough information to the payer regarding the problem IRS is trying to resolve for the taxpayer.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals, business or other for-profit organizations, farms, and Federal, state, local or tribal governments.

Estimated Number of Responses: 850,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 212,500.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9220 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Forms 211 and 211(SP)

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 211, Application for Reward for Original Information, and Form 211(SP) Solicitud de Recompensa por Informacion Original.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue

Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Form 211, Application for Reward for Original Information, and Form 211(SP) Solicitud de Recompensa por Informacion Original.

OMB Number: 1545–0409.

Form Number: Forms 211 and 211(SP).

Abstract: Forms 211 and 211(SP) are the official application forms used by persons requesting rewards for submitting information concerning alleged violations of the tax laws by other persons. Such rewards are authorized by Internal Revenue Code section 7623. The data is used to determine and pay rewards to those persons who voluntarily submit information.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Responses: 11,200.

Estimated Time Per Response: 15 minutes.

Estimated Total Annual Burden Hours: 2,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9221 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5500 and Schedules

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5500 and Schedules, Annual Return/Report of Employee Benefit Plan.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Annual Return/Report of Employee Benefit Plan.

OMB Number: 1545–1610.

Form Number: 5500 and Schedules.

Abstract: Form 5500 is an annual information return filed by employee benefit plans. The IRS uses this information to determine if the plan appears to be operating properly as required under the law or whether the plan should be audited.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals and households, not-for-profit institutions, and farms.

Estimated Number of Respondents: 901,400.

Estimated Time Per Respondent: Varies.

Estimated Total Annual Burden Hours: 4,938,720

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9222 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8866

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort

to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8866, Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Interest Computation Under the Look-Back Method for Property Depreciated Under the Income Forecast Method.

OMB Number: 1545–1622.

Form Number: Form 8866.

Abstract: Taxpayers depreciating property under the income forecast method and placed in service after September 13, 1995, must use Form 8866 to compute and report interest due or to be refunded under Internal Revenue Code 167(g)(2). The Internal Revenue Service uses the information on Form 8866 to determine if the interest has been figured correctly.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 5,000.

Estimated Time Per Respondent: 11 hours, 58 minutes.

Estimated Total Annual Burden Hours: 59,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9223 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2555

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2555, Foreign Earned Income.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Foreign Earned Income.

OMB Number: 1545–0067.

Form Number: Form 2555.

Abstract: Form 2555 is filed by U.S. citizens and resident aliens who qualify for the foreign earned income exclusion and/or the foreign housing exclusion or deduction. This information is used by the IRS to determine if a taxpayer qualifies for the exclusion(s) or deduction.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 286,955.

Estimated Time Per Respondent: 4 hours, 53 minutes.

Estimated Total Annual Burden Hours: 1,403,210.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation,

maintenance, and purchase of services to provide information.

Approved: April 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9224 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request For Form 1099–S

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1099–S, Proceeds From Real Estate Transactions.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Proceeds From Real Estate Transactions.

OMB Number: 1545–0997.

Form Number: 1099–S.

Abstract: Internal Revenue Code section 6045(e) and the regulations thereunder require persons treated as real estate brokers to submit an information return to the IRS to report the gross proceeds from real estate transactions. Form 1099–S is used for this purpose. The IRS uses the information on the form to verify compliance with the reporting rules regarding real estate transactions.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals or households.

Estimated Number of Responses: 3,646,110.

Estimated Time Per Response: 8 minutes.

Estimated Total Annual Burden Hours: 510,456.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 3, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9225 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5330

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5330, Return of Excise Taxes Related to Employee Benefit Plans.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Return of Excise Taxes Related to Employee Benefit Plans.

OMB Number: 1545–0575.

Form Number: 5330.

Abstract: Internal Revenue Code sections 4971, 4972, 4973(a), 4975, 4976, 4977, 4978, 4978A, 4978B, 4979, 4979A, and 4980 impose various excise taxes in connection with employee benefit plans. Form 5330 is used to compute and collect these taxes. The IRS uses the information on the form to verify that the proper amount of tax has been reported.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals and business or other for-profit organizations.

Estimated Number of Respondents: 8,403.

Estimated Time Per Respondent: 37 hours, 14 minutes.

Estimated Total Annual Burden Hours: 312,844.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal

revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9226 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 6524

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 6524, Office of Chief Counsel—Application.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Office of Chief Counsel—Application.

OMB Number: 1545–0796.

Form Number: 6524.

Abstract: Form 6524 is used as a screening device to evaluate an applicant's qualifications for employment as an attorney with the Office of Chief Counsel. It provides data deemed critical for evaluating an applicant's qualifications such as Law School Admission Test (LSAT) score, bar admission status, type of work preference, law school, and class standing.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals.

Estimated Number of Respondents: 3,000.

Estimated Time Per Respondent: 18 minutes.

Estimated Total Annual Burden Hours: 900.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9227 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 926

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 926, Return by a U.S. Transferor of Property to a Foreign Corporation.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Return by a U.S. Transferor of Property to a Foreign Corporation.

OMB Number: 1545–0026.

Form Number: Form 926.

Abstract: Form 926 is filed by any U.S. person who transfers certain tangible or intangible property to a foreign corporation to report information required by Code section 6038B. The IRS uses the information to determine whether corporations have correctly figured their foreign tax credits.

Current Actions: There are no changes being made to Form 926 at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations and individuals.

Estimated Number of Respondents: 1,000.

Estimated Time Per Respondent: 15 hours, 22 minutes.

Estimated Total Annual Burden Hours: 15,370.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 4, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9228 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 5498

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 5498, IRA Contribution Information.

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: IRA Contribution Information.

OMB Number: 1545–0747.

Form Number: 5498.

Abstract: Form 5498 is used by trustees and issuers to report contributions to, and the fair market value of, an individual retirement arrangement (IRA). The information on the form will be used by the IRS to verify compliance with the reporting rules under regulation section 1.408–5 and to verify that the participant in the IRA has made the contribution for which he or she is taking a deduction.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Businesses or other for-profit organizations.

Estimated Number of Respondents: 81,208,141.

Estimated Time Per Respondent: 12 min.

Estimated Total Annual Burden Hours: 16,241,629.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9229 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–86–88]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing notice of proposed rulemaking, EE–86–88, Incentive Stock Options (§ 1.6039–2).

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or

copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Incentive Stock Options.

OMB Number: 1545–0820.

Regulation Project Number: EE–86–88.

Abstract: This regulation provides guidance to certain taxpayers who participate in the transfer of stock pursuant to the exercise of incentive stock options in accordance with section 6039 of the Internal Revenue Code. Code section 6039 requires all corporations who transfer stock to any person after 1979 pursuant to that person's exercise of a statutory stock option (as defined in Code sections 422 and 423) to furnish that person with a written statement describing the transfer. In addition, the corporation may be required to furnish the person a second written statement when the stock originally transferred pursuant to the exercise of the statutory option is subsequently disposed of by the person.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 50,000.

Estimated Time Per Respondent: 20 minutes.

Estimated Total Annual Burden Hours: 16,650.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9230 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[EE–44–78]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, EE–44–78 (TD 8100), Cooperative Hospital Service Organizations (§ 1.501(e)–1).

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Cooperative Hospital Service Organizations.

OMB Number: 1545–0814.

Regulation Project Number: EE–44–78.

Abstract: This regulation establishes the rules for cooperative hospital service organizations which seek tax-exempt status under section 501(e) of the Internal Revenue Code. Such an organization must keep records in order to show its cooperative nature and to establish compliance with other requirements in Code section 501(c).

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Not-for-profit institutions.

The recordkeeping requirement does not create any additional burden on taxpayers because the records which the regulations require would ordinarily be kept by a cooperative as a routine part of its day-to-day business operations.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9231 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–73–89]

Proposed Collection; Comment Request For Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–73–89 (T.D. 8370), Excise Tax on Chemicals That Deplete the Ozone Layer and on Products Containing Such Chemicals (§§ 52.4682–1(b), 52.4682–2(b), 52.4682–2(d), 52.4682–3(c), 52.4682–3(g), and 52.4682–4(f)).

DATES: Written comments should be received on or before June 12, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Excise Tax on Chemicals That Deplete the Ozone Layer and on Products Containing Such Chemicals.

OMB Number: 1545–1153.

Regulation Project Number: PS–73–89.

Abstract: This regulation imposes reporting and recordkeeping requirements necessary to implement Internal Revenue Code sections 4681 and 4682 relating to the tax on chemicals that deplete the ozone layer and on products containing such chemicals. The regulation affects manufacturers and importers of ozone-depleting chemicals, manufacturers of rigid foam insulation, and importers of products containing or manufactured with ozone-depleting chemicals. In addition, the regulation affects persons, other than manufacturers and importers of ozone-depleting chemicals, holding such chemicals for sale or for use in further manufacture on January 1, 1990, and on subsequent tax-increase dates.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents/Recordkeepers: 150,316.

Estimated Time Per Respondent/Recordkeeper: 30 minutes.

Estimated Total Annual Burden Hours: 75,142.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: April 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–9232 Filed 4–12–01; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Friday,
April 13, 2001

Part II

Environmental Protection Agency

40 CFR Parts 80 and 86

Control of Air Pollution From New Motor Vehicles; Amendment to the Tier 2/ Gasoline Sulfur Regulations; Final and Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 80 and 86

[AMS–FRL–6768–1]

RIN 2060–AI69

Control of Air Pollution From New Motor Vehicles; Amendment to the Tier 2/Gasoline Sulfur Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: Today's action corrects, amends, and revises certain provisions of the Tier 2/Gasoline Sulfur regulations to assist regulated entities with program implementation and compliance. First, it makes minor corrections to clarify the regulations governing compliance with the gasoline sulfur standards. Second, with respect to the low sulfur gasoline program, it revises the boundaries of the Geographic Phase-in Area (GPA) to include counties and tribal lands in states adjacent to the eight original GPA states. The intention of this amendment is to ensure a smooth transition to low sulfur gasoline nationwide and to mitigate the potential for gasoline supply shortages. Third, it amends certain provisions of the small refiner and Averaging, Banking, and Trading (ABT) programs to assist domestic and foreign refiners and importers in establishing gasoline sulfur baselines for credit and allotment generation purposes. Fourth, it revises certain sampling and testing provisions for low sulfur gasoline to enable certain refiners to generate early credits and/or allotments under the ABT program. Finally, today's action makes minor revisions to the regulations governing compliance with the vehicle standards. We plan to make other necessary corrections, amendments, and revisions to the Tier 2/Gasoline Sulfur regulations in a future rulemaking.

DATES: This direct final rule is effective July 12, 2001, without further notice, unless we receive adverse comments or a request for a public hearing by June 12, 2001. Should we receive any adverse comments on this direct final rule we will publish a timely withdrawal in the **Federal Register** informing the public this rule will not take effect.

ADDRESSES: Comments: All comments and materials relevant to today's action should be submitted to Public Docket No. A–97–10 at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street, S.W., Washington, D.C. 20460. Materials related to this rulemaking are available at EPA's Air Docket for review at the above address (on the ground floor in Waterside Mall) from 8:00 a.m. to 5:30 p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548 and by facsimile at (202) 260–4400. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR Part 2.

FOR FURTHER INFORMATION CONTACT: Mary Manners, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor MI 48105; telephone (734) 214–4873, fax (734) 214–4051, e-mail manners.mary@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is publishing this rule without prior proposal because we view this action as noncontroversial and anticipate no adverse comment. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to adopt the provisions in this Direct Final rule if adverse comments are filed. This rule will be effective on July 12, 2001 without further notice unless we receive adverse comment or a request for a public hearing by June 12, 2001. If EPA receives adverse comment on one or more distinct amendments, paragraphs, or sections of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provisions are being withdrawn due to adverse comment. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Any distinct amendment, paragraph, or section of today's rulemaking for which we do not receive adverse comment will become effective on the date set out above, notwithstanding any adverse comment on any other distinct amendment, paragraph, or section of today's rule.

Regulated Entities

This action will affect you if you manufacture new motor vehicles, alter individual imported motor vehicles to address U.S. regulation, or convert motor vehicles to use alternative fuels. It will also affect you if you produce, distribute, or sell gasoline.

The table below gives some examples of entities that may have to comply with the regulations. However, since these are only examples, you should carefully examine these and other existing regulations in 40 CFR parts 80 and 86. If you have any questions, please call the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Category	NAICS codes [a]	SIC codes [b]	Examples of potentially regulated entities
Industry	336111 336112 336120	3711	Motor Vehicle Manufacturers.
Industry	336311 336312 422720 454312 811198 541514 541690	3592 3714 5172 5984 7549 8742 8931	Alternative Fuel Vehicle Converters.
Industry	811112 811198 541514	7533 7549 8742	Commercial Importers of Vehicles and Vehicle Components.
Industry	324110	2911	Petroleum Refiners.
Industry	422710 422720	5171 5172	Gasoline Marketers and Distributors.
Industry	484220 484230	4212 4213	Gasoline Carriers.

[a] North American Industry Classification System (NAICS).
[b] Standard Industrial Classification (SIC) system code.

Access to Rulemaking Documents Through the Internet

Today's action is available electronically on the day of publication from the Office of the Federal Register Internet Web site listed below. Electronic copies of this preamble, regulatory language, and other documents associated with today's final rule are available from the EPA Office of Transportation and Air Quality Web site listed below shortly after the rule is signed by the Administrator. This service is free of charge, except any cost that you already incur for connecting to the Internet.

EPA **Federal Register** Web Site: http://www.epa.gov/docs/fedrgstr/epa-air/ (Either select a desired date or use the Search feature.)

Tier 2/Gasoline Sulfur home page: http://www.epa.gov/otaq/tr2home.htm

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc., may occur.

Outline of This Preamble

I. Clarifications and Other Minor Corrections
II. Geographic Phase-in Area
A. Application Deadline for GPA Standards
B. How Did EPA Establish the Geographic Phase-in Area?
C. How Was the GPA Established in the Adjoining States?
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A. Baseline Calculations
B. Refineries That Were Non-operational in 1997–98
C. Foreign Refiners With Approved 1990 Baselines Who Did Not Submit Anti-dumping Compliance Reports to EPA in 1997–1998
V. Sampling and Testing
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1. Before January 1, 2004
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D. Intergovernmental Relations
1. Unfunded Mandates Reform Act
2. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments
3. Executive Order 13132 (Federalism)
E. National Technology Transfer and Advancement Act
F. Executive Order 13045: Children's Health Protection
G. Congressional Review Act
VIII. Statutory Provisions and Legal Authority

I. Clarifications and Other Minor Corrections

Section	Description of clarification or correction
§ 80.216(a)(1)(i) and (a)(2)	Revised to clarify that the refinery annual average standard for GPA gasoline is 150.00 ppm instead of 150 ppm, in accordance with the annual average refinery standards under § 80.195(a)(1) and § 80.240(a) which are expressed to two decimals.
§ 80.230(a)(1)	Revised to change ''of'' to ''with'' for clarity.
§ 80.225(d)	Revised to clarify that the employee/crude oil criteria applies to parties seeking small refiner status under § 80.225(d).
§ 80.235(f)	Revised to clarify that to obtain approval as a small refiner, the information submitted under § 80.235 must show that the refiner employed an average of no more than 1500 people and had an average crude oil capacity less than or equal to 155,000 bpcd.
§ 80.235(g)(1)	Revised to change the phrase ''baseline standard and volume, and per-gallon cap'' to ''annual average sulfur standard, baseline volume and per-gallon cap standard,'' and to add the words ''for the 2004–2007 averaging periods'' for clarity.
§ 80.245(a)(3)	Revised to conform language to other provisions relating to requirements for establishing a sulfur baseline. This revision does not change the substance of the baseline provisions under § 80.245.
§ 80.250(a)(1) and (a)(2)	Revised to clarify that foreign refiners must include only gasoline imported into the U.S. in calculating a small refinery's baseline and baseline volume. Also revised to reference requirements under § 80.245(a)(3).
§ 80.285(a)(1)(i)	Revised to add the words ''for a refinery'' for clarity.
§ 80.285(a)(1)(ii)	Revised to add the words ''for refineries' and ''refineries'' for clarity.
§ 80.285(a)(1)(iii)	Revised to add the words ''for that refinery'' for clarity.
§ 80.285(b)(1)(i)	Revised to add the words ''for any refinery'' for clarity.
§ 80.285(b)(1)(ii)	Revised to clarify that, for refiners of GPA gasoline, credits generated beginning in 2004 are based on the refinery's annual average sulfur standard for GPA gasoline established under § 80.216(a).
§ 80.285(b)(2)	Revised to add ''under § 80.310'' for clarity.
§ 80.295(a)	Revised to clarify that foreign refiners must include only gasoline imported into the U.S. in calculating a sulfur baseline under § 80.295.
§ 80.295(b)	Revised to change an incorrect reference to § 80.65. The correct reference is § 80.69. Also revised to add the words ''for a refinery'' and ''for that refinery'' for clarity.
§ 80.305(a)	Revised to clarify in the definition of the term V_a that foreign refiners must include only gasoline imported into the U.S. in calculating early credits under § 80.305, and to clarify in the definition of the term S_a that the annual average sulfur level used in the equation in this section is calculated in accordance with § 80.205.
§ 80.305(d)	Revised to add ''for a refinery'' and ''at that refinery'' and to change ''refiner's'' to ''refinery's'' for clarity.
§ 80.310(b)	Revised to clarify in the definition of the term S_{std} that the standard for GPA gasoline is the standard established for GPA gasoline for the refinery under § 80.216(a), and to clarify in the definition of the term S_a that the annual average sulfur level used in the equation in this section is calculated in accordance with § 80.205.
§ 80.410(d)(1)	Revised to change an incorrect reference to paragraph (c)(3)(i). The correct reference is paragraph (c)(3)(ii).

Section	Description of clarification or correction
§ 80.410(s)	Revised to change an incorrect reference to paragraph (r). The correct reference is paragraph (p).
§ 86.1810–01(l)(1)	Corrected an inadvertent limitation of applicability by removing the model year designations in the referenced section numbers.
§ 86.1810–01(m)(1)	Corrected an inadvertent limitation of applicability by removing the model year designations in the referenced section numbers.
§ 86.1811–04(c)(3)(i) and (ii)	Revised to clarify the applicability of the NMOG standard to flex, bi- or dual-fueled vehicles on the gasoline or diesel portion of certification only.
§ 86.1811–04(e)	Revised to delete an erroneous statement about the applicability of the spitback standard to newly assembled vehicles.
§ 86.1811–04(f)(2)(i)	Revised to clarify an incorrect rounding procedure.
§ 86.1829–01(2)(i)	Revised to add a waiver provision for evaporative/refueling testing of CNG or LPG vehicles, inadvertently omitted.
§ 86.1835–01(d)	Corrected an incorrect reference to paragraph (b) to paragraph (a).
§ 86,1841–01(e)	Revised to clarify that RAFS may be applied only to NLEV vehicles.
§ 86.1845–04(f)(1)	Revised to change an incorrect reference to NMOG to NMHC.
§ 86.1846–01(a)(3)	Revised to add the word ''passenger'' to ''medium-duty passenger vehicles'' for clarity.
§ 86.1860–04(g)(2)(ii)	Revised to correct a rounding procedure.
§ 86.1860–04(h)	Revised to clarify that the multipliers for fleet average NO_X specified in (h)(1) apply to the denominator in the equation in paragraph (f)(2) of that section. Provide optional formula necessary to address mathematical problems caused by the value of zero associated with Bin 1.
§ 86.1861–04(a)(5)	Revised to correct an inconsistency with small volume hardship provisions by changing the requirement for 100% compliance in a specific model year to one model year before a deficit can be carried forward.
§ 86.1861–04(b)(1)	Revised formula to replace erroneous + symbol with X.

II. Geographic Phase-in Area

A. Application Deadline for GPA Standards

Due to the timing of today's action, we are extending the application deadline for GPA standards from December 31, 2000 to May 1, 2001. To apply for the GPA standards under § 80.216 (What standards apply to gasoline produced or imported for use in the GPA?), a refiner or importer must submit an application in accordance with the provisions of § 80.290 (How does a refiner apply for a sulfur baseline?).

B. How Did We Establish the Geographic Phase-in Area?

In the Tier 2/Gasoline Sulfur final rule (65 FR 6698, February 10, 2000), we established a geographic area in which the low sulfur gasoline program will be phased-in differently than the national program. This program, referred to as the Geographic Phase-In Area (GPA) program, covers seven states in the Rocky Mountains and Upper Great Plains, as well as Alaska. The gasoline sulfur standards and phase-in schedule for the GPA program can be found at §§ 80.216, 80.219, and 80.220. Gasoline produced by any refiner and/or importer can be sold in the GPA provided that the refiner and/or importer registers with us (see § 80.217) and sells gasoline within the GPA consistent with the requirements summarized in the regulations.

As discussed in the Tier 2 final rulemaking (FRM), the GPA program was established to help enable a smooth transition to low sulfur gasoline nationwide. The need for such a program was based on the competition for engineering and construction resources and the time needed for installation of desulfurization equipment. (See 65 FR 6755–6756)

As described in the preamble to the Tier 2 FRM, states in the GPA were determined based on two criteria: Environmental need and gasoline supply. First, we evaluated states based on the environmental need criterion. In defining the GPA, we identified those states that have a somewhat less urgent environmental need in the near term (relative to the 1-hour ozone standard) for ozone precursor reductions[1] and whose emissions are less important with respect to ozone transport. (Tier 2 vehicles operating on higher sulfur gasoline have increased emission rates compared with those operated on 30 ppm, but this effect is partially reversible.) Second, we considered the issue of sufficient gasoline supply, specifically, the relative difficulty of producing or obtaining through product transport (via pipeline, truck, rail or barge) adequate supplies of gasoline which would meet the requirements of the national low sulfur gasoline program. Upon evaluation of these criteria, we identified eight states for the GPA program: Alaska, Colorado, Idaho, Montana, New Mexico, North Dakota, Utah, and Wyoming.

In this same assessment we also acknowledged that there may be counties in other states adjoining these eight states which are solely or predominantly dependent on gasoline produced by the refineries that supply these eight states and which meet the same basic environmental and gasoline supply criteria. As part of the Tier 2 final rule, we committed to conducting additional assessments to identify which counties in these adjoining states should be considered for inclusion in the GPA program.

C. How Was the GPA Established in the Adjoining States?

As part of the Tier 2/Gasoline Sulfur final rule, we included criteria that should be considered in establishing which counties in adjoining states should be included in the GPA program. We designed these criteria to include those counties in adjacent states which receive a majority of their gasoline from the refineries located in the eight states covered by the GPA program. Not including these counties within the GPA program could potentially undermine the basic intent of the GPA program by pressuring refineries in the eight states to supply their markets in the adjoining states with national gasoline, in spite of the existence of the GPA program. It could also have the affect of creating spot gasoline supply shortages and put upward pressure on prices in these counties.

[1] Primarily oxides of nitrogen (NO_X) and volatile organic compounds (VOCs).

EPA's current gasoline sulfur regulations provide that additional counties or tribal lands in states adjacent to the eight states listed above will be included in the GPA, and gasoline sold there will thus be subject to the GPA standards, if one of the following conditions is met for the area in 1999: (1) Approximately 50 percent or more of the total volume of gasoline, as measured at the terminals and bulk stations, was received from refineries located in the eight GPA states, (2) approximately 50 percent or more of the total volume of gasoline dispensed was received from refineries in the GPA states, or (3) approximately 50 percent or more of the total commercial and private dispensing outlets were supplied by gasoline produced by refineries located in the eight GPA states. *See* 40 CFR 80.215(a)(2).

To identify additional areas for inclusion in the GPA under these regulations, we worked with interested parties such as petroleum marketers and state governments to obtain information regarding gasoline distribution practices. We identified pipeline and terminal locations and, in several cases, information on GPA and total gasoline dispensed in given states and counties. Using the various types of information provided as a foundation, we then developed a basic methodology to identify counties which rely on GPA refineries for a majority of their gasoline. This methodology involved the following steps:

- Prepare a list of the states adjoining the eight GPA states (10 in total)
- Identify and locate the GPA refineries (those in the eight core GPA states that are not expected to qualify as small businesses under the low sulfur gasoline program)
- Identify the pipelines used by these GPA refineries to transport product to the terminals which suppy gasoline to the adjoining states, and
- Identify all other refineries/terminals which service the adjoining states

Using this methodology, we developed an initial list of counties in the adjacent states which receive gasoline from the refineries in the eight GPA states. We then identified counties which receive the majority of their gasoline from a given source. To accomplish this task, we mapped counties that fell within a distance range of 100–150 miles from refinery racks and pipeline terminals used by GPA refineries since essentially all gasoline is delivered to private and retail outlets by tanker truck. We used this distance range because our analysis of the information provided to us by the states and petroleum marketers suggested this was a good indicator of a county's primary source of gasoline. We then adjusted this initial list of counties based on two inputs. First, in some cases, county-specific data on the percent of gasoline dispensed that was produced at refineries in the eight GPA states was available. We used these data to include or exclude specific counties from the program. Second, we excluded a county if our analysis indicated that low sulfur gasoline would be available from nearby refineries and terminals which are not linked to the refineries in the eight core GPA states. In places where refineries and terminals are located nearby, we expect that, for economic reasons, retail outlets will obtain the majority of their gasoline at those locations rather than obtaining gasoline that has been transported a much greater distance from a terminal supplied by a refinery in a GPA state.

In summary, under § 80.215(a)(2) of the low sulfur gasoline program regulations, we expanded the boundaries of the GPA to include additional counties and tribal lands in states adjacent to the eight GPA states established under § 80.215(a)(1) of the Tier 2 final rule. To accomplish this, we identified the counties in which we reasonably concluded that approximately 50 percent or more of the gasoline volume dispensed is produced by refineries in the eight GPA states. Specifically, we 1) determined the location of terminals that receive such gasoline, and 2) identified retail outlets in the adjacent states that receive most of their gasoline from these terminals. Next, we excluded certain counties based on specific data which showed that more than half of the gasoline dispensed came from refineries outside the eight GPA states. We then included some additional counties based on specific data which showed that more than half of the gasoline dispensed came from refineries within the eight GPA states. Finally, we excluded some counties identified in our initial analysis based on the identification of nearby terminals that provided an economical source of gasoline from refineries outside the eight GPA states. We have included materials in the docket for today's action that describe in more detail the relevant information regarding the location of terminals and retail outlets for each county.

D. What Are the Results of the GPA Counties Process?

Using the approach described above, we have identified 74 counties in six states that adjoin the GPA which should be included in the GPA. These counties are shown in Figure 1 below and are listed in the regulatory text in a new § 80.215.

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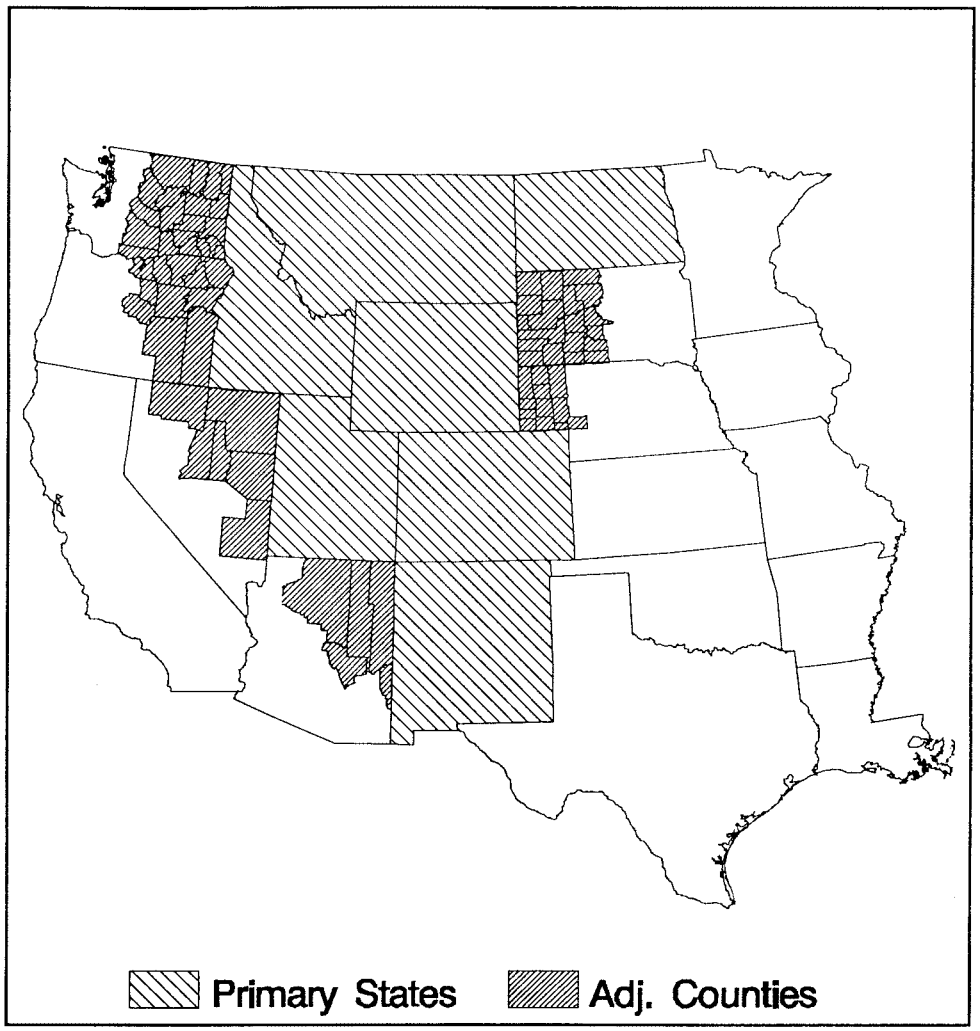

Figure 1. Geographic Phase-in Area

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GPA gasoline sold in these counties is subject to the requirements in §§ 80.215–80.220, in addition to other applicable requirements in part 80. In our analysis, we concluded that no counties in Minnesota, Texas, Oklahoma, or Kansas need to be included in the GPA. No county in these states meets the criteria in the regulation and with the exception of Minnesota, these four states receive little or no gasoline from the refineries in the eight states now in the GPA program.

The eight core GPA states contain a number of American Indian reservations. These reservations are fully included in the GPA under today's action. The adjacent counties discussed above also contain 25 American Indian reservations. If a reservation is only partly within a GPA state or adjacent county, it is considered fully in the area for purposes of the GPA program. This is consistent with the inclusion of entire states or counties in the program.

Overall, the gasoline sold in these adjacent counties and American Indian reservations represents about one percent of U.S. gasoline consumption, bringing the total gasoline consumption covered by the GPA program to 5.7 percent. Even though we have revised the GPA program to include these additional counties, the overall emission benefits of the early years of the Tier 2/Gasoline Sulfur program are not reduced over those described in the final rule. The air quality analysis of the final Tier 2 program was based on the premise that all gasoline produced or used in the eight GPA states would be covered by the GPA program. Thus, GPA gasoline produced at refineries located in the eight GPA states was included in the air quality analysis. We believe that including the states, counties, and tribal lands described above will allow the objectives of the GPA program to be achieved.

III. Small Refiners

A. Documentation of Crude Oil Capacity by Foreign Refiners

Section 80.235(c)(2) provides that a refiner's application for small refiner status must contain the total corporate crude oil capacity of each refinery as reported to the Energy Information Administration (EIA) of the U.S. Department of Energy. Because foreign refiners do not report their crude oil capacity to the EIA, today's rule modifies § 80.235(c)(2) to provide that, in the case of a foreign refiner, the small refiner status application must contain the total crude oil capacity of each refinery as documented by a comparable

reputable source, such as a professional publication or trade journal.

Today's rule does not change the definition of ''small refiner'' under § 80.225(a), and we are not seeking comment on any of the provisions of § 80.225(a).

B. Oxygenates Included in Baseline

Section 80.250 provides the equations to be used in determining small refiner sulfur baselines and baseline volumes. This section, however, does not address whether oxygenates added downstream from the small refinery are to be included in the calculations. The current low sulfur gasoline regulations at § 80.295(b) provide that any refiner who, under the RFG and anti-dumping regulations, included oxygenates blended downstream in compliance calculations for 1997–1998, must include this oxygenate in the calculations for sulfur content under § 80.295 for purposes of establishing a baseline for early credit generation. We intended the provisions of § 80.250 under the small refiner program to be consistent with the provisions of § 80.295, since both baselines are intended to reflect current sulfur levels at a refinery and are based on the same calculation. As a result, today's rule modifies § 80.250 to require any small refiner who included oxygenates blended downstream in RFG/anti-dumping compliance calculations for 1997–1998, to include this oxygenate for purposes of establishing a sulfur baseline under § 80.250.

IV. Credits and Allotments

A. Baseline Calculations

The current low sulfur gasoline regulations at § 80.205 require the annual refinery or importer average or corporate pool average calculations to be conducted to two decimal places. However, the provisions at §§ 80.250 and 80.295 for calculating a sulfur baseline for purposes of determining small refinery standards and generating early credits and allotments currently do not contain a similar requirement. We intended the provisions for calculating a sulfur baseline to be consistent with the provisions for calculating the refinery or importer annual average sulfur level, including the requirement to conduct the calculations to two decimal places. As a result, today's rule modifies §§ 80.250 and 80.295 to require the baseline calculations under these sections to be conducted to two decimal places.

Note, however, that sulfur credits generated under the sulfur program are in units of ''ppm-gallons.'' See § 80.305(c). We interpret § 80.305(c) to require sulfur credits to be rounded to the nearest ppm-gallon. Therefore, in calculating sulfur credits using the equation in § 80.305(a), the refiner should use the refinery's sulfur baseline value established under § 80.250 or § 80.295, conducted to two decimal places, and the refinery's actual annual average sulfur level calculated under § 80.205, conducted to two decimal places. Once the sulfur credits are calculated, the refiner should round the credits to the nearest ppm-gallon.

B. Refineries That Were Non-Operational in 1997–98

Section 80.290 requires a refiner to submit in its sulfur baseline application the annual average gasoline sulfur baseline for gasoline produced in 1997–1998 for each refinery for which the refiner is applying for a sulfur baseline. The regulations, however, do not address refineries that were shutdown or non-operational during 1997–1998. Today's rule provides that, for such refineries, sulfur data for at least one annual averaging period is required to establish a sulfur baseline. The refiner's baseline application must include the information required under § 80.290(c) for the gasoline produced during each annual averaging period that the refinery was in operation after being reactivated. We will evaluate all of the data submitted by the refiner in determining the appropriate sulfur baseline for the refinery. Where we conclude that the data submitted reasonably reflects current sulfur levels, the refinery's baseline will be determined based on the annual average sulfur content for the most recent annual averaging period that the refinery was in operation. Today's rule modifies §§ 80.290 and 80.295 to clarify these requirements.

C. Foreign Refiners With Approved 1990 Baselines Who Did Not Submit Anti-Dumping Compliance Reports to EPA in 1997–1998

To establish a sulfur baseline for purposes of the small refinery standards or generating early sulfur credits, the regulations require refiners to submit to us sulfur baseline data for 1997–1998, including information on each batch of gasoline produced and the batch number assigned to the batch for purposes of compliance with the RFG/anti-dumping regulations. See §§ 80.245(a) and 80.290(c). We may then verify the data in the refiner's baseline submission by comparing it with the data submitted to us on the refiner's 1997–1998 annual averaging reports. Foreign refiners who do not have an approved individual baseline under the RFG/anti-dumping regulations, and, therefore, did not submit batch reports to us in 1997–1998, are required to follow the procedures under §§ 80.91 through 80.93 (provisions for establishing an individual anti-dumping baseline) to establish the volume and sulfur content of gasoline that was produced at the foreign refinery and imported into the United States during 1997–1998, for purposes of calculating a sulfur baseline under § 80.250 or § 80.295. See §§ 80.250(b), 80.290(d) and 80.410(b)(1). This is in addition to the other baseline establishment requirements under § 80.245 or § 80.290.

The regulations, however, do not address the situation where a foreign refiner has received an approved individual anti-dumping baseline, but the baseline did not apply for purposes of compliance with the anti-dumping regulations until after the 1998 annual averaging period. Such a refiner would not have submitted any reports to us in 1997–1998. In this situation, we believe it is appropriate for the foreign refinery's baseline to be based on the gasoline produced by the foreign refinery and imported to the United States during the period of time that the refinery was subject to its individual anti-dumping baseline. The sulfur baseline is intended to be a reasonable representation of a refinery's current sulfur level. See 65 FR 6761 (February 10, 2000). We believe that a baseline based on the refinery's post-1998 sulfur data will provide a reasonable a representation of the refinery's current sulfur level, and perhaps an even more accurate representation of the refinery's current sulfur level than 1997–1998 data. As a result, today's rule requires a foreign refiner who has an approved individual anti-dumping baseline that was not in effect in 1997–1998 to submit in its sulfur baseline application under § 80.245 or § 80.290 information and data for the gasoline produced by the refinery during each annual averaging period that the refinery was subject to its individual anti-dumping baseline. EPA will evaluate all of the data submitted by the foreign refiner in determining the appropriate sulfur baseline for the refinery. Where we conclude that the data they give us reasonably reflects current sulfur levels, the refinery's baseline will be determined based on the average sulfur content of gasoline produced by the refinery and imported to the United States during the most recent annual averaging period in which the refinery was subject to its individual anti-dumping baseline.

V. Sampling and Testing

A. Obtaining Test Results Before Gasoline Leaves the Refinery

1. Before January 1, 2004

The current low sulfur gasoline regulations at § 80.330(a)(1) require a refiner to collect a representative sample from each batch of gasoline produced and then to test each sample to determine its sulfur content prior to the gasoline leaving the refinery. The requirements in § 80.330(a)(1) apply beginning on January 1, 2004, or January 1 of the first year of credit or allotment generation, whichever is earlier. Sections 80.330(a)(3) and (a)(4) provide the following exceptions: (1) Parties who collect and test composited samples of conventional gasoline are allowed to continue that practice until January 1, 2004; and (2) parties who are unable to obtain test results prior to the gasoline leaving the refinery are exempt from that requirement if they have an approved in-line blending exemption under § 80.65(f)(4). The current low sulfur gasoline rule, therefore, requires parties who currently test each batch of gasoline by testing a representative sample taken from the certification tank (i.e., who do not test composite samples) to obtain test results prior to the gasoline leaving the facility for purposes of generating early credits or allotments prior to January 1, 2004. The current low sulfur gasoline rule also requires a refiner who produces gasoline using in-line blending equipment to have an in-line blending exemption under § 80.65(f)(4) in order to generate early credits or early allotments.

Under the RFG regulations, refiners who produce RFG by in-line blending are required to obtain an exemption under § 80.65(f)(4). However, refiners who produce conventional gasoline by in-line blending are not required to obtain an exemption under § 80.65(f)(4) for purposes of anti-dumping compliance. The current low sulfur gasoline regulations require these conventional gasoline refiners to apply for and receive an exemption under § 80.65(f)(4) to generate early credits or allotments.

We did not intend for refiners who test every batch of conventional gasoline by testing samples from the certification tank to have more severe testing requirements for purposes of generating early credits or allotments prior to January 1, 2004, than refiners who test composite samples. In addition, we now believe that the requirement under § 80.330(a)(4) to obtain an exemption under § 80.65(f)(4) for in-line blending operations, regarding both RFG and conventional gasoline, is unnecessary for purposes of generating early credits or allotments. The requirement to obtain test results prior to the gasoline leaving the refinery, and the exemption requirement for in-line blenders, were intended to ensure that the sulfur level of each batch produced was known at the time of shipment. However, since early credit or allotment generation is based on the refinery's annual average sulfur level, credits and allotments are not calculated until the end of the annual averaging period, after the test results for all batches produced during the averaging period are obtained. Therefore, it is unnecessary for refiners to obtain test data prior to the gasoline leaving the refinery for purposes of early credit or allotment generation. Moreover, there are no per-gallon sulfur standards prior to January 1, 2004, which would necessitate knowing the sulfur content of the gasoline prior to its leaving the refinery. As a result, today's rule modifies § 80.330 to provide that refiners, including those who produce gasoline using computer-controlled in-line blending equipment, and those who test every batch of conventional gasoline, are not required to obtain test results prior to the gasoline leaving the refinery to generate early credits in 2000–2003 or early allotments in 2003. However, refiners generating early credits or allotments must meet the requirements under § 80.330 to obtain a representative sample of each batch of gasoline produced, and conform their sampling methods to the ASTM methodologies set forth in §§ 80.330(b)(1) and (b)(2). Today's rule also modifies the provisions of § 80.410 to allow foreign refiners who generate early sulfur credits in 2000–2003 to ship gasoline from the foreign refinery without having the sulfur content included in the product transfer documents.

2. January 1, 2004 and Beyond

Beginning on January 1, 2004, refiners must obtain test results before the gasoline leaves the refinery or import facility. There is an exception to this requirement for refiners who use computerized in-line blending methods. In-line blenders typically route finished gasoline out of the refinery before an entire batch is completed so they are unable to comply with the requirement to test prior to shipment. An automatic sampler takes a large number of small volumes from a batch throughout production and does not have a representative sample until the blending is completed. The current low sulfur gasoline regulations address in-line blending by providing that refiners who use such in-line blending equipment may meet the requirement to test prior to shipment under the terms of an exemption under § 80.65(f)(4) of the RFG regulations. The basis for this provision is that these exemption holders measure sulfur on-line and therefore know the sulfur concentration of each batch throughout the blending process and can thereby prevent non-complying batches from leaving the refinery.

Currently, all exemption holders are producers of RFG and must meet a wide range of requirements, including the on-line measurement of several properties in addition to sulfur. See § 80.65(f)(4). It is not practical for in-line blenders of conventional gasoline, with fewer requirements, to meet the requirements designed for RFG blenders, and there is no process under the current low sulfur gasoline regulations for granting a more specialized exemption. As a result, today's rule revises § 80.330(a)(4), which requires all in-line blenders to have an exemption granted under § 80.65(f)(4), to distinguish between conventional gasoline and RFG in-line blenders.

Today's rule removes the requirement that in-line blenders of conventional gasoline obtain an exemption under § 80.65(f)(4) to ship gasoline prior to testing. Instead, today's rule provides that any refiner who uses in-line blending equipment may be exempt from the requirement to obtain test results prior to releasing the gasoline from the refinery, provided that the refiner submits to us the information required for an in-line blending exemption under § 80.65(f)(4)(i)(A) (requiring a detailed description of the in-line blending operation), or the refiner has an in-line blending exemption granted under § 80.65(f)(4). Today's rule also requires the refiner to submit any additional information requested by us and to comply with any other requirements that we include in the exemption. For refiners who do not hold an exemption under § 80.65(f)(4), in the absence of notification by us that the exemption has not been approved, or that additional information is required or other requirements have been included in the exemption, the in-line blending exemption will be effective 60 days from our receipt of the refiner's submission of information.

We believe it is important to ensure that the on-line analyzer technology and the refiner's methodology and procedures are sufficient for the gasoline sulfur levels that the refinery will have when the low sulfur gasoline rule is implemented, for both RFG and conventional gasoline. Generally, we

will require the accuracy of the on-line sulfur measurement to be sufficient to identify product segments that violate the applicable per-gallon sulfur standards. The control of an in-line blending system must be sufficient to prevent non-complying gasoline from leaving the refinery. Recordkeeping must be sufficient to allow us to verify the sulfur compliance of each batch and the accuracy and control capability of the in-line blending system.

Currently, on-line sulfur measurement technology is evolving and refiners are evaluating analyzers. In the preamble to the final rule, we indicated that we will be asking in-line blending refiners with exemptions under § 80.65(f)(4) to submit additional information under the sulfur rule, including information on how sulfur is monitored and how streams of gasoline are distributed in the in-blending process. See 65 FR 6807. As indicated above, today's action includes provisions which require in-line blender-refiners, both refiners of conventional gasoline and refiners of RFG under a § 80.65(f)(4) exemption, to submit any additional information requested by us and to comply with other requirements that we include in the exemption. Today's action also provides that we may modify the requirements of an exemption under § 80.330(a)(4) if we determine that the in-line blending operation does not effectively or adequately control, monitor or document the sulfur content of the gasoline, or if we determine that other circumstances exist which merit the modification of the requirements for an exemption, such as advancements in the state-of-the-art for in-line blending measurement which allow for additional control or more accurate monitoring or documentation of sulfur content. Consistent with other provisions of the sulfur rule, today's action provides that a refiner's exemption will be void ab initio if we determine that the refiner provided false or inaccurate information in any submission required for an exemption under § 80.330(a)(4).

B. Sample Retention

1. Limitation on Length of Time To Retain Samples

Section 80.335(a)(2) requires refiners to retain sample portions for the most recent 20 samples collected, or for each sample collected during the most recent 21 day period, whichever is greater. This section specifies the minimum number of batch samples from a refinery, which once created, must be retained. The regulation does not specifically address the maximum amount of time that any particular sample must be retained. At the time the low sulfur gasoline rule was promulgated, it was assumed that refineries and importers produce or import a substantial number of batches each year, and, therefore, would accrue the 20 batch minimum in a relatively short time period and be able to dispose of any additional, older samples quickly. We now understand, however, that at least one refiner or importer handles less than a handful of batches each year. Under the current low sulfur gasoline rule, such refiner or importer may be required to retain batch samples for as long as 10 to 20 years. We did not intend for refiners to be required to retain sulfur samples for that length of time. As a result, today's rule modifies § 80.335(a)(2) to place a limit of 90 days on the length of time that any one sample must be retained.

We believe that placing a 90 day maximum on sample retention provides a reasonable balance between our need to have samples available for enforcement purposes and burden on the industry. Ideally, we would require all samples to be available for at least 90 days. However, we understand that retaining a large number of samples can create an undue burden on parties. Under today's rule only parties who produce relatively few batches of gasoline would be required to keep any samples for as long as 90 days. We do not believe this would unduly burden such parties, since they would only need to retain a few samples. Parties who produce a substantial number of batches, for whom sample retention is potentially a greater burden, will be able to discard samples in less than 90 days.

2. Composited Samples

Section 80.335(a) provides that beginning on January 1, 2004, or January 1 of the first year of allotment or credit generation, whichever is earlier, a refiner or importer must retain representative samples of the gasoline batch samples analyzed under the requirements of § 80.330. Under 80.330(a)(3), composited samples are treated as single batches of gasoline and are allowed for sulfur testing purposes prior to January 1, 2004. Today's rule modifies § 80.335 to clarify that, prior to January 1, 2004, refiners who analyze composited samples are required to retain portions of the composited samples, and not portions of samples of each batch comprising the composited samples.

3. Sample Retention for Reformulated Blendstocks for Oxygenate Blending

Section 80.335 describes the sample retention requirements for refiners or importers. However, this section does not address how reformulated blendstocks for oxygenate blending (RBOB) samples should be considered. Section 80.69(a)(2) of the RFG regulations requires refiners to conduct testing on RBOB by adding the specified type and amount of oxygenate to a representative sample of the RBOB, and determining the properties and characteristics of the resulting gasoline (i.e., a ''handblend''). Section 80.335(a) requires refiners to collect a representative portion of each sample analyzed and retain such sample portions as specified in § 80.335(a)(2). We interpret § 80.335(a) to require refiners to retain samples of the RBOB batches and samples of the ethanol used to conduct the handblend testing, rather than samples of the actual handblend. Refiners, therefore, are not required to create additional volumes of the handblend samples for purposes of fulfilling the sample retention requirements of § 80.335. Having the RBOB and accompanying ethanol samples available to us will allow us to combine samples of the actual RBOB and ethanol used in the handblend. This will enable us to determine whether the refiner blended the handblend with proper amounts of the components and properly conducted the testing. Today's rule clarifies § 80.335 with regard to the sample retention requirement for RBOB.

VI. Changes to Vehicle Compliance Regulations

The table in Section I, above, lists minor changes which we are making to Subpart S of 40 CFR Part 86 which contains the certification compliance regulations for new motor vehicles. The changes correct some errors and inconsistencies and add some clarification. We believe these changes are minor and technical in nature, and can be made as a direct final rule.

VII. Administrative Requirements

A. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The order defines a ''significant regulatory action'' as any regulatory action that is likely to result in a rule that may:

• Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;

• Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

• Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,

• Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, we have determined that this final rule is not a ''significant regulatory action.''

B. Regulatory Flexibility

We have determined that this rule will not have a significant impact on a substantial number of small entities, and that it is therefore not necessary to prepare a regulatory flexibility analysis in conjunction with this direct final rule. Because today's rule corrects, amends, and revises certain provisions of the December 1999 regulations for the control of air pollution from new motor vehicles and for low sulfur gasoline, regulated entities will find it easier to comply with the requirements of the Tier 2/Gasoline sulfur program. Today's rule also identifies counties for inclusion in the GPA, resulting in additional flexibility for refiners providing gasoline to those areas.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 USC 3501 et seq., and implementing regulations, 5 CFR Part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

D. Intergovernmental Relations

1. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. Under section 202 of the UMRA, We generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more for any single year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative that is not the least costly, most cost-effective, or least burdensome alternative if we provide an explanation in the final rule of why such an alternative was adopted.

Before we establish any regulatory requirement that may significantly or uniquely affect small governments, including tribal governments, we must develop a small government plan pursuant to section 203 of the UMRA. Such a plan must provide for notifying potentially affected small governments, and enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant federal intergovernmental mandates. The plan must also provide for informing, educating, and advising small governments on compliance with the regulatory requirements.

This rule contains no federal mandates for state, local, or tribal governments as defined by the provisions of Title II of the UMRA. The rule imposes no enforceable duties on any of these governmental entities. Nothing in the rule will significantly or uniquely affect small governments.

We have determined that this rule does not contain a federal mandate that may result in estimated expenditures of more than $100 million to the private sector in any single year. This action has the net effect of correcting, amending, and revising certain provisions of the Tier 2/Gasoline Sulfur program, and identifying counties for inclusion in the GPA. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

2. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

On January 1, 2001, Executive Order 13084 was superseded by Executive Order 13175. However, this rule was developed during the period when Executive Order 13084 was still in force, and so tribal considerations were addressed under Executive Order 13084.

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or we consult with those governments. If we comply by consulting, Executive Order 13084 requires us to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires us to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule does not uniquely affect the communities of American Indian tribal governments since the motor vehicle emissions, motor vehicle fuel, and other related requirements for private businesses in today's rule will have national applicability. Furthermore, today's rule does not impose any direct compliance costs on these communities and no circumstances specific to such communities exist that will cause an impact on these communities beyond those discussed in the other sections of today's document. The effect of today's rule is no more significant than the Tier 2/Gasoline Sulfur program for tribes within the original GPA; under today's action, gasoline sold in certain tribal lands will be subject to the GPA standards rather than the otherwise applicable gasoline sulfur standards until 2007. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule. Our conclusions regarding the impacts from the implementation of today's rule discussed in the other sections of this preamble are equally applicable to the communities of American Indian tribal governments.

As described elsewhere in this rule, the overall emission benefits of the early years of the Tier 2/Gasoline Sulfur program are not reduced over those described in the final rule. The air quality analysis of the final Tier 2 program was based on the premise that all gasoline produced or used in the eight GPA states would be covered by the GPA program. Thus, GPA gasoline produced at refineries located in the

eight GPA states was included in the air quality analysis.

3. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

Section 4 of the Executive Order contains additional requirements for rules that preempt State or local law, even if those rules do not have federalism implications (i.e., the rules will not have substantial direct effects on the States, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government). Those requirements include providing all affected State and local officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, we also must consult, to the extent practicable, with appropriate State and local officials regarding the conflict between State law and Federally protected interests within the agency's area of regulatory responsibility.

This final rule does not have federalism implications. It will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This rule clarifies and corrects certain provisions of an earlier rule that adopted national emissions standards for certain categories of motor vehicles and national standards to control gasoline sulfur, and identifies additional areas to be subject to the GPA program for low sulfur gasoline. The requirements of the rule will be enforced by the federal government at the national level. Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, we did consult with State and local officials in developing this rule.

E. National Technology Transfer and Advancement Act

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

This rule references technical standards adopted by us through previous rulemakings. No new technical standards are established in today's rule. The standards referenced in today's rule involve the measurement of gasoline fuel parameters and motor vehicle emissions. The measurement standards for gasoline fuel parameters referenced in today's proposal are all voluntary consensus standards. The motor vehicle emissions measurement standards referenced in today's rule are government-unique standards that were developed by us through previous rulemakings. These standards have served our emissions control goals well since their implementation and have been well accepted by industry. We are not aware of any voluntary consensus standards for the measurement of motor vehicle emissions. Therefore, we are using the existing EPA-developed standards found in 40 CFR part 86 for the measurement of motor vehicle emissions.

F. Executive Order 13045: Children's Health Protection

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, section 5–501 of the Order directs us to evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This rule is not subject to the Executive Order because it is not an economically significant regulatory action as defined by Executive Order 12866. Furthermore, this rule does not concern an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

G. Congressional Review Act

The congressional review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. A Major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective July 12, 2001.

VIII. Statutory Provisions and Legal Authority

Statutory authority for the vehicle controls set in today's final rule can be found in sections 202, 206, 207, 208, and 301 of the Clean Air Act (CAA), as amended, 42 U.S.C. sections 7521, 7525, 7541, 7542 and 7601.

Statutory authority for the fuel controls set in today's final rule comes from section 211(c) of the CAA (42 U.S.C. 7545(c)), which allows us to regulate fuels that either contribute to air pollution which endangers public health or welfare or which impair

emission control equipment. Additional support for the procedural and enforcement-related aspects of the fuel's controls in today's final rule, including the record keeping requirements, comes from sections 114(a) and 301(a) of the CAA.

List of Subjects

40 CFR Part 80

Environmental protection, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: January 19, 2001.

Carol M. Browner,

Administrator.

For the reasons set forth in the preamble, parts 80 and 86 of the Code of Federal Regulations are amended as follows:

PART 80—REGULATION OF FUELS AND FUEL ADDITIVES

1. The authority citation for part 80 continues to read as follows:

Authority: 42 U.S.C. 7414, 7521(l), 7545 and 7601(a).

2. Section 80.215 is amended by revising paragraphs (a)(2) and (a)(3) and by adding paragraph (a)(4) to read as follows:

§ 80.215 What is the scope of the geographic phase-in program?

(a) * * *

(2) In addition, the following counties within the states identified in paragraph (a)(2)(i) of this section and the following Federal Indian reservations in paragraph (a)(2)(ii) of this section are included in the GPA:

(i) The list of counties follows:

Arizona

Apache
Coconino
Gila
Greenlee
Navajo

Nebraska

Banner
Box Butte
Cheyenne
Dawes
Deuel
Garden
Keith
Kimball
Morrill
Scotts Bluff
Sheridan
Sioux

Nevada

Elko
Eureka
Humboldt
Lander
Lincoln
White Pine

Oregon

Baker
Crook
Gilliam
Grant
Harney
Malheur
Morrow
Sherman
Umatilla
Union
Wallowa
Wheeler

South Dakota

Bennett
Butte
Corson
Custer
Dewey
Fall River
Haakon
Harding
Jackson
Jones
Lawrence
Meade
Mellette
Pennington
Perkins
Shannon
Stanley
Todd
Ziebach

Washington

Adams
Asotin
Benton
Chelan
Columbia
Douglas
Ferry
Franklin
Garfield
Grant
Kittitas
Lincoln
Okanogan
Pend Oreille
Spokane
Stevens
Walla Walla
Whitman
Yakima

(ii) The list of Federal Indian reservations follows: Burns Paiute, Cheyenne River, Colville, Duck Valley, Ely Colony, Fort Apache, Fort McDermitt, Goshute, Haulapai, Havasupai, Hopi, Kalispel, Navajo, Pine Ridge, Rosebud, Yakama, San Carlos, Spokane, Standing Rock, Summit Lake, Te-Moak, Umatilla, Winnemucca.

(3) Contiguous tribal reservations of a particular tribe are included in the GPA if a portion of the tribal reservation is within the GPA state or county.

(4) Any dispensing facility located partially within a GPA county or tribal reservation land shall be considered fully within the GPA for purposes of this program.

* * * * *

3. Section 80.216 is amended by revising paragraphs (a)(1)(i) and (a)(2) to read as follows:

§ 80.216 What standards apply to gasoline produced or imported for use in the GPA?

(a)(1) * * *

(i) 150.00 ppm; or

* * * * *

(2) In the case of any refinery whose actual annual sulfur average decreases to a level lower than the refinery's annual average sulfur standard established under paragraph (a)(1) of this section during the period 2000 through 2003, the standard applicable to that refinery from 2004 through 2006 shall be the lowest average sulfur content for any year in which the refinery generated allotments or credits under § 80.275(a) or § 80.305 plus 30 ppm, not to exceed 150.00 ppm.

* * * * *

4. Section 80.217 is amended by revising paragraph (b) to read as follows:

§ 80.217 How does a refiner or importer apply for the GPA standards?

* * * * *

(b) Applications under paragraph (a) of this section must be submitted by May 1, 2001.

* * * * *

5. Section 80.225 is amended by revising paragraph (d) to read as follows:

§ 80.225 What is the definition of a small refiner?

* * * * *

(d) Notwithstanding the definition in paragraph (a) of this section, refiners who acquire and/or reactivate a refinery that was shutdown or was non-operational between January 1, 1998, and January 1, 1999, may apply for small refiner status in accordance with the provisions of § 80.235. The

employee (1500 annual average) and crude oil capacity criteria (155,000 bpcd) for small refiner status for such refineries will be determined in accordance with the provisions of § 80.235(f).

6. Section 80.230 is amended by revising paragraph (a)(1) to read as follows:

§ 80.230 Who is not eligible for the hardship provisions for small refiners?

(a) * * *

(1) Refiners with refineries built after January 1, 1999;

* * * * *

7. Section 80.235 is amended by revising paragraphs (c)(2), (f) and (g)(1) to read as follows:

§ 80.235 How does a refiner obtain approval as a small refiner?

* * * * *

(c) * * *

(2) The total corporate crude oil capacity of each refinery as reported to the Energy Information Administration (EIA) of the U.S. Department of Energy (DOE), or, in the case of a foreign refiner, a comparable reputable source, such as a professional publication or trade journal. The information submitted to EIA or the comparable reputable source is presumed to be correct. In cases where a company, domestic or foreign, disagrees with this information, the company may petition EPA with appropriate data to correct the record within 60 days after the company submits its application for small refiner status.

* * * * *

(f) Approval of small refiner status for refiners who apply under § 80.225(d) will be based on all information submitted under paragraph (c) of this section. The information submitted must show that the refiner employed an average of no more than 1500 people and had an average crude oil capacity less than or equal to 155,000 bpcd. Where appropriate, the employee and crude oil capacity criteria for such refiners will be based on the most recent 12 months of operation.

(g) * * *

(1) If approved, EPA will notify the refiner of each refinery's applicable annual average sulfur standard, baseline volume, and per-gallon cap standard under § 80.240 for the 2004–2007 averaging periods.

* * * * *

8. Section 80.245 is amended by revising paragraph (a)(3) and adding paragraph (c) to read as follows:

§ 80.245 How does a small refiner apply for a sulfur baseline?

(a) * * *

(3) For any refiner that acquires and/or reactivates a refinery that was shut down or non-operational between January 1, 1997, and December 31, 1998, the average sulfur level and average volume of gasoline produced during each annual averaging period that the refinery was in operation after the refinery was acquired and/or reactivated. EPA will evaluate all of the information and data submitted by the refiner in determining the appropriate sulfur baseline for the refinery. Where EPA concludes that the data submitted reasonably reflects current sulfur levels, the refinery's baseline will be determined based on the average sulfur content of gasoline produced by the refinery during the most recent annual averaging period in which the refinery was in operation.

* * * * *

(c)(1) Foreign refiners who do not have an approved individual refinery baseline under § 80.94 must follow the procedures specified in § 80.410(b).

(2) Foreign refiners who have an approved individual refinery baseline under § 80.94, but one that was not in effect for purposes of anti-dumping compliance during the 1997–1998 annual averaging periods, must comply with the requirements of this section for the gasoline produced at the refinery and imported into the United States during each of the annual averaging periods in which the refinery was subject to its individual anti-dumping baseline. EPA will evaluate all of the information and data submitted under this section in determining the foreign refinery's sulfur baseline pursuant to this paragraph. Where EPA concludes that the data submitted reasonably reflects current sulfur levels, the refinery's baseline will be determined based on the annual average sulfur level and volume of gasoline produced by the foreign refinery and imported into the U.S. during the most recent annual averaging period in which the refinery was subject to its individual anti-dumping baseline.

9. Section 80.250 is amended by revising the definitions of ''n'' and ''i'' following the equations in paragraphs (a)(1) and (a)(2), adding paragraphs (a)(3) and (a)(4), and removing and reserving paragraph (b) to read as follows:

§ 80.250 How is the small refiner sulfur baseline and volume determined?

(a) (1) * * *

n = Total number of batches of gasoline produced from January 1, 1997, through December 31, 1998 (or the total number of batches of gasoline pursuant to § 80.245(a)(3); or, for a foreign refinery, the total number of batches of gasoline produced and imported into the U.S. from January 1, 1997, through December 31, 1998, or the total number of batches of gasoline produced and imported into the U.S. pursuant to § 80.245(c)(2)).

i = Individual batch of gasoline produced from January 1, 1997, through December 31, 1998 (or individual batch of gasoline pursuant to § 80.245(a)(3); or, for a foreign refinery, individual batch of gasoline produced and imported into the U.S. from January 1, 1997, through December 31, 1998, or individual batch of gasoline produced and imported into the U.S. pursuant to § 80.245(c)(2)).

(2) * * *

n = Total number of batches of gasoline produced from January 1, 1997, through December 31, 1998 (or the total number of batches of gasoline pursuant to § 80.245(a)(3); or, for a foreign refinery, the total number of batches of gasoline produced and imported into the U.S. from January 1, 1997, through December 31, 1998, or the total number of batches of gasoline produced and imported into the U.S. pursuant to § 80.245(c)(2)).

i = Individual batch of gasoline produced from January 1, 1997, through December 31, 1998 (or individual batch of gasoline produced pursuant to § 80.245(a)(3); or, for a foreign refinery, individual batch of gasoline produced and imported into the U.S. from January 1, 1997, through December 31, 1998, or individual batch of gasoline produced and imported into the U.S. pursuant to § 80.245(c)(2)).

(3) Any refiner who, under § 80.69 or § 80.101(d)(4), included oxygenate blended downstream in compliance calculations for 1997–1998 must include this oxygenate in the baseline calculations for sulfur content under this section.

(4) Sulfur baseline calculations under this section shall be conducted to two decimal places.

(b) [Reserved]

* * * * *

10. Section 80.285 is amended by revising paragraphs (a)(1)(i), (a)(1)(ii), (a)(1)(iii), (b)(1)(i), (b)(1)(ii) and (b)(2) to read as follows:

§ 80.285 Who may generate credits under the ABT program?

(a) * * *

(1) * * *

(i) Refiners who establish a sulfur baseline under § 80.295 for a refinery;

(ii) Foreign refiners for refineries with an approved baseline under § 80.94, or refineries with baselines established in accordance with § 80.290(d); or

(iii) Small refiners for any refinery subject to the standards under § 80.240, using their small refiner baseline

established under § 80.250 for that refinery.

* * * * *

(b) * * *

(1) * * *

(i) Refiners for any refinery, and importers subject to the standards under § 80.195;

(ii) Refiners and importers of gasoline designated as GPA gasoline under § 80.219, using the refinery's annual average sulfur standard for GPA gasoline established under § 80.216(a)(for any party generating credits under both paragraph (b)(1)(i) of this section and this paragraph (b)(1)(ii), such credits must be calculated separately); or

* * * * *

(2) Generation of credits under § 80.310 for all imported gasoline shall be through the importer.

* * * * *

11. Section 80.290 is amended by adding paragraph (c)(6) and revising paragraph (d) to read as follows:

§ 80.290 How does a refiner apply for a sulfur baseline?

* * * * *

(c) * * *

(6) For any refiner that acquires and/or reactivates a refinery that was shut down or non-operational between January 1, 1997, and December 31, 1998, the average sulfur level of gasoline produced during each annual averaging period that the refinery was in operation after the refinery was acquired and/or reactivated. EPA will evaluate all of the data submitted by the refiner in determining the appropriate sulfur baseline for the refinery. Where EPA concludes that the data submitted reasonably reflects current sulfur levels, the refinery's baseline will be determined based on the average sulfur content of the refinery's gasoline production during the most recent annual averaging period the refinery was in operation.

(d)(1) Foreign refiners who do not have an approved refinery baseline under § 80.94 must follow the procedures specified in § 80.410(b).

(2) Foreign refiners who have an approved individual refinery baseline under § 80.94, but one that was not in effect for purposes of anti-dumping compliance during the 1997–1998 annual averaging periods, must comply with the requirements of this section for the gasoline produced at the refinery and imported to the U.S. during each annual averaging period in which the refinery was subject to its individual anti-dumping baseline. EPA will evaluate all of the information and data submitted under this section in determining a foreign refinery's sulfur baseline pursuant to this paragraph (d). Where EPA concludes that the data submitted reasonably reflects current sulfur levels, a foreign refinery's baseline sulfur level under this paragraph will be determined based on the average sulfur level of gasoline produced by the foreign refinery and imported to the U.S. during the most recent annual averaging period in which the refinery was subject to its individual anti-dumping baseline.

* * * * *

12. Section 80.295 is amended by revising the definitions of ''n'' and ''i'' following the equation in paragraph (a), revising paragraph (b) and adding paragraph (c) to read as follows:

§ 80.295 How is a refinery sulfur baseline determined?

(a) * * *

n = Total number of batches of gasoline produced during January 1, 1997 through December 31, 1998 (or the total number of batches of gasoline pursuant to § 80.290(c)(6); or, for a foreign refinery, the total number of batches of gasoline produced and imported into the U.S. during January 1, 1997 through December 31, 1998, or, the total number of batches of gasoline produced and imported into the U.S. pursuant to § 80.290(d)(2)).

i = Individual batch of gasoline produced during January 1, 1997 through December 31, 1998 (or individual batch of gasoline produced pursuant to § 80.290(c)(6); or, for a foreign refinery, individual batch of gasoline produced and imported into the U.S. during January 1, 1997 through December 31, 1998, or, individual batch of gasoline produced and imported into the U.S. pursuant to § 80.290(d)(2)).

(b) Any refiner who, under § 80.69 or § 80.101(d)(4), included oxygenate blended downstream in compliance calculations for 1997–1998 for a refinery must include this oxygenate in the baseline calculations for sulfur content for that refinery under paragraph (a) of this section.

(c) Sulfur baseline calculations under this section shall be conducted to two decimal places.

13. Section 80.305 is amended by revising the definitions of ''V_a'' and ''S_a'' following the equation in paragraph (a), and revising paragraph (d) to read as follows:

§ 80.305 How are credits generated during the time period 2000 through 2003?

(a) * * *

V_a = Total volume of gasoline produced during the averaging period at the refinery (or for a foreign refinery, the total volume of gasoline produced during the averaging period at the refinery that was imported into the U.S. in accordance with the requirements of § 80.410)

* * * * *

S_a = Actual annual average sulfur level, calculated in accordance with the provisions of § 80.205, for gasoline produced during the averaging period by the refinery, exclusive of any credits, (or for a foreign refinery, the actual average sulfur level, calculated in accordance with the provisions of § 80.205, for gasoline produced during the averaging period at the refinery that was imported into the U.S., in accordance with the requirements of § 80.410, exclusive of any credits.)

* * * * *

(d) Refiners may generate credits for gasoline produced during an averaging period for a refinery only if the annual average sulfur level for the gasoline produced at that refinery during the averaging period is less than 0.90 of the refinery's baseline under § 80.250 or § 80.295.

* * * * *

14. Section 80.310 is amended by revising the definitions of S_{std} and S_a following the equation in paragraph (b) to read as follows:

§ 80.310 How are credits generated beginning in 2004?

* * * * *

(b) * * *

S_{std} = 30 ppm; or the sulfur standard for a small refinery established under § 80.240; or, for gasoline designated as GPA gasoline under § 80.219, the standard for GPA gasoline established for a refinery under § 80.216(a).

S_a = Actual annual average sulfur level, calculated in accordance with the provisions of § 80.205, for gasoline produced at a refinery or imported during the averaging period, exclusive of any credits.

* * * * *

15. Section 80.330 is amended by revising paragraphs (a)(3) and (a)(4) to read as follows:

§ 80.330 What are the sampling and testing requirements for refiners and importers?

(a) * * *

(3) Prior to January 1, 2004:

(i) Any refiner may release gasoline from the refinery prior to obtaining the test results required under paragraph (a)(1) of this section.

(ii) Any refiner of conventional gasoline may combine samples of gasoline from more than one batch of gasoline or blendstock prior to analysis and treat such composite sample as one batch of gasoline or blendstock pursuant to the requirements of § 80.101(i)(2).

(4)(i) Beginning January 1, 2004, any refiner who produces gasoline using

computer-controlled in-line blending equipment is exempt from the requirement of paragraph (a)(1) of this section to obtain the test results required under paragraph (a)(1) of this section prior to the gasoline leaving the refinery, provided that the refiner obtains an exemption from this requirement from EPA. To obtain such exemption, the refiner must:

(A) Have been granted an in-line blending exemption under § 80.65(f)(4); or

(B) If the refiner has not been granted an exemption under § 80.65(f)(4), submit to EPA all of the information required under § 80.65(f)(4)(i)(A). A letter signed by the president, chief operating or chief executive officer of the company, or his/her designee, stating that the information contained in the submission is true to the best of his/her belief must accompany any submission under this paragraph (a)(4)(i)(B).

(ii) Refiners who seek an exemption under paragraph (a)(4)(i) of this section must comply with any request by EPA for additional information or any other requirements that EPA includes as part of the exemption.

(iii) Within 60 days of EPA's receipt of a submission under paragraph (a)(4)(i)(B) of this section, EPA will notify the refiner if the exemption is not approved or of any deficiencies in the refiner's submission, or if any additional information is required or other requirements are included in the exemption pursuant to paragraph (a)(4)(ii) of this section. In the absence of such notification from EPA, the effective date of an exemption under paragraph (a)(4)(i) of this section for refiners who do not hold an exemption under § 80.65(f)(4) is 60 days from EPA's receipt of the refiner's submission under paragraph (a)(4)(i)(B) of this section.

(iv) EPA reserves the right to modify the requirements of an exemption under paragraph (a)(4)(i) of this section, in whole or in part, at any time, if EPA determines that the refiner's operation does not effectively or adequately control, monitor or document the sulfur content of the refinery's gasoline production, or if EPA determines that any other circumstances exist which merit modification of the requirements of an exemption, such as advancements in the state of the art for in-line blending measurement which allow for additional control or more accurate monitoring or documentation of sulfur content. If EPA finds that a refiner provided false or inaccurate information in any submission required for an exemption under this section, upon notification from EPA, the refiner's exemption will be void ab initio.

* * * * *

16. Section 80.335 is amended by revising paragraph (a)(2) and adding paragraphs (d) and (e) to read as follows:

§ 80.335 What gasoline sample retention requirements apply to refiners and importers?

(a) * * *

(2) Retain sample portions for the most recent 20 samples collected, or for each sample collected during the most recent 21 day period, whichever is greater, not to exceed 90 days for any given sample;

* * * * *

(d) Prior to January 1, 2004, for purposes of complying with the requirements of this section, refiners who analyze composited samples under § 80.330(a)(3) must retain portions of the composited samples. Portions of samples of each batch comprising the composited samples are not required to be retained.

(e) For purposes of complying with the requirements of this section for RBOB, a sample of each RBOB batch produced plus a sample of the ethanol used to conduct the handblend testing pursuant to § 80.69 must be retained.

17. Section 80.410 is amended by revising paragraphs (d)(1), (d)(3)(ii), (f)(2)(ii) introductory text, and (s) introductory text to read as follows:

§ 80.410 What are the additional requirements for gasoline produced at foreign refineries having individual small refiner sulfur baselines, foreign refineries granted temporary relief under § 80.270, or baselines for generating credits during 2000 through 2003?

* * * * *

(d) * * * (1) Any foreign refiner of a foreign refinery that has been assigned an individual sulfur baseline must designate each batch of Sulfur-FRGAS as such at the time the gasoline is produced, unless the refinery has elected to classify no gasoline exported to the United States as Sulfur-FRGAS under paragraph (c)(3)(ii) of this section.

* * * * *

(3) * * *

(ii) The certification shall be made part of the product transfer documents for the Sulfur-FRGAS. Prior to 2004, the information required under paragraph (d)(3)(i)(D)(*1*) of this section may be omitted from the product transfer documents that accompany the gasoline, provided that such information is provided to the United States importer prior to collection of the representative sample required under paragraph (o)(3)(ii)(A) of this section.

* * * * *

(f) * * *

(2) * * *

(ii) Prepare a volume-weighted vessel composite sample from the compartment samples, and determine the value for sulfur in accordance with the methodology and requirements specified in § 80.330, by:

* * * * *

(s) *Additional requirements for petitions, reports and certificates.* Any petition for a refinery baseline under § 80.250 or § 80.295, any alternative procedures under paragraph (p) of this section, and any certification under paragraph (d)(3) of this section shall be:

* * * * *

PART 86—-CONTROL OF EMISSIONS FROM NEW AND IN-USE HIGHWAY VEHICLES AND ENGINES

18. The authority citation for part 86 continues to read as follows:

Authority: 42 U.S.C. 7401–7521(l) and 7521(m)–7671(q).

19. Section 86.1810–01 is amended by revising paragraphs (l)(1) introductory text and (m)(1) introductory text to read as follows:

§ 86.1810–01 General standards; increase in emissions; unsafe conditions; waivers.

* * * * *

(l) *Fuel dispensing spitback testing waiver.* (1) Vehicles certified to the refueling emission standards set forth in §§ 86.1811(e), 86.1812(e) and 86.1813(e) are not required to demonstrate compliance with the fuel dispensing spitback standard contained in that section provided that:

* * * * *

(m) *Inherently low refueling emission testing waiver.* (1) Vehicles using fuels/fuel systems inherently low in refueling emissions are not required to conduct testing to demonstrate compliance with the refueling emission standards set forth in §§ 86.1811(e), 86.1812(e) and 86.1813(e) provided that:

* * * * *

20. Section 86.1811–04 is amended by revising paragraphs (c)(3)(i), (c)(3)(ii), and (e) introductory text, and in paragraph (f)(2)(i) by revising the introductory text, the equation and the definition for SFTP Standard following the equation to read as follows:

§ 86.1811–04 Emission standards for light-duty vehicles, light-duty trucks and medium-duty passenger vehicles.

* * * * *

(c) * * *

(3)(i) For a given test group of flexible-fueled, bi-fuel or dual fuel vehicles certified to bin 10 in Table S04–1, when operated on the alcohol or gaseous fuel they are designed to use, manufacturers may choose to comply with an NMOG standard of 0.230 for LDV/LLDTs or 0.280 g/mi for HLDT/MDPVs at full useful life and corresponding intermediate life standards of 0.160 g/mi and 0.195 g/mi, respectively, when these flexible-fueled, bi-fuel or dual fuel vehicles are certified to operate on gasoline or diesel fuel.

(ii) For a given test group of flexible-fueled, bi-fuel or dual fuel vehicles certified to bin 8 in Table S04–1, when operated on the alcohol or gaseous fuel they are designed to use, manufacturers may choose to comply with a NMOG standard of 0.156 g/mi for LDV/LLDTs and 0.180 for HLDT/MDPVs at full useful life and corresponding intermediate life standards of 0.125 g/mi and 0.140 g/mi, respectively, when these flexible-fueled, bi-fuel or dual fuel vehicles are certified to operate on gasoline or diesel fuel.

* * * * *

(e) *Evaporative emission standards.* Consistent with the phase-in requirements in paragraph (k) of this section, evaporative emissions from gasoline-fueled, natural gas-fueled, liquefied petroleum gas-fueled, ethanol-fueled and methanol-fueled vehicles must not exceed the standards in this paragraph (e). The standards apply equally to certification and in-use vehicles.

* * * * *

(f) * * *

(2)(i) Manufacturers must calculate their applicable full useful life SFTP standards for NMHC+ NO_X, PM and for CO, if using the weighted CO standard. If not using the weighted CO standard, manufacturers may use the full useful life standalone Tier 1 standards for US06 and SC03. To calculate the applicable full useful life weighted NMHC+ NO_X, PM and CO standards, manufacturers must use the following formula:

$$\text{SFTP Standard} = \text{SFTP Standard}_1 - [0.35 \times (\text{FTP Standard}_1 - \text{Current FTP Standard})]$$

Where:

SFTP Standard = Applicable full life weighted SFTP standard for NMHC+ NO_X, PM or CO. The NMHC+ NO_X and PM standards must be rounded to two decimal places and the CO standard must be rounded to one decimal place.

* * * * *

21. Section 86.1829–01 is amended by revising paragraph (b)(2)(i) to read as follows:

§ 86.1829–01 Durability and emission testing requirements; waivers.

* * * * *

(b) * * *

(2) * * *

(i) *Testing at low altitude.* One EDV in each evaporative/refueling family and evaporative/refueling emission control system combination must be tested in accordance with the evaporative/refueling test procedure requirement of subpart B of this part. The configuration of the EDV will be determined under the provisions of § 86.1828–01. The EDV must also be tested for exhaust emission compliance using the FTP and SFTP procedures of subpart B of this part. In lieu of testing natural gas-fueled or liquefied petroleum gas-fueled vehicles, the manufacturer may provide a statement in its application for certification that, based on the manufacturer's engineering evaluation of such emission testing as the manufacturer deems appropriate, these vehicles will comply with the emission standards.

* * * * *

22. Section 86.1835–01 is amended by revising paragraph (d) introductory text to read as follows:

§ 86.1835–01 Confirmatory certification testing.

* * * * *

(d) Upon request of the manufacturer, the Administrator may issue a conditional certificate of conformity for a test group which has not completed the Administrator testing required under paragraph (a) of this section. Such a certificate will be issued based upon the condition that the confirmatory testing be completed in an expedited manner and that the results of the testing be in compliance with all standards and procedures.

* * * * *

23. Section 86.1841–01 is amended by revising paragraph (e) to read as follows:

§ 86.1814–01 Compliance with emission standards for the purpose of certification.

* * * * *

(e) Unless otherwise approved by the Administrator, manufacturers must not use Reactivity Adjustment Factors (RAFs) in their calculation of the certification level of any pollutant for any vehicle except for LDVs and LLDTs participating in the National Low Emission Vehicle (NLEV) program described in subpart R of this part, regardless of the fuel used in the test vehicle.

24. Section 86.1845–04 is amended by revising paragraph (f)(1) to read as follows:

§ 86.1845–04 Manufacturer in-use verification testing requirements.

* * * * *

(f)(1) A manufacturer may conduct in-use testing on a test group by measuring NMHC exhaust emissions rather than NMOG exhaust emissions. The measured NMHC exhaust emissions must be multiplied by the adjustment factor used for certification of the test group, or another adjustment factor acceptable to the Administrator, to determine the equivalent NMOG exhaust emission values for the test vehicle. The equivalent NMOG exhaust emission value must be used in place of the measured NMHC exhaust emission value in determining the exhaust NMOG results. The equivalent NMOG exhaust emission values must be compared to the NMOG exhaust emission standard from the emission bin to which the test group was certified.

* * * * *

25. Section 86.1846–01 is amended by revising paragraph (a)(3) to read as follows:

§ 86.1846–01 Manufacturer in-use confirmatory testing requirements.

(a) * * *

(3) For purposes of this section, the term vehicle includes light-duty vehicles, light-duty trucks and medium-duty passenger vehicles.

* * * * *

26. Section 86.1860–04 is amended by revising paragraphs (g)(2)(ii) and (h) to read as follows:

§ 86.1860–04 How to comply with the Tier 2 and interim non-Tier 2 fleet average NO_X standards.

* * * * *

(g) * * *

(2) * * *

(ii) The manufacturer must calculate these extra NO_X credits, where permitted, by substituting an adjusted NO_X standard for the applicable NO_X standard from the full useful life certification bin when it calculates the applicable fleet average NO_X emissions by the procedure in paragraph (f) of this section. The adjusted standard must be equal to the applicable full useful life NO_X standard multiplied by 0.85 and rounded to one more decimal place than the number of decimal places as the applicable full useful life NO_X standard.

* * * * *

(h) *Additional credits for vehicles certified to low bins.* A manufacturer may obtain additional NO_X credits by certifying vehicles to bins 1 and/or 2 in model years from 2001 through 2005 subject to the following requirements:

(1) When computing the fleet average Tier 2 NO_X emissions using the formula

in paragraph (f)(2) of this section, the manufacturer may multiply the number of vehicles certified to bins 1 and 2 by the applicable multiplier shown in Table S04–11 when computing the denominator in the formula. These multipliers may not be used after model year 2005. The table follows:

TABLE S04–11.—MULTIPLIERS FOR ADDITIONAL TIER 2 NO_X CREDITS FOR BIN 1 AND 2 LDV/TS

Bin	Model year	Multiplier 73
2	2001, 2002, 2003, 2004, 2005.	1.5
1	2001, 2002, 2003, 2004, 2005.	2.0

(2) Optionally, instead of the process described in paragraph (h)(1) of this section, when computing Tier 2 NO_X credits using the formula in § 86.1861–04(b)(1), the manufacturer may multiply the number of vehicles certified to bin 1 and bin 2 by the applicable multiplier shown in Table S04–11 in paragraph (h)(1) of this section when computing the ''Total number of Tier 2 Vehicles Sold, Including ZEVs and HEVs''. These multipliers may not be used after model year 2005.

27. Section 86.1861–04 is amended by revising paragraph (a)(5) and the equation in paragraph (b)(1) to read as follows:

§ 86.1861–04 How do the tier 2 and interim non-tier 2 NO_X averaging, banking and trading programs work?

(a) * * *

(5) A small volume manufacturer that has opted not to meet all phase-in requirements as permitted under § 86.1811–04(k)(5), must:

(i) demonstrate compliance or obtain appropriate credits to comply with the 0.30 g/mi. fleet average NO_X standard for interim LDV/LLDTs for 100% of its LDV/LLDTs for one model year , in order to carry forward a credit deficit for later model year interim LDV/LLDTs; and

(ii) Demonstrate compliance or obtain appropriate credits to comply with the 0.07 g/mi. fleet average NO_X standard for 100% of its LDV/LLDTs for one model year , in order to carry forward a credit deficit for later model year Tier 2 LDV/LLDTs; and

(iii) Demonstrate compliance or obtain appropriate credits to comply with the 0.20 g/mi. fleet average interim NO_X standard for 100% of its HLDT/MDPVs for one model year, in order to carry forward a credit deficit for later model year interim HLDT/MDPVs.

* * * * *

(b) * * * (1) * * *

[(Fleet Average NO_X Standard) – (Manufacturer's Fleet Average NO_X Value)] × (Total Number of Tier 2 Vehicles Sold, Including ZEVs and HEVs).

Where: * * *

* * * * *

[FR Doc. 01–8927 Filed 4–12–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 80 and 86

[AMS–FRL–6768–4]

RIN 2060–AI69

Control of Air Pollution From New Motor Vehicles; Amendment to the Tier 2/Gasoline Sulfur Regulations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed rulemaking.

SUMMARY: This proposed rule would correct, amend, and revise certain Tier 2/Gasoline Sulfur regulations to assist regulated entities with program implementation and compliance. First, it would make minor corrections to clarify the regulations governing compliance with the gasoline sulfur standards. Second, with respect to the low sulfur gasoline program, it would revise the boundaries of the Geographic Phase-in Area (GPA) to include counties and tribal lands in states adjacent to the eight original GPA states. The intention of this amendment is to ensure a smooth transition to low sulfur gasoline nationwide and to mitigate the potential for gasoline supply shortages. Third, it would amend certain provisions of the small refiner and Averaging, Banking, and Trading (ABT) programs to assist domestic and foreign refiners and importers in establishing gasoline sulfur baselines for credit and allotment generation purposes. Fourth, it would revise certain sampling and testing provisions for low sulfur gasoline to enable certain refiners to generate early credits and/or allotments under the ABT program. Finally, this proposal would make minor revisions to the regulations governing compliance with the vehicle standards. We plan to make other necessary corrections, amendments, and revisions to the Tier 2/Gasoline Sulfur regulations in a future rulemaking.

DATES: Comments or requests for a public hearing must be received by June 12, 2001.

ADDRESSES: *Comments:* All comments and materials relevant to today's action should be submitted to Public Docket No. A–97–10 at the following address: U.S. Environmental Protection Agency (EPA), Air Docket (6102), Room M–1500, 401 M Street, SW., Washington, DC 20460. Materials related to this rulemaking are available at EPA's Air Docket for review at the above address (on the ground floor in Waterside Mall) from 8:00 a.m. to 5:30 p.m., Monday through Friday, except on government holidays. You can reach the Air Docket by telephone at (202) 260–7548 and by facsimile at (202) 260–4400. You may be charged a reasonable fee for photocopying docket materials, as provided in 40 CFR Part 2.

FOR FURTHER INFORMATION CONTACT: Mary Manners, U.S. EPA, National Vehicle and Fuels Emission Laboratory, Assessment and Standards Division, 2000 Traverwood, Ann Arbor MI 48105; telephone (734) 214–4873, fax (734) 214–4051, e-mail manners.mary@epa.gov.

SUPPLEMENTARY INFORMATION: EPA is proposing to approve corrections, amendments, and revisions to the Tier 2/Gasoline Sulfur regulations (65 FR 6698, February 10, 2000). However, in the ''Rules and Regulations'' section of today's **Federal Register** publication, we are approving these corrections, amendments, and revisions as a direct final rule without prior proposal language because we view this as a noncontroversial rule and anticipate no adverse comment. For further information, including the regulatory text for this proposal, please refer to the direct final rule that is located in the ''Rules and Regulations'' section of this **Federal Register** publication. The direct final rule will be effective on July 12, 2001 without further notice unless we receive adverse comment or a request for a public hearing by June 12, 2001. If EPA receives adverse comment on one or more distinct amendments, paragraphs, or sections of this rulemaking, we will publish a timely withdrawal in the **Federal Register** indicating which provisions are being withdrawn due to adverse comment. We will address all public comments in a subsequent final rule based on this proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time. Any distinct amendment, paragraph, or section of today's rulemaking for which we do not receive adverse comment will become effective on the date set out above, notwithstanding any adverse comment on any other distinct amendment, paragraph, or section of the direct final rule.

Regulated Entities

Entities potentially regulated by this proposed action include those that manufacture new motor vehicles, alter individual imported motor vehicles to address U.S. regulation, or convert motor vehicles to use alternative fuels. It would also affect you if you produce, distribute, or sell gasoline.

The table below gives some examples of entities that would have to comply with the proposed regulations if they are finalized. However, since these are only examples, you should carefully examine these and other existing regulations in 40 CFR parts 80 and 86. If you have any questions, please call the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

Category	NAICS codes [a]	SIC codes [b]	Examples of potentially regulated entities
Industry	336111	3711	Motor Vehicle Manufacturers.
	336112		
	336120		
Industry	336311	3592	Alternative Fuel Vehicle Converters.
	336312	3714	
	422720	5172	
	454312	5984	
	811198	7549	
	541514	8742	
	541690	8931	
Industry	811112	7533	Commercial Importers of Vehicles and Vehicle Components.
	811198	7549	
	541514	8742	
Industry	324110	2911	Petroleum Refiners.
Industry	422710	5171	Gasoline Marketers and Distributors.
	422720	5172	
Industry	484220	4212	Gasoline Carriers.

Category	NAICS codes [a]	SIC codes [b]	Examples of potentially regulated entities
	484230	4213	

[a] North American Industry Classification System (NAICS).
[b] Standard Industrial Classification (SIC) system code.

Access to Rulemaking Documents Through the Internet

Today's proposal is available electronically on the day of publication from the Office of the Federal Register Internet Web site listed below. Electronic copies of this preamble, regulatory language, and other documents associated with this proposal are available from the EPA Office of Transportation and Air Quality Web site listed below shortly after the rule is signed by the Administrator. This service is free of charge, except any cost that you already incur for connecting to the Internet.

EPA **Federal Register** Web Site: http://www.epa.gov/docs/fedrgstr/epa-air/(Either select a desired date or use the Search feature.)

Tier 2/Gasoline Sulfur home page: http://www.epa.gov/otaq/tr2home.htm.

Please note that due to differences between the software used to develop the document and the software into which the document may be downloaded, changes in format, page length, etc., may occur.

Outline of This Preamble

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1. Unfunded Mandates Reform Act
2. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments
3. Executive Order 13132 (Federalism)
E. National Technology Transfer and Advancement Act
F. Executive Order 13045: Children's Health Protection
VIII. Statutory Provisions and Legal Authority

I. Proposed Clarifications and Other Minor Corrections

Section	Description of clarification or correction
§ 80.216(a)(1)(i) and (a)(2)	Revise to clarify that the refinery annual average standard for GPA gasoline is 150.00 ppm instead of 150 ppm, in accordance with the annual average refinery standards under § 80.195(a)(1) and § 80.240(a) which are expressed to two decimals.
§ 80.230(a)(1)	Revise to change ''of'' to ''with'' for clarity.
§ 80.225(d)	Revise to clarify that the employee/crude oil criteria applies to parties seeking small refiner status under § 80.225(d).
§ 80.235(g)(1)	Revise to change the phrase ''baseline standard and volume, and per-gallon cap'' to ''annual average sulfur standard, baseline volume and per-gallon cap standard,'' and to add the words ''for the 2004–2007 averaging periods'' for clarity.
§ 80.245(a)(3)	Revise to conform language to other provisions relating to requirements for establishing a sulfur baseline. This revision does not change the substance of the baseline provisions under § 80.245.
§ 80.250(a)(1) and (a)(2)	Revise to clarify that foreign refiners must include only gasoline imported into the U.S. in calculating a small refinery's baseline and baseline volume. Also Revise to reference requirements under § 80.245(a)(3).
§ 80.285(a)(1)(i)	Revise to add the words ''for a refinery'' for clarity.
§ 80.285(a)(1)(ii)	Revise to add the words ''for refineries'' and ''refineries'' for clarity.
§ 80.285(a)(1)(iii)	Revise to add the words ''for that refinery'' for clarity.
§ 80.285(b)(1)(i)	Revise to add the words ''for any refinery'' for clarity.
§ 80.285(b)(1)(ii)	Revise to clarify that, for refiners of GPA gasoline, credits generated beginning in 2004 are based on the refinery's annual average sulfur standard for GPA gasoline established under § 80.216(a).
§ 80.285(b)(2)	Revise to add ''under § 80.310'' for clarity.
§ 80.295(a)	Revise to clarify that foreign refiners must include only gasoline imported into the U.S. in calculating a sulfur baseline under § 80.295.
§ 80.295(b)	Revise to change an incorrect reference to § 80.65. The correct reference is § 80.69. Also Revise to add the words ''for a refinery'' and ''for that refinery'' for clarity.
§ 80.305(a)	Revise to clarify in the definition of the term V_a that foreign refiners must include only gasoline imported into the U.S. in calculating early credits under § 80.305, and to clarify in the definition of the term S_a that the annual average sulfur level used in the equation in this section is calculated in accordance with § 80.205.
§ 80.305(d)	Revise to add ''for a refinery'' and ''at that refinery'' and to change ''refiner's'' to ''refinery's'' for clarity.
§ 80.310(b)	Revise to clarify in the definition of the term S_{std} that the standard for GPA gasoline is the standard established for GPA gasoline for the refinery under § 80.216(a), and to clarify in the definition of the term S_a that the annual average sulfur level used in the equation in this section is calculated in accordance with § 80.205.

Section	Description of clarification or correction
§ 80.410(f)(2)(ii)	Revise to change an incorrect reference to paragraph (c)(3)(i). The correct reference is paragraph (c)(3)(ii).
§ 80.410(s)	Revise to change an incorrect reference to paragraph (r). The correct reference is paragraph (p).
§ 86.1810–01(l)(1)	Correct an inadvertent limitation of applicability by removing the model year designations in the referenced section numbers.
§ 86.1810–01(m)(1)	Correct an inadvertent limitation of applicability by removing the model year designations in the referenced section numbers.
§ 86.1811–04(c)(3)(i) and (ii)	Revise to clarify the applicability of the NMOG –standard to flex, bi- or dual-fueled vehicles on the gasoline or diesel portion of certification only.
§ 86.1811–04(e)	Revise to delete an erroneous statement about the applicability of the spitback standard to newly assembled vehicles.
§ 86.1811–04(f)(2)(i)	Revise to clarify an incorrect rounding procedure.
§ 86.1829–01(2)(i)	Revise to add a waiver provision for evaporative/refueling testing of CNG or LPG vehicles, inadvertently omitted.
§ 86.1835–01(d)	Correct an incorrect reference to paragraph (b) to paragraph (a).
§ 86.1841–01(e)	Revise to clarify that RAFS may be applied only to NLEV vehicles.
§ 86.1845–04(f)(1)	Revise to change an incorrect reference to NMOG to NMHC.
§ 86.1846–01(a)(3)	Revise to add the word ''passenger'' to ''medium-duty passenger vehicles'' for clarity.
§ 86.1860–04(g)(2)(ii)	Revise to correct a rounding procedure.
§ 86.1860–04(h)	Revise to clarify that the multipliers for fleet average NO_X specified in (h)(1) apply to the denominator in the equation in paragraph (f)(2) of that section. Provide optional formula necessary to address mathematical problems caused by the value of zero associated with Bin 1.
§ 86.1861–04(a)(5)	Revise to correct an inconsistency with small volume hardship provisions by changing the requirement for 100% compliance in a specific model year to one model year before a deficit can be carried forward.
§ 86.1861–04(b)(1)	Revise formula to replace erroneous + symbol with ×.

II. Geographic Phase-in Area

A. Application Deadline for GPA Standards

Due to the timing of today's action, we are proposing to extend the application deadline for GPA standards from December 31, 2000 to May 1, 2001. To apply for the GPA standards under § 80.216 (What standards apply to gasoline produced or imported for use in the GPA?), a refiner or importer would have to submit an application in accordance with the provisions of § 80.290 (How does a refiner apply for a sulfur baseline?).

B. How Did We Establish the Geographic Phase-in Area?

In the Tier 2/Gasoline Sulfur final rule (65 FR 6698, February 10, 2000), we established a geographic area in which the low sulfur gasoline program will be phased-in differently than the national program. This program, referred to as the Geographic Phase-In Area (GPA) program, covers seven states in the Rocky Mountains and Upper Great Plains, as well as Alaska. The gasoline sulfur standards and phase-in schedule for the GPA program can be found at §§ 80.216, 80.219, and 80.220. Gasoline produced by any refiner and/or importer can be sold in the GPA provided that the refiner and/or importer registers with us (see § 80.217) and sells gasoline within the GPA consistent with the requirements summarized in the regulations.

As discussed in the Tier 2 final rulemaking (FRM), the GPA program was established to help enable a smooth transition to low sulfur gasoline nationwide. The need for such a program was based on the competition for engineering and construction resources and the time needed for installation of desulfurization equipment. (See 65 FR 6755–6756)

As described in the preamble to the Tier 2 FRM, states in the GPA were determined based on two criteria: environmental need and gasoline supply. First, we evaluated states based on the environmental need criterion. In defining the GPA, we identified those states that have a somewhat less urgent environmental need in the near term (relative to the 1-hour ozone standard) for ozone precursor reductions [1] and whose emissions are less important with respect to ozone transport. (Tier 2 vehicles operating on higher sulfur gasoline have increased emission rates compared with those operated on 30 ppm, but this effect is partially reversible.) Second, we considered the issue of sufficient gasoline supply, specifically, the relative difficulty of producing or obtaining through product transport (via pipeline, truck, rail or barge) adequate supplies of gasoline which would meet the requirements of the national low sulfur gasoline program. Upon evaluation of these criteria, we identified eight states for the GPA program: Alaska, Colorado, Idaho, Montana, New Mexico, North Dakota, Utah, and Wyoming.

In this same assessment we also acknowledged that there may be counties in other states adjoining these eight states which are solely or predominantly dependent on gasoline produced by the refineries that supply these eight states and which meet the same basic environmental and gasoline supply criteria. As part of the Tier 2 final rule, we committed to conducting additional assessments to identify which counties in these adjoining states should be considered for inclusion in the GPA program.

C. How Do We Propose to Establish the GPA in the Adjoining States?

As part of the Tier 2/Gasoline Sulfur final rule, we included criteria that should be considered in establishing which counties in adjoining states should be included in the GPA program. We designed these criteria to include those counties in adjacent states which receive a majority of their gasoline from the refineries located in the eight states covered by the GPA program. Not including these counties within the GPA program could potentially undermine the basic intent of the GPA program by pressuring refineries in the eight states to supply their markets in the adjoining states with national gasoline, in spite of the existence of the GPA program. It could also have the affect of creating spot gasoline supply shortages and put upward pressure on prices in these counties.

[1] Primarily oxides of nitrogen (NO_X) and volatile organic compounds (VOCs).

EPA's current gasoline sulfur regulations provide that additional counties or tribal lands in states adjacent to the eight states listed above will be included in the GPA, and gasoline sold there will thus be subject to the GPA standards, if one of the following conditions is met for the area in 1999: (1) Approximately 50 percent or more of the total volume of gasoline, as measured at the terminals and bulk stations, was received from refineries located in the eight GPA states, (2) approximately 50 percent or more of the total volume of gasoline dispensed was received from refineries in the GPA states, or (3) approximately 50 percent or more of the total commercial and private dispensing outlets were supplied by gasoline produced by refineries located in the eight GPA states. *See* 40 CFR 80.215(a)(2).

To identify additional areas for inclusion in the GPA under these regulations, we worked with interested parties such as petroleum marketers and state governments to obtain information regarding gasoline distribution practices. We identified pipeline and terminal locations and, in several cases, information on GPA and total gasoline dispensed in given states and counties. Using the various types of information provided as a foundation, we then developed a basic methodology to identify counties which rely on GPA refineries for a majority of their gasoline. This methodology involved the following steps:

- Prepare a list of the states adjoining the eight GPA states (10 in total).
- Identify and locate the GPA refineries (those in the eight core GPA states that are not expected to qualify as small businesses under the low sulfur gasoline program).
- Identify the pipelines used by these GPA refineries to transport product to the terminals which supply gasoline to the adjoining states, and
- Identify all other refineries/terminals which service the adjoining states.

Using this methodology, we developed an initial list of counties in the adjacent states which receive gasoline from the refineries in the eight GPA states. We then identified counties which receive the majority of their gasoline from a given source. To accomplish this task, we mapped counties that fell within a distance range of 100–150 miles from refinery racks and pipeline terminals used by GPA refineries since essentially all gasoline is delivered to private and retail outlets by tanker truck. We used this distance range because our analysis of the information provided to us by the states and petroleum marketers suggested this was a good indicator of a county's primary source of gasoline. We then adjusted this initial list of counties based on two inputs. First, in some cases, county-specific data on the percent of gasoline dispensed that was produced at refineries in the eight GPA states was available. We used these data to include or exclude specific counties from the program. Second, we excluded a county if our analysis indicated that low sulfur gasoline would be available from nearby refineries and terminals which are not linked to the refineries in the eight core GPA states. In places where refineries and terminals are located nearby, we expect that, for economic reasons, retail outlets will obtain the majority of their gasoline at those locations rather than obtaining gasoline that has been transported a much greater distance from a terminal supplied by a refinery in a GPA state.

In summary, under § 80.215(a)(2) of the low sulfur gasoline program regulations, we propose to expand the boundaries of the GPA to include additional counties and tribal lands in states adjacent to the eight GPA states established under § 80.215(a)(1) of the Tier 2 final rule. To accomplish this, we identified the counties in which we reasonably concluded that approximately 50 percent or more of the gasoline volume dispensed is produced by refineries in the eight GPA states. Specifically, we (1) determined the location of terminals that receive such gasoline, and (2) identified retail outlets in the adjacent states that receive most of their gasoline from these terminals. Next, we excluded certain counties based on specific data which showed that more than half of the gasoline dispensed came from refineries outside the eight GPA states. We then included some additional counties based on specific data which showed that more than half of the gasoline dispensed came from refineries within the eight GPA states. Finally, we excluded some counties identified in our initial analysis based on the identification of nearby terminals that provided an economical source of gasoline from refineries outside the eight GPA states. We have included materials in the docket for today's action that describe in more detail the relevant information regarding the location of terminals and retail outlets for each county.

D. What Are the Results of the GPA Counties Process?

Using the approach described above, we have identified 74 counties in six states that adjoin the GPA which we propose to include in the GPA. These counties are shown in Figure 1 below and are listed in the regulatory text in a new § 80.215.

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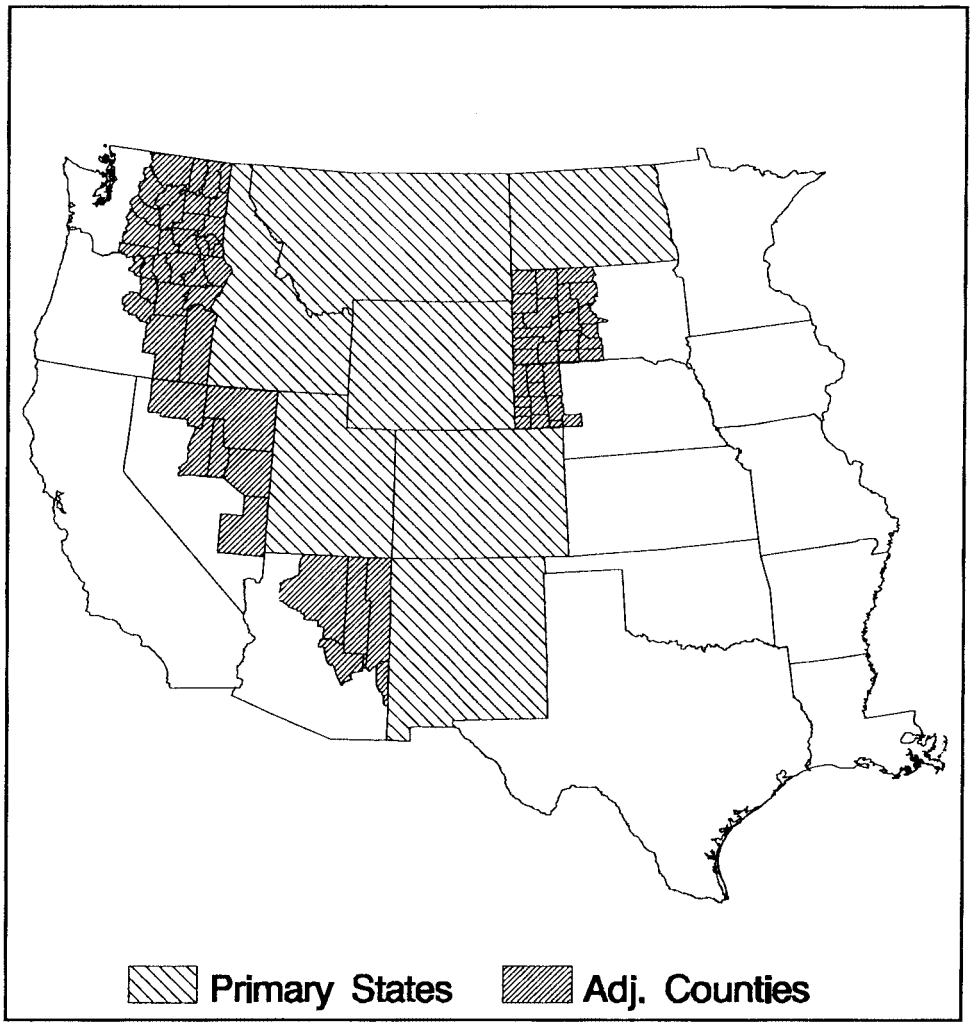

Figure 1. Geographic Phase-in Area

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GPA gasoline sold in these counties would be subject to the requirements in §§ 80.215–80.220, in addition to other applicable requirements in part 80. In our analysis, we concluded that no counties in Minnesota, Texas, Oklahoma, or Kansas need to be included in the GPA. No county in these states meets the criteria in the regulation and with the exception of Minnesota, these four states receive little or no gasoline from the refineries in the eight states now in the GPA program.

The eight core GPA states contain a number of American Indian reservations. We propose to fully include these reservations in the GPA under today's action. The adjacent counties discussed above also contain 25 American Indian reservations. If a reservation is only partly within a GPA state or adjacent county, it would be considered fully in the area for purposes of the GPA program. This is consistent with the inclusion of entire states or counties in the program.

Overall, the gasoline sold in these adjacent counties and American Indian reservations represents about one percent of U.S. gasoline consumption, which would bring the total gasoline consumption covered by the GPA program to 5.7 percent. Even though we are proposing to revise the GPA program to include these additional counties, the overall emission benefits of the early years of the Tier 2/Gasoline Sulfur program would not be reduced over those described in the final rule. The air quality analysis of the final Tier 2 program was based on the premise that all gasoline produced or used in the eight GPA states would be covered by the GPA program. Thus, GPA gasoline produced at refineries located in the eight GPA states was included in the air quality analysis.

We believe that including the states, counties, and tribal lands described above would allow the objectives of the GPA program to be achieved.

III. Small Refiners

A. Documentation of Crude Oil Capacity by Foreign Refiners

Section 80.235(c)(2) provides that a refiner's application for small refiner status must contain the total corporate crude oil capacity of each refinery as reported to the Energy Information Administration (EIA) of the U.S. Department of Energy. Because foreign refiners do not report their crude oil capacity to the EIA, today's action proposes to modify § 80.235(c)(2) to provide that, in the case of a foreign refiner, the small refiner status application must contain the total crude oil capacity of each refinery as documented by a comparable reputable source, such as a professional publication or trade journal.

Today's proposal would not change the definition of ''small refiner'' under § 80.225(a), and we are not seeking

comment on any of the provisions of § 80.225(a).

B. Oxygenates Included in Baseline

Section 80.250 provides the equations to be used in determining small refiner sulfur baselines and baseline volumes. This section, however, does not address whether oxygenates added downstream from the small refinery are to be included in the calculations. The current low sulfur gasoline regulations at § 80.295(b) provide that any refiner who, under the RFG and anti-dumping regulations, included oxygenates blended downstream in compliance calculations for 1997–1998, must include this oxygenate in the calculations for sulfur content under § 80.295 for purposes of establishing a baseline for early credit generation. We intended the provisions of § 80.250 under the small refiner program to be consistent with the provisions of § 80.295, since both baselines are intended to reflect current sulfur levels at a refinery and are based on the same calculation. As a result, today's action proposes to modify § 80.250 to require any small refiner who included oxygenates blended downstream in RFG/anti-dumping compliance calculations for 1997–1998, to include this oxygenate for purposes of establishing a sulfur baseline under § 80.250.

IV. Credits and Allotments

A. Baseline Calculations

The current low sulfur gasoline regulations at § 80.205 require the annual refinery or importer average or corporate pool average calculations to be conducted to two decimal places. However, the provisions at §§ 80.250 and 80.295 for calculating a sulfur baseline for purposes of determining small refinery standards and generating early credits and allotments currently do not contain a similar requirement. We intended the provisions for calculating a sulfur baseline to be consistent with the provisions for calculating the refinery or importer annual average sulfur level, including the requirement to conduct the calculations to two decimal places. As a result, today's action proposes to modify §§ 80.250 and 80.295 to require the baseline calculations under these sections to be conducted to two decimal places.

Note, however, that sulfur credits generated under the sulfur program are in units of ''ppm-gallons.'' See § 80.305(c). We interpret § 80.305(c) to require sulfur credits to be rounded to the nearest ppm-gallon. Therefore, in calculating sulfur credits using the equation in § 80.305(a), the refiner should use the refinery's sulfur baseline value established under § 80.250 or § 80.295, conducted to two decimal places, and the refinery's actual annual average sulfur level calculated under § 80.205, conducted to two decimal places. Once the sulfur credits are calculated, the refiner should round the credits to the nearest ppm-gallon.

B. Refineries That Were Non-Operational in 1997–98

Section 80.290 requires a refiner to submit in its sulfur baseline application the annual average gasoline sulfur baseline for gasoline produced in 1997–1998 for each refinery for which the refiner is applying for a sulfur baseline. The regulations, however, do not address refineries that were shutdown or non-operational during 1997–1998. Today's action proposes that, for such refineries, sulfur data for at least one annual averaging period would be required to establish a sulfur baseline for early credit generation. The refiner's baseline application would have to include the information required under § 80.290(c) for the gasoline produced during each annual averaging period that the refinery was in operation after being reactivated. We will evaluate all of the data submitted by the refiner in determining the appropriate sulfur baseline for the refinery. Where we conclude that the data submitted reasonably reflects current sulfur levels, the refinery's baseline will be determined based on the annual average sulfur content for the most recent annual averaging period that the refinery was in operation. Today's rule would modify §§ 80.290 and 80.295 to clarify these requirements.

C. Foreign Refiners With Approved 1990 Baselines Who Did Not Submit Anti-dumping Compliance Reports to EPA in 1997–1998

To establish a sulfur baseline for purposes of the small refinery standards or generating early sulfur credits, the regulations require refiners to submit to us sulfur baseline data for 1997–1998, including information on each batch of gasoline produced and the batch number assigned to the batch for purposes of compliance with the RFG/anti-dumping regulations. See §§ 80.245(a) and 80.290(c). We may then verify the data in the refiner's sulfur baseline submission by comparing it with the data submitted to us on the refiner's 1997–1998 annual averaging reports. Foreign refiners who do not have an approved individual baseline under the RFG/anti-dumping regulations, and, therefore, did not submit batch reports to us in 1997–1998, are required to follow the procedures under §§ 80.91 through 80.93 (provisions for establishing an individual anti-dumping baseline) to establish the volume and sulfur content of gasoline that was produced at the foreign refinery and imported into the United States during 1997–1998, for purposes of calculating a sulfur baseline under § 80.250 or § 80.295. See §§ 80.250(b), 80.290(d) and 80.410(b)(1). This is in addition to the other baseline establishment requirements under § 80.245 or § 80.290.

The regulations, however, do not address the situation where a foreign refiner has received an approved individual anti-dumping baseline, but the baseline did not apply for purposes of compliance with the anti-dumping regulations until after the 1998 annual averaging period. Such a refiner would not have submitted any reports to us in 1997–1998. In this situation, we believe it is appropriate for the foreign refinery's baseline to be based on the gasoline produced by the foreign refinery and imported to the United States during the period of time that the refinery was subject to its individual anti-dumping baseline. The sulfur baseline is intended to be a reasonable representation of a refinery's current sulfur level. See 65 FR 6761 (February 10, 2000). We believe that a baseline based on the refinery's post-1998 sulfur data would provide a reasonable representation of the refinery's current sulfur level, and perhaps an even more accurate representation of the refinery's current sulfur level than 1997–1998 data. As a result, today's proposal would require a foreign refiner who has an approved individual anti-dumping baseline that was not in effect in 1997–1998 to submit in its sulfur baseline application under § 80.245 or § 80.290 information and data for the gasoline produced by the refinery during each annual averaging period that the refinery was subject to its individual anti-dumping baseline. EPA would evaluate all of the data submitted by the foreign refiner in determining the appropriate sulfur baseline for the refinery. Where we conclude that the data they give us reasonably reflects current sulfur levels, the refinery's baseline would be determined based on the average sulfur content of gasoline produced by the refinery and imported to the United States during the most recent annual averaging period in which the refinery was subject to its individual anti-dumping baseline.

V. Sampling and Testing

A. Obtaining Test Results Before Gasoline Leaves the Refinery

1. Before January 1, 2004

The current low sulfur gasoline regulations at § 80.330(a)(1) require a refiner to collect a representative sample from each batch of gasoline produced and then to test each sample to determine its sulfur content prior to the gasoline leaving the refinery. The requirements in § 80.330(a)(1) apply beginning on January 1, 2004, or January 1 of the first year of credit or allotment generation, whichever is earlier. Sections 80.330(a)(3) and (a)(4) provide the following exceptions: (1) Parties who collect and test composited samples of conventional gasoline are allowed to continue that practice until January 1, 2004; and (2) parties who are unable to obtain test results prior to the gasoline leaving the refinery are exempt from that requirement if they have an approved in-line blending exemption under § 80.65(f)(4). The current low sulfur gasoline rule, therefore, requires parties who currently test each batch of gasoline by testing a representative sample taken from the certification tank (i.e., who do not test composite samples) to obtain test results prior to the gasoline leaving the facility for purposes of generating early credits or allotments prior to January 1, 2004. The current low sulfur gasoline rule also requires a refiner who produces gasoline using in-line blending equipment to have an in-line blending exemption under § 80.65(f)(4) in order to generate early credits or early allotments.

Under the RFG regulations, refiners who produce RFG by in-line blending are required to obtain an exemption under § 80.65(f)(4). However, refiners who produce conventional gasoline by in-line blending are not required to obtain an exemption under § 80.65(f)(4) for purposes of anti-dumping compliance. The current low sulfur gasoline regulations require these conventional gasoline refiners to apply for and receive an exemption under § 80.65(f)(4) to generate early credits or allotments.

We did not intend for refiners who test every batch of conventional gasoline by testing samples from the certification tank to have more severe testing requirements for purposes of generating early credits or allotments prior to January 1, 2004, than refiners who test composite samples. In addition, we now believe that the requirement under § 80.330(a)(4) to obtain an exemption under § 80.65(f)(4) for in-line blending operations, regarding both RFG and conventional gasoline, is unnecessary for purposes of generating early credits or allotments. The requirement to obtain test results prior to the gasoline leaving the refinery, and the exemption requirement for in-line blenders, were intended to ensure that the sulfur level of each batch produced was known at the time of shipment. However, since early credit or allotment generation is based on the refinery's annual average sulfur level, credits and allotments are not calculated until the end of the annual averaging period, after the test results for all batches produced during the averaging period are obtained. Therefore, we believe it is unnecessary for refiners to obtain test data prior to the gasoline leaving the refinery for purposes of early credit or allotment generation. Moreover, there are no per-gallon sulfur standards prior to January 1, 2004, which would necessitate knowing the sulfur content of the gasoline prior to its leaving the refinery. As a result, today's action proposes to modify § 80.330 to provide that refiners, including those who produce gasoline using computer-controlled in-line blending equipment, and those who test every batch of conventional gasoline, are not required to obtain test results prior to the gasoline leaving the refinery to generate early credits in 2000–2003 or early allotments in 2003. However, refiners generating early credits or allotments would have to meet the requirements under § 80.330 to obtain a representative sample of each batch of gasoline produced, and conform their sampling methods to the ASTM methodologies set forth in §§ 80.330(b)(1) and (b)(2). Today's rule would also modify the provisions of § 80.410 to allow foreign refiners who generate early sulfur credits in 2000–2003 to ship gasoline from the foreign refinery without having the sulfur content included in the product transfer documents.

2. January 1, 2004 and Beyond

Beginning on January 1, 2004, refiners would have to obtain test results before the gasoline leaves the refinery or import facility. There is an exception to this requirement for refiners who use computerized in-line blending methods. In-line blenders typically route finished gasoline out of the refinery before an entire batch is completed so they are unable to comply with the requirement to test prior to shipment. An automatic sampler takes a large number of small volumes from a batch throughout production and does not have a representative sample until the blending is completed. The current low sulfur gasoline regulations address in-line blending by providing that refiners who use such in-line blending equipment may meet the requirement to test prior to shipment under the terms of an exemption under § 80.65(f)(4) of the RFG regulations. The basis for this provision is that these exemption holders measure sulfur on-line and therefore know the sulfur concentration of each batch throughout the blending process and can thereby prevent non-complying batches from leaving the refinery.

Currently, all exemption holders are producers of RFG and must meet a wide range of requirements, including the on-line measurement of several properties in addition to sulfur. See § 80.65(f)(4). We do not believe it is practical for in-line blenders of conventional gasoline, with fewer requirements, to meet the requirements designed for RFG blenders, and there is no process under the current low sulfur gasoline regulations for granting a more specialized exemption. As a result, today's action proposes to revise § 80.330(a)(4), which requires all in-line blenders to have an exemption granted under § 80.65(f)(4), to distinguish between conventional gasoline and RFG in-line blenders.

Today's action proposes to remove the requirement that in-line blenders of conventional gasoline obtain an exemption under § 80.65(f)(4) to ship gasoline prior to testing. Instead, today's action would provide that any refiner who uses in-line blending equipment may be exempt from the requirement to obtain test results prior to releasing the gasoline from the refinery, provided that the refiner submits to us the information required for an in-line blending exemption under § 80.65(f)(4)(i)(A) (requiring a detailed description of the in-line blending operation), or the refiner has an in-line blending exemption granted under § 80.65(f)(4). Today's action also proposes to require the refiner to submit any additional information requested by us and to comply with any other requirements that we include in the exemption. For refiners that do not hold an exemption under § 80.65(f)(4), in the absence of notification by us that the exemption has not been approved, or that additional information is required or other requirements have been included in the exemption, the in-line blending exemption would be effective 60 days from our receipt of the refiner's submission of information.

We believe it is important to ensure that the on-line analyzer technology and the refiner's methodology and procedures are sufficient for the gasoline sulfur levels that the refinery

will have when the low sulfur gasoline rule is implemented, for both RFG and conventional gasoline. Generally, we will require the accuracy of the on-line sulfur measurement to be sufficient to identify product segments that violate the applicable per-gallon sulfur standards. The control of an in-line blending system must be sufficient to prevent non-complying gasoline from leaving the refinery. Recordkeeping must be sufficient to allow us to verify the sulfur compliance of each batch and the accuracy and control capability of the in-line blending system.

Currently, on-line sulfur measurement technology is evolving and refiners are evaluating analyzers. In the preamble to the final rule, we indicated that we will be asking in-line blending refiners with exemptions under § 80.65(f)(4) to submit additional information under the sulfur rule, including information on how sulfur is monitored and how streams of gasoline are distributed in the in-blending process. See 65 FR 6807. As indicated above, today's action proposes to include provisions which require in-line blender-refiners, both refiners of conventional gasoline and refiners of RFG under a § 80.65(f)(4) exemption, to submit any additional information requested by us and to comply with other requirements that we include in the exemption. Today's action also proposes that we may modify the requirements of an exemption under § 80.330(a)(4) if we determine that the in-line blending operation does not effectively or adequately control, monitor or document the sulfur content of the gasoline, or if we determine that other circumstances exist which merit modification of the requirements of an exemption, such as advancements in the state-of-the-art for in-line blending measurement which allow for additional control or more accurate monitoring or documentation of sulfur content. Consistent with other provisions of the sulfur rule, today's action provides that a refiner's exemption will be void ab initio if we determine that the refiner provided false or inaccurate information in any submission required for an exemption under § 80.330(a)(4).

B. Sample Retention

1. Limitation on Length of Time to Retain Samples

Section 80.335(a)(2) requires refiners to retain sample portions for the most recent 20 samples collected, or for each sample collected during the most recent 21 day period, whichever is greater. This section specifies the minimum number of batch samples from a refinery, which once created, must be retained. The regulation does not specifically address the maximum amount of time that any particular sample must be retained. At the time the sulfur rule was promulgated, it was assumed that refineries and importers produce or import a substantial number of batches each year, and, therefore, would accrue the 20 batch minimum in a relatively short time period and be able to dispose of any additional, older samples quickly. We now understand, however, that at least one refiner or importer handles less than a handful of batches each year. Under the current low sulfur gasoline rule, such a refiner or importer may be required to retain batch samples for as long as 10 to 20 years. We did not intend for refiners to be required to retain sulfur samples for that length of time. As a result, today's action proposes to modify § 80.335(a)(2) to place a limit of 90 days on the length of time that any one sample must be retained.

We believe that placing a 90 day maximum on sample retention would provide a reasonable balance between our need to have samples available for enforcement purposes and burden on the industry. Ideally, we would require all samples to be available for at least 90 days. However, we understand that retaining a large number of samples could create an undue burden on parties. Under today's action only parties who produce relatively few batches of gasoline would be required to keep any samples for as long as 90 days. We do not believe this would unduly burden such parties, since they would only need to retain a few samples. Parties who produce a substantial number of batches, for whom sample retention is potentially a greater burden, would be able to discard samples in less than 90 days.

2. Composited Samples

Section 80.335(a) provides that beginning on January 1, 2004, or January 1 of the first year of allotment or credit generation, whichever is earlier, a refiner or importer must retain representative samples of the gasoline batch samples analyzed under the requirements of § 80.330. Under 80.330(a)(3), composited samples are treated as single batches of gasoline and are allowed for sulfur testing purposes prior to January 1, 2004. Today's action proposes to modify § 80.335 to clarify that, prior to January 1, 2004, refiners who analyze composited samples would be required to retain portions of the composited samples, and not portions of samples of each batch comprising the composited samples.

3. Sample Retention for Reformulated Blendstocks for Oxygenate Blending

Section 80.335 describes the sample retention requirements for refiners or importers. However, this section does not address how reformulated blendstock for oxygenate blending (RBOB) samples should be considered. Section 80.69(a)(2) of the RFG regulations requires refiners to conduct testing on RBOB by adding the specified type and amount of oxygenate to a representative sample of the RBOB, and determining the properties and characteristics of the resulting gasoline (i.e., a ''handblend''). Section 80.335(a) requires refiners to collect a representative portion of each sample analyzed and retain such sample portions as specified in § 80.335(a)(2). We interpret § 80.335(a) to require refiners to retain samples of the RBOB batches and samples of the ethanol used to conduct the handblend testing, rather than samples of the actual handblend. Refiners, therefore, would not be required to create additional volumes of the handblend samples for purposes of fulfilling the sample retention requirements of § 80.335. Having the RBOB and accompanying ethanol samples available to us would allow us to combine samples of the actual RBOB and ethanol used in the handblend. This would enable us to determine whether the refiner blended the handblend with proper amounts of the components and properly conducted the testing. Today's action proposes to clarify § 80.335 with regard to the sample retention requirement for RBOB.

VI. Changes to Vehicle Compliance Regulations

The table in Section I, above, lists minor changes which we propose to make to Subpart S of 40 CFR Part 86 which contains the certification compliance regulations for new motor vehicles. The changes would correct some errors and inconsistencies and add some clarification. We believe these changes are minor and technical in nature, and would be made as a direct final rule.

VII. Administrative Requirements

A. Administrative Designation and Regulatory Analysis

Under Executive Order 12866 (58 FR 51735, Oct. 4, 1993), the Agency is required to determine whether this regulatory action would be ''significant'' and therefore subject to review by the Office of Management and Budget (OMB) and the requirements of the Executive Order. The order defines a ''significant regulatory action'' as any

regulatory action that is likely to result in a rule that may:

- Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments or communities;
- Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights and obligations of recipients thereof; or,
- Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles set forth in the Executive Order.

Pursuant to the terms of Executive Order 12866, we have determined that this proposed rule would not be a ''significant regulatory action.''

B. Regulatory Flexibility

We have determined that this proposal would not have a significant impact on a substantial number of small entities, and that it is therefore not necessary to prepare a regulatory flexibility analysis in conjunction with this direct final rule. Because today's rule would correct, amend, and revise certain provisions of the December 1999 regulations for the control of air pollution from new motor vehicles and for low sulfur gasoline, regulated entities would find it easier to comply with the requirements of the Tier 2/Gasoline sulfur program. Today's rule also identifies counties for inclusion in the GPA, which would result in additional flexibility for refiners providing gasoline to those areas.

C. Paperwork Reduction Act

The Paperwork Reduction Act of 1980, 44 U.S.C. 3501 et seq., and implementing regulations, 5 CFR Part 1320, do not apply to this action as it does not involve the collection of information as defined therein.

D. Intergovernmental Relations

1. Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA), Public Law 104–4, establishes requirements for federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments, and the private sector. Under section 202 of the UMRA, We generally must prepare a written statement, including a cost-benefit analysis, for proposed and final rules with ''federal mandates'' that may result in expenditures to state, local, and tribal governments, in the aggregate, or to the private sector, of $100 million or more for any single year. Before promulgating a rule for which a written statement is needed, section 205 of the UMRA generally requires us to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule. The provisions of section 205 do not apply when they are inconsistent with applicable law. Moreover, section 205 allows us to adopt an alternative that is not the least costly, most cost-effective, or least burdensome alternative if we provide an explanation in the final rule of why such an alternative was adopted.

Before we establish any regulatory requirement that may significantly or uniquely affect small governments, including tribal governments, we must develop a small government plan pursuant to section 203 of the UMRA. Such a plan must provide for notifying potentially affected small governments, and enabling officials of affected small governments to have meaningful and timely input in the development of our regulatory proposals with significant federal intergovernmental mandates. The plan must also provide for informing, educating, and advising small governments on compliance with the regulatory requirements.

This proposal contains no federal mandates for state, local, or tribal governments as defined by the provisions of Title II of the UMRA. The rule would not impose any enforceable duties on any of these governmental entities. Nothing in the rule would significantly or uniquely affect small governments.

We have determined that this rule does not contain a federal mandate that may result in estimated expenditures of more than $100 million to the private sector in any single year. This action would have the net effect of correcting, amending, and revising certain provisions of the Tier 2/Gasoline Sulfur program, and identifying counties for inclusion in the GPA. Therefore, the requirements of the Unfunded Mandates Act do not apply to this action.

2. Executive Order 13084: Consultation and Coordination With Indian Tribal Governments

On January 1, 2001, Executive Order 13084 was superseded by Executive Order 13175. However, this proposed rule was developed during the period when Executive Order 13084 was still in force, and so tribal considerations were addressed under Executive Order 13084. If EPA receives adverse comment on one or more distinct amendments, paragraphs, or sections of this proposal, we will publish a timely withdrawal in the **Federal Register** indicating which provisions of the direct final rule are being withdrawn due to adverse comment.

Under Executive Order 13084, we may not issue a regulation that is not required by statute, that significantly or uniquely affects the communities of Indian Tribal governments, and that imposes substantial direct compliance costs on those communities, unless the federal government provides the funds necessary to pay the direct compliance costs incurred by the tribal governments, or we consult with those governments. If we comply by consulting, Executive Order 13084 requires us to provide to the Office of Management and Budget, in a separately identified section of the preamble to the rule, a description of the extent of our prior consultation with representatives of affected tribal governments, a summary of the nature of their concerns, and a statement supporting the need to issue the regulation. In addition, Executive Order 13084 requires us to develop an effective process permitting elected officials and other representatives of Indian tribal governments ''to provide meaningful and timely input in the development of regulatory policies on matters that significantly or uniquely affect their communities.''

Today's rule would not uniquely affect the communities of American Indian tribal governments since the motor vehicle emissions, motor vehicle fuel, and other related requirements for private businesses in today's rule will have national applicability. Furthermore, today's rule would not impose any direct compliance costs on these communities and no circumstances specific to such communities exist that will cause an impact on these communities beyond those discussed in the other sections of today's document. The effect of today's rule is no more significant than the Tier 2/Gasoline Sulfur program for tribes within the original GPA; under today's action, gasoline sold in certain tribal lands will be subject to the GPA standards rather than the otherwise applicable gasoline sulfur standards until 2007. Accordingly, the requirements of section 3(b) of Executive Order 13084 do not apply to this rule. Thus, our conclusions regarding the impacts from the implementation of today's rule discussed in the other sections of this preamble are equally applicable to the

communities of American Indian tribal governments.

As described elsewhere in this proposal, the overall emission benefits of the early years of the Tier 2/Gasoline Sulfur program are not reduced over those described in the final rule. The air quality analysis of the final Tier 2 program was based on the premise that all gasoline produced or used in the eight GPA states would be covered by the GPA program. Thus, GPA gasoline produced at refineries located in the eight GPA states was included in the air quality analysis.

3. Executive Order 13132 (Federalism)

Executive Order 13132, entitled ''Federalism'' (64 FR 43255, August 10, 1999), requires us to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' is defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

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

Section 4 of the Executive Order contains additional requirements for rules that preempt State or local law, even if those rules do not have federalism implications (i.e., the rules would not have substantial direct effects on the States, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government). Those requirements include providing all affected State and local officials notice and an opportunity for appropriate participation in the development of the regulation. If the preemption is not based on express or implied statutory authority, we also must consult, to the extent practicable, with appropriate State and local officials regarding the conflict between State law and Federally protected interests within the agency's area of regulatory responsibility.

This proposal does not have federalism implications. It would not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. This proposal would correct, amend, and revise certain provisions of an earlier rule that adopted national emissions standards for certain categories of motor vehicles and national standards to control gasoline sulfur, and proposes additional areas to be subject to the GPA program for low sulfur gasoline. The requirements of the rule would be enforced by the federal government at the national level. Thus, the requirements of section 6 of the Executive Order do not apply to this rule. Although section 6 of Executive Order 13132 does not apply to this rule, we did consult with State and local officials in developing this proposal.

E. National Technology Transfer and Advancement Act

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

This proposal references technical standards adopted by us through previous rulemakings. No new technical standards would be established under today's proposal. The standards referenced in today's proposal involve the measurement of gasoline fuel parameters and motor vehicle emissions. The measurement standards for gasoline fuel parameters referenced in today's proposal are all voluntary consensus standards. The motor vehicle emissions measurement standards referenced in today's proposal are government-unique standards that were developed by us through previous rulemakings. These standards have served our emissions control goals well since their implementation and have been well accepted by industry. We are not aware of any voluntary consensus standards for the measurement of motor vehicle emissions. Therefore, we are using the existing EPA-developed standards found in 40 CFR Part 86 for the measurement of motor vehicle emissions.

F. Executive Order 13045: Children's Health Protection

Executive Order 13045, ''Protection of Children from Environmental Health Risks and Safety Risks'' (62 F.R. 19885, April 23, 1997) applies to any rule that (1) is determined to be ''economically significant'' as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, section 5–501 of the Order directs us to evaluate the environmental health or safety effects of the planned rule on children, and explain why the planned regulation is preferable to other potentially effective and reasonably feasible alternatives considered by us.

This proposal is not subject to the Executive Order because it is not an economically significant regulatory action as defined by Executive Order 12866. Furthermore, this proposal does not concern an environmental health or safety risk that we have reason to believe may have a disproportionate effect on children.

VIII. Statutory Provisions and Legal Authority

Statutory authority for the vehicle controls set in today's proposal can be found in sections 202, 206, 207, 208, and 301 of the Clean Air Act (CAA), as amended, 42 U.S.C. sections 7521, 7525, 7541, 7542 and 7601.

Statutory authority for the fuel controls set in today's proposal comes from section 211(c) of the CAA (42 U.S.C., section 7545(c)), which allows us to regulate fuels that either contribute to air pollution which endangers public health or welfare or which impair emission control equipment. Additional support for the procedural and enforcement-related aspects of the fuel's controls in today's proposal, including the record keeping requirements, comes from sections 114(a) and 301(a) of the CAA.

List of Subjects

40 CFR Part 80

Environmental protection, Fuel additives, Gasoline, Imports, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

40 CFR Part 86

Environmental protection, Administrative practice and procedure, Confidential business information, Labeling, Motor vehicle pollution, Penalties, Reporting and recordkeeping requirements.

Dated: January 19, 2001.

Carol M. Browner,

Administrator.

[FR Doc. 01–8928 Filed 4–12–01; 8:45 am]

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Federal Register

Friday,
April 13, 2001

Part III

Department of Education

Office of Postsecondary Education

Application for Grants for the Underground Railroad Educational and Cultural Program for Fiscal Year (FY) 2001; Notice

DEPARTMENT OF EDUCATION

Office of Postsecondary Education

[CFDA No. 84.345]

Notice Inviting Applications for Grants for the Underground Railroad Educational and Cultural Program for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the Education Department General Administrative Regulations (EDGAR), the notice contains all of the information, application forms, and instructions you need to apply for a grant under this competition.

Purpose of Program: To provide grants to nonprofit educational organizations that are established to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad.

Eligible Applicants: Nonprofit educational organizations that are established to research, display, interpret, and collect artifacts relating to the history of the Underground Railroad.

Deadline for Transmittal of Applications: April 27, 2001.

Deadline for Intergovernmental Review: June 29, 2001.

Available Funds: $1,750,000.

Estimated Range of Awards: $100,000 to $1,750,000.

Estimated Average Size of Awards: $580,000.

Estimated Number of Awards: 1–3.

Note: The Department is not bound by any estimates in this notice.

Project Period: 12 months.

Applicable Statute and Regulations: (a) Section 841 of the Higher Education Amendments of 1998, Public Law 105–244, 20 U.S.C. section 1153; and (b) the Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 82, 85, 86, 97, 98, and 99.

Description of Program: As required by statute, each nonprofit educational organization awarded a grant under this program must enter into an agreement with the Department. Each agreement must require the organization—(1) To establish a facility to house, display, and interpret the artifacts related to the history of the Underground Railroad, and to make the interpretive efforts available to institutions of higher education that award a baccalaureate or graduate degree; (2) To demonstrate substantial private support for the facility through the implementation of a public-private partnership between a State or local public entity and a private entity for the support of the facility. The private entity must provide matching funds for the support of the facility in an amount equal to 4 times the amount of the contribution of the State or local public entity, except that not more than 20 percent of the matching funds may be provided by the Federal Government; (3) To create an endowment to fund any and all shortfalls in the costs of the on-going operations of the facility; (4) To establish a network of satellite centers throughout the United States to help disseminate information regarding the Underground Railroad throughout the United States, if these satellite centers raise 80 percent of the funds required to establish the satellite centers from non-Federal public and private sources; (5) To establish the capability to electronically link the facility with other local and regional facilities that have collections and programs that interpret the history of the Underground Railroad; and (6) To submit, for each fiscal year for which the organization receives funding under this program, a report to the Department that contains—(a) A description of the programs and activities supported by the funding; (b) The audited financial statement of the organization for the preceding fiscal year; (c) A plan for the programs and activities to be supported by the funding, as the Secretary may require; and (d) An evaluation of the programs and activities supported by the funding, as the Secretary may require.

Selection Criteria: Applications for Underground Railroad Educational and Cultural Program grants will be evaluated using the following weighted selection criteria from section 841 of the Higher Education Amendments of 1998 and 34 CFR 75.210 of EDGAR. The maximum score for each criterion is indicated in parentheses. The maximum overall score is 100 points. Your grant application must carefully address each of the selection criteria and describe your efforts in these areas in detail.

(1) *Overall Concept* (20 points). How well the facility supported by the proposed grant would effectively house, display, and interpret artifacts related to the history of the Underground Railroad and make the interpretive efforts available to institutions of higher education that award a baccalaureate or graduate degree.

(2) *Public-Private Support* (20 points). How well the applicant organization demonstrates substantial private support for the facility through the implementation of a public-private partnership between a State or local public entity and a private entity for the support of the facility. The private entity must provide matching funds for the support of the facility in an amount equal to 4 times the amount of the contribution of the State or local public entity, except that not more than 20 percent of the matching funds may be provided by the Federal Government.

(3) *Endowment* (5 points). How well the applicant organization addresses the requirement to create an endowment to fund any and all shortfalls in the costs of the on-going operations of the facility.

(4) *Satellite Centers* (10 points). How well the applicant organization addresses the requirement to establish a network of satellite centers throughout the United States to disseminate information regarding the Underground Railroad and demonstrates the ability to raise 80 percent of the funds required from non-Federal public and private sources.

(5) *Electronic Link* (10 points). How well the applicant organization addresses the requirement to establish the capability to electronically link the facility with other local and regional facilities that have collections and programs which interpret the history of the Underground Railroad.

(6) *Quality of Program Personnel* (10 points). The Secretary considers the quality of the personnel who will carry out the proposed program. In determining the quality of project personnel, the Secretary considers the following: (a) The qualifications, including relevant training and experience of key personnel. (5 points) (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. (5 points)

(7) *Quality of Management Plan* (15 points). The Secretary considers the quality of the management plan for the proposed grant program. In determining the quality of the management plan for the proposed project, the Secretary considers the following: (a) The adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks. (5 points) (b) The adequacy of procedures for ensuring feedback and continuous improvement in the operation of the proposed project. (5 points) (c) How the applicant will ensure that a diversity of perspectives are brought to bear in the operation of the proposed project. (5 points)

(8) *Quality of Project Evaluation* (10 points). The Secretary considers the quality of the evaluation to be

conducted of the proposed program. In determining the quality of the evaluation, the Secretary considers the following: (a) The extent to which the methods of evaluation are thorough, feasible, and appropriate to the goals, objectives, and outcomes of the proposed project. (7 points) (b) The extent to which the evaluation will provide guidance about effective strategies suitable for replication or testing in other settings. (3 points)

Intergovernmental Review of Federal Programs

This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

If you are an applicant, you must contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under Executive Order 12372. If you propose to perform activities in more than one State, you should immediately contact the SPOC for each of these States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any SPOC, see the latest official SPOC list on the web site of the Office of Management and Budget at the following address: *http://www.whitehouse.gov/omb/grants*

In States that have not established a process or chosen a program for review, State, areawide, regional and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a SPOC and any comments from State, areawide, regional, and local entities must be mailed or hand-delivered by the date indicated in this application notice to the following address: The Secretary, E.O. 12372—CFDA 84.345, U.S. Department of Education, room 7E200, 400 Maryland Avenue, SW, Washington, D.C. 20202–0125.

We will determine proof of mailing under 34 CFR 75.102 (Deadline date for applications). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

PLEASE NOTE THAT THE ABOVE ADDRESS IS NOT THE SAME ADDRESS AS THE ONE TO WHICH AN APPLICANT SUBMITS ITS COMPLETED APPLICATION. DO NOT SEND APPLICATIONS TO THE ABOVE ADDRESS.

Instructions for Transmittal of Applications

Note: Some of the procedures in these instructions for transmitting applications differ from those in the Education Department General Administrative Regulations (EDGAR) (34 CFR 75.102). Under the Administrative Procedure Act (5 U.S.C. 553) the Department generally offers interested parties the opportunity to comment on proposed regulations. However, these amendments make procedural changes only and do not establish new substantive policy. Therefore, under 5 U.S.C. 553(b)(A), the Secretary has determined that proposed rulemaking is not required.

Pilot Project for Electronic Submission of Applications

The U.S. Department of Education is expanding its pilot project of electronic submission of applications to include certain formula grant programs, as well as additional discretionary grant competitions. The Underground Railroad Educational and Cultural Program—CFDA 84.345 is one of the programs included in the pilot project. If you are an applicant under the Underground Railroad Educational and Cultural Program—CFDA 84.345, you may submit your application to us in either electronic or paper format.

The pilot project involves the use of the Electronic Grant Application System (e-APPLICATION, formerly e-GAPS) portion of the Grant Administration and Payment System (GAPS). We request your participation in this pilot project. We shall continue to evaluate its success and solicit suggestions for improvement.

If you participate in this e-APPLICATION pilot, please note the following:

- Your participation is voluntary.
- You will not receive any additional point value or penalty because you submit a grant application in electronic or paper format.
- You can submit all documents electronically, including the Application for Federal Assistance (ED 424), Budget Information—Non-Construction Programs (ED 524), and all necessary assurances and certifications.
- Fax a signed copy of the Application for Federal Assistance (ED 424) after following these steps:

1. Print ED 424 from the e-APPLICATION system.
2. Make sure that the institution's Authorizing Representative signs this form.
3. Before faxing this form, submit your electronic application via the e-APPLICATION system. You will receive an automatic acknowledgement, which will include a PR/Award number (an identifying number unique to your application).
4. Place the PR/Award number in the upper right hand corner of ED 424.
5. Fax ED 424 to the Application Control Center within three working days of submitting your electronic application. We will indicate a fax number in e-APPLICATION at the time of your submission.

- We may request that you give us original signatures on all other forms at a later date.

You may access the electronic grant application for the Underground Railroad Educational and Cultural Program at: *http://e-grants.ed.gov.*

We have included additional information about the e-APPLICATION pilot project (see Parity Guidelines between Paper and Electronic Applications) elsewhere in this notice.

If you want to apply for a grant and be considered for funding, you must meet the following deadline requirements:

(A) *If You Send Your Application by Mail:*

You must mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA No. 84.345, Washington, DC 20202–4725.

You must show one of the following as proof of mailing:

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(B) *If You Deliver Your Application by Hand:*

You or your courier must hand deliver the original and two copies of the application by 4:30 p.m. (Washington, DC time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: CFDA No. 84.345, Room 3633, Regional Office Building 3, 7th and D Streets, SW., Washington, DC 20202.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays, and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

(C) *If You Submit Your Application Electronically:*

You must submit your grant application through the Internet using the software provided on the e-Grants Web site (http://e-grants.ed.gov) by 4:30 p.m. (Washington, DC time) on the deadline date.

The regular hours of operation of the e-Grants Web site are 6:00 a.m. until 12:00 midnight (Washington, DC time) Monday—Friday and 6:00 a.m. until 7:00 p.m. Saturdays. The system is unavailable on the second Saturday of every month, Sundays, and Federal holidays. Please note that on Wednesdays the Web site is closed for maintenance at 7:00 p.m. (Washington, DC time).

Notes:

(1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, you should check with your local post office.

(2) If you send your application by mail or deliver it by hand or by a courier service, the Application Control Center will mail a Grant Application Receipt Acknowledgment to you. If you do not receive the notification of application receipt within 15 days from the date of mailing the application, you should call the U.S. Department of Education Application Control Center at (202) 708–9493.

(3) You must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Education Assistance (ED 424; revised November 12, 1999) the CFDA number—and suffix letter, if any—of the competition under which you are submitting your application.

(4) If you submit your application through the Internet via the e-Grants Web site, you will receive an automatic acknowledgment when we receive your application.

Parity Guidelines Between Paper and Electronic Applications

The Department of Education is expanding the pilot project, which began in FY 2000, that allows applicants to use an Internet-based electronic system for submitting applications. This competition is among those that have an electronic submission option available to all applicants. The system, called e-APPLICATION, formerly e-GAPS (Electronic Grant Application Package System), allows an applicant to submit a grant application to us electronically, using a current version of the applicant's Internet browser. To see e-APPLICATION visit the following address: *http://e-grants.ed.gov.*

In an effort to ensure parity and a similar look between applications transmitted electronically and applications submitted in conventional paper form, e-APPLICATION has an impact on all applicants under this competition.

Users of e-APPLICATION, a data driven system, will be entering data on-line while completing their applications. This will be more interactive than just e-mailing a soft copy of a grant application to us. If you participate in this voluntary pilot project by submitting an application electronically, the data you enter on-line will go into a database and ultimately will be accessible in electronic form to our reviewers.

This pilot project is another step in the Department's transition to an electronic grant award process. In addition to e-APPLICATION, the Department is conducting a limited pilot of electronic peer review (e-READER) and electronic annual performance reporting (e-REPORTS).

To help ensure parity and a similar look between electronic and paper copies of grant applications, we are asking each applicant that submits a paper application to adhere to the following guidelines:

- Submit your application on 8.5″ by 11″ paper.
- Leave a 1-inch margin on all sides.
- Use consistent font throughout your document. You may also use boldface type, underlining, and italics. However, please do not use colored text.
- Use black and white for illustrations, including charts, tables, graphs and pictures.
- For the narrative component, your application should consist of the number and text of each selection criterion followed by the narrative. The text of the selection criterion, if included, does not count against any page limitation.
- Place a page number at the bottom right of each page beginning with 1; and number your pages consecutively throughout your document.

Application Requirements: An application submitted for funding under this program must include—(1) The name, address, and web site address, if any, of the nonprofit educational organization seeking to participate, and the name, title, mailing and e-mail address, and telephone number of a contact person for the organization. (2) A description of the facility that will be used to house, display, and interpret the artifacts related to the history of the Underground Railroad and to make the interpretive efforts available to institutions of higher education that award a baccalaureate or graduate degree. (3) A description of the substantial private support for the facility through the implementation of a public-private partnership between a State or local public entity and a private entity for the support of the facility and documentation that these entities will provide matching funds as required in section 841(b)(2) of the Higher Education Amendments of 1998. (4) A description of how the endowment will be created to fund any and all shortfalls in the costs of the on-going operations of the facility and expected sources of these funds. (5) A statement as to whether the applicant organization intends to establish a network of satellite centers throughout the United States to help disseminate information regarding the Underground Railroad throughout the United States. If the applicant's organization does intend to establish a network, the applicant must describe the network and document how the satellite centers will raise 80 percent of the funds required from non-Federal public and private sources. (6) A detailed description of how the applicant intends to electronically link the facility with other local and regional facilities that have collections and programs which interpret the history of the Underground Railroad, including a listing of the facilities the applicant intends to include.

Application Instructions and Forms

To apply for an award under this program competition, your application must include the following parts:

1. Application for Federal Assistance (ED Form 424).
2. Budget Summary (ED Form 524).
3. Budget Narrative.
4. Project Narrative—Applicants should submit a narrative that addresses the elements described in this notice under Application Requirements.
5. Assurances and Certifications.

a. Assurances—Non Construction Programs (Standard Form 424B).

b. Certification regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and Instructions.

c. Certification regarding Debarment, Suspension, Ineligibility and Voluntary

Exclusion: Lower Tier Covered Transactions (ED 80–0014) and Instructions.

Note: ED 80–0014 is intended for the use of grantees and should not be transmitted to the Department.)

d. Disclosure of Lobbying Activities (Standard Form LLL–A) (if applicable) and Instructions, and Disclosure of Lobbying Activities Continuation Sheet (Standard Form LLL–A).

Applications must be postmarked on or before the deadline date listed under *DEADLINE FOR TRANSMITTAL OF APPLICATIONS.* Mail the application on or before the deadline date to: Application Control Center, Attention: CFDA No. 84.345, Washington, DC 20202–4725 or hand deliver the application by 4:30 p.m. (Washington, DC time) on the deadline date to the same address.

FOR FURTHER INFORMATION CONTACT: Sylvia W. Crowder at: U.S. Department of Education, 8th Floor, 1990 K Street, NW, Washington, DC 20006–8544, by e-mail at: Sylvia_Crowder@ed.gov or by telephone at (202) 502–7514. Information concerning the program can also be found on the Web site of the Department (http://ed.gov). Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this document in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact person listed under **FOR FURTHER INFORMATION CONTACT.** However, the Department is not able to reproduce in an alternative format the standard forms included in this application notice.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or Adobe Portable Document Format (PDF) on the Internet at either of the following sites:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PDF you must have Adobe Acrobat Reader, which is available free at either of the previous sites. 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: U.S.C. 1153.

Dated: April 9, 2001.

Maureen A. McLaughlin,

Deputy Assistant Secretary for Policy, Planning and Innovation, Office of Postsecondary Education.

BILLING CODE 4000–01–P

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name:
Address:
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number
3. Applicant's T-I-N
4. Catalog of Federal Domestic Assistance #: 8 4 3 4 5
Title:
5. Project Director:
Address:
City State ZIP Code + 4
Tel. #: ( ) Fax #: ( )
E-Mail Address:

6. Is the applicant delinquent on any Federal debt? Yes No
(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)*

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*:

8. Novice Applicant Yes No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
Construction	Construction
Non-Construction	Non-Construction

10. Is application subject to review by Executive Order 12372 process?
Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/___
No *(If "No," check appropriate box below.)*
Program is not covered by E.O. 12372.
Program has not been selected by State for review.

11. Proposed Project Dates: Start Date: ___/___/___ End Date: ___/___/___

12. Are any research activities involving human subjects planned at any time during the proposed project period? Yes No
a. If "Yes," Exemption(s) #:
OR
b. Assurance of Compliance #:
c. IRB approval date:
Full IRB or Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative
b. Title
c. Tel. #: ( ) Fax #: ( )
d. E-Mail Address:
e. Signature of Authorized Representative Date: ___/___/___

REV. 11/12/99

ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" or "No". If research activities involving human subjects are not planned at any time during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, are planned at any time during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If all the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If some or all of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructionsin **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a, **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE

APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	**5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:** **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

According to the Paperwork Reduction Act, as amended, no persons are required to respond to a collection of information unless it displays a valid OMB Control Number. The valid OMB control number for this information collection is OMB No. 0348-0046. Public reporting burden for this collection of information is estimated to average 10 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0046), Washington, DC 20503.

[FR Doc. 01–9126 Filed 4–12–01; 8:45 am]
BILLING CODE 4000–01–C

Federal Register

Friday,
April 13, 2001

Part IV

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Agriculture Risk Management Education Competitive Grants Program, FY 2001; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals (RFP): Agricultural Risk Management Education Competitive Grants Program, FY 2001

AGENCY: Cooperative State Research, Education and Extension Service.

ACTION: Notice of Request for Proposals and Request for Input.

SUMMARY: The Cooperative State Research, Education and Extension Service (CSREES) announces the availability of grant funds and requests proposals for the Agricultural Risk Management Education Competitive Grants Program in fiscal year (FY) 2001. The program will focus on comprehensive risk management education (RME) for agricultural producers in the United States. It will address national, regional and local risk management issues and encourage partnering in program delivery. The amount available for this program in FY 2001 is approximately $4,800,000.

This notice sets out the objectives for projects, the eligibility criteria for projects and applicants, the application procedures, and the set of instructions needed to apply for an Agricultural Risk Management Education Competitive grant under this authority.

By this notice, CSREES is also soliciting comments regarding this Request for Proposals (RFP) from any interested party. These comments will be considered in the development of future RFP's for the program. Comments should be submitted as provided for in the **ADDRESSES** and **DATES** portions of this notice.

DATES: Proposals must be received by COB on June 1, 2001 (5:00 p.m. EST). Proposals received after this date will not be considered for funding. Comments regarding this request for proposals are requested within six months from the issuance of this notice. Comments received after that date will be considered to the extent practicable.

ADDRESSES: The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Agricultural Risk Management Education Competitive Grant Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307 Waterfront Center; 800 9th Street, SW.; Washington, DC 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Agricultural Risk Management Education Competitive Grant Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, SW.; Washington, DC 20250–2245.

Written user comments should be submitted by first-class mail to: Policy and Program Liaison Staff; Office of Extramural Programs; USDA–CSREES; STOP 2299; 1400 Independence Avenue, SW.; Washington, DC 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. In your comments, please include the name of the program and the fiscal year of the RFP to which you are responding.

FOR FURTHER INFORMATION CONTACT: Applicants and other interested parties are encouraged to contact: Dr. Donald A. West; National Program Leader, Farm Business Management; Economic and Community Systems Unit; Cooperative State Research, Education and Extension Service; U.S. Department of Agriculture; STOP 2215; 1400 Independence Avenue, SW.; Washington, DC 20250–2215; Telephone: (202) 720–7166; Fax: (202) 690–3162; e-mail address: dwest@reeusda.gov.

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Stakeholder Input

Stakeholder input for this RFP was obtained through listening sessions held in: Raleigh, North Carolina; Boise, Idaho; and Kansas City, Missouri in September 2000. Input was obtained from: producers; representatives of commodity organizations; representatives of colleges and universities (e.g., faculty, extension educators, and administrators); and representatives from the private sector. Written and oral testimony at those sessions has been used extensively in the development of this RFP. Transcripts of these sessions are available on the national AgRisk Electronic Library/Website. The address is http://www.agrisk.umn.edu.

In addition, CSREES is soliciting comments regarding this solicitation of applications from any interested party. These comments will be considered in the development of any future RFP for the program. Such comments will be forwarded to the Secretary or her designee for use in meeting the requirements of section 103(c)(2) of the Agricultural Research, Extension, and Education Reform Act of 1998 (7 U.S.C. 7613(c)(2)). This section requires the Secretary to solicit and consider input on a current RFP from persons who conduct or use agricultural research, education and extension for use in formulating future RFPs for competitive programs. Comments should be submitted as provided for in the ''Addresses'' and ''Dates'' portions of this Notice.

Catalog of Federal Domestic Assistance

This program is listed in the Catalog of Federal Domestic Assistance under 10.500, Agricultural Risk Management Education Competitive Grant Program.

Part I—General Information

A. Legislative Authority and Background

Section 133 of the Agricultural Risk Protection Act of 2000, Pub. L. 106–224, amended the Federal Crop Insurance Act to add section 524(a)(3), which requires the Secretary, acting through the Cooperative State Research, Education, and Extension Service (CSREES), to establish a competitive grants program for the purpose of educating agricultural producers about the full range of risk management activities. These activities include futures, options, agricultural trade options, crop insurance, cash forward contracting, debt reduction, production diversification, farm resources risk reduction and other risk management strategies.

Approximately $4,800,000 will be available for funding in FY 2001.

The RME program will bring the existing knowledge base to bear on risk management issues faced by agricultural producers and expand the program throughout the nation. Applicants are encouraged to recognize the risk management education (RME) needs of all producers, including small-scale and minority producers and women, while giving special consideration to educational needs of producers who have had limited exposure to risk management concepts, tools and strategies.

Subject to the availability of funds, organizations eligible to apply for and receive grant awards are land-grant colleges or universities, cooperative extension services, other colleges or universities, and other qualified public and private entities with a demonstrated capacity to develop and carry out educational programs for agricultural producers.

B. Purpose, Priorities and Fund Availability

The program will support a wide range of extension education activities in risk management for agricultural producers. The primary purpose is to provide U.S. agricultural producers with the knowledge, skills and tools needed to make informed risk management decisions for their operations. Applicant activities should include: the use of existing and the formation of new educational networks focused on agricultural producers; the development of agricultural risk management curricula and materials; the delivery of agricultural RME to producers using one or more of the wide range of delivery methods; and the verification of program impacts.

Priority will be given to projects that recognize and document the RME needs of producers as they exist at regional, state and local levels, and propose effective educational programs that address those needs. Regionally based programs should be flexible while addressing special needs as determined by: producer audiences; commodity mixes; types of risks associated with production, marketing, financial, legal and human resource conditions; and/or other factors that hold the greatest potential for assisting producers.

There is no commitment by the U.S. Department of Agriculture (USDA) to fund any particular proposal or to make a specific number of awards.

C. Definitions

For the purpose of awarding grants under this program, the following definitions are applicable:

(1) *Administrator* means the Administrator of the Cooperative State Research, Education, and Extension Service (CSREES) and any other officer or employee of the Department to whom the authority involved is delegated.

(2) *Agricultural Risk Management* means the informed use, as appropriate, of the full range of agricultural risk management activities, including futures, options, agricultural trade options, crop insurance, cash forward contracting, debt reduction, production diversification, farm resources risk reduction and other risk management strategies, by agricultural producers. It includes those risks encountered in the production, marketing, financial, legal, and human resource(s) aspects of farm and ranch operations.

(3) *Authorized departmental officer* means the Secretary or any employee of the Department who has the authority to issue or modify grant instruments on behalf of the Secretary.

(4) *Authorized organizational representative* means the president, director, chief executive officer, or other designated official of the applicant organization, who has the authority to commit the resources of the organization.

(5) *Budget period* means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(6) *Cash contributions* means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

(7) *Department* or *USDA* means the United States Department of Agriculture.

(8) *Education activity* means formal classroom instruction, laboratory instruction, and practicum experience in the food and agricultural sciences and other related matters such as faculty development, student recruitment and services, curriculum development, instructional materials and equipment, and innovative teaching methodologies.

(9) *Extension activity* means an act or process that delivers science-based knowledge and informal educational programs to people, enabling them to make practical decisions.

(10) *Grant* means the award by the Secretary of funds to an eligible organization or individual to assist in meeting the costs of conducting, for the benefit of the public, an identified project which is intended and designed to accomplish the purpose of the program as identified in these guidelines.

(11) *Grantee* means the organization designated in the grant award document as the responsible legal entity to which a grant is awarded.

(12) *Matching* means that portion of allowable project costs not borne by the Federal Government, including the value of in-kind contributions.

(13) *Partnering* means a joint effort among two or more institutions, organizations and/or other entities with the capacity to conduct projects intended and designed to accomplish the purpose of the program.

(14) *Peer review* means an evaluation of a proposed project for scientific or technical quality and relevance performed by experts with the scientific knowledge and technical skills to conduct the proposed work or to give expert advice on the merits of a proposal.

(15) *Peer review panel* means a group of experts qualified by training and/or experience in particular fields to evaluate eligible proposals in those fields submitted under this RFP.

(16) *Performance target* means expected measurable accomplishments that can be used to document the extent of change brought about by the project.

(17) *Principal investigator/Project* director means the single individual designated in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

(18) *Prior approval* means written approval evidencing prior consent by an authorized departmental officer as defined in (3) above.

(19) *Producers* means individuals, families, or other entities in the U.S. engaged in the business of agricultural production and marketing before the farm gate.

(20) *Project* means the particular activity within the scope of the program supported by a grant award.

(21) *Project period* means the period, as stated in the award document, during which Federal sponsorship begins and ends.

(22) *Qualified Public* and *Private Entities* means public or private groups, organizations, or institutions that have established and demonstrated capacities to conduct projects that accomplish the purposes of the program as designated in these guidelines.

(23) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved is delegated.

(24) *Third party in-kind contributions* means non-cash contributions of property or services provided by non-

Federal third parties, including real property, equipment, supplies and other expendable property, directly benefitting and specifically identifiable to a funded project or program.

D. Eligibility

Proposals are invited from qualified public and private entities. This includes all colleges and universities, Federal, State, and local agencies, nonprofit and for-profit private organizations or corporations, and other entities.

Although an applicant may be eligible to compete for an award based on its status as an eligible entity, other factors may exclude an applicant from receiving Federal assistance under this program (e.g., debarment and suspension, a determination of non-responsibility based on the information submitted).

E. Restrictions on Use of Funds

Program funds may not be used for the renovation or refurbishment of research spaces; the purchase or installation of fixed equipment in such spaces; or the planning, repair, rehabilitation, acquisition, or construction of buildings or facilities.

Part II—Program Description

A. Project Types

1. Regional Centers

RME Centers will be supported/established in the Northeastern, Southern, North Central and Western Regions of the United States. The Regional RME Centers will be initially supported at a level of up to $1.25 million for approximately one year at levels reflective of the activities proposed. The extent of Center's proposed activities and the amount of the award is expected to vary in accordance to the number of producers in the region, the number of public and private institutions and other partners involved, the types of agricultural risks that prevail, the range of commodities and specialty crops involved and other relevant factors. A Regional Centers proposal may call for the establishment of a satellite center to meet the needs of specially targeted audiences. The budget request should be at levels reflective of the scope of the proposed activity, recognizing the program complexity and the numbers and characteristics of targeted producers.

The Regional Centers are expected to conduct projects within their region. These projects are to be solicited and selected for funding by the RME Center recipient through a competitive process. The Centers may also support special projects for training, coordination and communication networks that are developed, with stakeholder input, and conducted by the Centers.

Receipt of a Regional Center grant under this RFP is not a guarantee of receipt of future grant funds under this program. Applications for continuation grants under this program in future years will be subject to competition.

2. Standard Projects

Approximately $960,000 is available for proposals for national or multi-regional grants in FY 2001. Proposals can be up to three years in length with a budget of not more than $300,000 for the full period proposed.

B. Program Description

Proposals should build on effective programs on agricultural risk management that have been developed within the Land Grant College and University System and/or have evolved within the past three years with support from the Risk Management Agency of USDA and involvement of partners in the private sector. A national AgRisk Electronic Library (Website: http://www.agrisk.umn.edu) established in 1998, provides ready access to materials documenting these programs. The applicant should focus on providing RME to producers, building on the educational base and networks that have been established. This expanded program will take place through the four Regional Centers and the series of projects funded at the national, multi-state or state levels through Standard Project grants.

Regional Risk Management Education Centers

The USDA, using stakeholder input, has placed a high priority on the establishment of Regional RME Centers as a means of meeting the specific risk management education needs that exist within regions. The Centers will assist the USDA and its other partners to conduct a national RME program to address regional, state and local needs. The process to develop the Regional Centers will begin in FY 2001 with the formation of four geographically based Regional Centers with one each in the Northeastern, Southern, North Central and Western Regions of the United States. The establishment of Regional Centers should address specific regional risk management education needs, diverse audiences, commodity and enterprise mixes, and other conditions that exist at the regional, state and local levels. Educational programs will cover the full range of risk management activities, including futures, options, agricultural trade options, crop insurance, cash forward contracting, debt reduction, production diversification, farm resources risk reduction, and other risk management strategies.

Development and delivery of effective RME programs must take into account regional, state and local issues affecting producers as well as common RME components that exist across the nation. The Centers should facilitate rapid feedback from producers and other stakeholders within the region, and tailor the RME program to meet specific and emerging needs.

Regional RME Centers will have primary responsibility for development and implementation of agricultural RME programs within their respective regions. However, smaller satellite centers, coordinating with the Regional Center, may be established to meet the needs of specially targeted audiences. Regional RME Centers will be the locus for building partnerships among pubic and private entities. The Centers will solicit and select regional projects through a competitive process taking into consideration stakeholder input. The Centers should promote collaboration that includes the exchange of materials and information, open communication, and integration of activities around RME issues within the region. Centers should bring together the expertise and knowledge needed to address RME issues, drawing from regional sources and from national or multi-regional projects that provide broad or specialized knowledge for a particular situation.

The four Regional RME Centers will be the primary vehicle for delivering RME to agricultural producers recognizing the special needs, audiences, commodities, production and marketing conditions and other regional factors that must be considered in developing and delivering effective RME programs. They will be expected to verify activities and report program results on a continuing basis.

Applicants for the four Regional RME Centers should present plans that demonstrate their program and administrative capacity to solicit, select and support a set of RME projects that address the RME priorities within their region. These plans should indicate how RME coverage will be provided to all producers within the region and should recognize the role of women in risk management decision-making. They should give special consideration to targeted producer audiences, including small-scale and minority producers that have special RME needs.

Proposals will be expected to meet the following objectives:

1. Provide regional RME program leadership and coordination, including a plan for reaching agricultural producers with RME programs. This includes developing and implementing mechanisms that identify agricultural RME needs that are specific to producers within the region. Applicants should recognize the importance of specialty crops within the region and risks associated with them. An emphasis should be placed on the development and implementation of programs to reach producers with little or no prior exposure to RME, and that recognizes minority producers and the role of women, spouses and the family in decision-making.

2. Give attention to RME needs of specially targeted audiences including small-scale and minority producers and to specific types of risks, commodities and other conditions that exist within the region. This may involve the development of satellite center(s) within the region to provide more direct focus for associated programs. Focus on specially targeted audiences will include the development and/or acquisition of relevant materials and curricula, and providing updates on changes in crop insurance and other risk management programs in formats that communicate with these audiences.

3. Establish an entity, such as an Advisory Council, that represents stakeholders and will ensure that planning, project selection and funding determined at the regional level occurs with a broad base of support consistent with stakeholder needs. Plans should include procedures for regional representation on a national coordinating body.

4. Develop and implement a competitive process for selection of regional projects and allocation of regional funds. This process must be consistent with the requirements and guidelines established for the entire RME program.

5. Promote partnering among public and private entities within the region.

6. Conduct regional training workshops on existing or emerging risk management topics, as needed.

7. Establish a regionally-based RME program verification system and communication network that will document program results and promote communication within and across regions, and nationally.

Proposed budgets for the Regional RME Center grants may include funding for the Center Director and support staff. Additional funding may be used to support Center activities including needs assessment, stakeholder input and guidance, regional competitive processes, regional training efforts and materials development and other necessary activities conducted by the Center.

Standard Projects

Approximately $960,000 has been allocated to support Standard RME Projects. These projects must have nationwide or multi-state applicability and complement the entire Agricultural RME Competitive Grants program. Requested funds for a single proposal for a national project cannot exceed a total of $300,000 for a duration of up to three years. The amount requested must be commensurate with the activities proposed. These projects are expected to address special and emerging issues, foster nationwide exchanges of RME information and materials, enhance verification and reporting of results, and promote coordination across regional programs while avoiding duplication of efforts. Standard Projects will be encouraged to coordinate with the regional projects and complement cross-regional activities. Proposals that build on existing information networks and offer innovative or expanded activities are encouraged.

Standard Project proposals will be expected to meet one or more of the following objectives:

1. Meet a specialized RME need that is either national, multi-regional, or multi-state in scope, e.g. educational programs focused on legal or human resource risks that occur in non-contiguous regions or states and that have common characteristics that can be addressed in a single project;

2. Identify emerging agricultural risk management issues with nationwide implications and develop innovative approaches and educational materials to assist producers in managing them;

3. Provide a national source of RME information, materials and software that may be readily accessed nationally and internationally through electronic media;

4. Develop and maintain a national database that compiles results from Regional RME Centers and other projects, including verification of accomplishments, and compile reports that can be used to inform stakeholders;

5. Conduct national conferences and/or workshops that enhance sharing of regional RME program results, promote program coordination and train educators on new risk management tools and strategies.

C. Expected Program Outputs and Reporting Requirements

Funded projects will be expected to verify program accomplishments. Accomplishments can include expanded awareness of the importance of risk management and greater knowledge of risk management tools and strategies among program participants. Evidence of actual or intended beneficial changes in their risk management behavior is particularly desirable, in addition to documentation of producer involvement in program activities. The evidence is expected to include participants' assessment of the value of program materials and instruction, and suggestions for addition or deletion of topics and instructional materials.

Grantees must prepare semi-annual reports that document significant activities or events that show movement toward achieving goals and objectives of the project. The reports should specify performance targets for that period and contain evidence that verifies the extent to which these targets have been met. Regional projects should contribute regularly to a national database which shows the combined impact of the program.

Part III—Preparation of a Proposal

A. Program Application Material

Program application materials are available at the CSREES website (www.reeusda.gov/RME). If you do not have access to our web page or have trouble downloading material, you may contact the Proposal Services Unit, Office of Extramural Programs, USDA/CSREES at (202) 401–5048. When calling the Proposal Services Unit, please indicate that you are requesting forms for the Fiscal Year 2001 Agricultural Risk Management Education Competitive Grants Program. These materials may also be requested via Internet by sending a message with your name, mailing address (not e-mail) and phone number to psb@reeusda.gov. State that you want a copy of the Program Description and application materials (orange book) for the Fiscal Year 2001 Agricultural Risk Management Education Competitive Grants Program.

B. Content of Proposals

1. General

The proposal should follow these guidelines, enabling reviewers to more easily evaluate the merits of each proposal in a systematic, consistent fashion:

(a) The proposal should be prepared on only one side of the page using

standard size (8½″ x 11″) white paper, one inch margins, typed or word processed using no type smaller than 12 point font, and single or double spaced. Use an easily readable font face (e.g., Geneva, Helvetica, Times Roman).

(b) Each page of the proposal, including the Project Summary, budget pages, required forms, and any appendices, should be numbered sequentially.

(c) The proposal should be stapled in the upper left-hand corner. Do not bind. An original and 14 copies (15 total) must be submitted in one package, along with 10 copies of the ''Project Summary'' as a separate attachment.

(d) If applicable, proposals should include original illustrations (photographs, color prints, etc.) in all copies of the proposal to prevent loss of meaning through poor quality reproduction.

2. Cover Page

Each copy of each grant proposal must contain an ''Application for Funding'', Form CSREES–661. One copy of the application, preferably the original, must contain the pen-and-ink signature(s) of the proposing principal investigator(s)/project director(s) (PI/PD) and the authorized organizational representative who possesses the necessary authority to commit the organization's time and other relevant resources to the project. Any proposed PI/PD or co-PI/PD whose signature does not appear on Form CSREES–661 will not be listed on any resulting grant award. Complete both signature blocks located at the bottom of the ''Application for Funding'' form.

Form CSREES–661 serves as a source document for the CSREES grant database; it is therefore important that it be completed accurately. The following items are highlighted as having a high potential for errors or misinterpretations:

(a) Legal Name of Organization (Block 1). Be sure to indicate the full name of the submitting organization, e.g. University of (state), Cooperative Extension Service.

(b) Title of Project (Block 6). The title of the project must be brief (80-character maximum), yet represent the major thrust of the effort being proposed. Project titles are read by a variety of nonscientific people; therefore, highly technical words or phraseology should be avoided where possible. In addition, introductory phrases such as ''investigation of,'' ''research on,'' ''education for,'' or ''outreach that'' should not be used.

(c) Program to Which You Are Applying (Block 7). ''RME'' or Risk Management Education Competitive Grants Program.

(d) Program Area and Number (Block 8). Leave blank.

(e) Type of Award Request (Block 13). Check the block for ''new.''

(f) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). The designation of excessive numbers of co-PI/PD's creates problems during final review and award processing. Listing multiple co-PI/PDs, beyond those required for genuine collaboration, is therefore discouraged. Note that providing a Social Security Number is voluntary, but is an integral part of the CSREES information system and will assist in the processing of the proposal.

(g) Type of Performing Organization (Block 18). A check should be placed in the box beside the type of organization which actually will carry out the effort. For example, if the proposal is being submitted by an 1862 Land-Grant institution but the work will be performed in a department, laboratory, or other organizational unit of an agricultural experiment station, box ''03'' should be checked. If portions of the effort are to be performed in several departments, check the box that applies to the individual listed as PI/PD #1 in Block 15.a.

(h) Other Possible Sponsors (Block 22). List the names or acronyms of all other public or private sponsors including other agencies within USDA and other programs funded by CSREES to whom your application has been or might be sent. In the event you decide to send your application to another organization or agency at a later date, you must inform the identified CSREES Program Director as soon as practicable. Submitting your proposal to other potential sponsors will not prejudice its review by CSREES; however, duplicate support for the same project will not be provided. Complete the ''Application for Funding,'' Form CSREES–661, in its entirety.

(i) One copy of the ''Application for Funding'' form must contain the original signatures (in ink) of the PI/PD(s) and authorized organizational representative for the applicant organization.

3. Table of Contents

For consistency and ease in locating information, each proposal must contain a detailed Table of Contents just after the cover page. The Table of Contents should contain page numbers for each component of the proposal. Page numbers should begin with the first page of the Project Description.

4. Project Summary

The proposal must contain a Project Summary of 250 words or less on a separate page which should be placed immediately after the Table of Contents and should not be numbered. The names and institutions of all PI/PDs and co-PI/PDs should be listed on this form, in addition to the title of the project. The summary should be a self-contained, specific description of the activity to be undertaken and should focus on: overall project goal(s) and supporting objectives; plans to accomplish the project goal(s); and relevance of the project to the Agricultural Risk Management Education Competitive Grants Program. The importance of a concise, informative Project Summary cannot be overemphasized.

5. Project Description

The written text may not exceed 15 single-or double-spaced pages of written text for Standard Project grant proposals and 20 single- or double-spaced pages for Regional Centers proposals including figures and tables, but excluding citations.

Standard Projects

Each Standard Project proposal's Project Description should contain the following:

a. Introduction—A clear statement of the long-term goal(s) and supporting objectives of the proposed activities should be included. Summarize the body of knowledge which substantiates the need for the proposed project. Describe ongoing or recently completed significant activities related to the proposed project, including the work of key project personnel. Preliminary data/information pertinent to the proposed project should be included.

b. Relevance and significance—The objectives' specific relationship to the goals of the RME program should be stated. Include a description of the significance of the activity and its value in improving agriculture. Clearly describe the potential impact of the project.

c. Approach—The activities proposed or problems being addressed must be clearly stated and the approaches being applied clearly described. The following should be included: (1) A description of the activities proposed; (2) methods to be used in carrying out the project, including the feasibility of the methods; (3) expected outcomes; (4) means by which results will be analyzed, assessed, or interpreted; and (5) how results or products will be used.

d. Project Timetable—The proposal should outline all important phases as

a function of time, year by year, for the entire project, including periods beyond the grant funding period.

e. Verification and Monitoring—Provide a plan for assessing and verifying the accomplishments of the stated proposal objectives during the project and describe ways to determine the effectiveness of the end results during and upon termination of the project.

f. Collaborative Arrangements—Identify collaborations and provide a full explanation of the nature of the collaborations.

g. Cooperation and Institutional Units Involved—Cooperative, multi-institutional and multi-disciplinary applications are encouraged. Identify each institutional unit contributing to the project and designate the lead institution or institutional unit. When appropriate, the project should be coordinated with the efforts of other State, Regional and/or national programs. Clearly define the roles and responsibilities of each institutional partner of the project team.

h. Facilities and Equipment—All facilities which are available for use or assignment to the project during the requested period of support should be reported and described briefly. All items of major equipment or instrumentation available for use or assignment to the proposed project should be itemized. In addition, items of nonexpendable equipment needed to conduct and bring the project to a successful conclusion should be listed, including dollar amounts and, if funds are requested for their acquisition, justified.

Regional RME Centers

Each Regional RME Center proposal should include all the above items required for a Standard Project proposal, but should also include the following:

a. Substantiate the need for a Regional Center as opposed to a single project approach including how the consortia will add value over funding of separate efforts.

b. Management Plan—It is expected that centers projects will require more extensive and complicated coordination and collaboration than is typically proposed for Standard Projects. Therefore, explain how the Center will be managed to ensure efficient administration of the grant and how activities will be integrated most effectively. The Management Plan should be inserted as the last part of the Project Description.

c. Evaluation and Monitoring of Project Administration—In addition to the verification and monitoring of accomplishments associated with the Center, evaluation and monitoring of the administration of the Center must also be included. This description should include how funds and resources will be allocated so that collaborative participation of all parties throughout the duration of the project is ensured. This description should be placed after the Verification and Monitoring Section described above under Standard Projects.

6. Appendices to Project Description

Appendices to the Project Description are allowed if they are directly germane to the proposed project (e.g. documentation of previous related program impacts, widely distributed materials, or other brief indicators of previous program effectiveness.)

7. Key Personnel

The following should be included, as applicable:

a. The roles and responsibilities of each PI/PD and/or collaborator should be described;

b. An estimate of time commitment for each PI/PD and/or collaborator including current and pending projects; and

c. Vitae of each PI/PD, senior associate and other professional personnel. This section should include vitae of all key persons who are expected to work on the project, whether or not CSREES funds are sought for their support. The vitae should be limited to two (2) pages in length, excluding publication lists. List only those technical publications that have relevance to the proposed project. All authors should be listed in the same order as they appear on each paper cited, along with the title and complete reference as these usually appear in journals.

8. Conflict-of-Interest List

A Conflict-of-Interest List must be provided for all individuals involved in the project (i.e., each individual submitting a vitae in response to item 7.(c) of this part). Each list should be on a separate page and include alphabetically the full names of the individuals in the following categories: (a) all collaborators on projects within the past four years, including current and planned collaborations; (b) all co-authors on publications within the past four years, including pending publications and submissions; (c) all persons in your field with whom you have had a consulting or financial arrangement within the past four years who stand to gain by seeing the project funded; and (d) all thesis or postdoctoral advisees/advisors within the past four years (some may wish to call these life-time conflicts). This form is necessary to assist program staff in excluding from proposal review those individuals who have conflicts-of-interest with the personnel in the grant proposal. The Program Director must be informed of any additional conflicts-of-interest that arise after the proposal is submitted.

9. Collaborative and/or Subcontractual Arrangements

If it will be necessary to enter into formal consulting or collaborative arrangements with others, such arrangements should be fully explained and justified. In addition, evidence should be provided that the collaborators involved have agreed to render these services. If the need for consultant services is anticipated, the proposal narrative should provide a justification for the use of such services, a statement of work to be performed, the rate of pay, and a resume or curriculum vita for each consultant. For purposes of proposal development, informal day-to-day contacts between key project personnel and outside experts are not considered to be collaborative arrangements and thus do not need to be detailed.

All anticipated subcontractual arrangements also should be explained and justified in this section. A proposed statement of work and a budget for each arrangement involving the transfer of substantive programmatic work or the providing of financial assistance to a third party must be provided. Agreements between departments or other units of your own institution and minor arrangements with entities outside of your institution (e.g., requests for outside laboratory analyses) are excluded from this requirement.

If you expect to enter into subcontractual arrangements, please note that the provisions contained in 7 CFR Part 3019, USDA Uniform Administrative Requirements for Grant and Other Agreements with Institutions of Higher Education, Hospitals, and Other Non-Profit Organizations, and the general provisions contained in 7 CFR Part 3015.205, USDA Uniform Federal Assistance Regulations, flow down to subrecipients. Required clauses from Sections 40–48 (''Procurement Standards'') and Appendix A (''Contract Provisions'') to 7 CFR Part 3019 should be included in final contractual documents, and it is necessary for the subawardee to make a certification relating to debarment/suspension. In addition, Form AD–1048 must be completed by each subcontractor or consultant and retained by the grantee.

10. Budget

a. Budget Form—Prepare the budget, Form CSREES–55, in accordance with instructions provided. A budget form is required for each year of requested support. In addition, a cumulative budget is required detailing the requested total support for the overall project period. The budget form may be reproduced as needed by applicants. Funds may be requested under any of the categories listed on the form, provided that the item or service for which support is requested is allowable under the authorizing legislation, the applicable Federal cost principles, and these program guidelines, and can be justified as necessary for the successful conduct of the proposed project. Applicants must also include a Budget Narrative to justify their budgets (see section b below.)

The following guidelines should be used in developing your proposal budget(s):

1. Salaries and Wages. Salaries and wages are allowable charges and may be requested for personnel who will be working on the project in proportion to the time such personnel will devote to the project. If salary funds are requested, the number of Senior and Other Personnel and the number of CSREES-Funded Work Months must be shown in the spaces provided. Grant funds may not be used to augment the total salary or rate of salary of project personnel or to reimburse them for time in addition to a regular full-time salary covering the same general period of employment. Salary funds requested must be consistent with the normal policies of the institution.

2. Fringe Benefits. Funds may be requested for fringe benefit costs if the usual accounting practices of your organization provide that organizational contributions to employee benefits (e.g. social security and retirement) be treated as direct costs. Fringe benefit costs may be included only for those personnel whose salaries are charged as a direct cost to the project.

3. Nonexpendable Equipment. Nonexpendable equipment means tangible nonexpendable personal property including exempt property charged directly to the award having a useful life of more than one year and an acquisition cost of $5,000 (or lower, depending on institutional policy) or more per unit. As such, items of necessary instrumentation or other nonexpendable equipment should be listed individually by description and estimated cost in the Budget Narrative. This applies to revised budgets as well, as the equipment item(s) and amount(s) may change.

4. Materials and Supplies. The types of expendable materials and supplies which are required to carry out the project should be indicated in general terms with estimated costs in the Budget Narrative.

5. Travel. The type and extent of travel and its relationship to project objectives should be described briefly and justified. If travel is proposed, the destination, the specific purpose of the travel, a brief itinerary, inclusive dates of travel, and estimated cost must be provided for each trip. Airfare allowances normally will not exceed round-trip jet economy air accommodations. U.S. flag carriers must be used when available. See 7 CFR Part 3015.205(b)(4) for further guidance.

6. Publication Costs/Page Charges. Include anticipated costs associated with publications in a journal (preparing and publishing results including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints) and audio-visual materials that will be produced. Photocopying and printing brochures, etc., should be shown in Section I., ''All Other Direct Costs'' of Form CSREES–55.

7. Computer (ADPE) Costs. Reimbursement for the costs of using specialized facilities (such as a university—or department—controlled computer mainframe or data processing center) may be requested if such services are required for completion of the work.

8. All Other Direct Costs. Anticipated direct project charges not included in other budget categories must be itemized with estimated costs and justified in the Budget Narrative. This also applies to revised budgets, as the item(s) and dollar amount(s) may change. Examples may include space rental at remote locations, subcontractual costs, and charges for consulting services, telephone, facsimile, shipping costs, and fees necessary for laboratory analyses. You are encouraged to consult the ''Instructions for Completing Form CSREES–55, Budget,'' of the Application Kit for detailed guidance relating to this budget category.

9. Indirect Costs. If available, the current rate negotiated with the cognizant Federal negotiating agency should be used. Indirect costs may not exceed the negotiated rate. If a negotiated rate is used, the percentage and base should be indicated in the space allotted under item K. on the Budget Form. If no rate has been negotiated, a reasonable dollar amount for indirect costs may be requested, which will be subject to approval by USDA. In the latter case, if a proposal is recommended for funding, an indirect cost rate proposal must be submitted prior to award to support the amount of indirect costs requested. CSREES will request an indirect cost rate proposal and provide instructions, as necessary.

A proposer may elect not to charge indirect costs and, instead, charge only direct costs to grant funds. Grantees electing this alternative, however, will not be allowed to charge, as direct costs, indirect costs that otherwise would be in the grantee's indirect cost pool under the applicable Office of Management and Budget cost principles. If indirect costs are not charged, the phrase ''None requested'' should be written in this space. Having requested no indirect costs, a grantee will not be permitted at a later date to revise its budget to allow for indirect costs.

b. Budget Narrative—All budget categories, with the exception of Indirect Costs for which support is requested, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the Budget Form. Explanations of project matching, including in-kind contributions, are to be included in this section.

c. Matching Funds—Matching under this program is encouraged but not required. Applicants proposing to provide matching support should show the sources and amount of all matching from outside the applicant organization. This should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge arrangements must be placed in the proposal immediately following the summary of the matching support.

The value of applicant contributions to the project shall be established in accordance with applicable cost principles. Applicants should refer to OMB Circulars A–21, Cost Principles for Educational Institutions, A–87, Cost Principles for State, Local, and Tribal Governments, A–122, Cost Principles for Non-Profit Organizations, and for for-profit organizations, the cost principles in the Federal Acquisition Regulations at 48 CFR Subpart 31.2 (see 7 CFR 3015.194).

11. Current and Pending Support

All proposals must contain Form CSREES–663 listing other current public or private support (including in-house support) to which key personnel identified in the proposal have committed portions of their time, whether or not salary support for

person(s) involved is included in the budget. Analogous information must be provided for any pending proposals that are being considered by, or that will be submitted in the near future to, other possible sponsors, including other USDA Programs or agencies. Concurrent submission of identical or similar proposals to the possible sponsors will not prejudice proposal review or evaluation by the CSREES for this purpose. However, a proposal that duplicates or overlaps substantially with a proposal already reviewed and funded (or to be funded) by another organization or agency will not be funded under this program. Note that the project being proposed should be included in the pending section of the form.

12. Assurance Statement(s), (Form CSREES–662)

A number of situations encountered in the conduct of projects require special assurances, supporting documentation, etc., before funding can be approved for the project. In addition to any other situation that may exist with regard to a particular project, it is expected that some applications submitted in response to these guidelines will involve the following:

a. Protection of Human Subjects—Responsibility for safeguarding the rights and welfare of human subjects used in any grant project supported with funds provided by CSREES rests with the performing organization. Guidance on this issue is contained in the National Research Act, Pub. L. No. 93–348, as amended, and implementing regulations promulgated by the Department under 7 CFR part 1c. If you propose to use human subjects for experimental purposes in your project, you should check the ''yes'' box in Block 21 of Form CSREES–661 and complete Section C of Form CSREES–662. In the event a project involving human subjects results in a grant award, funds will be released only after the appropriate Institutional Review Board has approved the project.

13. Certifications

Note that by signing Form CSREES–661 the applicant is providing certifications required by 7 CFR Part 3017, as amended, regarding Debarment and Suspension and Drug-Free Workplace, and 7 CFR Part 3018, regarding Lobbying. The certification forms are included in the application package for informational purposes only. These forms should not be submitted with the proposal since by signing form CSREES–661 your organization is providing the required certifications. If the project will involve a subcontractor or consultant, the subcontractor/consultant should submit a form AD–1048 to the grantee organization for retention in their records. This form should not be submitted to USDA.

14. Compliance With the National Environmental Policy Act (NEPA)

As outlined in 7 CFR Part 3407 (the Cooperative State Research, Education, and Extension Service regulations implementing NEPA), the environmental data for any proposed project is to be provided to CSREES so that CSREES may determine whether any further action is needed. In some cases, however, the preparation of environmental data may not be required. Certain categories of actions are excluded from the requirements of NEPA.

In order for CSREES to determine whether any further action is needed with respect to NEPA, pertinent information regarding the possible environmental impacts of a particular project is necessary; therefore, Form CSREES–1234, ''NEPA Exclusions Form,'' must be included in the proposal indicating whether the applicant is of the opinion that the project falls within a categorical exclusion and the reasons therefore. If it is the applicant's opinion that the proposed project falls within the categorical exclusions, the specific exclusion must be identified. Form CSREES–1234 and supporting documentation should be included as the last page of this proposal.

Even though a project may fall within the categorical exclusions, CSREES may determine that an Environmental Assessment or an Environmental Impact Statement is necessary for an activity, if substantial controversy on environmental grounds exists or if other extraordinary conditions or circumstances are present which may cause such activity to have a significant environmental effect.

C. Submission of Proposals

1. When To Submit (Deadline Date)

Proposals must be received by COB on June 1, 2001 (5:00 p.m. EST). Proposals received after this date will not be considered for funding.

2. What To Submit

An original and 14 copies must be submitted. In addition submit 10 copies of the proposal's Project Summary. All copies of the proposals and the Project Summaries must be submitted in one package.

3. Where To Submit

Applicants are strongly encouraged to submit completed proposals via overnight mail or delivery service to ensure timely receipt by the USDA. The address for hand-delivered proposals or proposals submitted using an express mail or overnight courier service is: Agricultural Risk Management Education Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, S.W.; Washington, D.C. 20024.

Proposals sent via the U.S. Postal Service must be sent to the following address: Agricultural Risk Management Education Competitive Grants Program; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2245; 1400 Independence Avenue, S.W.; Washington, D.C. 20250–2245.

D. Acknowledgment of Proposals

The receipt of proposals will be acknowledged by e-mail. Therefore, applicants are encouraged to provide e-mail addresses, where designated, on the Form CSREES–661. If the applicant's e-mail address is not indicated, CSREES will acknowledge receipt of the proposal by letter.

Once the proposal has been assigned an identification number, please cite that number on all future correspondence. If the applicant does not receive an acknowledgment within 60 days of the submission deadline, please contact the Program Director.

Part IV—Review Process

A. General

Each proposal will be evaluated using a two-part process. First, each proposal will be screened to ensure that it meets the administrative requirements as set forth in this request for proposals. Second, a panel will consider the relevance, technical merits and management/delivery capacity identified in the proposal.

Priority consideration will be given to recipients providing matching, either cash or in-kind, that is commensurate with the project's scope and the organization's resources.

The peer review panel will be comprised of representatives from USDA and other federal agencies, agricultural producers and/or commodity organizations, experts from colleges and universities, and others representing public and private entities as needed.

Overall, peer review panel members will be selected based upon their training and experience in relevant education or extension fields taking into account the following factors: (a) The level of formal scientific, technical education, and/or extension experience of the individual, as well as the extent to which an individual is engaged in relevant education and/or extension activities; (b) the need to include as peer reviewers experts from various areas of specialization within relevant education, and extension fields; (c) the need to include as reviewers other experts (*e.g.* producers and operators of related agribusinesses) who can assess relevance and efficacy of the proposals to targeted audiences and to program needs; (d) the need to include as peer reviewers experts from a variety of organizational types (*e.g.,* colleges, universities, industry, state and Federal agencies, private profit and non-profit organizations), and geographic locations; (e) the need to maintain a balanced composition of peer review groups with regard to minority and female representation and an equitable age distribution; and (f) the need to include members that can judge the effective usefulness to producers and the general public of each proposal.

B. Evaluation Criteria

1. Regional RME Education Center Proposals

Proposals for RME Centers will be evaluated based on the criteria described below.

a. Focused Development and Delivery of Relevant Risk Management Education Programs to Agricultural Producers—40 points

• *Focus on Producers.*

Factors include demonstrated understanding of agricultural RME needs including use of feedback mechanisms that identify emerging needs of producers and indicate program relevance and effectiveness.

• *Programs targeted to Regional Agricultural Risk Management Education Needs.*

Proposals should identify how RME programming will address regional, state and local risk management issues recognizing educational needs associated with specially targeted audiences, including minorities, women and other family members, and with types of agricultural risks associated with specialty crops and climatic conditions.

• *Use of RME Materials Appropriate for Regional Educational Needs.*

Factors to be considered will include ready access to existing RME materials that apply to regional risk management issues and the ability to develop additional materials as needed.

• *Demonstrated Ability to Effectively Deliver Nonformal RME Programs To End-Users.*

Successful applicants will exhibit a strong track record of attracting end-users to educational offerings and evidence of effective communication and interaction with participants.

b. Management Capacity To Develop and Maintain a Regional Risk Management Center With Networks To Deliver RME Programs—30 points

• *Documentation of how Producer RME needs will be identified and addressed.*

Suggested approaches may include the use of surveys and feedback mechanisms to identify RME needs and the formation of Advisory Councils to provide guidance for competitive processes that solicit and select projects at the regional level. Factors that will be considered include the balanced representation of stakeholders within the Region and a defined role for advisory groups in the decision-making processes for Center activities.

• *Use of a Competitive Process to Select Projects at the Regional Level.*

This process should ensure that public and private entities have equal access to opportunities to submit proposals for regional RME projects, that regional RME objectives are clearly identified, and that partnering and joint efforts are encouraged.

• *Development of a Regional RME Delivery Network.*

This process should ensure that public and private entities involved in RME participate in an institutional/organizational framework that can coordinate delivery of RME programs to agricultural producers.

• *Expertise and Institutional/Organizational Support.*

Center staff should possess adequate training, experience and the capacity to develop and manage regional RME programs, conduct training, and participate in national coordination activities. Institutional/organizational support including facilities should be available.

c. Verification of Program Impacts—15 points

• *Definition of Performance Targets.*

Performance targets should be closely related to program objectives and expected outcomes; and should focus on change in the knowledge and behavior of program participants. Indicators may include participant assessments of improved knowledge and stated intentions to alter behavior that improves their management of risks.

• *Regular and Accurate Reporting of RME Program Activities and Impacts.*

The process should include the formation of an accountability and reporting system integrated with program objectives and focus on performance, and its use for semi-annual and/or requested reporting at regional and national levels.

d. Effective Regional Communication Networks and Linkage to a National Network—15 points

• *Capacity to Provide Effective RME Communication at Intra-and Inter-regional levels.*

This includes use of media outlets and the distribution of regional RME materials that have nationwide application.

• *Establishment of a Regional Communication Source.*

This source should be readily accessible by regional project directors and should be linked to the national Agriculture Risk Library (Website).

• *Participation in National Conferences and Workshops.*

This activity should promote program coordination and sharing of materials. Priority will be given to projects that are multistate, multi-institutional, multidisciplinary or projects that integrate agricultural research, education and extension.

2. Standard Project Proposals

Proposals for Agricultural Risk Management Education national projects will be evaluated based on the following criteria:

a. Addresses a Nationwide or Multi-State RME (Special) Need—40 points

• *Identifies Nationwide RME Special Needs and Proposes Actions To Meet Them.*

Successful proposals will address a special or emerging need that has nationwide applicability and/or cannot effectively or efficiently be addressed within a single region. Suggested topics may include education on risks associated with use of agricultural labor that prevail in noncontiguous states or regions; legal risks that are common across regions, and agricultural risks associated with new technologies. Proposals that complement regional efforts such as maintenance/expansion of a national AgRisk electronic library, design and conduct of national training conferences, formation of a national project verification and reporting system, and development of distance learning techniques applicable to RME audiences will be welcomed.

• *Addressing Emerging RME Issues.*

Proposals should indicate how the RME issue can be addressed, solutions proposed and results/materials be made available nationwide within the time and funding limits set for Standard Projects.

b. Program Complementarity and Innovative Characteristics—20 points

• *Complements the Total RME Program.*

Factors to be considered include the extent to which the proposal indicates how the purpose and objectives complement the total RME program in an effective manner.

• *Adopts Innovative Approaches and Methods.*

Consideration will be given to those proposals which identify innovative approaches and methods that can lead to more effective and efficient delivery of RME.

c. Capacity To Conduct Projects and Verify Results—40 points

• *Expertise and Support.*

Entities submitting successful proposals will employ, or have access to, personnel with knowledge and experience in agricultural RME and who are able to communicate effectively with other RME projects across the nation. Necessary support personnel and infrastructure are required. Ready access and familiarity with existing RME databases and the ability to use them appropriately to achieve project results is desirable.

• *Verification of Impacts and Distribution of Results.*

Demonstrated capacity to assemble, summarize, and present data that verify RME program impacts and to deliver project materials and results to stakeholders and other RME project leaders with the ability to communicate effectively with a wide range of stakeholders.

C. Conflicts-of-Interest and Confidentiality

During the peer evaluation process, extreme care will be taken to prevent any actual or perceived conflicts-of-interest that may impact review or evaluation. For the purpose of determining conflicts-of-interest, the academic and administrative autonomy of an institution shall be determined by reference to the January 1999 issue of the Code Book for Compatible Statistical Reporting of Federal Science and Engineering Support to Colleges, Universities, and Nonprofit Institutions, prepared by Quantum Research Corporation for the National Science Foundation.

Names of submitting institutions and individuals, as well as proposal content and peer evaluations, will be kept confidential, except to those involved in the review process, to the extent permitted by law. In addition, the identities of peer reviewers will remain confidential throughout the entire review process. Therefore, the names of reviewers will not be released to applicants. At the end of the fiscal year, names of panelists will be made available in such a way that the panelists cannot be identified with the review of any particular proposal.

Part V—Additional Information

A. Access To Review Information

Copies of summary reviews, not including the identity of reviewers, will be sent to the applicant PI/PD after the review process has been completed.

B. Grant Awards

(1) General

Within the limit of funds available for such purpose, the awarding official of CSREES shall make grants to those responsible, eligible applicants whose proposals are judged most meritorious under the procedures set forth in this RFP. The date specified by the Administrator as the effective date of the grant shall be no later than September 30. It should be noted that the project need not be initiated on the grant effective date, but as soon thereafter as practical so that project goals may be attained within the funded project period. All funds granted by CSREES under this RFP shall be expended solely for the purpose for which the funds are granted in accordance with the approved application and budget, the regulations, the terms and conditions of the award, the applicable Federal cost principles, and the Department's assistance regulations (parts 3015, 3016, and 3019 of 7 CFR).

(2) Organizational Management Information

Specific management information relating to an applicant shall be submitted on a one-time basis as part of the responsibility determination prior to the award of a grant identified under this RFP, if such information has not been provided previously under this or another CSREES program. CSREES will provide copies of forms recommended for use in fulfilling these requirements as part of the preaward process.

(3) Grant Award Document and Notice of Grant Award

The grant award document shall include at a minimum the following:

(a) Legal name and address of performing organization or institution to whom the Administrator has awarded a grant under the terms of this request for proposals;

(b) Title of project;

(c) Name(s) and address(es) of PI/PD(s) chosen to direct and control approved activities;

(d) Identifying grant number assigned by the Department;

(e) Project period, specifying the amount of time the Department intends to support the project without requiring recompetition for funds;

(f) Total amount of Departmental financial assistance approved by the Administrator during the project period;

(g) Legal authority(ies) under which the grant is awarded;

(h) Approved budget plan for categorizing allocable project funds to accomplish the stated purpose of the grant award; and

(i) Other information or provisions deemed necessary by CSREES to carry out its respective granting activities or to accomplish the purpose of a particular grant.

The notice of grant award, in the form of a letter, will be prepared and will provide pertinent instructions or information to the grantee that is not included in the grant award document.

All grants awarded under this program will be awarded using a funding mechanism whereby CSREES agrees to support a specified level of effort for a predetermined time period without additional support at a future date.

C. Use of Funds; Changes

(1) Delegation of Fiscal Responsibility

Unless the terms and conditions of the grant state otherwise, the grantee may not in whole or in part delegate or transfer to another person, institution, or organization the responsibility for use or expenditure of grant funds.

(2) Changes in Project Plans

(a) The permissible changes by the grantee, PI/PD(s), or other key project personnel in the approved project grant shall be limited to changes in methodology, techniques, or other aspects of the project to expedite achievement of the project's approved goals. If the grantee and/or the PI/PD(s) are uncertain as to whether a change complies with this provision, the question must be referred to the CSREES Authorized Departmental Officer (ADO) for a final determination.

(b) Changes in approved goals or objectives shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes. In no event shall requests for such changes be approved which are outside the scope of the original approved project.

(c) Changes in approved project leadership or the replacement or reassignment of other key project personnel shall be requested by the grantee and approved in writing by the CSREES ADO prior to effecting such changes.

(d) Transfers of actual performance of the substantive programmatic work in whole or in part and provisions for payment of funds, whether or not Federal funds are involved, shall be requested by the grantee and approved in writing by the ADO prior to effecting such transfers, unless prescribed otherwise in the terms and conditions of the grant.

(e) Changes in Project Period: The project period may be extended by CSREES without additional financial support, for such additional period(s) as the ADO determines may be necessary to complete or fulfill the purposes of an approved project. Any extension of time shall be conditioned upon prior request by the grantee and approval in writing by the ADO, unless prescribed otherwise in the terms and conditions of a grant, but in no case shall a grant period of performance exceed 5 years.

(f) Changes in Approved Budget: Changes in an approved budget must be requested by the grantee and approved in writing by the ADO prior to instituting such changes if the revision will involve transfers or expenditures of amounts requiring prior approval as set forth in the applicable Federal cost principles, Departmental regulations, or in the grant award.

D. Applicable Federal Statutes and Regulations

Several other Federal statutes and regulations apply to grant proposals considered for review and to project grants awarded under this program. These include, but are not limited to:

7 CFR part 1.1—USDA implementation of the Freedom of Information Act.

7 CFR part 3—USDA implementation of OMB Circular No. A–129 regarding debt collection.

7 CFR part 15, subpart A—USDA implementation of Title VI of the Civil Rights Act of 1964, as amended.

7 CFR part 3015—USDA Uniform Federal Assistance Regulations, implementing OMB directives (i.e., Circular Nos. A–21 and A–122) and incorporating provisions of 31 U.S.C. 6301–6308 (formerly the Federal Grant and Cooperative Agreement Act of 1977, Pub. L. No. 95–224), as well as general policy requirements applicable to recipients of Departmental financial assistance.

7 CFR part 3016—Uniform Administrative Requirements for Grants and Cooperative Agreements to State and Local Governments.

7 CFR part 3017—USDA implementation of Governmentwide Debarment and Suspension (Nonprocurement) and Governmentwide Requirements for Drug-Free Workplace (Grants).

7 CFR part 3018—USDA implementation of Restrictions on Lobbying. Imposes prohibitions and requirements for disclosure and certification related to lobbying on recipients of Federal contracts, grants, cooperative agreements, and loans.

7 CFR part 3019—USDA implementation of OMB Circular A–110, Uniform Administrative Requirements for Grants and Other Agreements With Institutions of Higher Education, Hospitals, and Other Nonprofit Organizations.

7 CFR part 3052—USDA implementation of OMB Circular No. A–133, Audits of States, Local Governments, and Non-profit Organizations.

7 CFR part 3407—CSREES procedures to implement the National Environmental Policy Act of 1969, as amended.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR part 15b (USDA implementation of statute)—prohibiting discrimination based upon physical or mental handicap in Federally assisted programs.

35 U.S.C. 200 et seq.—Bayh-Dole Act, controlling allocation of rights to inventions made by employees of small business firms and domestic nonprofit organizations, including universities, in Federally assisted programs (implementing regulations are contained in 37 CFR part 401).

E. Confidential Aspects of Proposals and Awards

When a proposal results in a grant, it becomes a part of the record of CSREES transactions, available to the public upon specific request. Information that the Secretary determines to be of a confidential, privileged, or proprietary nature will be held in confidence to the extent permitted by law. Therefore, any information that the applicant wishes to have considered as confidential, privileged, or proprietary should be clearly marked within the proposal. The original copy of a proposal that does not result in a grant will be retained by the CSREES for a period of one year. Other copies will be destroyed. Such a proposal will be released only with the consent of the applicant or to the extent required by law. A proposal may be withdrawn at any time prior to the final action thereon.

F. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29115, June 24, 1983), this program is excluded from the scope of the Executive Order 12372 which requires intergovernmental consultation with State and local officials. Under the provisions of the Paperwork Reduction Act of 1995, as amended (44 U.S.C. chapter 35), the collection of information requirements contained in this Notice have been approved under OMB Document No. 0524–0022.

Done at Washington, D.C., this 9th day of April 2001.

K. Jane Coulter,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–9197 Filed 4–12–01; 8:45 am]

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Federal Register

Friday,
April 13, 2001

Part V

Department of Education

Bilingual Education: Teachers and Personnel Grants; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

DEPARTMENT OF EDUCATION

[CFDA No.: 84.195A]

Bilingual Education: Teachers and Personnel Grants; Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Note to Applicants: This notice is a complete application package. Together with the statute authorizing the program and the applicable regulations governing this program, including the Education Department General Administrative Regulations (EDGAR), this notice contains all of the information, application forms, and instructions needed to apply for a grant under this program.

Purpose of Program: This program provides grants for preservice and inservice professional development for bilingual education teachers, administrators, pupil services personnel, and other educational personnel who are either involved in, or preparing to be involved in, the provision of educational services for children and youth of limited English proficiency.

Eligible Applicants: (1) One or more institutions of higher education (IHEs), which have entered into consortia arrangements with local educational agencies (LEAs) or State educational agencies (SEAs), to achieve the purposes of this section. (2) SEAs and LEAs for inservice professional development programs.

Deadline for Transmittal of Applications: May 16, 2001.

Deadline for Intergovernmental Review: July 16, 2001.

Available Funds: $8 million.

Estimated Range of Awards: $150,000–$250,000 per year.

Estimated Average Size of Awards: $200,000 per year.

Estimated Number of Awards: 40.

Note: The Administration has requested $8 million for new awards under the Teachers and Personnel Grants program in 2001. The actual level of funding, if any, depends upon final congressional action.

Project Period: Up to 36 Months.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria reviewers use to evaluate your application. You must limit the application narrative to the equivalent of no more than 30 pages, using the following standards:

- A page is 8.5 × 11″, on one side only, with 1″ margins at the top, bottom, and both sides.
- Double space (no more than three lines per vertical inch) all text in the application narrative, including titles, headings, footnotes, quotations, references, and captions, as well as all text in charts, tables, figures, and graphs.
- Use a font that is either 12-point or larger or no smaller than 10 pitch (characters per inch).

The page limit does not apply to Part I, the cover sheet; Part II, the budget section, including budget justification and the cost itemization; Part IV, the assurances and certifications; or the table of contents, the one-page abstract. However you must include all of the application narrative in Part III.

If, to meet the page limit, you use more than one side of the page, you use a larger page, or you use a print size, spacing, or margins smaller that the standards in this notice, we will reject your application.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR Parts 74, 75, 77, 79, 80, 81, 82, 85, 86, and 99; and 34 CFR part 299.

Description of Program: The statutory authorization for this program, and the application requirements that apply to this competition, are set out in sections 7143 and 7146–7150 of the Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994 (Pub. L. 103–382, enacted October 20, 1994) (the Act) (20 U.S.C. 7473 and 7476–7480).

Activities conducted under this program must assist educational personnel in meeting State and local certification requirements for bilingual education and, wherever possible, must lead to the awarding of college or university credit.

Priorities

Competitive Priority 1

Under 34 CFR 75.105(c)(2)(ii) and 34 CFR 299.3(b), we award competitive preference for applications that meet the following competitive priority.

Projects that will contribute to systemic educational reform in an Empowerment Zone, including a Supplemental Empowerment Zone, or an Enterprise Community designated by the United States Department of Housing and Urban Development or the United States Department of Agriculture, and are made an integral part of the Zone's or Community's comprehensive community revitalization strategies.

We select applications that meet this priority over applications of comparable merit which do not meet the priority.

A list of areas that have been designated as Empowerment Zones and Enterprise Communities is provided at the end of this notice.

Competitive Priority 2

Under 34 CFR 75.105(c)(2)(ii) and section 7143(b) of the Act, we award competitive preference to applications that meet the following priority:

Institutions of higher education, in consortia with local or State educational agencies, that offer degree programs that prepare new bilingual education teachers in order to increase the availability of educators to provide high-quality education to limited English proficient students.

We select applications that meet this priority over applications of comparable merit which do not meet the priority.

Invitational Priorities

We are particularly interested in applications that meet the following invitational priorities. However, we do not give an application that meets any of these invitational priorities competitive or absolute preference over other applications (34 CFR 75.105(c)(1)).

(a) Projects that propose particularly effective strategies for assessing the performance of program graduates in the instructional setting.

(b) Projects that link administrators, experienced teachers of LEP students, new teachers and preservice teachers of LEP students in professional practice schools.

(c) Projects proposing partnerships that link institutions of higher education experienced in preparing bilingual education teachers with institutions proposing to develop new training programs for teachers of LEP students.

(d) Projects which propose to assist reading teachers to meet state and local certification requirements for teachers of LEP students.

(e) Projects which propose to improve coursework and field practice related to early literacy needs of LEP students.

Selection Criteria: The Secretary uses the following selection criteria in 34 CFR 75.210 to evaluate applications for new grants under this competition.

The maximum score for all of these criteria is 100 points.

The maximum score for each criterion is indicated in parentheses.

(a) *Need for project.* (10 points) (1) The Secretary considers the need for the proposed project.

(2) In determining the need for the proposed project, the Secretary considers the following factors:

(i) The magnitude or severity of the problem to be addressed by the proposed project.

(ii) The extent to which specific gaps or weaknesses in services, infrastructure, or opportunities have been identified and will be addressed by

the proposed project, including the nature and the magnitude of those gaps or weaknesses.

(b) *Quality of the project design.* (50 points) (1) The Secretary considers the quality of the design of the proposed project.

(2) In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(i) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified and measurable.

(ii) 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.

(iii) The extent to which the proposed project is designed to build capacity and yield results that will extend beyond the period of Federal financial assistance.

(iv) The extent to which the design of the proposed project reflects up-to-date knowledge from research and effective practice.

(v) The extent to which the proposed activities constitute a coherent, sustained program of training in the field.

(vi) The extent to which the proposed project will be coordinated with similar or related efforts, and with other appropriate community, State, and Federal resources.

(vii) The extent to which the proposed project is part of a comprehensive effort to improve teaching and learning and support rigorous academic standards for students.

(viii) The extent to which fellowship recipients or other project participants are to be selected on the basis of academic excellence.

(c) *Quality of project services.* (10 points) (1) The Secretary considers the quality of the services to be provided by the proposed project.

(1) In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equal access and treatment for eligible project participants who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factor: The extent to which the training or professional development services to be provided by the proposed project are of sufficient quality, intensity, and duration to lead to improvements in practice among the recipients of those services.

(d) *Quality of project personnel.* (5 points) (1) The Secretary considers the quality of the personnel who will carry out the proposed project.

(2) In determining the quality of project personnel, the Secretary considers the extent to which the applicant encourages applications for employment from persons who are members of groups that have traditionally been underrepresented based on race, color, national origin, gender, age, or disability.

(3) In addition, the Secretary considers the following factor: the qualifications, including relevant training and experience, of key project personnel.

(e) *Quality of the management plan.* (5 points) (1) The Secretary considers the quality of the management plan for the proposed project.

(2) In determining the quality of the management plan for the proposed project, the Secretary considers the following factor: the adequacy of the management plan to achieve the objectives of the proposed project on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(f) *Quality of the project evaluation.* (20 points) (1) The Secretary considers the quality of the evaluation to be conducted of the proposed project.

(2) In determining the quality of the evaluation, the Secretary considers the following factors:

(i) The extent to which the methods of evaluation provide for examining the effectiveness of project implementation strategies.

(ii) The extent to which the methods of evaluation include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quantitative and qualitative data to the extent possible.

(iii) The extent to which the methods of evaluation will provide performance feedback and permit periodic assessment of progress toward achieving intended outcomes.

Intergovernmental Review Of Federal Programs: This program is subject to the requirements of Executive Order 12372 (Intergovernmental Review of Federal Programs) and the regulations in 34 CFR part 79.

One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

If you are an applicant you must contact the appropriate State Single Point of Contact (SPOC) to find out about, and to comply with, the State's process under Executive order 12372.

If you propose to perform activities in more than one State, you should immediately contact the SPOC for each of those States and follow the procedure established in each State under the Executive order. If you want to know the name and address of any SPOC, see the list in the appendix to this application notice; or you may view the latest official SPOC list on the Web site of the Office of Management and Budget at the following address: *http://www.whitehouse.gov/omb/grants.*

In States that have not established a process or chosen a program for review, State, areawide, regional, and local entities may submit comments directly to the Department.

Any State Process Recommendation and other comments submitted by a SPOC and any comments from State, area-wide, regional, and local entities must be mailed or hand-delivered by the date indicated in this notice to the following address: The Secretary, E.O. 12372—CFDA# 84.195A, U.S. Department of Education, Room 7E200, 400 Maryland Avenue, SW., Washington, D.C. 20202–0125.

We will determine proof of mailing under 34 CFR 75.102 (Deadline date for applications). Recommendations or comments may be hand-delivered until 4:30 p.m. (Washington, D.C. time) on the date indicated in this notice.

Please note that the above address is not the same address as the one to which the applicant submits its completed application. Do not sent applications to the above address. Instructions for transmittal of applications:

If you want to apply for a grant and be considered for funding you must meet the following deadline requirements:

(a) *If you send your application by mail—*

You must mail the original and two copies of the application on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.195A) Washington, D.C. 20202–4725.

You must show one of the following as proof of mailing.

(1) A legibly dated U.S. Postal Service postmark.

(2) A legible mail receipt with the date of mailing stamped by the U.S. Postal Service.

(3) A dated shipping label, invoice, or receipt from a commercial carrier.

(4) Any other proof of mailing acceptable to the Secretary.

If you mail an application through the U.S. Postal Service, we do not accept either of the following as proof of mailing:

(1) A private metered postmark.

(2) A mail receipt that is not dated by the U.S. Postal Service.

(b) *If you hand-deliver your application*—

You must hand-deliver the original and two copies of the application by 4:30 p.m. (Washington, D.C. time) on or before the deadline date to: U.S. Department of Education, Application Control Center, Attention: (CFDA# 84.195A), Room #3633, Regional Office Building #3, 7th and D Streets, S.W., Washington, D.C.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington, DC time), except Saturdays, Sundays and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A person delivering an application must show identification to enter the building.

(c) *If you submit your application by courier*—You must deliver the original and two copies of your application to the courier service on or before the deadline date. You must show as proof of delivery to the courier service a dated shipping label, invoice, or receipt from the courier service. The courier service must deliver your application to: U.S. Department of Education, Application Control Center, Attn: (84.195A), Room 3633, Regional Office Building, 7th and D Streets, S.W., Washington, DC.

The Application Control Center accepts application deliveries daily between 8:00 a.m. and 4:30 p.m. (Washington DC time), except Saturdays, Sundays and Federal holidays. The Center accepts application deliveries through the D Street entrance only. A courier delivering an application must show identification to enter the building.

Notes: (1) The U.S. Postal Service does not uniformly provide a dated postmark. Before relying on this method, an applicant should check with its local post office.

(2) If you send your application by mail or deliver it by hand or by a courier service, the Application Control Center will mail a Grant Application Receipt Acknowledgment to each applicant. If an applicant fails to receive the notification of application receipt within 15 days from the date of mailing the application, the applicant should call the U.S. Department of Education Application Control Center at (202) 708–9495.

(3) You must indicate on the envelope and—if not provided by the Department—in Item 3 of the Application for Federal Assistance (Standard Form 424) the CFDA number and suffix letter, if any, of the competition under which the application is being submitted.

Application Instructions and Forms: The appendix to this notice contains the following forms and instructions plus a statement regarding estimated public reporting burden, a notice to applicants regarding compliance with Section 427 of the General Education Provisions Act, questions and answers on this program (located at the end of the notice) and various assurances, certifications, and required documentation:

a. Estimated Public Reporting Burden.

b. Application Instructions.

b. Nonregulatory Guidance: Questions and Answers.

c. Checklist for Applicants.

d. List of Empowerment Zones and Enterprise Communities.

e. Application for Federal Education Assistance (ED 424) and instructions.

f. Group Application Form.

g. Budget Information.

h. Participant Data.

i. Project Documentation.

j. Program Assurances.

k. Assurances—Non-Construction Programs (Standard Form 424B) and instructions.

m. Certifications Regarding Lobbying; Debarment, Suspension, and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013) and instructions.

n. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (ED 80–0014) and instructions.

Note: This form is intended for the use of grantees and should not be transmitted to the Department.

o. Disclosure of Lobbying Activities (Standard Form LLL) (if applicable) and instructions. The document has been marked to reflect statutory changes.

p. Notice to All Applicants (GEPA Requirement) and Instructions (OMB No. 1801–0004).

An applicant may submit information on a photostatic copy of the application and budget forms, the assurances, and the certifications. However, the application form, the assurances, and the certifications must each have an original signature. All applicants must submit one original signed application, including ink signatures on all forms and assurances, and two copies of the application. Please mark each application as ''original'' or ''copy''. No grant may be awarded unless a completed application has been received.

FOR FURTHER INFORMATION CONTACT: Sue Kenworthy (for applicants located in States west of the Mississippi) or Franklin Reid or Fengju Zhang (for applicants located in States east of the Mississippi), U.S. Department of Education, 400 Maryland Avenue, SW., Room 5090, Switzer Building, Washington, D.C. 20202–6510. Telephone: Sue Kenworthy (202) 205–5539; Franklin Reid: (202) 205–9803; Fengju Zhang (202) 205–9715. E-mail address: Franklin_Reid@ed.gov; Sue_Kenworthy@ed.gov; Fengju_Zhang@ed.gov.

If you use a telecommunications device for the deaf (TDD) you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. Individuals with disabilities may obtain this notice in an alternative format (e.g., Braille, large print, audiotape, or computer diskette) on request to the contact persons listed in the preceding paragraph. Please note, however, that the Department is not able to reproduce in an alternative format the standard forms included in the notice.

Electronic Access to This Document

You may view this document, as well as all other Department of Education documents published in the **Federal Register**, in text or portable document format (PFD) on the Internet at either of the following site:

http://ocfo.ed.gov/fedreg.htm
http://www.ed.gov/news.html

To use PFD you must have Adobe Acrobat Reader, which is available free at either the preceding site. If you have questions about using PDF, call the U.S. Government Printing Office, 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 at GPO access on: *http://www.access.gpo.gov.nara.index.html.*

Program Authority: 20 U.S.C. 7473.

Dated: April 6, 2001.

Art Love,

Acting Director, Office of Bilingual Education and Minority Languages Affairs.

Appendix

Estimated Burden Statement

According to the Paperwork Reduction Act of 1995, you are not required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is OMB No. 1885–0542, Exp. Date: 12/31/01. We estimate the time required to complete this information collection is estimated to average 120 hours per response, including the time to review instructions, search existing data resources, gather the data

needed, and complete and review the information collection. If you have any comments concerning the accuracy of the time estimate or suggestions for improving this form, please write to: U.S. Department of Education, Washington, D.C. 20202–4651. If you have any comments or concerns regarding the status of your individual submission of this form, write directly to: Office of Bilingual Education and Minority Languages Affairs, U.S. Department of Education, 400 Maryland Avenue, S.W., Washington, DC 20202–6510.

Application Instructions

Abstract

The narrative section should be preceded by a one-page abstract that includes a short description of the project design, project objectives, activities, and competitive and invitational priorities the project proposes to address.

Selection Criteria

The narrative should address fully all aspects of the selection criteria in the order listed and should give detailed information regarding each criterion. Do not simply paraphrase the criteria. Do not include resumes. Instead, provide position descriptions for key personnel. Do not include bibliographies, letters of support, or appendices in your application. This package includes questions and answers to assist you in preparing the narrative portion of your application.

Empowerment Zone/Enterprise Community Priority

Applicants that wish to be considered under the competitive priority for Empowerment Zones and Enterprise Communities, as specified in a previous section of this notice, should identify in Section D of the Project Documentation Form the Applicable Empowerment Zone or Enterprise Community. The application narrative should describe the extent to which the proposed project will contribute to systemic educational reform in the particular Empowerment Zone or Enterprise Community and be an integral part of the Zone's or Community's comprehensive revitalization strategies.

Table of Contents

The application should include a table of contents listing the various parts of the narrative in the order of the selection criteria. Be sure that the table includes the page numbers where the parts of the narrative are found.

Budget

Budget line items must support the goals and objectives of the proposed project and be directly applicable to the program design and all other project components. A separate budget summary and cost itemization must be provided. Prepare an itemized budget for each year of requested funding. Indirect costs for institutions of higher education which are the fiscal agents for Teachers and Personnel Grants are limited to the lower of either 8 percent of a modified total direct cost base or the institution for higher education's actual indirect cost agreement. A modified direct cost base is defined as total direct costs less stipends, tuition and related fees and capital expenditures of $5,000 or more. In describing student support costs distinguish costs for tuition and fees from costs for stipends.

Submission of Application to State Educational Agency

Section 7146(a)(4) of the Act (Elementary and Secondary Education Act of 1965, as amended by the Improving America's Schools Act of 1994, Public Law 103–382) requires all applicants except schools funded by the Bureau of Indian Affairs to submit a copy of their application to their SEA for review and comment (20 U.S.C. 7476(a)(4)). Section 75.156 of the Education Department General Administrative Regulations (EDGAR) requires these applicants to submit their application to the SEA on or before the deadline date for submitting their application to the Department of Education. This section of EDGAR also requires applicants to attach to their application a copy of their letter that requests the SEA to comment on the application (34 CFR 75.156). A copy of this letter should be attached to the Project Documentation Form contained in this application package.

Applicants that do not submit a copy of their application to their SEA will not be considered for funding. Applicants are reminded that the requirement for submission to the State Educational Agency and the requirements for Executive Order 12372 are two separate requirements.

Final Application Preparation

Use the following checklist to verify that all necessary items are addressed. Prepare one original with an original signature, and include two additional copies. Do not use elaborate bindings or covers. The application package must be mailed to the Application Control Center (ACC) and postmarked by the deadline date published in the closing date notice.

Checklist for Applicants

The following forms and other items must be included in the application:

1. Application for Federal Assistance (SF 424).
2. Group Application Certification (To be signed by authorized Representative of LEA in consortia with IHE applicant).
3. Budget Information (ED Form No. 524).
4. Itemized Budget for each year (attached to ED Form No. 524).
5. Participant Data—approximate number of participants to be 3 served each year.
6. Project Documentation.

Section A—Copy of Transmittal Letter to SEA requesting SEA to comment on application

Section B—Documentation of Empowerment Zone or Enterprise Community—if applicable

7. Program Assurances.
8. Non-Construction Programs (SF 424B).
9. Certifications Regarding Lobbying; Debarment, Suspension and Other Responsibility Matters; and Drug-Free Workplace Requirements (ED 80–0013).
10. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion—Lower Tier Covered Transactions (ED 80–0014).
11. Disclosure of Lobbying Activities (SF–LLL).
12. Table of Contents.
13. One-page single-spaced abstract.
14. Application narrative (Not to exceed 30 double-spaced pages, see page limit).

Department of Education Questions and Answers

Does the Teachers and Personnel Grants Program Have Specific Evaluation Requirements?

Yes, the evaluation requirements are described in Section 7149 of Title VII of ESEA, 20 U.S.C. 7479. In responding to the selection criteria which addresses the quality of the evaluation design, applicants are reminded of evaluation requirements on providing data on the placement of graduates and the effectiveness of graduates in the instructional setting.

What Requirements Must Grantees Meet Related to Teacher Certification?

The Title VII statute requires grantees to assist educational personnel in meeting State and local certification requirements. 20 U.S.C. 7477. However, because certification requirements vary among States, applicants are given flexibility in designing activities that lead to meeting State and local certification requirements.

What Activities Are Authorized Under Teachers and Personnel Grants?

Authorized activities are those that support the development of teachers and other educational personnel who are either involved with, or preparing to be involved with, serving students with limited English proficient proficiency. Such activities may include, but are not limited to, the development of program curricula; collaboration with local school districts in designing new teacher training activities; and reforming and improving teacher training programs to reflect high standards of professionalism. Only institutions of higher education, applying in consortia arrangements with one or more local educational agencies or State educational agencies, are eligible to apply for preservice programs. This means the institution of higher education would be the lead agency and the fiscal agent for the grant. State educational agencies and local educational agencies may, however apply for inservice training programs.

May Program Budgets Include Costs for Items Other Than Student Tuition and Fees?

Project budgets should reflect the proposed program activities. In addition to student support costs, budget items may include costs for personnel, supplies or equipment, and other costs to support developmental activities.

What information may be helpful in preparing a narrative for the Teachers and Personnel Grant?

Technical assistance information on Teachers and Personnel grants is available through the OBEMLA website: *www.ed.gov/offices/OBEMLA*. In responding to the selection criteria, applicants may wish to

consider the following questions as a guide for preparing application narrative.

- What are the specific responsibilities of districts, schools, institutions of higher education, and other partnership organizations in planning, implementing, and evaluating the proposed program? What resources and support will be provided by each of the contributing partners?
- How does the training curricula reflect high standards for pedagogy, content, and proficiency in English and a second language to ensure that participants are effectively prepared to provide instruction and support to LEP students?
- How will the program assist in systemically reforming policies and practices in the target schools and in the IHE related to the preparation of new teachers, the induction of new bilingual teachers, clinical experiences for new bilingual teachers and other educational personnel, or professional development opportunities for all teachers?
- What selection criteria will the applicant adopt to ensure that individuals selected to participate in the program hold promise for successfully completing program requirements?
- What support will be provided to new bilingual teachers by experienced bilingual teachers, higher education faculty, and school administrators to guide them during their period of induction?
- How will the instructional responsibilities of new teachers be balanced with appropriate professional development, support and planning time?
- How will clinical experiences for preservice participants be structured to ensure that they are well-supervised, of sufficient duration and in a setting which provides opportunities for participants to experience a variety of effective bilingual education instructional methods and approaches?
- How is the training curriculum based on current research related to effective teaching and learning? What evidence of effectiveness supports the training model?
- What are the expected outcomes for participant learning, effectiveness in the instructional setting, reform and improvement in the school or the university? What measures will the proposed program use to collect data on the effectiveness of the program in meeting its objectives, such as: field practice assessments, National or State benchmark tests, surveys of graduates, mentor teachers, school administrators, rates of transfer from 2-year to 4-year institutions, graduate rates, placement rates? How are needs, objectives, activities and measures linked?
- How will the program evaluation incorporate strategies for assessing progress and performance of participants; communicating meaningful, regular and timely feedback to participants; improving the quality of the training program; identifying exemplary program features; and reporting on specific data related to the number of participants completing the program and the number of graduates placed in the instructional setting?
- How will the proposed program improve teacher preparation curricula, clinical experiences and the skills and knowledge of higher education faculty to better prepare ALL teachers in content and pedagogy related to the needs of LEP students?

In addition, applicants may wish to consider the Department of Education Professional Development Principles in planning a Teachers and Personnel Grant.

The following are the professional development principles:

- Focuses on teachers as central to student learning, yet includes all other members of the school community;
- Focuses on individual, collegial and organizational improvement; Respects and nurtures the intellectual and leadership capacity of teachers, principals, and others in the school community;
- Reflects best available research and practice in teaching, learning, and leadership;
- Enables teachers to develop further expertise in subject content, teaching strategies, uses of technologies, and other essential elements in teaching to high standards;
- Promotes continuous inquiry and improvement embedded in the daily life of schools;
- Is planned collaboratively by those who will participate in and facilitate that development;
- Requires substantial time and other resources; is driven by a coherent long-term plan; is evaluated ultimately on the basis of its impact on teacher effectiveness and student learning; and
- Uses this assessment to guide subsequent professional development efforts.

What Other Information May Be Helpful in Applying for a Teachers and Personnel Grant?

Applicants are reminded that they must submit a copy of their application to the SEA for review and comment. In addition, applicants must submit a copy of their application to the State Single Point of Contact to satisfy the requirements of Executive Order 12372. The SEA review requirement and the requirements for Executive Order 12372 are two distinct requirements.

BILLING CODE 4000–01–U

GROUP APPLICATION CERTIFICATION

NOTE: This form must be completed by eligible parties applying as a group for a grant. This form must be accompanied by a group agreement that details the activities that each member of the group plans to perform under the grant.

(34 CFR 75.128(b)-(c)).

To the best of my knowledge and belief, all data in this application are true and correct. I agree to be bound to every statement and assurance made in this application.

Authorized Representative					
Typed Name	Title	Signature	Date Signed	Telephone Number (including Area Code)	Name of Institution/ Organization

PARTICIPANT DATA

Note: This form must be completed by applicants under the following programs:

- **Teachers and Personnel Grants**
- **Career Ladder Program**
- **Training for all Teachers**

Number of proposed participants in each of the following categories to be served each year of the grant.

Preservice Teachers (who are not paraprofessionals) _____

Preservice Teachers (who are currently paraprofessionals) _____

Inservice Teachers _____

Other Educational Personnel (Specify type of personnel below) _____

_____ _____

_____ _____

Degree level(s) to be attained (if applicable) _____

Certification Type(s) to be attained _____

Language(s) of Participants (other than English) _____

_____

_____

PROGRAM ASSURANCES

NOTE: The authorizing statute requires applicants under certain programs to provide assurances. These assurances are specified below under the relevant programs. If your application pertains to any of these programs, this form must be completed.

As the duly authorized representative of the applicant, I certify that the applicant, in regard to the program relevant to this application:

- Teachers and Personnel Grants
- Career Ladder Program
- Training for All Teachers

Will include, if applicable, as part of the project implementing a master's or doctoral-level program, a training practicum in a local school program serving children and youth of limited English proficiency.
(Authority: 20 U.S.C. 7426(g)(3)

_____
Authorized Representative

Name: _____

Signature: _____

Typed Name: _____

Date: _____

Applicant Organization: _____

PROJECT DOCUMENTATION

Note: Submit the appropriate documents and information as specified below for the following programs.

- Teachers and Personnel Grants
- Career Ladder Program
- Training for All Teachers

Section A

A copy of the applicant's transmittal letter requesting the appropriate State educational agency to comment on the application.

Section B

If applicable, identify on the line below the Empowerment Zone, Supplemental Empowerment Zone, or Enterprise Community that the proposed project will serve. Attach any documentation to support how the project will contribute to systemic educational reform in an Empowerment Zone, Suppplemental Empowerment Zone or an Enterprise Community
(See the competitive priority and the list of designated Empowerment Zones in previous sections of this application package.)

_____

Application for Federal Education Assistance

Note: If available, please provide application package on diskette and specify the file format.

U.S. Department of Education

Form Approved
OMB No. 1875-0106
Exp. 06/30/2001

Applicant Information

1. Name and Address
Legal Name:
Address:
City State County ZIP Code + 4

Organizational Unit

2. Applicant's D-U-N-S Number
3. Applicant's T-I-N -
4. Catalog of Federal Domestic Assistance #: 8 4 ➟ Title:
5. Project Director:
Address:
City State ZIP Code + 4
Tel. #: ( ) - Fax #: ( ) -
E-Mail Address:

6. Is the applicant delinquent on any Federal debt? ☐ Yes ☐ No
(If "Yes," attach an explanation.)

7. Type of Applicant *(Enter appropriate letter in the box.)*

A State	H Independent School District
B County	I Public College or University
C Municipal	J Private, Non-Profit College or University
D Township	K Indian Tribe
E Interstate	L Individual
F Intermunicipal	M Private, Profit-Making Organization
G Special District	N Other *(Specify)*:

8. Novice Applicant ☐ Yes ☐ No

Application Information

9. Type of Submission:

—PreApplication	*—Application*
☐ Construction	☐ Construction
☐ Non-Construction	☐ Non-Construction

10. Is application subject to review by Executive Order 12372 process?
☐ Yes *(Date made available to the Executive Order 12372 process for review):* ___/___/___
☐ No *(If "No," check appropriate box below.)*
☐ Program is not covered by E.O. 12372.
☐ Program has not been selected by State for review.

11. Proposed Project Dates: Start Date: ___/___/___ End Date: ___/___/___

12. Are any research activities involving human subjects planned at any time during the proposed project period? ☐ Yes ☐ No
a. If "Yes," Exemption(s) #: *OR* b. Assurance of Compliance #:
c. IRB approval date: ☐ Full IRB or ☐ Expedited Review

13. Descriptive Title of Applicant's Project:

Estimated Funding

14a. Federal	$	.00
b. Applicant	$	.00
c. State	$	.00
d. Local	$	.00
e. Other	$	.00
f. Program Income	$	.00
g. TOTAL	$	.00

Authorized Representative Information

15. To the best of my knowledge and belief, all data in this preapplication/application are true and correct. The document has been duly authorized by the governing body of the applicant and the applicant will comply with the attached assurances if the assistance is awarded.

a. Typed Name of Authorized Representative
b. Title
c. Tel. #: ( ) - Fax #: ( ) -
d. E-Mail Address:
e. Signature of Authorized Representative Date: ___/___/___

REV. 11/12/99 ED 424

Instructions for ED 424

1. **Legal Name and Address.** Enter the legal name of applicant and the name of the primary organizational unit which will undertake the assistance activity.

2. **D-U-N-S Number.** Enter the applicant's D-U-N-S Number. If your organization does not have a D-U-N-S Number, you can obtain the number by calling 1-800-333-0505or by completing a D-U-N-S Number Request Form. The form can be obtained via the Internet at the following URL: **http://www.dnb.com/dbis/aboutdb/intlduns.htm.**

3. **Tax Identification Number.** Enter the tax identification number as assigned by the Internal Revenue Service.

4. **Catalog of Federal Domestic Assistance (CFDA) Number.** Enter the CFDA number and title of the program under which assistance is requested.

5. **Project Director.** Name, address, telephone and fax numbers, and e-mail address of the person to be contacted on matters involving this application.

6. **Federal Debt Delinquency.** Check **"Yes"** if the applicant's organization is delinquent on any Federal debt. (This question refers to the applicant's organization and not to the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes.) Otherwise, check **"No."**

7. **Type of Applicant.** Enter the appropriate letter in the box provided.

8. **Novice Applicant.** Check **"Yes"** only if assistance is being requested under a program that gives special consideration to novice applicants and you meet the program requirements for novice applicants. By checking "Yes" the applicant certifies that it meets the novice applicant requirements specified by ED. Otherwise, check **"No."**

9. **Type of Submission.** Self-explanatory.

10. **Executive Order 12372.** Check **"Yes"** if the application is subject to review by Executive Order 12372. Also, please enter the month, date, and four (4) digit year (e.g., 12/12/2000). Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. Otherwise, check **"No."**

11. **Proposed Project Dates.** Please enter the month, date, and four (4) digit year (e.g., 12/12/2000).

12. **Human Subjects.** Check "Yes" **or** "No". If research activities involving human subjects are **not** planned **at any time** during the proposed project period, check **"No." The remaining parts of item 12 are then not applicable.**

    If research activities involving human subjects, whether or not exempt from Federal regulations for the protection of human subjects, **are** planned **at any time** during the proposed project period, either at the applicant organization or at any other performance site or collaborating institution, check **"Yes."** If **all** the research activities are designated to be exempt under the regulations, enter, in item 12a, the exemption number(s) corresponding to one or more of the six exemption categories listed in **"Protection of Human Subjects in Research"** attached to this form. Provide sufficient information in the application to allow a determination that the designated exemptions in item 12a, are appropriate. **Provide this narrative information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page. Skip the remaining parts of item 12.**

    If **some or all** of the planned research activities involving human subjects are covered (nonexempt), skip item 12a and continue with the remaining parts of item 12, as noted below. In addition, follow the instructions in **"Protection of Human Subjects in Research"** attached to this form to prepare the six-point narrative about the nonexempt activities. **Provide this six-point narrative in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

    If the applicant organization has an approved Multiple Project Assurance of Compliance on file with the Grants Policy and Oversight Staff (GPOS), U.S. Department of Education, or with the Office for Protection from Research Risks (OPRR), National Institutes of Health, U.S. Department of Health and Human Services, that covers the specific activity, enter the Assurance number in item 12b and the date of approval by the Institutional Review Board (IRB) of the proposed activities in item 12c. This date must be no earlier than one year before the receipt date for which the application is submitted and must include the four (4) digit year (e.g., 2000). Check the type of IRB review in the appropriate box. An IRB may use the expedited review procedure if it complies with the requirements of 34 CFR 97.110. If the IRB review is delayed beyond the submission of the application, enter **"Pending"** in item 12c. If your application is recommended/selected for funding, a follow-up certification of IRB approval from an official signing for the applicant organization must be sent to and received by the designated ED official within 30 days after a specific formal request from the designated ED official. **If the applicant organization does not have** on file with GPOS or OPRR **an approved Assurance of Compliance** that covers the proposed research activity, enter **"None"** in item 12b and skip 12c. In this case, the applicant organization, by the signature on the application, is declaring that it will comply with 34 CFR 97 within 30 days after a specific formal request from the designated ED official for the Assurance(s) and IRB certifications.

13. **Project Title.** Enter a brief descriptive title of the project. If more than one program is involved, you should append an explanation on a separate sheet. If appropriate (e.g., construction or real property projects), attach a map showing project location. For preapplications, use a separate sheet to provide a summary description of this project.

14. **Estimated Funding.** Amount requested or to be contributed during the first funding/budget period by each contributor. Value of in-kind contributions should be included on appropriate lines as applicable. If the action will result in a dollar change to an existing award, indicate **only** the amount of the change. For decreases, enclose the amounts in parentheses. If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 14.

15. **Certification.** To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office.

    Be sure to enter the telephone and fax number and e-mail address of the authorized representative. Also, in item 15e, please enter the month, date, and four (4) digit year (e.g., 12/12/2000) in the date signed field.

Paperwork Burden Statement

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless such collection displays a valid OMB control number. The valid OMB control number for this information collection is **1875-0106**. The time required to complete this information collection is estimated to average between 15 and 45 minutes per response, including the time to review instructions, search existing data resources, gather the data needed, and complete and review the information collection. **If you have any comments concerning the accuracy of the estimate(s) or suggestions for improving this form, please write to:** U.S. Department of Education, Washington, D.C. 20202-4651. **If you have comments or concerns regarding the status of your individual submission of this form write directly to:** Joyce I. Mays, Application Control Center, U.S. Department of Education, 7th and D Streets, S.W. ROB-3, Room 3633, Washington, D.C. 20202-4725.

PROTECTION OF HUMAN SUBJECTS IN RESEARCH (Attachment to ED 424)

I. Instructions to Applicants about the Narrative Information that Must be Provided if Research Activities Involving Human Subjects are Planned

If you marked item 12 on the application "Yes" and designated exemptions in 12a, **(all research activities are exempt),** provide sufficient information in the application to allow a determination that the designated exemptions are appropriate. Research involving human subjects that is exempt from the regulations is discussed under **II.B. "Exemptions,"** below. The Narrative must be succinct. **Provide this information in an "Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

If you marked "Yes" to item 12 on the face page, and designated no exemptions from the regulations **(some or all of the research activities are nonexempt),** address the following six points for each nonexempt activity. In addition, if research involving human subjects will take place at collaborating site(s) or other performance site(s), provide this information before discussing the six points. Although no specific page limitation applies to this section of the application, be succinct. Provide the six-point narrative and discussion of other performance sites in an **"Item 12/Protection of Human Subjects Attachment" and insert this attachment immediately following the ED 424 face page.**

(1) Provide a detailed description of the proposed involvement of human subjects. Describe the characteristics of the subject population, including their anticipated number, age range, and health status. Identify the criteria for inclusion or exclusion of any subpopulation. Explain the rationale for the involvement of special classes of subjects, such as children, children with disabilities, adults with disabilities, persons with mental disabilities, pregnant women, prisoners, institutionalized individuals, or others who are likely to be vulnerable.

(2) Identify the sources of research material obtained from individually identifiable living human subjects in the form of specimens, records, or data. Indicate whether the material or data will be obtained specifically for research purposes or whether use will be made of existing specimens, records, or data.

(3) Describe plans for the recruitment of subjects and the consent procedures to be followed. Include the circumstances under which consent will be sought and obtained, who will seek it, the nature of the information to be provided to prospective subjects, and the method of documenting consent. State if the Institutional Review Board (IRB) has authorized a modification or waiver of the elements of consent or the requirement for documentation of consent.

(4) Describe potential risks (physical, psychological, social, legal, or other) and assess their likelihood and seriousness. Where appropriate, describe alternative treatments and procedures that might be advantageous to the subjects.

(5) Describe the procedures for protecting against or minimizing potential risks, including risks to confidentiality, and assess their likely effectiveness. Where appropriate, discuss provisions for ensuring necessary medical or professional intervention in the event of adverse effects to the subjects. Also, where appropriate, describe the provisions for monitoring the data collected to ensure the safety of the subjects.

(6) Discuss why the risks to subjects are reasonable in relation to the anticipated benefits to subjects and in relation to the importance of the knowledge that may reasonably be expected to result.

II. Information on Research Activities Involving Human Subjects

A. Definitions.

A research activity involves human subjects if the activity is research, as defined in the Department's regulations, and the research activity will involve use of human subjects, as defined in the regulations.

—Is it a research activity?

The ED Regulations for the Protection of Human Subjects, Title 34, Code of Federal Regulations, Part 97, define research as "a systematic investigation, including research development, testing and evaluation, designed to develop or contribute to generalizable knowledge." *If an activity follows a deliberate plan whose purpose is to develop or contribute to generalizable knowledge, such as an exploratory study or the collection of data to test a hypothesis, it is research.* Activities which meet this definition constitute research whether or not they are conducted or supported under a program which is considered research for other purposes. For example, some demonstration and service programs may include research activities.

—Is it a human subject?

The regulations define human subject as "a living individual about whom an investigator (whether professional or student) conducting research obtains (1) data through intervention or interaction with the individual, or (2) identifiable private information." *(1) If an activity involves obtaining information about a living person by manipulating that person or that person's environment, as might occur when a new instructional technique is tested, or by communicating or interacting with the individual, as occurs with surveys and interviews, the definition of human subject is met. (2) If an activity involves obtaining private information about a living person in such a way that the information can be linked to that individual (the identity of the subject is or may be readily determined by the investigator or associated with the information), the definition of human subject is met.* [Private information includes information about behavior that occurs in a context in which an individual can reasonably expect that no observation or recording is taking place, and information which has been provided for specific purposes by an individual and which the individual can reasonably expect will not be made public (for example, a school health record).]

B. Exemptions.

Research activities in which the only involvement of human subjects will be in one or more of the following six categories of ***exemptions*** are not covered by the regulations:

(1) Research conducted in established or commonly accepted educational settings, involving normal educational practices, such as (a) research on regular and special education instructional strategies, or (b) research on the effectiveness of or the comparison among instructional techniques, curricula, or classroom management methods.

(2) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior, unless: (a) information obtained is recorded in such a manner that human subjects can be identified, directly or through identifiers linked to the subjects; and (b) any disclosure of the human subjects' responses outside the research could reasonably place the subjects at risk of criminal or civil liability or be damaging to the subjects' financial standing, employability, or reputation. ***If the subjects are children, this exemption applies only to research involving educational tests or observations of public behavior when the investigator(s) do not participate in the activities being observed.*** [Children are defined as persons who have not attained the legal age for consent to treatments or procedures involved in the research, under the applicable law or jurisdiction in which the research will be conducted.]

(3) Research involving the use of educational tests (cognitive, diagnostic, aptitude, achievement), survey procedures, interview procedures or observation of public behavior that is not exempt under section (2) above, if the human subjects are elected or appointed public officials or candidates for public office; or federal statute(s) require(s) without exception that the confidentiality of the personally identifiable information will be maintained throughout the research and thereafter.

(4) Research involving the collection or study of existing data, documents, records, pathological specimens, or diagnostic specimens, if these sources are publicly available or if the information is recorded by the investigator in a manner that subjects cannot be identified, directly or through identifiers linked to the subjects.

(5) Research and demonstration projects which are conducted by or subject to the approval of department or agency heads, and which are designed to study, evaluate, or otherwise examine: (a) public benefit or service programs; (b) procedures for obtaining benefits or services under those programs; (c) possible changes in or alternatives to those programs or procedures; or (d) possible changes in methods or levels of payment for benefits or services under those programs.

(6) Taste and food quality evaluation and consumer acceptance studies, (a) if wholesome foods without additives are consumed or (b) if a food is consumed that contains a food ingredient at or below the level and for a use found to be safe, or agricultural chemical or environmental contaminant at or below the level found to be safe, by the Food and Drug Administration or approved by the Environmental Protection Agency or the Food Safety and Inspection Service of the U.S Department of Agriculture.

Copies of the Department of Education's Regulations for the Protection of Human Subjects, 34 CFR Part 97 and other pertinent materials on the protection of human subjects in research are available from the Grants Policy and Oversight Staff (GPOS) Office of the Chief Financial and Chief Information Officer, U.S. Department of Education, Washington, D.C., telephone: (202) 708-8263, and on the U.S. Department of Education's Protection of Human Subjects in Research Web Site at http://ocfo.ed.gov/humansub.htm.

U.S. DEPARTMENT OF EDUCATION

BUDGET INFORMATION

NON-CONSTRUCTION PROGRAMS

OMB Control Number: 1890-0004

Expiration Date: 02/28/2003

Name of Institution/Organization

Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION A - BUDGET SUMMARY
U.S. DEPARTMENT OF EDUCATION FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

ED Form No. 524

Name of Institution/Organization	Applicants requesting funding for only one year should complete the column under "Project Year 1." Applicants requesting funding for multi-year grants should complete all applicable columns. Please read all instructions before completing form.

SECTION B - BUDGET SUMMARY
NON-FEDERAL FUNDS

Budget Categories	Project Year 1 (a)	Project Year 2 (b)	Project Year 3 (c)	Project Year 4 (d)	Project Year 5 (e)	Total (f)
1. Personnel						
2. Fringe Benefits						
3. Travel						
4. Equipment						
5. Supplies						
6. Contractual						
7. Construction						
8. Other						
9. Total Direct Costs (lines 1-8)						
10. Indirect Costs						
11. Training Stipends						
12. Total Costs (lines 9-11)						

SECTION C - OTHER BUDGET INFORMATION (see instructions)

ED Form No. 524

Public reporting burden for this collection of information is estimated to vary from 13 to 22 hours per response, with an average of 17.5 hours per response, including the time reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the U.S. Department of Education, Information Management and Compliance Division, Washington, D.C. 20202-4651; and the Office of Management and Budget, Paperwork Reduction Project 1875-0102, Washington DC 20503.

INSTRUCTIONS FOR ED FORM 524

General Instructions

This form is used to apply to individual U.S. Department of Education discretionary grant programs. Unless directed otherwise, provide the same budget information for each year of the multi-year funding request. Pay attention to applicable program specific instructions, if attached.

Section A - Budget Summary
U.S. Department of Education Funds

All applicants must complete Section A and provide a breakdown by the applicable budget categories shown in lines 1-11.

Lines 1-11, columns (a)-(e): For each project year for which funding is requested, show the total amount requested for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If funding is requested for only one project year, leave this column blank.

Line 12, columns (a)-(e): Show the total budget request for each project year for which funding is requested.

Line 12, column (f): Show the total amount requested for all project years. If funding is requested for only one year, leave this space blank.

Section B - Budget Summary
Non-Federal Funds

If you are required to provide or volunteer to provide matching funds or other non-Federal resources to the project, these should be shown for each applicable budget category on lines 1-11 of Section B.

Lines 1-11, columns (a)-(e): For each project year for which matching funds or other contributions are provided, show the total contribution for each applicable budget category.

Lines 1-11, column (f): Show the multi-year total for each budget category. If non-Federal contributions are provided for only one year, leave this column blank.

Line 12, columns (a)-(e): Show the total matching or other contribution for each project year.

Line 12, column (f): Show the total amount to be contributed for all years of the multi-year project. If non-Federal contributions are provided for only one year, leave this space blank.

Section C - Other Budget Information
Pay attention to applicable program specific instructions, if attached.

1. Provide an itemized budget breakdown, by project year, for each budget category listed in Sections A and B.

2. If applicable to this program, enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period. In addition, enter the estimated amount of the base to which the rate is applied, and the total indirect expense.

3. If applicable to this program, provide the rate and base on which fringe benefits are calculated.

4. Provide other explanations or comments you deem necessary.

OMB Approval No. 0348-0040

ASSURANCES - NON-CONSTRUCTION PROGRAMS

Public reporting burden for this collection of information is estimated to average 15 minutes per response, including time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. Send comments regarding the burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to the Office of Management and Budget, Paperwork Reduction Project (0348-0040), Washington, DC 20503.

PLEASE DO NOT RETURN YOUR COMPLETED FORM TO THE OFFICE OF MANAGEMENT AND BUDGET. SEND IT TO THE ADDRESS PROVIDED BY THE SPONSORING AGENCY.

NOTE: Certain of these assurances may not be applicable to your project or program. If you have questions, please contact the awarding agency. Further, certain Federal awarding agencies may require applicants to certify to additional assurances. If such is the case, you will be notified.

As the duly authorized representative of the applicant, I certify that the applicant:

1. Has the legal authority to apply for Federal assistance and the institutional, managerial and financial capability (including funds sufficient to pay the non-Federal share of project cost) to ensure proper planning, management and completion of the project described in this application.

2. Will give the awarding agency, the Comptroller General of the United States and, if appropriate, the State, through any authorized representative, access to and the right to examine all records, books, papers, or documents related to the award; and will establish a proper accounting system in accordance with generally accepted accounting standards or agency directives.

3. Will establish safeguards to prohibit employees from using their positions for a purpose that constitutes or presents the appearance of personal or organizational conflict of interest, or personal gain.

4. Will initiate and complete the work within the applicable time frame after receipt of approval of the awarding agency.

5. Will comply with the Intergovernmental Personnel Act of 1970 (42 U.S.C. §§4728-4763) relating to prescribed standards for merit systems for programs funded under one of the 19 statutes or regulations specified in Appendix A of OPM's Standards for a Merit System of Personnel Administration (5 C.F.R. 900, Subpart F).

6. Will comply with all Federal statutes relating to nondiscrimination. These include but are not limited to: (a) Title VI of the Civil Rights Act of 1964 (P.L. 88-352) which prohibits discrimination on the basis of race, color or national origin; (b) Title IX of the Education Amendments of 1972, as amended (20 U.S.C. §§1681-1683, and 1685-1686), which prohibits discrimination on the basis of sex; (c) Section 504 of the Rehabilitation Act of 1973, as amended (29 U.S.C. §794), which prohibits discrimination on the basis of handicaps; (d) the Age Discrimination Act of 1975, as amended (42 U.S.C. §§6101-6107), which prohibits discrimination on the basis of age; (e) the Drug Abuse Office and Treatment Act of 1972 (P.L. 92-255), as amended, relating to nondiscrimination on the basis of drug abuse; (f) the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 (P.L. 91-616), as amended, relating to nondiscrimination on the basis of alcohol abuse or alcoholism; (g) §§523 and 527 of the Public Health Service Act of 1912 (42 U.S.C. §§290 dd-3 and 290 ee 3), as amended, relating to confidentiality of alcohol and drug abuse patient records; (h) Title VIII of the Civil Rights Act of 1968 (42 U.S.C. §§3601 et seq.), as amended, relating to nondiscrimination in the sale, rental or financing of housing; (i) any other nondiscrimination provisions in the specific statute(s) under which application for Federal assistance is being made; and, (j) the requirements of any other nondiscrimination statute(s) which may apply to the application.

7. Will comply, or has already complied, with the requirements of Titles II and III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (P.L. 91-646) which provide for fair and equitable treatment of persons displaced or whose property is acquired as a result of Federal or federally-assisted programs. These requirements apply to all interests in real property acquired for project purposes regardless of Federal participation in purchases.

8. Will comply, as applicable, with provisions of the Hatch Act (5 U.S.C. §§1501-1508 and 7324-7328) which limit the political activities of employees whose principal employment activities are funded in whole or in part with Federal funds.

9. Will comply, as applicable, with the provisions of the Davis-Bacon Act (40 U.S.C. §§276a to 276a-7), the Copeland Act (40 U.S.C. §276c and 18 U.S.C. §874), and the Contract Work Hours and Safety Standards Act (40 U.S.C. §§327-333), regarding labor standards for federally-assisted construction subagreements.

10. Will comply, if applicable, with flood insurance purchase requirements of Section 102(a) of the Flood Disaster Protection Act of 1973 (P.L. 93-234) which requires recipients in a special flood hazard area to participate in the program and to purchase flood insurance if the total cost of insurable construction and acquisition is $10,000 or more.

11. Will comply with environmental standards which may be prescribed pursuant to the following: (a) institution of environmental quality control measures under the National Environmental Policy Act of 1969 (P.L. 91-190) and Executive Order (EO) 11514; (b) notification of violating facilities pursuant to EO 11738; (c) protection of wetlands pursuant to EO 11990; (d) evaluation of flood hazards in floodplains in accordance with EO 11988; (e) assurance of project consistency with the approved State management program developed under the Coastal Zone Management Act of 1972 (16 U.S.C. §§1451 et seq.); (f) conformity of Federal actions to State (Clean Air) Implementation Plans under Section 176(c) of the Clean Air Act of 1955, as amended (42 U.S.C. §§7401 et seq.); (g) protection of underground sources of drinking water under the Safe Drinking Water Act of 1974, as amended (P.L. 93-523); and, (h) protection of endangered species under the Endangered Species Act of 1973, as amended (P.L. 93-205).

12. Will comply with the Wild and Scenic Rivers Act of 1968 (16 U.S.C. §§1271 et seq.) related to protecting components or potential components of the national wild and scenic rivers system.

13. Will assist the awarding agency in assuring compliance with Section 106 of the National Historic Preservation Act of 1966, as amended (16 U.S.C. §470), EO 11593 (identification and protection of historic properties), and the Archaeological and Historic Preservation Act of 1974 (16 U.S.C. §§469a-1 et seq.).

14. Will comply with P.L. 93-348 regarding the protection of human subjects involved in research, development, and related activities supported by this award of assistance.

15. Will comply with the Laboratory Animal Welfare Act of 1966 (P.L. 89-544, as amended, 7 U.S.C. §§2131 et seq.) pertaining to the care, handling, and treatment of warm blooded animals held for research, teaching, or other activities supported by this award of assistance.

16. Will comply with the Lead-Based Paint Poisoning Prevention Act (42 U.S.C. §§4801 et seq.) which prohibits the use of lead-based paint in construction or rehabilitation of residence structures.

17. Will cause to be performed the required financial and compliance audits in accordance with the Single Audit Act Amendments of 1996 and OMB Circular No. A-133, "Audits of States, Local Governments, and Non-Profit Organizations."

18. Will comply with all applicable requirements of all other Federal laws, executive orders, regulations, and policies governing this program.

SIGNATURE OF AUTHORIZED CERTIFYING OFFICIAL	TITLE
APPLICANT ORGANIZATION	DATE SUBMITTED

Standard Form 424B (Rev. 7-97) Back

CERTIFICATIONS REGARDING LOBBYING; DEBARMENT, SUSPENSION AND OTHER RESPONSIBILITY MATTERS; AND DRUG-FREE WORKPLACE REQUIREMENTS

Applicants should refer to the regulations cited below to determine the certification to which they are required to attest. Applicants should also review the instructions for certification included in the regulations before completing this form. Signature of this form provides for compliance with certification requirements under 34 CFR Part 82, "New Restrictions on Lobbying," and 34 CFR Part 85, "Government-wide Debarment and Suspension (Nonprocurement) and Government-wide Requirements for Drug-Free Workplace (Grants)." The certifications shall be treated as a material representation of fact upon which reliance will be placed when the Department of Education determines to award the covered transaction, grant, or cooperative agreement.

1. LOBBYING

As required by Section 1352, Title 31 of the U.S. Code, and implemented at 34 CFR Part 82, for persons entering into a grant or cooperative agreement over $100,000, as defined at 34 CFR Part 82, Sections 82.105 and 82.110, the applicant certifies that:

(a) No Federal appropriated funds have been paid or will be paid, by or on behalf of the undersigned, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the making of any Federal grant, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal grant or cooperative agreement;

(b) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal grant or cooperative agreement, the undersigned shall complete and submit Standard Form - LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions;

(c) The undersigned shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subgrants, contracts under grants and cooperative agreements, and subcontracts) and that all subrecipients shall certify and disclose accordingly.

2. DEBARMENT, SUSPENSION, AND OTHER RESPONSIBILITY MATTERS

As required by Executive Order 12549, Debarment and Suspension, and implemented at 34 CFR Part 85, for prospective participants in primary covered transactions, as defined at 34 CFR Part 85, Sections 85.105 and 85.110—

A. The applicant certifies that it and its principals:

(a) Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from covered transactions by any Federal department or agency;

(b) Have not within a three-year period preceding this application been convicted of or had a civil judgement rendered against them for commission of fraud or a criminal offense in connection with obtaining, attempting to obtain, or performing a public (Federal, State, or local) transaction or contract under a public transaction; violation of Federal or State antitrust statutes or commission of embezzlement, theft, forgery, bribery, falsification or destruction of records, making false statements, or receiving stolen property;

(c) Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or local) with commission of any of the offenses enumerated in paragraph (2)(b) of this certification; and

(d) Have not within a three-year period preceding this application had one or more public transaction (Federal, State, or local) terminated for cause or default; and

B. Where the applicant is unable to certify to any of the statements in this certification, he or she shall attach an explanation to this application.

3. DRUG-FREE WORKPLACE (GRANTEES OTHER THAN INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610 -

A. The applicant certifies that it will or will continue to provide a drug-free workplace by:

(a) Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;

(b) Establishing an on-going drug-free awareness program to inform employees about:

(1) The dangers of drug abuse in the workplace;

(2) The grantee's policy of maintaining a drug-free workplace;

(3) Any available drug counseling, rehabilitation, and employee assistance programs; and

(4) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;

(c) Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph (a);

(d) Notifying the employee in the statement required by paragraph (a) that, as a condition of employment under the grant, the employee will:

(1) Abide by the terms of the statement; and

(2) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;

(e) Notifying the agency, in writing, within 10 calendar days after receiving notice under subparagraph (d)(2) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to: Director, Grants Policy and Oversight Staff, U.S. Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant;

(f) Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph (d)(2), with respect to any employee who is so convicted:

(1) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(2) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

(g) Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs (a), (b), (c), (d), (e), and (f).

B. The grantee may insert in the space provided below the site(s) for the performance of work done in connection with the specific grant:

Place of Performance (Street address. city, county, state, zip code)

_____

_____

_____

Check [ ] if there are workplaces on file that are not identified here.

DRUG-FREE WORKPLACE (GRANTEES WHO ARE INDIVIDUALS)

As required by the Drug-Free Workplace Act of 1988, and implemented at 34 CFR Part 85, Subpart F, for grantees, as defined at 34 CFR Part 85, Sections 85.605 and 85.610-

A. As a condition of the grant, I certify that I will not engage in the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance in conducting any activity with the grant; and

B. If convicted of a criminal drug offense resulting from a violation occurring during the conduct of any grant activity, I will report the conviction, in writing, within 10 calendar days of the conviction, to: Director, Grants Policy and Oversight Staff, Department of Education, 400 Maryland Avenue, S.W. (Room 3652, GSA Regional Office Building No. 3), Washington, DC 20202-4248. Notice shall include the identification number(s) of each affected grant.

As the duly authorized representative of the applicant, I hereby certify that the applicant will comply with the above certifications.

NAME OF APPLICANT	PR/AWARD NUMBER AND / OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0013 12/98

Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion — Lower Tier Covered Transactions

This certification is required by the Department of Education regulations implementing Executive Order 12549, Debarment and Suspension, 34 CFR Part 85, for all lower tier transactions meeting the threshold and tier requirements stated at Section 85.110.

Instructions for Certification

1. By signing and submitting this proposal, the prospective lower tier participant is providing the certification set out below.

2. The certification in this clause is a material representation of fact upon which reliance was placed when this transaction was entered into. If it is later determined that the prospective lower tier participant knowingly rendered an erroneous certification, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

3. The prospective lower tier participant shall provide immediate written notice to the person to which this proposal is submitted if at any time the prospective lower tier participant learns that its certification was erroneous when submitted or has become erroneous by reason of changed circumstances.

4. The terms "covered transaction," "debarred," "suspended," "ineligible," "lower tier covered transaction," "participant," " person," "primary covered transaction," " principal," "proposal," and "voluntarily excluded," as used in this clause, have the meanings set out in the Definitions and Coverage sections of rules implementing Executive Order 12549. You may contact the person to which this proposal is submitted for assistance in obtaining a copy of those regulations.

5. The prospective lower tier participant agrees by submitting this proposal that, should the proposed covered transaction be entered into, it shall not knowingly enter into any lower tier covered transaction with a person who is debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction, unless authorized by the department or agency with which this transaction originated.

6. The prospective lower tier participant further agrees by submitting this proposal that it will include the clause titled "Certification Regarding Debarment, Suspension, Ineligibility, and Voluntary Exclusion-Lower Tier Covered Transactions," without modification, in all lower tier covered transactions and in all solicitations for lower tier covered transactions.

7. A participant in a covered transaction may rely upon a certification of a prospective participant in a lower tier covered transaction that it is not debarred, suspended, ineligible, or voluntarily excluded from the covered transaction, unless it knows that the certification is erroneous. A participant may decide the method and frequency by which it determines the eligibility of its principals. Each participant may but is not required to, check the Nonprocurement List.

8. Nothing contained in the foregoing shall be construed to require establishment of a system of records in order to render in good faith the certification required by this clause. The knowledge and information of a participant is not required to exceed that which is normally possessed by a prudent person in the ordinary course of business dealings.

9. Except for transactions authorized under paragraph 5 of these instructions, if a participant in a covered transaction knowingly enters into a lower tier covered transaction with a person who is suspended, debarred, ineligible, or voluntarily excluded from participation in this transaction, in addition to other remedies available to the Federal Government, the department or agency with which this transaction originated may pursue available remedies, including suspension and/or debarment.

Certification

(1) The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

(2) Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

NAME OF APPLICANT	PR/AWARD NUMBER AND/OR PROJECT NAME
PRINTED NAME AND TITLE OF AUTHORIZED REPRESENTATIVE	
SIGNATURE	DATE

ED 80-0014, 9/90 (Replaces GCS-009 (REV.12/88), which is obsolete)

DISCLOSURE OF LOBBYING ACTIVITIES

Approved by OMB 0348-0046

Complete this form to disclose lobbying activities pursuant to 31 U.S.C. 1352
(See reverse for public burden disclosure.)

1. Type of Federal Action:	2. Status of Federal Action:	3. Report Type:
☐ a. contract b. grant c. cooperative agreement d. loan e. loan guarantee f. loan insurance	☐ a. bid/offer/application b. initial award c. post-award	☐ a. initial filing b. material change **For Material Change Only:** year _____ quarter _____ date of last report _____

4. Name and Address of Reporting Entity: ☐ Prime ☐ Subawardee Tier _____, *if known*: **Congressional District**, *if known*:	**5. If Reporting Entity in No. 4 is a Subawardee, Enter Name and Address of Prime:** **Congressional District**, *if known*:
6. Federal Department/Agency:	**7. Federal Program Name/Description:** CFDA Number, *if applicable*: _____
8. Federal Action Number, *if known*:	**9. Award Amount**, *if known*: $
10. a. Name and Address of Lobbying Registrant (*if individual, last name, first name, MI*):	**b. Individuals Performing Services** (*including address if different from No. 10a*) (*last name, first name, MI*):
11. Information requested through this form is authorized by title 31 U.S.C. section 1352. This disclosure of lobbying activities is a material representation of fact upon which reliance was placed by the tier above when this transaction was made or entered into. This disclosure is required pursuant to 31 U.S.C. 1352. This information will be reported to the Congress semi-annually and will be available for public inspection. Any person who fails to file the required disclosure shall be subject to a civil penalty of not less that $10,000 and not more than $100,000 for each such failure.	Signature: _____ Print Name: _____ Title: _____ Telephone No.: _____ Date: _____
Federal Use Only:	Authorized for Local Reproduction Standard Form LLL (Rev. 7-97)

INSTRUCTIONS FOR COMPLETION OF SF-LLL, DISCLOSURE OF LOBBYING ACTIVITIES

This disclosure form shall be completed by the reporting entity, whether subawardee or prime Federal recipient, at the initiation or receipt of a covered Federal action, or a material change to a previous filing, pursuant to title 31 U.S.C. section 1352. The filing of a form is required for each payment or agreement to make payment to any lobbying entity for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with a covered Federal action. Complete all items that apply for both the initial filing and material change report. Refer to the implementing guidance published by the Office of Management and Budget for additional information.

1. Identify the type of covered Federal action for which lobbying activity is and/or has been secured to influence the outcome of a covered Federal action.

2. Identify the status of the covered Federal action.

3. Identify the appropriate classification of this report. If this is a followup report caused by a material change to the information previously reported, enter the year and quarter in which the change occurred. Enter the date of the last previously submitted report by this reporting entity for this covered Federal action.

4. Enter the full name, address, city, State and zip code of the reporting entity. Include Congressional District, if known. Check the appropriate classification of the reporting entity that designates if it is, or expects to be, a prime or subaward recipient. Identify the tier of the subawardee, e.g., the first subawardee of the prime is the 1st tier. Subawards include but are not limited to subcontracts, subgrants and contract awards under grants.

5. If the organization filing the report in item 4 checks "Subawardee," then enter the full name, address, city, State and zip code of the prime Federal recipient. Include Congressional District, if known.

6. Enter the name of the Federal agency making the award or loan commitment. Include at least one organizational level below agency name, if known. For example, Department of Transportation, United States Coast Guard.

7. Enter the Federal program name or description for the covered Federal action (item 1). If known, enter the full Catalog of Federal Domestic Assistance (CFDA) number for grants, cooperative agreements, loans, and loan commitments.

8. Enter the most appropriate Federal identifying number available for the Federal action identified in item 1 (e.g., Request for Proposal (RFP) number; Invitation for Bid (IFB) number; grant announcement number; the contract, grant, or loan award number; the application/proposal control number assigned by the Federal agency). Include prefixes, e.g., "RFP-DE-90-001."

9. For a covered Federal action where there has been an award or loan commitment by the Federal agency, enter the Federal amount of the award/loan commitment for the prime entity identified in item 4 or 5.

10. (a) Enter the full name, address, city, State and zip code of the lobbying registrant under the Lobbying Disclosure Act of 1995 engaged by the reporting entity identified in item 4 to influence the covered Federal action.

    (b) Enter the full names of the individual(s) performing services, and include full address if different from 10 (a). Enter Last Name, First Name, and Middle Initial (MI).

11. The certifying official shall sign and date the form, print his/her name, title, and telephone number.

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Empowerment Zones and Enterprise Communities (as of January 13, 1999)

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Empowerment Zones

California: Los Angeles, Oakland Santa Ana, Riverside County*
Connecticut: New Haven +
Florida: Miami +
Georgia: Atlanta, Cordele* +
Illinois: Chicago, East St. Louis +, Ullin*
Indiana: Gary, East Chicago
Kentucky: Kentucky Highlands* (Clinton, Jackson, and Wayne Counties)
Maryland: Baltimore
Massachusetts: Boston +
Michigan: Detroit
Minnesota: Minneapolis +
Mississippi: Mid-Delta* (Bolivar, Holmes, Humphreys, LeFlore, Sunflower, Washington Counties)
Missouri/Kansas: Kansas City, Kansas City
Missouri: St. Louis +
New Jersey: Cumberland County
New York: Harlem, Bronx
North Dakota: Lake Agassiz*
Ohio: Cleveland, Cincinnati, Columbus +
Ohio/West Virginia: Ironton/Huntington +
Pennsylvania/New Jersey: Philadelphia/Camden
South Carolina: Columbia/Sumter
South Dakota: Oglala Sioux Reservation in Pine Ridge*
Tennessee: Knoxville
Texas: Houston, El Paso +, Rio Grande Valley (Cameron, Hidalgo, Starr, and Willacy Counties)

Virginia: Norfolk +/Portsmouth

Enterprise Communities

Alabama: Birmingham
Alabama: Chambers County*, Greene County*, Sumter County*
Alaska: Juneau*
Arizona: Arizona Border* (Cochise, Santa Cruz and Yuma Counties), Phoenix, Window Rock*
Arkansas: East Central* (Cross, Lee, Monroe, and St. Francis Counties), Mississippi County*, Pulask County
California: Imperial County*, Los Angeles, Huntington Park, San Diego, San Francisco, Bayview, Hunter's Point, Watsonville*, Orange Cove*
Colorado: Denver
Connecticut: Bridgeport, New Haven
Delaware: Wilmington
District of Columbia: Washington
Florida: Jackson County*, Miami, Dade County, Tampa, Immokalee*
Georgia: Albany, Central Savannah River* (Burke Hancock, Jefferson, McDuffie, Tallafero, and Warren Counties), Crisp County*, Dooley County*
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Illinois: East St. Louis, Springfield
Indiana: Indianapolis, Austin*
Iowa: Des Moines
Kansas: Leoti*
Kentucky: Louisville, Bowling Green*
Louisiana: Macon Ridge* (Catahoula, Concordia, Franklin, Morehouse, and Tensas Parishes), New Orleans, Northeast Louisiana Delta* (Madison Parish), Ouachita Parish
Maine: Lewiston*
Massachusetts: Lowell, Springfield
Michigan: Five Cap*, Flint, Muskegon, Harrison*
Minnesota: Minneapolis, St. Paul
Mississippi: Jackson, North Delta Area* (Panola, Quitman, and Tallahatchie Counties)
Missouri: East Prairie*, St. Louis
Montana: Poplar*
Nebraska: Omaha
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New Hampshire: Manchester
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New York: Buffalo, Rochester
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Virginia: Accomack (Northampton County)*, Norfolk
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H.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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