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Presidential Documents

Title 3—

The President

Proclamation 7428 of April 17, 2001

National Park Week, 2001

By the President of the United States of America

A Proclamation

The United States boasts an incredible wealth of natural beauty. From rugged coastlines and thick forests to arid deserts and canyons, our diverse landscapes represent a treasured heritage of which all Americans can be proud.

Our country's commitment to the conservation of its open spaces runs deep. The Nation founded Yellowstone National Park in 1872 and thereby generated renewed appreciation for the great outdoors among Americans. Our country's actions inspired other countries to follow suit by establishing their own national parks or equivalent preserves.

Since the establishment of the National Park Service in 1916, our national parks have grown to occupy a special place in the hearts of the American people. As responsible stewards, we must leave them in good condition for those who follow us. By providing additional resources for their preservation and maintenance, we can prevent the deterioration in facilities and infrastructure that threatens their future well-being.

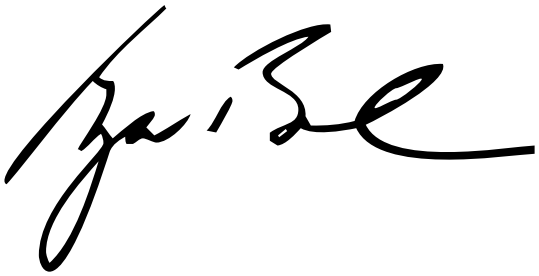
National parks are a testament to the natural wonders of our mountains, valleys, rivers, and streams. They remind us to take a break from the busy pace of modern society to experience the simpler pleasures of life and provide unique opportunities for personal recreation. Whether camping in Yosemite National Park or boating along Apostle Islands National Lakeshore, people of all ages can take in spectacular scenery and enjoy a relaxing time with family and friends.

The National Park Service also serves an educational purpose, honoring our heroes and preserving important historical landmarks. By visiting the Frederick Douglass National Historic Site, the immigration station on Ellis Island or many other significant sites in our national parks, Americans gain a deeper understanding of our national story and the extraordinary people and events that paved the way for our development and progress.

National Park Week pays tribute to the importance of our national parks and recognizes the dedicated men and women entrusted with their care. The observance also calls attention to the need to reinvest in these national treasures by providing for their sound stewardship in the years to come. As timeless and majestic reminders of our outdoor heritage, America's national parks add immensely to our quality of life and represent a wonderful legacy that must be passed on to future generations.

NOW, THEREFORE, I, GEORGE W. BUSH, President of the United States of America, by virtue of the authority vested in me by the Constitution and laws of the United States of America, do hereby proclaim April 23 through April 29, 2001, as National Park Week. I encourage all Americans to visit our national parks and experience America.

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



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Rules and Regulations

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

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

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 99–101–2]

Pine Shoot Beetle; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the pine shoot beetle regulations by adding 28 counties in Illinois, Indiana, Michigan, New Hampshire, New York, Pennsylvania, Vermont, West Virginia, and Wisconsin to the list of quarantined areas. As a result of that action, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the spread of the pine shoot beetle, a pest of pine products, into noninfested areas of the United States.

EFFECTIVE DATE: The interim rule became effective on June 13, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Philip Bell, Regional Program Manager, PPQ, APHIS, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606–5202, (919) 716–5582; or Mr. Jonathan M. Jones, Operations Officer, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236, (301) 734–8247.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective June 13, 2000, and published in the **Federal Register** on June 19, 2000 (65 FR 37841–37842, Docket No. 99–101–1), we amended the pine shoot beetle (PSB) regulations contained in §§ 301.50 through 301.50–10 by adding 28 counties in Illinois, Indiana, Michigan, New Hampshire, New York, Pennsylvania, Vermont, West Virginia, and Wisconsin to the list of quarantined areas § 301.50–3. That action was necessary to prevent the spread of PSB into noninfested areas of the United States.

Comments on the interim rule were required to be received on or before August 18, 2000. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Orders 12866, 12372, and 12988 and the Paperwork Reduction Act. Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

Regulatory Flexibility Act

This action affirms an interim rule that amended the PSB regulations by adding 28 counties in Illinois, Indiana, Michigan, New Hampshire, New York, Pennsylvania, Vermont, West Virginia, and Wisconsin to the list of quarantined areas. As a result of that action, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of PSB to noninfested areas of the United States.

The following analysis addresses the economic effect of the interim rule on small entities, as required by the Regulatory Flexibility Act.

The interim rule affects entities engaged in the interstate movement of regulated articles from and through the 28 counties in Illinois, Indiana, Michigan, New Hampshire, New York, Pennsylvania, Vermont, West Virginia, and Wisconsin that were added to the list of quarantined areas by the interim rule. Affected entities may include nursery stock growers, Christmas tree farms, logging operations, and others who sell, process, or move regulated articles. As a result of the interim rule, any such entities moving regulated articles interstate from one of those 28 counties must first inspect and/or treat the regulated articles in order to obtain a certificate or limited permit authorizing the movement.

The Small Business Administration (SBA) has established size standards to determine whether an entity would be considered small. We have determined that there are 765 nurseries, Christmas tree farms, logging operations, and other entities who sell, process, or move regulated articles in the 28 counties added to the list of quarantined areas by the interim rule. According to SBA standards, the vast majority of the entities may be considered small.

We have determined that the nurseries, Christmas tree growers, and logging operations in most of the 28 counties that are now listed as quarantined areas will not be significantly affected by the interim rule, either because pine species comprise a very minor share of their products or because their shipments do not leave the quarantined areas.

However, some nurseries and Christmas tree growers affected by the interim rule have markets that are predominantly out-of-county and out-of-State. These affected entities can maintain their markets outside the quarantined areas by arranging for the issuance of certificates or limited permits based on inspection or treatment of the regulated articles. Inspections, in some cases, are already occurring for other purposes; therefore, inspecting for PSB will add minimal cost. Also, any person engaged in growing, handling, or moving regulated articles may enter into a compliance agreement with the Animal and Plant Health Inspection Service whereby that person, rather than an inspector, may issue a certificate or limited permit for the interstate movement of eligible regulated articles. Costs and potential inconveniences are most likely for producers of live pine nursery stock, since inspection is required for each live plant before it may move interstate from a quarantined area. However, many producers must already have their products inspected for other pests, and adding another inspection will likely be a relatively small burden.

In contrast to the losses associated with the damage caused by PSB, the potential costs and inconvenience associated with inspections and treatment are minimal. The effect on those few small entities that do move regulated articles out-of-county and interstate is minimized by the availability of treatments and

compliance agreements that, in most cases, allow these small entities to move regulated articles with very little additional cost.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 65 FR 37841–37842 on June 19, 2000.

Authority: Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7702; 7 U.S.C. 166; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9791 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–076–2]

Imported Fire Ant; Addition to Quarantined Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Affirmation of interim rule as final rule.

SUMMARY: We are adopting as a final rule, without change, an interim rule that amended the imported fire ant regulations by adding additional areas in Tennessee to the list of quarantined areas. As a result of that action, the interstate movement of regulated articles from those areas is restricted. The interim rule was necessary to prevent the artificial spread of the imported fire ant to noninfested areas of the United States. In the interim rule, we also made nonsubstantive changes to the descriptions of some of the quarantined areas in Tennessee to make them easier to understand.

EFFECTIVE DATE: The interim rule became effective on November 6, 2000.

FOR FURTHER INFORMATION CONTACT: Mr. Ronald Milberg, Operations Officer, PPQ, APHIS, 4700 River Road Unit 36, Riverdale, MD 20737–1231; (301) 734–5255.

SUPPLEMENTARY INFORMATION:

Background

In an interim rule effective and published in the **Federal Register** on November 6, 2000 (65 FR 66487–66489, Docket No. 00–076–1), we amended the imported fire ant regulations in 7 CFR 301.81–3(e) by adding portions of Maury and Sequatchie Counties, TN, to the list of quarantined areas; changing the status of Lewis County, TN, from partially to completely infested; and by revising the quarantine boundaries in Giles, Lincoln, and Monroe Counties, TN, to incorporate additional infested areas. In the interim rule, we also made nonsubstantive changes to the descriptions of some of the quarantined areas in Tennessee to make them easier to understand.

Comments on the interim rule were required to be received on or before January 5, 2001. We did not receive any comments. Therefore, for the reasons given in the interim rule, we are adopting the interim rule as a final rule.

This action also affirms the information contained in the interim rule concerning Executive Order 12866 and the Regulatory Flexibility Act, Executive Orders 12372 and 12988, and the Paperwork Reduction Act.

Further, for this action, the Office of Management and Budget has waived the review process required by Executive Order 12866.

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

PART 301—DOMESTIC QUARANTINE NOTICES

Accordingly, we are adopting as a final rule, without change, the interim rule that amended 7 CFR part 301 and that was published at 65 FR 66487–66489 on November 6, 2000.

Authority: Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772; 7 U.S.C. 166; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9793 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–110–2]

West Indian Fruit Fly; Correction

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments; correction.

SUMMARY: We are correcting an error in the rule portion of an interim rule that quarantined a part of Cameron County, TX, because of the West Indian fruit fly and restricted the interstate movement of regulated articles from the quarantined area. The interim rule was published in the **Federal Register** on January 22, 2001, and was effective on January 12, 2001.

EFFECTIVE DATE: January 12, 2001.

FOR FURTHER INFORMATION CONTACT: Mr. Robert G. Spaide, Assistant Director, Invasive Species and Pest Management, PPQ, APHIS, 4700 River Road Unit 134, Riverdale, MD 20737–1236; (301) 734–8247.

SUPPLEMENTARY INFORMATION: On January 22, 2001, we published in the **Federal Register** (66 FR 6429–6436, Docket No. 00–110–1) an interim rule that quarantined a part of Cameron County, TX, because of the West Indian fruit fly and restricted the interstate movement of regulated articles from the quarantined area.

In the rule portion of the interim rule, § 301.98–1, in the definition for *Day degrees,* the formula used to establish day degrees was listed as:

(Minimum Daily Temp + Maximum Daily Temp)/2) − 54°=Day Degrees. The formula should have read:

(Minimum Daily Temp + Maximum Daily Temp)/2) − 59°=Day Degrees. This document corrects that error.

In FR Doc. 01–1618, published on January 22, 2001 (66 FR 6429–6436), make the following correction: On page 6434, in the first column, in § 301.98–1, the definition for *Day degrees,* correct ''54°'' to read ''59°''.

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9796 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 00–102–1]

Tuberculosis Testing for Imported Cattle

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending our animal import regulations by requiring cattle to undergo additional testing for tuberculosis prior to exportation to the United States, except cattle imported for immediate slaughter. The additional testing requirements will help us to better ensure that imported cattle are free of tuberculosis, thereby protecting against the spread of tuberculosis within the United States.

DATES: This interim rule is effective May 21, 2001. We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–102–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–102–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garris, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis.* It affects cattle, bison, deer, elk, goats, and other species, including humans. Bovine tuberculosis in infected animals and humans manifests itself in lesions of the lung, bone, and other body parts, causes weight loss and general debilitation, and can be fatal.

At the beginning of this century, bovine tuberculosis caused more losses of livestock than all other livestock diseases combined. This prompted the establishment of the National Cooperative State/Federal Bovine Tuberculosis Eradication Program for bovine tuberculosis in livestock.

The Animal and Plant Health Inspection Service (APHIS) recently revised its domestic bovine tuberculosis regulations on the interstate movement of certain cattle, bison, and captive cervids. These regulations are designed to protect against the spread of tuberculosis within the United States and to aid in our domestic tuberculosis eradication effort. However, in order for the domestic eradication program to be successful, APHIS must take appropriate measures to ensure that cattle imported into the United States are free of tuberculosis.

APHIS has been receiving requests to allow the importation of large numbers of cattle from countries known to be affected with tuberculosis. The prevalence of tuberculosis in many countries that export cattle to the United States presents a significant threat to the success of our domestic tuberculosis eradication program. In order to address the risk posed by imported cattle, APHIS is amending its regulations to generally require that cattle be tested twice with negative results for tuberculosis prior to importation into the United States, except for cattle imported for immediate slaughter.

Existing Regulations

The regulations in 9 CFR part 93 prohibit or restrict the importation of certain animals and birds into the United States to prevent the introduction of communicable diseases of livestock and poultry. Subpart D of part 93 (referred to below as the regulations) governs the importation of ruminants.

Prior to this interim rule, § 93.406 of the regulations contained tuberculosis testing and certification requirements for cattle imported into the United States from all areas of the world except Canada and Mexico. Sections 93.418 and 93.427 contained tuberculosis testing and certification requirements for cattle from Canada and Mexico, respectively.

Cattle From All Areas of the World Except Canada and Mexico

Under the regulations in § 93.406(a) prior to this interim rule, cattle that were imported from all areas of the world except Canada and Mexico, and except cattle imported for immediate slaughter, were required to be tested for tuberculosis with negative results within 30 days of the date of their exportation to the United States. To verify that cattle met these testing requirements, the regulations required that imported cattle be accompanied by a certificate of a salaried veterinary officer of the national government of the region of origin showing that the cattle were tested for tuberculosis as described above. The certificate had to give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings.

Further, under § 93.406(c), cattle that were tested as prescribed above and that were subject to quarantine at the port of entry as provided in § 93.411,[1] were required to be retested for tuberculosis during the last 10 days of the quarantine period under the supervision of a veterinary inspector by one or more of the methods approved by the Administrator.

Cattle From Canada

Under the regulations in § 93.418(b) prior to this interim rule, cattle imported from Canada, except cattle imported for slaughter in accordance with § 93.420 of the regulations, were required to be accompanied by a certificate issued or endorsed by a salaried veterinarian of the Canadian Government showing one of the following:

- The cattle were from a tuberculosis-free herd in Canada; or
- The date and place the cattle were last tested for tuberculosis; that the cattle were found negative for tuberculosis on such test; and that such test was performed within 60 days preceding the arrival of the cattle at the port of entry; or
- That the cattle were at least 5 days but not more than 4 weeks of age and, therefore, were exempt from the tuberculosis testing requirement; or
- For a calf imported with its dam, the date and place the calf's dam was

[1] Cattle from all areas of the world except Central America, the West Indies, Canada, and Mexico are required to be quarantined for not less than 30 days upon arrival in the United States.

last tested for tuberculosis; that the dam was found negative for tuberculosis on such test; that such test was performed within 60 days preceding the arrival of the calf and dam at the port of entry; and that the calf was born after such test was performed.

If cattle met one of the above conditions, they were eligible for entry into the United States without quarantine and were not required to be held at the border for additional testing. Cattle that did not meet any of these conditions were refused entry into the United States.

Cattle From Mexico

Under the regulations in § 93.427(c) prior to this interim rule, cattle imported from Mexico, except cattle imported for immediate slaughter under § 93.429 of the regulations, had to be accompanied by a satisfactory certificate of a salaried veterinary officer of the national government of Mexico, or a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, showing:

- That a review of the available herd history, including any tuberculin test results, traceback slaughter reports and post-mortem record, and any other available records or information did not indicate evidence of tuberculosis or exposure to tuberculosis during the preceding 60 days;
- *Except for cattle certified for importation into the United States for immediate slaughter in accordance with § 93.429 and steers,* that the herd or herds that the cattle originated from were tuberculin tested with negative results not more than 12 months nor less than 3 months before the date the animals were offered for entry into the United States and that the animals presented for entry, excepting only the natural increase in the herd, were included in the herd or herds of origin at the time of the herd test;
- For steers, except those certified in accordance with § 93.429, that each animal had been tested with negative results either by a salaried veterinarian of the National Government of Mexico or by a veterinarian accredited by the National Government of Mexico, not more than 60 days before the date the animals were offered for entry into the United States: Provided, that for steers not so tested and certified, the importer could elect to have the tuberculin test completed at the port of entry under the supervision of the port veterinarian; and
- The date and place of inspection, the date and place and results of the tuberculin test if applicable, the name of the herd owner, the name of the consignor and consignee, and an individual description of each animal including breed, age, sex, and tattoo and official Mexican Ministry of Agriculture and Water Resources (SARH) blue eartag numbers.

However, cattle, including steers, that originated in herds declared to be tuberculosis-accredited by the National Government of Mexico in accordance with that region's standards did not have to comply with the above provisions if they were moved directly to the U.S. port of entry from their herd of origin without having been commingled with cattle from any herd not so accredited enroute to the port of entry. They had to be accompanied by a health certificate issued in accordance with § 93.405(a) stating that the cattle originated in a tuberculosis-accredited herd and identifying the animals by official Mexican Ministry of Agriculture and Water Resources (SARH) blue eartag and tattoo numbers.

Further, cattle from a herd or herds in which one or more reactors to the tuberculin test had been disclosed were not eligible for importation until the herd or herds reached full tuberculosis-free status under Mexican Government regulations.

All bulls and female cattle accompanied by the certificate described above were to be detained at the port of entry under the supervision of the port veterinarian until tested for tuberculosis with negative results, provided that if any reactor was disclosed in any lot when so tested at the port of entry, the entire lot was refused entry and the entire lot or any portion of it was not eligible for importation until the lot had reached full tuberculosis-free status under Mexican Government regulations and the animals offered for entry had met the other applicable requirements of § 93.427.

Changes Made by This Interim Rule

In this document, we are amending the regulations described above by requiring all cattle imported into the United States, except cattle imported for immediate slaughter, and except cattle from Canada,[2] to generally be tested twice with negative results for tuberculosis as described below. These new requirements are located in an amended § 93.406, and all previous tuberculosis testing requirements for imported cattle, except cattle from Canada, are removed.

Steers or Spayed Heifers

Steers and spayed heifers must originate from a herd that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of exportation to the United States. For the purposes of this rule, a herd is defined as a group of one or more animals maintained for at least 4 months on common ground or two or more groups of animals under common ownership or supervision on two or more premises that are geographically separated, but among which there is an interchange or movement of animals. We are requiring that animals be maintained as such for 4 months in order to ensure that the animals are tested as a unit, and to allow time for signs of disease, if present, to become apparent.

For a group of one or more animals to qualify as a herd for the purposes of § 93.406, animals may be moved directly into the herd during or after the 4-month qualifying period only if they (1) originated from a tuberculosis-free herd; or (2) originated from a tuberculosis-accredited herd or a herd that tested negative to a whole herd test, and the individual cattle to be added to the herd also tested negative to any additional individual tests for tuberculosis required by the Administrator.

A ''whole herd test'' is defined as an official tuberculin test of all cattle in a herd that are 6 months of age or older, and of all cattle in the herd that are less than 6 months of age and were not born into the herd, except those cattle that are less than 6 months of age and (1) were born in and originated from a tuberculosis-free herd; or (2) were born in and originated from a tuberculosis-accredited herd or originated from a herd that has tested negative to a whole herd test, and the individual cattle have tested negative to any additional individual tests for tuberculosis required by the Administrator.

Further, the animals must have each tested negative to an additional official tuberculin test conducted within 60 days prior to the date of exportation to the United States. For the purposes of this rule, an ''official tuberculin test'' is defined as a test for bovine tuberculosis that is approved by the APHIS Administrator as equivalent to the international standard test described in the Manual of Standards for Diagnostic Tests and Vaccines, Office International des Epozooties, and that is applied and

[2] Canada would have the option of following the new requirements or the existing requirements in § 93.418.

reported by a salaried official of the government of the exporting region.

Cattle that have been tested for tuberculosis in accordance with these requirements will not be subject to any additional tests for tuberculosis during quarantine, if quarantine is required under § 93.411. Further, such cattle from Mexico will not be detained at land border ports with Mexico for further testing.

Sexually Intact Cattle From an Accredited Herd

Such cattle must originate from a herd that has been certified by the government of the region of origin as an accredited herd within 1 year prior to the date of exportation to the United States.

For the purposes of this rule, an accredited herd is defined as one that has passed at least two consecutive annual official tuberculin tests and has no evidence of bovine tuberculosis. All animals in an accredited herd must be free from tuberculosis.

Such cattle, if required to be quarantined under the regulations in § 93.411, must also be tested for tuberculosis with negative results during the last 10 days of quarantine. Further, such cattle from Mexico must be detained at the port of entry under the supervision of the port veterinarian until tested for tuberculosis with negative results.

Sexually Intact Cattle not From an Accredited Herd

Such cattle must have originated from a herd that has tested negative to a whole herd test as described above under the heading ''Steers and Spayed Heifers'' within 1 year prior to the date of exportation to the United States. Further, the animals must each have tested negative to one additional official tuberculin test conducted no more than 6 months and no less than 60 days prior to the date of exportation to the United States, except that the additional test is not required if the animals are exported within 6 months of the whole herd test.

Such cattle, if required to be quarantined under the regulations in § 93.411, must also be tested for tuberculosis with negative results during the last 10 days of quarantine. Further, such cattle from Mexico must be detained at the port of entry under the supervision of the port veterinarian until tested for tuberculosis with negative results.

Cattle From Mexico

Under this interim rule, cattle from a herd or herds in Mexico in which one or more reactors to the tuberculin test have been disclosed are not eligible for importation until the herd to which the animals in the lot belong achieves accredited herd status as defined in § 93.400 of the regulations, and provided that the animals offered for entry have met the other applicable requirements of this section.

Further, as stated above, sexually intact cattle from Mexico must be detained at the port of entry under the supervision of the port veterinarian until tested for tuberculosis with negative results. Under this interim rule, in the event that any reactor is disclosed in any lot when tested at the port of entry, the entire lot will be refused entry and the entire lot or any portion thereof will not be eligible for importation until the herd to which the animals in the lot belong achieves accredited herd status as defined in § 93.400 of the regulations, and provided that the animals offered for entry have met the other applicable requirements of this section.

Cattle From Canada

Under this interim rule, cattle from Canada are eligible for importation into the United States if accompanied by a certificate stating that the animals have been tested for tuberculosis in accordance with the new requirements described above. They also remain eligible for importation under the requirements in § 93.418, which is not amended by this interim rule.

Immediate Action

Immediate action is necessary to protect against the spread of tuberculosis within the United States. The prevalence of tuberculosis in many countries that export cattle to the United States, combined with the potential importation of increasingly large numbers of cattle from certain of these countries, presents a significant threat to the success of the tuberculosis eradication program in the United States, unless action is taken to reduce the risk of tuberculosis-affected cattle being imported into this country. In order to address the risk posed by imported cattle, APHIS is amending its regulations to require additional testing of cattle for tuberculosis prior to importation into the United States. Under these circumstances, the Administrator has determined that prior notice and opportunity for public comment are contrary to the public interest.

We will consider comments that are received within 60 days of publication of this rule in the **Federal Register**. After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the rule as a result of the comments.

Executive Order 12866 and Regulatory Flexibility Act

This rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This emergency situation makes timely compliance with section 604 of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) impracticable. We are currently assessing the potential economic effects of this action on small entities. Based on that assessment, we will either certify that the rule will not have a significant economic impact on a substantial number of small entities or publish a final regulatory flexibility analysis.

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule: (1) Preempts all State and local laws and regulations that are inconsistent with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we are amending 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 continues to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

2. Section 93.400 is amended by revising the definition for ''Herd'' and

by adding, in alphabetical order, new definitions to read as follows:

§ 93.400 Definitions.

* * * * *

Accredited herd. An accredited herd is one that has passed at least two consecutive annual official tuberculin tests and has no evidence of bovine tuberculosis. All animals in a herd must be free from tuberculosis.

* * * * *

Herd. Any group of one or more animals maintained for at least 4 months on common ground or two or more groups of animals under common ownership or supervision on two or more premises that are geographically separated, but among which there is an interchange or movement of animals. For a group of one or more animals to qualify as a herd for the purposes of § 93.406, animals may be moved into the herd during or after the 4-month qualifying period only if they:

(1) Originated from a tuberculosis-free herd; or

(2) Originated from an accredited herd or a herd that tested negative to a whole herd test, and the individual cattle to be added to the herd also tested negative to any additional individual tests for tuberculosis required by the Administrator.

* * * * *

Official tuberculin test. A test for bovine tuberculosis that is approved by the Administrator as equivalent to the international standard test described in the Manual of Standards for Diagnostic Tests and Vaccines, Office International des Epozooties, and that is applied and reported by a salaried official of the government of the exporting region.

* * * * *

Whole herd test. An official tuberculin test of all cattle in a herd that are 6 months of age or older, and of all cattle in the herd that are less than 6 months of age and were not born into the herd, except those cattle that are less than 6 months of age and:

(1) Were born in and originated from a tuberculosis-free herd; or

(2) Were born in and originated from an accredited herd or originated from a herd that has tested negative to a whole herd test, and the individual cattle have tested negative to any additional individual tests for tuberculosis required by the Administrator.

* * * * *

3. In § 93.406, paragraphs (a) and (c) are revised to read as follows:

§ 93.406 Diagnostic tests.

(a) *Tuberculosis and brucellosis tests of cattle.* Except as provided in §§ 93.418, 93.427(d), and 93.432, all cattle imported from any part of the world, except for immediate slaughter, must be accompanied by a certificate of a salaried veterinary officer of the national government of the region of origin, or if exported from Mexico, must be accompanied either by such a certificate or by a certificate issued by a veterinarian accredited by the National Government of Mexico and endorsed by a full-time salaried veterinary officer of the National Government of Mexico, thereby representing that the veterinarian issuing the certificate was authorized to do so, stating that:

(1) *Brucellosis.* The cattle have been tested for brucellosis with negative results within 30 days prior to the date of their exportation to the United States; Provided, that the brucellosis test will not be required for steers, spayed heifers, or any cattle less than 6 months old. The certificate must give the dates and places of testing, names of the consignor and consignee, and a description of the cattle, with breed, ages, and markings; and

(2) *Tuberculosis.* (i) For steers and spayed heifers, the cattle originated from a herd that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of exportation to the United States, and the animals each tested negative to an additional official tuberculin test conducted within 60 days prior to the date of exportation to the United States; or

(ii) For sexually intact cattle that are from an accredited herd, the herd was certified as an accredited herd for tuberculosis within 1 year prior to the date of exportation to the United States; or

(iii) For sexually intact cattle that are not from an accredited herd, the cattle originated from a herd that tested negative to a whole herd test for tuberculosis within 1 year prior to the date of exportation to the United States, and the animals each tested negative to one additional official tuberculin test conducted no more than 6 months and no less than 60 days prior to the date of exportation to the United States, except that the additional test is not required if the animals are exported within 6 months of the whole herd test.

* * * * *

(c) *Further tests during quarantine.* Ruminants that have been tested as prescribed in paragraphs (a) and (b) of this section and that are subject to quarantine at the port of entry, as provided in § 93.411, must be retested during the last 10 days of the quarantine period under the supervision of a veterinary inspector by one or more of the methods approved by the Administrator, except that cattle tested in accordance with paragraph (a)(2)(i) of this section are not required to be retested for tuberculosis.

4. In § 93.427, paragraph (c) is amended as follows:

a. By removing paragraph (c)(1).

b. By redesignating paragraphs (c)(2), (c)(3), (c)(4), and (c)(5) as paragraphs (c)(1), (c)(2), (c)(3), and (c)(4), respectively.

c. By revising newly designated paragraphs (c)(2) and (c)(3) to read as follows:

§ 93.427 Cattle from Mexico.

* * * * *

(c) * * *

(2) Cattle from a herd or herds in which one or more reactors to the tuberculin test have been disclosed shall not be eligible for importation until the herd to which the animals in the lot belong achieve accredited herd status as defined in § 93.400, and provided that the animals offered for entry have met the other applicable requirements of this section.

(3) All sexually intact cattle accompanied by the certificate required by § 93.405(a) will be detained at the port of entry under the supervision of the port veterinarian until tested for tuberculosis with negative results: Provided, That if any reactor is disclosed in any lot when so tested at the port of entry, the entire lot will be refused entry and the entire lot or any portion of it will not be eligible for importation until the herd to which the animals in the lot belong achieve accredited herd status as defined in § 93.400, and provided that the animals offered for entry have met the other applicable requirements of this section.

* * * * *

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9795 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket No. EE–RM–98–440]

RIN 1904–AA77

Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards

AGENCY: Office of Energy Efficiency and Renewable Energy, Department of Energy (DOE).

ACTION: Final rule; postponement of effective date and reconsideration.

SUMMARY: In accordance with the memorandum of January 20, 2001, from the Assistant to the President and Chief of Staff, entitled ''Regulatory Review Plan,'' published in the **Federal Register** on January 24, 2001 (66 FR 7702), DOE temporarily delayed for 60 days (66 FR 8745, February 2, 2001) the effective date of the final rule entitled ''Energy Conservation Program for Consumer Products; Central Air Conditioners and Heat Pumps Energy Conservation Standards published in the **Federal Register** on January 22, 2001 (66 FR 7170). DOE today gives notice of further postponement of the effective date of the January 22, 2001, final rule pending the outcome of petitions by the Air-Conditioning and Refrigeration Institute (ARI) for reconsideration by DOE and for judicial review by the United States Court of Appeals for the Fourth Circuit.

DATES: The effective date of the rule amending 10 CFR Part 430 published at 66 FR 7170, January 22, 2001, is further postponed from April 23, 2001, pending the outcome of petitions for administrative reconsideration and judicial review and further **Federal Register** notice. This action is effective immediately upon publication.

FOR FURTHER INFORMATION CONTACT: Jill Holtzman, Office of General Counsel, (202) 586–3410, jill.holtzman@hq.doe.gov; Dr. Michael E. McCabe, Office of Energy Efficiency and Renewable Energy, (202) 586–0371, ME.McCabe@ee.doe.gov; or Eugene Margolis, Office of General Counsel, (202) 586–9526, eugene.margolis@hq.doe.gov

SUPPLEMENTARY INFORMATION: Pursuant to section 325 of the Energy Policy and Conservation Act (42 U.S.C. 6295), on January 22, 2001, DOE published a notice of final rulemaking, setting forth energy conservation standards for central air conditioners and central air conditioning heat pumps that are not yet effective and will not be enforceable against manufacturers until January 23, 2006 (66 FR 7170). The existing standards require a Seasonal Energy Efficiency Rating (SEER) of 10 for split systems with a corresponding Heating System Performance Rating (HSPF) of 6.8 and a SEER of 9.7 for single package systems with a corresponding HSPF of 6.6 (42 U.S.C. 6295(d)(1)). The January 22, 2001, final rule would require a SEER of 13 for all systems with a corresponding HSPF of 7.7.

The **EFFECTIVE DATE** line of the January 22, 2001, notice of final rulemaking set forth February 21, 2001, as the effective date for the purpose of modifying Part 430 of Chapter II of title 10 of the Code of Federal Regulations. On February 2, 2001, pursuant to President Bush's Regulatory Review Plan, DOE published a final rule postponing the effective date from February 21, 2001, to April 23, 2001 (66 FR 8745).

Subsequently, ARI petitioned DOE for reconsideration of the January 22, 2001, final rule, and a group of environmental advocacy organizations have responded with a statement in opposition to reconsideration. In its petition, ARI acknowledges that the rulemaking record will support a 20 percent increase of the minimum required energy efficiency levels in the existing standards to a SEER of 12 with a corresponding HSPF of 7.3. However, ARI contends that DOE unfairly and erroneously raised the standard levels by 30 percent above the existing standards to a SEER of 13 with a corresponding HSPF of 7.7. On March 19, 2001, ARI also petitioned the United States Court of Appeals for the Fourth Circuit for judicial review of the final rule.

Under the informal rulemaking provisions of the Administrative Procedure Act (APA), an agency by rule may alter the ''effective date'' of a previously published final rule (5 U.S.C. 551(4), 551(5), 553). The judicial review provisions of the APA also provide for a change of ''effective date'' as follows: ''When an agency finds that justice so requires, it may postpone the effective date of action taken by it, pending judicial review. . . .'' (5 U.S.C. 705). Once the effective date passes, the standards set out in the January 22, 2001 final rule would become part of the Code of Federal Regulations as an effective final rule, and manufacturers would have to begin the process of coming into compliance by January 23, 2006. That process involves both planning and capital expenditures.

DOE is of the view that ARI has raised some substantial questions about the legal sustainability of the January 22, 2001, final rule. Consistent with Executive Order 12866 and consultations with the Office of Management and Budget, DOE intends within the next 60 days to issue a further notice of proposed rulemaking to revise the standard levels set out in the January 22, 2001, final rule and examine the extent to which current minimum required energy efficiency levels are to be increased in 2006. In that notice, DOE intends to propose a 12 SEER with a corresponding 7.4 HSPF. DOE will also invite public comment on its explanation of the statutory authority to make such a proposal upon reconsideration. During the pendency of ARI's petition for judicial review and the related petition for administrative reconsideration, justice requires that DOE postpone the effective date of the January 22, 2001, final rule, in order to avoid imposing on manufacturers an obligation to undertake planning and capital expenditures to come into compliance by January 23, 2006, with a rule DOE is reconsidering.

To the extent that 5 U.S.C. 553 applies to this action, it is exempt from notice and comment procedures based on the good cause exceptions in 5 U.S.C. 553(b)(B) and 553(d)(3). Seeking public comment and delaying the effect of today's action are impracticable, unnecessary, and contrary to the public interest for several reasons. Postponement of the imminent effective date of April 23, 2001, avoids confusion among manufacturers as to whether to begin the process of coming into compliance. It avoids expenditures by manufacturers in reliance on a rule with respect to which there is a significant likelihood of modification. It also facilitates reconsideration of a final rule that, if allowed to take effect, might well result in a court order remanding the rule under instructions for further action thereby producing delay in realizing the anticipated energy and cost savings.

Issued in Washington, DC on April 18, 2001.

Eric J. Fygi,

Acting General Counsel.

[FR Doc. 01–9975 Filed 4–18–01; 2:13 pm]

BILLING CODE 6450–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 99–CE–63–AD; Amendment 39–12185; AD 2001–08–08]

RIN 2120–AA64

Airworthiness Directives; Raytheon Aircraft Company Beech Models 35–C33A, E33A, E33C, F33A, F33C, S35, V35, V35A, V35B, 36, and A36 Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule.

SUMMARY: This amendment adopts a new airworthiness directive (AD) that applies to all Raytheon Aircraft Company (Raytheon) Beech Models 35–C33A, E33A, E33C, F33A, F33C, S35, V35, V35A, V35B, 36, and A36 airplanes that incorporate a certain Teledyne Continental engine configuration. This AD requires you to repetitively replace the existing Aeroquip V-band exhaust clamp. The actions specified by this AD are intended to prevent the tailpipe from detaching from the turbocharger due to failure of the V-band exhaust clamp. Clamp failure could result in the release of high temperature gases inside the engine compartment with the potential for a consequent fire in the engine compartment.

EFFECTIVE DATE: This AD becomes effective on June 7, 2001.

ADDRESSES: You may get the service documents referenced in this AD from Tornado Alley Turbo, Inc., 300 Airport Road, Ada, Oklahoma 74820; telephone: toll free 1–877–359–8284, or (580) 332–3510; facsimile: (580) 332–4577. You may examine this information at the Federal Aviation Administration (FAA), Central Region, Office of the Regional Counsel, Attention: Rules Docket No. 99–CE–63–AD, 901 Locust, Room 506, Kansas City, Missouri 64106.

FOR FURTHER INFORMATION CONTACT: Mr. Peter W. Hakala, Aerospace Engineer, FAA, Rotorcraft Directorate, Special Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0190; telephone: (817) 222–5145; facsimile: (817) 222–5785.

SUPPLEMENTARY INFORMATION:

Discussion

What events have caused this AD? The FAA has received reports of two instances where an Aeroquip V-band exhaust clamp (Aeroquip part number (P/N) 4404C375–M) failed on Raytheon Models Beech A36 airplanes. This V-band exhaust clamp is part of the installation configuration of Tornado Alley Turbo, Inc. Supplemental Type Certificate (STC) SA5223NM and STC SE5222NM. The incorporation of these STC's installs a Teledyne Continental engine equipped with a turbonormalizing system on Raytheon Beech Models 35–C33A, E33A, E33C, F33A, F33C, S35, V35, V35A, V35B, 36, and A36 airplanes. The V-band exhaust clamp, P/N 4404C375–M, attaches the tailpipe to the turbocharger.

What are the consequences if the condition is not corrected? The tailpipe detaching from the turbocharger could result in the release of high temperature gases inside the engine compartment with the potential for a consequent fire in the engine compartment.

Has FAA taken any action to this point? We issued a proposal to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) to include an AD that would apply to all Raytheon Beech Models 35–C33A, E33A, E33C, F33A, F33C, S35, V35, V35A, V35B, 36, and A36 airplanes that incorporate a certain Teledyne Continental engine configuration. This proposal was published in the **Federal Register** as a notice of proposed rulemaking (NPRM) on October 18, 2000 (65 FR 62315). The NPRM proposed to require you to repetitively replace the V-band exhaust clamp, Aeroquip P/N 4404C375–M.

Was the public invited to comment? The FAA encouraged interested persons to participate in the making of this amendment. A summary of the comments on the NPRM from the one commenter follows, along with FAA's responses.

Comment Issue No. 1: Add the Model 35–G33 to the AD Applicability

What is the commenter's concern? The commenter requests that FAA add the Model 35–G33 airplane to the AD applicability. This commenter states that STC SA5223NM applies to the Model 35–G33 airplanes.

What is FAA's response to the concern? The FAA concurs that the STC applies to the Model 35–G33 airplanes. This airplane model was added to STC SA5223NM on August 31, 2000. Part of that change called for the installation of a tailpipe support on the Model 35–G33 airplanes. This tailpipe support installation eliminates the need for the actions of this AD for the Model 35–G33 airplanes. Therefore, we are not adding the Model 35–G33 airplanes to the AD applicability.

Comment Issue No. 2: Change Reference of Exhaust Stack to Tailpipe in the AD

What is the commenter's concern? The commenter believes that the pipe downstream of the turbocharger should be referred to as the tailpipe. The FAA referred to it as the exhaust stack in the NPRM.

What is FAA's response to the concern? We will change all reference of the exhaust stack to tailpipe in the final rule AD action.

Comment Issue No. 3: Change the Aeroquip V-Band Exhaust Clamp Part Number

What is the commenter's concern? The commenter states that FAA should reference the Aeroquip V-band exhaust clamp as part number 4404C375–M instead of 00624–4404C375–M. The clamp is referred to as part number 4404C375–M in the service information.

What is FAA's response to the concern? The FAA referenced the Aeroquip V-band exhaust clamp as part number 00624–4404C375–M because that part number actually appears on the clamp. We have determined that part number 4404C375–M is sufficient to identify the affected V-band exhaust clamp.

We are changing the final rule AD action accordingly.

Comment Issue No. 4: Correct the STC Holder's Phone Number

What is the commenter's concern? The commenter states that the phone number of the STC holder, Tornado Alley Turbo, Inc., has changed. The commenter requests that FAA incorporate this new phone number, 1–877–359–8284, into the AD.

What is FAA's response to the concern? We will change the phone number accordingly in the final rule AD action.

The FAA's Determination

What is FAA's Final Determination on this Issue? After careful review of all available information related to the subject presented above, we have determined that air safety and the public interest require the adoption of the rule as proposed except for minor editorial corrections. We determined that these minor corrections:

—Will not change the meaning of the AD; and

—Will not add any additional burden upon the public than was already proposed.

Cost Impact

How many airplanes does this AD impact? We estimate that this AD affects 180 airplanes in the U.S. registry.

What is the cost impact of this AD on owners/operators of the affected airplanes? We estimate the following costs to accomplish each repetitive replacement:

Labor cost	Parts cost	Total cost per airplane	Total cost on U.S. airplane operators
2 workhours × $60 per hour = $120.	$50 per airplane	$120 + $50 = $170 per airplane	$170 × 180 = $30,600.

Regulatory Impact

Does this AD impact various entities? The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

Does this AD involve a significant rule or regulatory action? For the reasons discussed above, I certify that this action (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the final evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

Adoption of the Amendment

Accordingly, under the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. FAA amends § 39.13 by adding a new AD to read as follows:

2001–08–08 Raytheon Aircraft Company (The Beech Aircraft Corporation previously was the holder of Type Certificate 3A15): Amendment 39–12185; Docket No. 99–CE–63–AD.

(a) *What airplanes are affected by this AD?* Models Beech 35–C33A, E33A, E33C, F33A, F33C, S35, V35, V35A, V35B, 36, and A36 airplanes, all serial numbers, that:

(1) Are certificated in any category;

(2) Incorporate a Teledyne Continental engine equipped with a turbonormalizing system; and

(3) Have Tornado Alley Turbo, Inc. Supplemental Type Certificate (STC) SA5223NM and STC SE5222NM incorporated.

Note 1: Cessna 185 series airplanes could have the subject clamp installed through the incorporation of Tornado Alley Turbo, Inc. STC SE00214DE and STC SE00215DE. The FAA has determined that the cracks at the weld spots in the V-band clamps are occurring because of the specific configuration of the Raytheon airplanes. We have received no reports of service problems with the affected V-band clamps installed on Cessna 185 series airplanes.

(b) *Who must comply with this AD?* Anyone who wishes to operate any of the above airplanes must comply with this AD.

(c) *What problem does this AD address?* The actions required by this AD are intended to prevent the tailpipe from detaching from the turbocharger due to failure of the V-band exhaust clamp. This could result in the release of high temperature gases inside the engine compartment with the potential for a consequent fire in the engine compartment.

(d) *What actions must I accomplish to address this problem?* To address this problem, you must accomplish the following:

Actions	Compliance times	Procedures
Repetitively replace the V-band exhaust clamp, Aeroquip part number 4404C375–M.	Upon accumulating 400 hours time-in-service (TIS) after incorporating Tornado Alley Turbo, Inc. STC SA5223NM and STC SE5222NM on the airplane or within the next 25 hours TIS after June 7, 2001 (the effective date of this AD), whichever occurs later, and thereafter at intervals not to exceed 400 hours TIS.	Use the procedures in the Turbo-Flite™ 520/550 System Maintenance and Troubleshooting manual. Tornado Alley Turbo, Inc. Mandatory Service Bulletin Number TAT 98–1, dated November 21, 1998, references these replacements and procedures.

(e) *Can I comply with this AD in any other way?* You may use an alternative method of compliance or adjust the compliance time if:

(1) Your alternative method of compliance provides an equivalent level of safety; and

(2) The Manager, Rotorcraft Directorate, Special Certification Office, approves your alternative. Submit your request through an FAA Principal Maintenance Inspector, who may add comments and then send it to the Manager, Rotorcraft Directorate, Special Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0190.

Note 2: This AD applies to each airplane identified in paragraph (a) of this AD, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if you have not eliminated the unsafe condition, specific actions you propose to address it.

(f) *Where can I get information about any already-approved alternative methods of compliance?* You can contact Mr. Peter Hakala, Aerospace Engineer, FAA, Rotorcraft Directorate, Special Certification Office, 2601 Meacham Boulevard, Fort Worth, Texas 76193–0190; telephone: (817) 222–5145; facsimile: (817) 222–5785.

(g) *What if I need to fly the airplane to another location to comply with this AD?* The FAA can issue a special flight permit under sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate your airplane to a location where you can accomplish the requirements of this AD.

(1) In order for this permit to be granted, the airplane must pass the push/pull test specified in Tornado Alley Turbo, Inc.,

Mandatory Service Bulletin Number TAT 98–1, dated November 21, 1998.

(2) Anyone who holds at least a private pilot certificate, as authorized by section 43.7 of the Federal Aviation Regulations (14 CFR 43.7), may accomplish the push/pull test referenced in paragraph (g)(1) of this. You must make an entry into the aircraft records that shows compliance with this portion of the AD, in accordance with section 43.9 of the Federal Aviation Regulations (14 CFR 43.9).

(h) *How do I get copies of the documents referenced in this AD?* You may obtain a copy of the service documents referenced in this AD from Tornado Alley Turbo, Inc., 300 Airport Road, Ada, Oklahoma 74820; telephone: toll free 1–877–359–8284, or (580) 332–3510; facsimile: (580) 332–4577; or you may examine this document at FAA, Central Region, Office of the Regional Counsel, 901 Locust, Room 506, Kansas City, Missouri 64106.

(i) *When does this amendment become effective?* This amendment becomes effective on June 7, 2001.

Issued in Kansas City, Missouri, on April 12, 2001.

Michael Gallagher,

Manager, Small Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9750 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2001–NM–48–AD; Amendment 39–12186; AD 2001–08–09]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–600, –700, –800, and –700C Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Final rule; request for comments.

SUMMARY: This amendment supersedes an existing airworthiness directive (AD), applicable to certain Boeing Model 737–600, –700, –800, and –700C series airplanes, that currently requires initial and repetitive inspections of the elevator tab assembly to detect any damage or discrepancy; and corrective actions, if necessary. This amendment clarifies the applicability and certain requirements of the AD. This amendment is prompted by requests for such clarification. The actions specified in this AD are intended to prevent excessive in-flight vibrations of the elevator tab, which could lead to loss of the elevator tab and reduced controllability of the airplane.

DATES: Effective May 7, 2001.

The incorporation by reference of certain publications listed in the regulations was approved previously by the Director of the Federal Register as of March 20, 2001 (66 FR 13229, March 5, 2001).

Comments for inclusion in the Rules Docket must be received on or before June 19, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2001–NM–48–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-iarcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2001–NM–48–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in this AD may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

FOR FURTHER INFORMATION CONTACT: Nancy Marsh, Aerospace Engineer, Airframe Branch, ANM–120S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2028; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION: On February 21, 2001, the FAA issued AD 2001–04–08, amendment 39–12127 (66 FR 13229, March 5, 2001), applicable to certain Boeing Model 737–600, –700, –800, and –700C series airplanes, to require initial and repetitive inspections of the elevator tab assembly to detect any damage or discrepancy; and corrective actions, if necessary. That action was prompted by numerous reports of excessive in-flight vibrations of the elevator tab on Model 737–600, –700, and –800 series airplanes. The actions required by that AD are intended to prevent excessive in-flight vibrations of the elevator tab, which could lead to loss of the elevator tab and reduced controllability of the airplane.

Comments Received Since Issuance of Previous Rule

Since the issuance of that AD, the FAA has received a request for clarification of the applicability of the existing AD, which points to airplanes listed in Revision 1 of Boeing Alert Service Bulletin 737–55A1072. We find that, as written, the applicability of the AD could be misinterpreted to mean that future production airplanes or Model 737–700C series airplanes are not affected because the service bulletin does not specifically mention those airplanes. Since we intended that the requirements of that AD apply to all Model 737–600, –700, –800, and –700C series airplanes, including future production airplanes, the applicability of this AD has been revised to read as follows: ''All Model 737–600, –700, –800, and –700C series airplanes, certificated in any category.''

In addition, we received a request for clarification as to whether operators are required to report results of inspection findings. This question arises because paragraphs (a) through (d) of the existing AD include a reference to ''Appendix A'' of the alert service bulletin. That Appendix consists of a form on which inspection findings are documented and submitted. We agree that clarification is necessary. The reference to Appendix A of the alert service bulletin should not have been included as part of the alert service bulletin citation, and has been removed from this AD. This AD does not require that operators report results of inspection findings to the FAA.

Clarification of Repetitive Inspection Requirement

We also have determined that the requirements of paragraph (c)(2) of the existing AD require clarification. We intended that repetitive inspections be done on all airplanes, whether or not any damage or discrepancy is found when doing the inspection required by paragraph (c) or when doing the corrective actions per paragraph (c)(2) of the AD. These repetitive inspections were specified in Table 1 of the preamble of the existing AD. We have changed paragraph (c)(2) to clarify this requirement.

Explanation of Requirements of Rule

Since an unsafe condition has been identified that is likely to exist or develop on other airplanes of this same type design, this AD supersedes AD 2001–04–08 to continue to require initial and repetitive inspections of the elevator tab assembly to detect any damage or discrepancy; and corrective

actions, if necessary. This AD clarifies the applicability and certain requirements of the existing AD.

Determination of Rule's Effective Date

Since a situation exists that requires the immediate adoption of this regulation, it is found that notice and opportunity for prior public comment hereon are impracticable, and that good cause exists for making this amendment effective in less than 30 days.

Comments Invited

Although this action is in the form of a final rule that involves requirements affecting flight safety and, thus, was not preceded by notice and an opportunity for public comment, comments are invited on this rule. Interested persons are invited to comment on this rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified under the caption **ADDRESSES**. All communications received on or before the closing date for comments will be considered, and this rule may be amended in light of the comments received. Factual information that supports the commenter's ideas and suggestions is extremely helpful in evaluating the effectiveness of the AD action and determining whether additional rulemaking action would be needed.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the rule that might suggest a need to modify the rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report that summarizes each FAA-public contact concerned with the substance of this AD will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2001–NM–48–AD.'' The postcard will be date stamped and returned to the commenter.

Regulatory Impact

The regulations adopted herein will not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this final rule does not have federalism implications under Executive Order 13132.

The FAA has determined that this regulation is an emergency regulation that must be issued immediately to correct an unsafe condition in aircraft, and that it is not a ''significant regulatory action'' under Executive Order 12866. It has been determined further that this action involves an emergency regulation under DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979). If it is determined that this emergency regulation otherwise would be significant under DOT Regulatory Policies and Procedures, a final regulatory evaluation will be prepared and placed in the Rules Docket. A copy of it, if filed, may be obtained from the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Incorporation by reference, Safety.

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration amends part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by removing amendment 39–12127 (66 FR 13229, March 5, 2001), and by adding a new airworthiness directive (AD), amendment 39–12186, to read as follows:

2001–08–09 Boeing: Amendment 39–12186. Docket 2001–NM–48–AD. Supersedes AD 2001–04–08, Amendment 39–12127.

Applicability: All Model 737–600, –700, –800, and –700C series airplanes, certificated in any category.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (e) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent excessive in-flight vibrations of the elevator tab, which could lead to loss of the elevator tab and reduced controllability of the airplane, accomplish the following:

Initial and Repetitive Inspections, and Corrective Actions (Work Package I)

(a) Within 30 days or 100 flight cycles after March 20, 2001 (the effective date of AD 2001–04–08, amendment 39–12127), whichever occurs later: Inspect the elevator tab, as specified in the Accomplishment Instructions for Work Package I of Boeing Alert Service Bulletin 737–55A1072, Revision 1, dated January 11, 2001, to detect any damage or discrepancy per the service bulletin.

(1) If no damage or discrepancy (including loose or missing parts, or excessive wear) is found, repeat the inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 250 flight cycles.

(2) Except as provided by paragraph (d) of this AD, if any damage or discrepancy is found, before further flight, do the corrective actions (including follow-on inspections; replacing, reworking, repairing, and lubricating parts; applying inspection putty; cleaning; and aligning and torqueing components) specified in Figure 1 of the service bulletin, as applicable. Repeat the inspections required by paragraph (a) of this AD thereafter at intervals not to exceed 250 flight cycles.

One-Time Freeplay Inspections and Corrective Actions (Work Package II)

(b) Within 90 days after March 20, 2001, or before the accumulation of 750 total flight cycles after airplane delivery, whichever occurs later: Do the one-time free-play inspections of the elevator tab, as specified in the Accomplishment Instructions for Work Package II of Boeing Alert Service Bulletin 737–55A1072, Revision 1, dated January 11, 2001, to detect any damage or discrepancy per the service bulletin.

(1) If no damage or discrepancy is found, no further action is required by this paragraph.

(2) If any damage or discrepancy is found, before further flight, do the corrective actions specified in Figures 2 and 3 of the service bulletin, as applicable.

Repetitive Inspections and Corrective Actions (Work Package III)

(c) Within 1,500 flight hours or 750 flight cycles, whichever occurs earlier, after doing Work Package II: Inspect the elevator tab, as specified in the Accomplishment Instructions for Work Package III of Boeing Alert Service Bulletin 737–55A1072, Revision 1, dated January 11, 2001, to detect any damage or discrepancy per the service bulletin.

(1) If no damage or discrepancy is found, repeat the inspections required by paragraph (c) of this AD thereafter at intervals not to exceed 1,500 flight hours or 750 flight cycles, whichever occurs earlier.

(2) If any damage or discrepancy is found, before further flight, do the applicable corrective actions specified in Figure 2, as specified by the Accomplishment Instructions for Work Package III, of the service bulletin. Thereafter, repeat the inspections required by paragraph (c) of this AD at intervals not to exceed 1,500 flight hours or 750 flight cycles, whichever occurs earlier.

Repair

(d) Repair any damage or discrepancy of the elevator tab assembly that is outside the limits specified by the Accomplishment Instructions of Boeing Alert Service Bulletin 737–55A1072, Revision 1, dated January 11, 2001, per a method approved by the Manager, Seattle Aircraft Certification Office (ACO), FAA, or per data meeting the type certification basis of the airplane approved by a Boeing Company Designated Engineering Representative (DER) who has been authorized by the Manager, Seattle ACO, to make such findings. For a repair method to be approved by the Manager, Seattle ACO, as required by this paragraph, the Manager's approval letter must specifically reference this AD.

Alternative Methods of Compliance

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

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

Special Flight Permits

(f) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Incorporation by Reference

(g) Except as provided by paragraph (d) of this AD, the actions shall be done in accordance with Boeing Alert Service Bulletin 737–55A1072, Revision 1, dated January 11, 2001. This incorporation by reference was approved previously by the Director of the Federal Register as of March 20, 2001 (66 FR 13229, March 5, 2001). Copies may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. Copies may be inspected at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington; or at the Office of the Federal Register, 800 North Capitol Street, NW., suite 700, Washington, DC.

Effective Date

(h) This amendment becomes effective on May 7, 2001.

Issued in Renton, Washington, on April 13, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9764 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[Region 7 Tracking No. 0124–1124(b); FRL–6968–5]

Approval and Promulgation of Implementation Plans; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: EPA is announcing the redesignation of the lead nonattainment area in eastern Douglas County, Nebraska, to attainment of the National Ambient Air Quality Standards (NAAQS). EPA is also approving a revision to the Nebraska State Implementation Plan (SIP) for maintenance of the lead standard in the eastern Douglas County area.

DATES: This direct final rule will be effective June 19, 2001 unless EPA receives adverse comments by May 21, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Kim Johnson, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

Copies of documents relative to this action are available for public inspection during normal business hours at the above listed Region 7 location. The interested persons wanting to examine these documents should make an appointment with the office at least 24 hours in advance.

FOR FURTHER INFORMATION CONTACT: Kim Johnson at 913–551–7975.

SUPPLEMENTARY INFORMATION: Throughout this document whenever ''we, us, or our'' is used, we mean EPA. This section provides additional information by addressing the following questions:

What is a SIP?
What is the Federal approval process for a SIP?
What does Federal approval of a state regulation mean to me?
What requirements must be followed for redesignation to attainment?
What is being addressed in this document?
Have the requirements for approval of a SIP revision and redesignation to attainment been met?
What action is EPA taking?

What Is a SIP?

Section 110 of the Clean Air Act (CAA) requires states to develop air pollution regulations and control strategies to ensure that state air quality meets the national ambient air quality standards established by EPA. These ambient standards are established under section 109 of the CAA, and they currently address six criteria pollutants. These pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each state must submit these regulations and control strategies to us for approval and incorporation into the Federally enforceable SIP.

Each Federally approved SIP protects air quality primarily by addressing air pollution at its point of origin. These SIPs can be extensive, containing state regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

What Is the Federal Approval Process for a SIP?

In order for state regulations to be incorporated into the Federally enforceable SIP, states must formally adopt the regulations and control strategies consistent with state and Federal requirements. This process generally includes a public notice, public hearing, public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a state rule, regulation, or control strategy is adopted, the state submits it to us for inclusion into the SIP. We must provide public notice and seek additional public comment regarding the proposed Federal action on the state submission. If adverse comments are received, they must be addressed prior to any final Federal action by us.

All state regulations and supporting information approved by EPA under section 110 of the CAA are incorporated into the Federally approved SIP. Records of such SIP actions are maintained in the Code of Federal Regulations (CFR) at Title 40, Part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual state regulations which are approved are not reproduced in their entirety in the CFR outright but are ''incorporated by reference,'' which means that we have approved a given state regulation with a specific effective date.

What Does Federal Approval of a State Regulation Mean to Me?

Enforcement of the state regulation before and after it is incorporated into the Federally approved SIP is primarily a state responsibility. However, after the regulation is Federally approved, we are authorized to take enforcement action against violators. Citizens are also offered legal recourse to address violations as described in section 304 of the CAA.

What Requirements Must Be Followed for Redesignation to Attainment?

Under section 307(d) of the CAA, we are required to promulgate designations of areas identifying their status with respect to attainment of the ambient standards described previously. We are required to determine whether each area is attaining the standard, not attaining the standard, or cannot be designated based on available information. Once an area is designated as nonattainment for a standard, it cannot be redesignated to attainment until the requirements of section 107(d)(3)(E) of the CAA are met. These requirements are discussed below, and include a revision to the SIP to show how the state, in which the area is located, plans to maintain the standards in the future in the area to be redesignated to attainment.

What Is Being Addressed in This Document?

We are redesignating the nonattainment area in eastern Douglas County, Nebraska, to attainment for lead and taking final action to approve the maintenance plan submitted by Nebraska to revise its lead SIP.

The basis for our approval of the rule is described in this notice, and in more detail in the technical support document (TSD) prepared for this action. The TSD is available at the address identified above.

The purpose of the submittal is to meet the criteria under section 107(d)(3) of the Clean Air Act Amendments (CAAA) for redesignation of the nonattainment area in eastern Douglas County to attainment for the lead standard.

The area was designated as nonattainment for lead on January 6, 1992. The boundaries of the nonattainment area, located in the City of Omaha, are as follows:

Jones Street on the south;

Eleventh Street on the west;

Avenue H and the Nebraska-Iowa border on the north; and

the Missouri River on the east.

The Asarco—Omaha facility, which was located in the middle of the nonattainment area as described above, was the only major source of lead in this area after 1982. The Asarco—Omaha facility ceased operations on December 31, 1997 and began the process of demolition with agreement under the Nebraska Remedial Action Plan Monitoring Act (RAPMA) program. Demolition activity was completed in late 1999. The area was stabilized with a six-inch clean soil cap to prevent erosion.

Section 107(d)(3) of the CAAA establishes the five requirements to be met before we can designate an area from nonattainment area to attainment. These are:

A. The area has attained the NAAQS;

B. The area has a fully approved SIP under section 110(k) of the act;

C. We have determined that the improvement in air quality is due to permanent and enforceable emissions reductions;

D. We have determined that the maintenance plan for the area has met the requirements of section 175A of the Act and;

E. The state has met all requirements applicable to the area under section 110 and part D.

Attainment of the NAAQS

The state submittal provided ambient air monitor data showing that this area has consistently shown compliance with the NAAQS for lead since the third quarter of 1997. The NAAQS for lead is 1.5 micrograms per cubic meter (1.5 $\mu g/m^3$), maximum quarterly average. A quarterly average is considered a violation of the standard if it is at least 1.6 $\mu g/m^3$ when rounded to the tenths from the hundredths place when monitored.

Fully Approved SIP

EPA initially fully approved the Nebraska lead SIP for Omaha in 1987. That approval was under the applicable requirements of section 110 of the Act. As a result of continuing monitored violations in the area, and in response to additional requirements added by the 1990 Amendments to the Act, Nebraska submitted a part D nonattainment SIP for the Asarco facility on December 22, 1993, in the form of an enforceable Compliance Order. On this same day, Asarco filed an administrative appeal of the Order which stayed enforcement of the Order until a decision was issued by the Nebraska Department of Environmental Quality (NDEQ) administrator on June 2, 1995. An amended Order was then submitted to EPA on June 21, 1995. This Order was determined to be complete by EPA on July 13, 1995.

On November 15, 1995, Asarco submitted a revised control strategy, based on rollback of production and facility reconfiguration. The NDEQ revised the Compliance Order and submitted it to EPA on August 28, 1996. The Order included limitations to meet the requirements of Part D for attainment of the NAAQS, and contingency measures to be implemented in case of failure to achieve reasonable further progress toward attainment, or to attain the lead standard by the applicable attainment date. EPA approved this revision on March 20, 1997 (52 FR 1420).

With the shutdown of the Asarco facility on December 31, 1997, and subsequent demolition, the provisions of the 1996 lead SIP revision are no longer applicable. The current SIP submittal reflects the shutdown and demolition of the Asarco facility.

Permanent and Enforceable Emissions Reductions

The permanent closure and demolition activities at the Asarco facility are complete. The attainment of the lead standard is directly related to the permanent cessation of the lead emissions from closing and demolishing this facility and reclaiming the site.

Fully Approved Maintenance Plan

Section 175A of the Act requires that the plan include measures as necessary to ensure maintenance of the standard for at least ten years after redesignation, including contingency measures meeting the requirements of section 175A(d). Due to the fact that the only significant source of lead in this nonattainment area has been permanently closed and demolished, and the 1996 lead SIP identified no other lead sources for which regulation was necessary for attainment, the maintenance plan for the area is limited. The state is committed to continuing a limited monitoring network to measure ambient lead concentrations in the area. In addition, any new lead source which may be interested in constructing in this

area would be required to meet the state's new source preconstruction permitting rules. These rules are designed to ensure that emission increases from new source growth will not cause a violation of a NAAQS.

EPA has determined that the complete elimination of the lead emissions which caused the nonattainment problem in the area justifies the minimal maintenance plan, and that additional measures, including contingency measures, are unavailable for the area.

Part D and Section 110

The state has met these requirements by submitting and implementing the nonattainment plan to bring the area back into attainment and by continuing to monitor the ambient air quality during and after demolition and reclamation of the area.

Have the Requirements for Approval of a SIP Revision and Redesignation to Attainment Been Met?

The state submittal has met the public notice requirements for SIP submissions in accordance with 40 CFR 51.102. The submittal also satisfied the completeness criteria of 40 CFR part 51, appendix V. In addition, as explained above and in more detail in the technical support document which is part of this document, the revision meets the substantive SIP requirements of the CAA, including section 110 and implementing regulations. The state submittal also meets the criteria for redesignation to attainment in section 107(d)(3) of the CAA, as explained above and in the TSD.

What Action Is EPA Taking?

We are taking final action to approve the revision to the Nebraska lead SIP as an amendment to the SIP and redesignate the nonattainment area in eastern Douglas County, Nebraska, to attainment for lead.

We are processing this action as a final action because the area has been attaining the lead standard since 1997 based on monitored data, and because the major lead source in the nonattainment area has been demolished and the area surrounding the source has been reclaimed. Therefore, we do not anticipate any adverse comments.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely approves state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. In addition, a redesignation to attainment does not impose additional requirements. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves preexisting requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). For the same reason, this rule also does not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13084 (63 FR 27655, May 10, 1998). This rule will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a state rule implementing a Federal standard and a state request for redesignation, and does not alter the relationship or the distribution of power and responsibilities established in the CAA. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. We will submit a report containing this rule and other required information to the United States Senate, the United States 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).

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by June 19, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (*See* section 307(b)(2).)

List of Subjects

40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Intergovernmental relations, Lead, Nitrogen dioxide, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur oxides.

40 CFR Part 81

Environmental protection, Air pollution control.

Dated: April 11, 2001.

William A. Spratlin,

Acting Regional Administrator, Region 7.

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

PART 52—[AMENDED]

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

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

Subpart CC—Nebraska

2. In § 52.1420(e) the table is amended by:

a. Adding the entry for Nebraska Lead SIP at the end of the table, to read as follows:

§ 52.1420 Identification of plan.

* * * * *

(e) * * *

EPA-APPROVED NEBRASKA NONREGULATORY PROVISIONS

Name of nonregulatory SIP provision	Applicable geographic or nonattainment area	State submittal date	EPA approval date	Comments
*	*	*	*	*
Nebraska Lead Maintenance SIP	Omaha	1/18/01	4/20/01	

PART 81—[AMENDED]

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

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

Subpart C—Section 107 Attainment Status Designations

2. The table in § 81.328 entitled ''Nebraska Lead'' is amended to revise the entry for Douglas County to read as follows:

§ 81.328 Nebraska

* * * * *

NEBRASKA—LEAD

Designated area	Designation		Classification	
	Date	Type	Date	Type
Douglas County (part):				
Portion of city of Omaha bounded by: Jones Street on the south, Eleventh Street on the west, Avenue H and the Nebraska-Iowa border on the north, and the Missouri River on the east.	4/20/01	Attainment		

[FR Doc. 01–9741 Filed 4–19–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

49 CFR Part 571

[Docket No. NHTSA–2001–9440]

RIN 2127–AH84

Federal Motor Vehicle Safety Standards; School Bus Body Joint Strength

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Final rule; delay of effective date.

SUMMARY: On November 5, 1998, NHTSA published a final rule that amended Federal Motor Vehicle Safety Standard No. 221, *School Bus Body Joint Strength,* and announced an effective date of May 5, 2000 for those amendments. In a final rule published on March 6, 2000, NHTSA delayed the effective date of the November 1998 final rule to May 5, 2001, and corrected a typographical error in the November 1998 final rule. This document delays the effective date of the final rule published on November 5, 1998 until June 1, 2002.

DATES: The final rule published November 5, 1998 (63 FR 59732) and delayed March 6, 2000 (65 FR 11751) is further delayed until June 1, 2002. This rule delaying the effective date is effective May 5, 2001. Any petitions for reconsideration of this final rule must be received by NHTSA no later than June 4, 2001.

ADDRESSES: Petitions for reconsideration should refer to the docket number for this action and be submitted to: Administrator, National Highway Traffic Safety Administration, 400 Seventh St., SW, Washington, DC 20590.

FOR FURTHER INFORMATION CONTACT: For technical issues you may call: Mr. Charles Hott, Office of Crashworthiness Standards, at (202) 366–0247. Mr. Hott's FAX number is: (202) 493–2739.

For legal issues, you may call Ms. Dorothy Nakama, Office of the Chief Counsel, at (202) 366–2992. Her FAX number is: (202) 366–3820.

You may send mail to both of these officials at the National Highway Traffic Safety Administration, 400 Seventh Street, SW., Washington, DC 20590.

SUPPLEMENTARY INFORMATION: The purpose of Federal Motor Vehicle Safety Standard No. 221, *School Bus Body Joint Strength*, (49 CFR Section 571.221) (Standard No. 221), is to reduce deaths and injuries resulting from the structural collapse of school bus bodies during crashes. Standard No. 221 establishes requirements for the strength of the ''body panel joints'' in school bus bodies.

Final Rule of November 5, 1998

In a final rule published on November 5, 1998 (63 FR 59732), NHTSA enhanced the applicability of Standard No. 221 and made a number of other changes. At present, Standard No. 221 applies only to school buses with a gross vehicle weight rating (GVWR) more than 4536 kg (10,000 pounds). The standard also specifies strength requirements for each ''body panel joint,'' currently defined as the area of contact or close proximity between the edges of a body panel and another body component, excluding spaces designed for ventilation or another functional

purpose, and excluding doors, windows, and maintenance access panels (MAPs).

The November 5, 1998 final rule extended the applicability of Standard No. 221 to school buses with a GVWR of 4536 kg (10,000 pounds) or less [1] and narrowed the exclusion of MAPs from the joint strength requirements. Except as noted below, the final rule also required panels to be attached at least at every 203 millimeters (8 inches) and required body panel joints to withstand a tensile strength of 60 percent of the tensile strength of the weakest joined body panel. The final rule excluded two groups of MAPs from these requirements: MAPs outside of the passenger area; and MAPs smaller than a specified size inside the passenger area. The final rule also excluded certain joints from the standard's tensile strength requirements, i.e., joints from which a test sample cannot be obtained because of the joint's size or the curvature of the panels comprising the joint.

The final rule also simplified the definition of ''maintenance access panel'' and adopted a definition of ''passenger compartment'' based on the definition in Standard No. 217, *Bus Emergency Exits and Window Retention and Release* (49 CFR Section 571.217). In determining minimum allowable joint strength, the final rule (reversing a 1978 interpretation letter) included a new S6.2(c) specifying that the cross-sectional area of material removed to facilitate the installation of fasteners shall be considered in determining the tensile strength of the weakest joined body panel.

NHTSA specified that the final rule would take effect 18 months after **Federal Register** publication. The agency had proposed the 18 month lead time in the notice of proposed rulemaking (NPRM). No commenter addressed the lead time issue.

Petitions for Reconsideration

NHTSA received petitions for reconsideration of the final rule from AmTran Corporation, Blue Bird Body Company, and Thomas Built Buses. The petitioners asked for reconsideration of decisions regarding issues such as whether the standard would apply to joints from which a test sample cannot be made; the number of fasteners for curved and complex joints; whether the term ''automotive'' type joints should be defined; whether the term ''bus body'' should exclude structures forward of the passenger compartment; and the degrees of tolerance that should be permitted in a test machine's grip.

The manufacturers stated the greatest cost effect would result from the final rule's rescinding a November 28, 1978 interpretation letter that addressed the issue of how to compute the area of a sample of a body panel when testing for Standard No. 221 compliance. In the letter, NHTSA stated that in its compliance testing, it would determine the net cross-sectional area of a body panel sample by multiplying the width of the sample by its thickness and then subtracting the area of each ''discreet fastener hole.'' Rescinding the letter means that when testing for compliance with Standard No. 221, NHTSA would no longer subtract the area of each discreet fastener hole when determining the net cross-sectional area of the sample. The practical effect of that change is that school bus manufacturers would have to use more fasteners in order to meet the standard. The final rule included a new provision, S6.2(c), making it clear that the cross-sectional area of material removed to facilitate the installation of fasteners shall be considered in determining the tensile strength of the weakest joined body panel.

All three petitioners asked that S6.2(c) be removed, and the November 28, 1978 interpretation letter be reinstated. Blue Bird stated that the interpretation letter has been the basis for determining minimum allowable tensile strength for FMVSS certification and NHTSA compliance purposes since it was issued. Blue Bird informed the agency that approximately half of the joint designs used in manufacturing Blue Bird school buses use discrete fasteners, the majority of which will require redesign and retesting. Other school bus manufacturers may use non-discrete fasteners such as welds and adhesives, which may also have to be redesigned and retested. If the November 28, 1978 interpretation letter is not reinstated and if S6.2(c) takes effect, Blue Bird estimated that there will be an increase of 12 to 25 percent in the number of required fasteners. Blue Bird indicated that the new method of calculating joint strength would result in hard tooling (i.e., dies, which are tools for manufacturing materials) with long lead times, and increased material and labor costs. Blue Bird did not provide dollar estimates of the increased costs.

Thomas Built stated that most of its cost increases would be incurred when providing the extra fasteners needed when the change in the joint strength calculation procedure (in S6.2(c)) becomes effective. Thomas estimated that the increase in costs for a school bus to meet the final rule's maintenance access panel changes only, (including labor, fasteners, tooling and fixtures), would be $157. The cost per school bus of meeting maintenance access panel changes and S6.2(c) would be $352. Thomas also estimated that the total cost to modify its plant (which would be necessary to meet the new final rule) would be $313,000 if the maintenance access panel changes only take effect and $1,388,000 if the maintenance access panel changes and S6.2(c) take effect.

Grant of Petition for Extension of Compliance Date

In a letter dated September 28, 1999, Blue Bird asked that NHTSA defer its November 5, 1998, final rule to ''a minimum of 18 months following publication of an amended final rule, or to May 5, 2002, whichever is later.'' Blue Bird cited the expense involved in pursuing redesign, testing, tooling and manufacturing changes that would result when the final rule takes effect. Blue Bird noted that these retooling and other changes would not be necessary if the changes requested by the petitioners are made to the November 5, 1998 final rule. Blue Bird asked that if granted, the petition for extension of the compliance date be issued as soon as possible. Blue Bird said that it and other school bus manufacturers already have had to make preparations with tooling and die manufacturers to produce machining that would enable the production (in May 2000) of school buses that meet the November 5, 1998 final rule.

In a **Federal Register** publication of March 6, 2000 (65 FR 11751), we delayed the effective date of the final rule published on November 5, 1998 to May 5, 2001. The effective date of the March 6, 2000 action was April 5, 2000.

Agency Decision To Delay Effective Date Again

We are in the process of completing review of the petitions for reconsideration of the November 1998 final rule. One possible outcome of that review would be a decision to grant the petitioners' request to remove S6.2(c) and reinstate the November 28, 1978, interpretation letter permitting subtraction of holes in calculating joint strength. If we were to remove S6.2(c) and reinstate the letter, the expensive die and tooling changes cited by school bus manufacturers in their petitions for reconsideration would be unnecessary. Therefore, while we are deciding whether to grant the petitions for reconsideration, we are preserving the status quo by delaying the effective date for the November 1998 final rule until

[1] Referred to below as small school buses.

June 1, 2002. We expect to issue a new document addressing the issues raised in the petitions for reconsideration well before June 1, 2002. We will address the issue of lead time, as necessary, in that document.

Effective Date of This Document

Because the effective date for the November 1998 final rule (May 5, 2001) is fast approaching, NHTSA finds that this action delaying the effective date must take effect on May 5, 2001, which is less than 30 days after publication of this document. As a result, school bus manufacturers will not be required to comply with the November 1998 final rule requirements for a brief period in May 2001, as they would if a 30-day, delayed effective date were used.

Rulemaking Analyses and Notices

A. Executive Order 12866, Regulatory Planning and Review, and DOT Regulatory Policies and Procedures

Executive Order 12866, ''Regulatory Planning and Review'' (58 FR 51735; October 4, 1993), provides for making determinations whether a regulatory action is ''significant'' and therefore subject to Office of Management and Budget (OMB) review and to the requirements of the Executive Order. The Order defines a ''significant regulatory action'' as one that is likely to result in a rule that may:

(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 the Executive Order.

We have considered the impact of this rulemaking action under Executive Order 12866 and the Department of Transportation's regulatory policies and procedures. This rulemaking document was not reviewed under Executive Order 12866, ''Regulatory Planning and Review.'' Further, we have determined that this action is not ''significant'' within the meaning of the Department of Transportation's regulatory policies and procedures (44 FR 11034; February 26, 1979).

In its Final Regulatory Evaluation for the November 5, 1998 final rule, NHTSA estimated that the total cost for implementing the final rule would be approximately $8,500,000 per year. This rule delays the compliance date of that final rule to June 1, 2002. Thus, it delays the incurring of those costs. Until June 1, 2002, manufacturers will continue to meet the same requirements (and incur the same costs) resulting from the existing rule.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*, as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996) provides that whenever an agency is required to publish a notice of rulemaking for any proposed or final rule it must prepare and make available for public comment a regulatory flexibility analysis that describes the effect of the rule on small entities (i.e., small businesses, small organizations, and small governmental jurisdictions). However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities. SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide a statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities.

In the November 5, 1998 final rule, the agency certified that that rule would not have a significant economic impact on a substantial number of small entities. Accordingly, I certify that this final rule, which delays the compliance date of that earlier final rule, will not have a significant economic impact on a substantial number of small entities.

As noted in the November 5, 1998 final rule, the SBA defines a motor vehicle retailer with less than $11,500,000 in annual receipts as a small business. There are approximately 465 school bus dealers and distributors in the United States. The average sales of school buses from 1995 to 1999 was about 40,000 per year, representing an average of less than 100 buses per dealer. In order to reach the threshold of $11,500,000 in annual sales receipts, the average dealer would have to sell a much larger number (270) of large school buses annually, assuming a cost of $45,280 per unit. Thus, most school bus dealers are probably small businesses. Because of the negligible cost impact on manufacturers, the agency also anticipates little measurable impact on retailers' revenue levels, profitability, or employment.

C. Paperwork Reduction Act

In accordance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), we note that there are no collection of information requirements associated with this final rule.

D. National Environmental Policy Act

We have analyzed this final rule for the purposes of the National Environmental Policy Act. We have determined that implementation of this action will not have any significant impact on the quality of the human environment.

E. Executive Order 13132, Federalism

Executive Order 13132 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'' are defined in the Executive Order to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, we may not issue a regulation with 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 unless we consult with State and local officials early in the process of developing the proposed regulation. We also may not issue a regulation with Federalism implications and that preempts State law unless we consult with State and local officials early in the process of developing the proposed regulation.

This final rule does not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132. The reason is that this final rules applies to manufacturers of school buses and to school buses, and not to the States or local governments. Thus, the requirements of Section 6 of the Executive Order do not apply to this rule.

F. Civil Justice Reform

This final rule does not have any retroactive effect. Under 49 U.S.C. 30103(b), whenever a Federal motor vehicle safety standard is in effect, a state or political subdivision may prescribe or continue in effect a standard applicable to the same aspect of performance of a motor vehicle only if the standard is identical to the Federal standard. However, the United States Government, a state or political subdivision of a state may prescribe a standard for a motor vehicle or motor vehicle equipment obtained for its own use that imposes a higher performance requirement than that required by the Federal standard. 49 U.S.C. 30161 sets forth a procedure for judicial review of final rules establishing, amending or revoking Federal motor vehicle safety standards. A petition for reconsideration or other administrative proceedings is not required before parties may file suit in court.

G. Unfunded Mandates Reform Act

Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires Federal agencies to prepare a written assessment of the costs, benefits and other effects of proposed or final rules that include a Federal mandate likely to result in the expenditure by State, local or tribal governments, in the aggregate, or by the private sector, of more than $100 million in any one year (adjusted for inflation with base year of 1995). Before promulgating a NHTSA 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 other than the least costly, most cost-effective or least burdensome alternative if we publish with the final rule an explanation why that alternative was not adopted.

This final rule will not result in costs of $100 million or more to either State, local, or tribal governments, in the aggregate, or to the private sector. Thus, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

H. Executive Order 13045

Executive Order 13045 (62 *Fed Reg* 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 NHTSA has reason to believe may have a disproportionate effect on children. If the regulatory action meets both criteria, we must evaluate the environmental, health or safety effects of the rule on children, and explain why the 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 economically significant as defined in Executive Order 12866. It does not involve decisions based on health risks that disproportionately affect children.

Authority: 49 U.S.C. 322, 30111, 30115, 30117, and 30166; delegations of authority at 49 CFR 1.50.

Issued on: April 13, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–9724 Filed 4–16–01; 4:46 pm]

BILLING CODE 4910–59–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 697

[Docket No. 010125024–1089–02; I.D. 121500D]

RIN 0648–AO88

American Lobster; Interstate Fishery Management Plans; Cancellation of Moratorium

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

ACTION: Cancellation of Federal moratorium.

SUMMARY: NMFS announces the cancellation of the Federal moratorium on fishing for American lobsters in the State of Rhode Island waters. NMFS canceled the moratorium, as required by the Atlantic Coastal Fisheries Cooperative Management Act (Act), based on the determination that Rhode Island is now in compliance with the Atlantic States Marine Fisheries Commission's (Commission) Interstate Fishery Management Plan (ISFMP) for American lobsters.

DATES: Effective April 17, 2001.

FOR FURTHER INFORMATION CONTACT: Richard H. Schaefer, Chief, Staff Office for Intergovernmental and Recreational Fisheries, NMFS, 301–427–2014.

SUPPLEMENTARY INFORMATION:

Background

On December 17, 2000, NMFS determined that Rhode Island was not in compliance with Amendment 3 to the Commission's ISFMP for American lobster and that the measure Rhode Island failed to implement and enforce is necessary for the conservation of the American lobster fishery. Rhode Island was notified by letter on December 18, 2000, of this determination, and that NMFS required additional time to analyze the timing and impacts of the moratorium's implementation before publishing a declaration of a moratorium, as required by law. The Act allows the effective date of the moratorium to be delayed for up to 6 months from the date on which the moratorium is declared.

On March 6, 2001 (66 FR 13443), NMFS declared a Federal moratorium on fishing for American lobsters in Rhode Island waters effective May 1, 2001, if Rhode Island has not complied with the Commission's ISFMP for American lobster by that date. Details were provided in the March 6, 2001, **Federal Register** document and are not repeated here.

The Act specifies that, if, after a moratorium is declared with respect to a State, the Secretary of Commerce (Secretary) is notified by the Commission that it is withdrawing the determination of noncompliance, the Secretary shall immediately determine whether the State is in compliance with the applicable plan. If the State is determined to be in compliance, the moratorium shall be terminated. The Secretary's decision-making authority under the Act has been delegated to NMFS.

Activities Pursuant to the Act

On April 6, 2001, the Secretary received a letter from the Commission prepared pursuant to the Act. The Commission's letter stated that Rhode Island has taken corrective action to comply with Amendment 3 to the Commission's ISFMP for American lobsters by implementing and enforcing the nontrap gear limit of no more than 100 lobsters per day (based on a 24–hour period) up to a maximum of 500 lobsters per trip, for trips 5 days or longer as required by Amendment 3. The Commission found Rhode Island in compliance with the ISFMP for American lobster and withdrew its determination of noncompliance.

Cancellation of the Moratorium

Based on the Commission's April 6, 2001, letter, and a review of the ISFMP and Rhode Island's revised regulations, NMFS determined that Rhode Island is now in compliance with Amendment 3 to the Commission's ISFMP for American lobster. Therefore, the moratorium on fishing for American lobsters in Rhode Island waters is canceled.

Dated: April 16, 2001.

Clarence G. Pautzke,

Acting Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service.

[FR Doc. 01–9864 Filed 4–17–01; 2:47 pm]

BILLING CODE 3510–22–S

Proposed Rules

Federal Register
Vol. 66, No. 77
Friday, April 20, 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

Animal and Plant Health Inspection Service

7 CFR Part 301

[Docket No. 00–088–1]

Karnal Bunt; Regulated Areas

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the Karnal bunt regulations by adding new areas to the list of areas regulated because of Karnal bunt, a fungal disease of wheat, due to the detection of bunted kernels in grain grown in these areas. We are also proposing to remove certain fields from regulation because wheat is no longer grown in those fields or because fields previously classified as regulated areas have produced grain that has tested negative for Karnal bunt. These actions would help prevent the spread of Karnal bunt into noninfested areas of the United States and remove from regulation certain fields where restrictions no longer appear to be warranted.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–088–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–088–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Vedpal S. Malik, National Karnal Bunt Coordinator, PPQ, APHIS, USDA, 4700 River Road Unit 134, Riverdale, MD 20737–1231; (301) 734–6774.

SUPPLEMENTARY INFORMATION:

Background

Karnal bunt is a fungal disease of wheat (*Triticum aestivum*), durum wheat (*Triticum durum*), and triticale (*Triticum aestivum X Secale cereale*), a hybrid of wheat and rye. Karnal bunt is caused by the fungus *Tilletia indica* (Mitra) Mundkur and is spread by spores, primarily through the planting of infected seed. Some countries in the international wheat market regulate Karnal bunt as a fungal disease requiring quarantine; therefore, without measures taken by the Animal and Plant Health Inspection Service (APHIS), United States Department of Agriculture (USDA), to prevent its spread, the presence of Karnal bunt in the United States could have significant consequence with regard to the export of wheat to international markets.

The regulations regarding Karnal bunt are set forth in 7 CFR 301.89–1 through 301.89–16 (referred to below as the regulations).

Regulated Areas

The regulations in § 301.89–3(e) provide that we will classify a field or area as a regulated area when it is:

- A field planted with seed from a lot found to contain a bunted wheat kernel;
- A distinct definable area that contains at least one field that was found during a survey to contain a bunted wheat kernel. The distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of the area's proximity to a field found during survey to contain a bunted kernel; or
- A distinct definable area that contains at least one field that was found during survey to contain spores consistent with Karnal bunt and has been determined to be associated with grain at a handling facility containing a bunted wheat kernel. The distinct definable area may include an area where Karnal bunt is not known to exist but where intensive surveys are required because of that area's proximity to a field that has been associated with grain at a handling facility containing a bunted kernel.

The boundaries of distinct definable areas are determined using the criteria in paragraphs (b) through (d) of § 301.89–3, which provide for the regulation of less than an entire State, the inclusion of noninfected acreage in a regulated area, and the temporary designation of nonregulated areas as regulated areas. Paragraph (c) of § 301.89–3 states that the Administrator may include noninfected acreage within a regulated area due to its proximity to an infestation or inseparability from the infected locality for regulatory purposes, as determined by:

- Projections of the spread of Karnal bunt along the periphery of the infestation;
- The availability of natural habitats and host materials within the noninfected acreage that are suitable for establishment and survival of Karnal bunt; and
- The necessity of including noninfected acreage within the regulated area in order to establish readily identifiable boundaries.

The regulations at § 301.89–3(f) set the boundaries for regulated areas in Arizona, California, New Mexico, and Texas. Certain regulated areas in Arizona, California, and Texas include noninfected acreage that functions as a buffer zone to guard against the spread of Karnal bunt.

When we include noninfected acreage in a regulated area for one or more of the reasons previously listed, the noninfected acreage, along with the rest of the acreage in the regulated area, is intensively surveyed. Negative results from surveys of the noninfected acreage provide assurance that all infected acreage is within the regulated area. In effect, the noninfected acreage serves as a buffer zone between fields or areas associated with a bunted kernel and areas outside of the regulated area.

In this document, we are proposing to extend the size of the regulated area in

Arizona by about 23,100 acres. This new area contains 14 fields in La Paz and Maricopa Counties that were discovered during the year 2000 harvesting season survey to have produced wheat that contained bunted kernels. This new area would also include a 3 mile-wide buffer zone around each of the 14 fields. Based on 5 years of experience surveying noninfected acreage included in regulated areas, we have determined that a buffer zone of no more than 3 miles around a field or areas associated with a bunted kernel is sufficient. Extending the regulated area would help prevent the spread of Karnal bunt.

We are also proposing to remove certain areas from regulation. Specifically, we are proposing to remove one field in Maricopa County, AZ, from regulation because it is being used for the construction of houses, and it will no longer be used to grow wheat. Additionally, we propose to remove 9 fields in Yuma County, AZ, 5 fields in Dona Ana County, NM, 10 fields in Luna County, NM, and 1 field in Sierra County, NM, from regulation because grain harvested from those fields during the year 2000 harvesting season tested negative for Karnal bunt. These fields have been regulated because they were planted, in 1996, with seed that was suspected to be contaminated with Karnal bunt. This change would remove restrictions that no longer appear warranted on about 820 acres.

Miscellaneous Changes

We are also proposing to make nonsubstantive editorial changes to the format of the regulations. Specifically, we are proposing to add paragraph designations to the list of quarantined areas to make them easier to read.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

Upon the initial detection of Karnal bunt in Arizona in March of 1996, a Federal quarantine and emergency actions were imposed to prevent the interstate spread of the disease to other wheat producing areas in the United States. The quarantine has remained in effect, although it has since been modified in terms of its physical boundaries and restrictions on the production and movement of regulated articles.

Effect on Areas Proposed for Deregulation

This proposed rule would remove from regulation 9 fields in Arizona and 16 fields in New Mexico, reducing the size of the regulated area in both States. The regulated agricultural acreage would decrease by about 290 acres in Arizona and 530 acres in New Mexico.

We estimate that one wheat producer in Arizona and six wheat producers in New Mexico would be affected by this aspect of the proposed rule. Under the regulations, wheat, durum wheat, and triticale may only be moved from regulated areas to nonregulated areas if it tests negative for bunted kernels. Additionally, commercial wheat seed may not be moved from regulated to nonregulated areas. Producers whose fields would be removed from regulation would benefit because they would be able to move wheat and other regulated articles from these fields without restriction.

These benefits, however, are likely to be minimal. Considering that the testing of grain for Karnal bunt is already a free service for all producers in regulated areas, the elimination of testing requirements would remove an inconvenience only, not a financial burden. Further, little or no commercial wheat seed is, or is expected to be, grown in the affected fields.

Similarly, this aspect of the proposal would not serve to significantly reduce the need for equipment cleaning by producers or by custom combine harvesters who routinely move their machines into and out of regulated areas to harvest wheat for multiple producers. In the past, there has been little need for such cleaning because crops harvested in the affected fields have not produced bunted kernels, and equipment must be cleaned only if it has been used to harvest host crops that test positive for Karnal bunt.

One field in Arizona would be removed from regulation because it is currently being used for the construction of houses. In this case, no wheat producers or custom harvesters would be affected because the field is not being used for agricultural purposes.

Effect on Areas Proposed for Regulation

This proposed rule would increase the size of the regulated area in Arizona by about 23,100 acres, which includes approximately 600 fields. We estimate that about 15 wheat producers and 6 custom combine harvesters would be affected by this aspect of the proposal. However, the effect on each is not likely to be significant. As previously stated, the required grain testing is performed free of charge for producers in regulated areas. Also, little or no commercial wheat seed is, or is expected to be, grown in the affected fields. Finally, mechanized harvesting equipment does not have to be cleaned and disinfected prior to movement from a regulated area unless it has been used to harvest crops that test positive for Karnal bunt.

Overall, if this proposed rule is adopted, the regulated agricultural acreage in Arizona would increase by about 22,810 acres to approximately 281,000 acres. In New Mexico, regulated agricultural acreage would decrease by approximately 530 acres to about 3,300 acres.

The Regulatory Flexibility Act requires that agencies consider the economic effects of their rules on small businesses, organizations, and governmental jurisdictions. In this case, entities that would be most affected by the proposed rule are wheat producers and custom combine harvesters. The size of these entities is unknown. It is reasonable to assume, however, that most are small in size according to the U.S. Small Business Administration's (SBA) criteria. This assumption is based on composite data for providers of the same and similar services. For example, in 1997, of the 6,135 wheat and other farms in Arizona, 89 percent had annual sales of less than $0.5 million, the SBA's threshold for a small wheat farm. Similarly, in 1997, there were 366 U.S. firms involved in mechanical harvesting and related activities, including combining of crops. Of these firms, 93 percent had less than $5.0 million in annual sales, which is the SBA's threshold for a small entity for businesses of that type.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 7 CFR part 3015, subpart V.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings

will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no new information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 7 CFR Part 301

Agricultural commodities, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Transportation.

Accordingly, we propose to amend 7 CFR part 301 as follows:

PART 301—DOMESTIC QUARANTINE NOTICES

1. The authority citation for part 301 would continue to read as follows:

Authority: Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772; 7 U.S.C. 166; 7 CFR 2.22, 2.80, and 371.3.

Section 301.75–15 also issued under Sec. 204, Title II, Pub. L. 106–113, 113 Stat. 1501A–293, and Sec. 203, Title II, Pub. L. 106–224, 114 Stat. 400.

2. In § 301.89–3, paragraph (f) would be revised to read as follows:

§ 301.89–3 Regulated areas.

* * * * *

(f) The following areas or fields are designated as regulated areas (maps of the regulated areas may be obtained by contacting the Animal and Plant Health Inspection Service, Plant Protection and Quarantine, 4700 River Road, Unit 134, Riverdale, MD 20737–1236):

Arizona

La Paz County. (1) Beginning at the southeast corner of sec. 33, T. 5 N., R. 21 W.; then west to the Colorado River; then north along the Colorado River to the west edge of sec. 26, T. 6 N., R. 22 W.; then north to the northwest corner of sec. 26, T. 6 N., R. 22 W.; then east to the northeast corner of sec. 27, T. 6 N., R. 21 W.; then south to the southeast corner of sec. 10, T. 5 N., R. 21 W.; then west to the southwest corner of sec. 10, T. 5 N, R. 21 W.; then south to the point of beginning.

(2) Beginning at the southeast corner of sec. 6, T. 7 N., R. 20 W.; then west to the southeast corner of sec. 35, T. 7 N., R. 21 W.; then south to the southeast corner of sec. 2, T. 6 N., R. 21 W; then west to the southeast corner of sec. 3, T. 6 N., R. 21 W.; then south to the southeast corner of sec. 15, T. 6 N., R. 21 W.; then west to the southwest corner of sec. 13, T. 6 N., R. 22 W., then north to the northwest corner of sec. 25, T. 7 N., R. 22 W.; then east to the southwest corner of sec. 19, T. 7 N., R. 21 W.; then north to the Colorado River; then northeast along the Colorado River to the north edge of sec. 32, T. 8 N., R. 21 W.; then east to the northeast corner of sec. 31, T. 8 N., R. 20 W.; then south to the point of beginning.

Maricopa County. (1) Beginning at the southeast corner of sec. 12, T. 6 S., R. 6 W.; then west to the southwest corner of sec. 7, T. 6 S., R. 6 W.; then north to the northwest corner of sec. 7, T. 6 S., R. 6 W.; then west to the southwest corner of sec. 2, T. 6 S., R. 7 W.; then north to the northwest corner of sec. 14, T. 5 S., R. 7 W.; then east to the northeast corner of sec. 18, T. 5 S., R. 6 W.; then south to the southeast corner of sec. 19, T. 5 S., R. 6 W.; then east to the northeast corner of sec. 25, T. 5 S., R. 6 W.; then south to the point of beginning.

(2) Beginning at the southeast corner of sec. 34, T. 1 N., R. 2 W.; then west to the northeast corner of sec. 5, T. 1 S., R. 2 W.; then south to the southeast corner of sec. 8, T. 1 S., R. 2 W.; then west to the southeast corner of sec. 11, T. 1 S., R. 4 W.; then south to the southeast corner of sec. 14, T. 1 S, R. 4 W.; then west to the southwest corner of sec. 14, T. 1 S., R. 5 W.; then north to the northwest corner of sec. 14, T. 1 N., R. 5 W.; then east to the northwest corner of sec. 17, T. 1 N., R. 2 W.; then north to the northwest corner of sec. 8, T. 1 N., R. 2 W.; then east to the northeast corner of sec. 10, T. 1 N., R. 2 W.; then south to the point of beginning.

(3) Beginning at the southeast corner of sec. 28, T. 1 S., R. 2 E.; then west to the southwest corner of sec. 30, T. 1 S., R. 2 E.; then north to the southwest corner of sec. 18, T. 1 S., R. 2 E.; then west to the southwest corner of sec. 14, T. 1 S., R. 1 E.; then north to the southwest corner of sec. 2, T. 1 S., R. 1 E.; then west to the southwest corner of sec. 4, T. 1 S., R. 1 E.; then north to the northwest corner of sec. 4, T. 1 S., R. 1 E.; then west to the southwest corner of sec. 36, T. 1 N., R. 2 W.; then north to the southwest corner of sec. 25, T. 2 N., R. 2 W.; then west to the southwest corner of sec. 27, T. 2 N., R. 2 W.; then north to the northwest corner of sec. 3, T. 3 N., R. 2 W.; then east to the northeast corner of sec. 1, T. 3 N., R. 1 W.; then south to the northwest corner of sec. 19, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 23, T. 3 N., R. 1 E.; then south to the southeast corner of sec. 35, T. 3 N., R. 1 E.; then east to the northeast corner of sec. 1, T. 2 N., R. 1 E.; then south to the northwest corner of sec. 18, T. 1 N., R. 2 E.; then east to the northeast corner of sec. 13, T. 1 N., R. 2 E.; then south to the southeast corner of sec. 12, T. 1 S., R. 2 E.; then west to the southeast corner of sec. 9, T. 1 S., R. 2 E.; then south to the point of beginning.

(4) Beginning at the southeast corner of sec. 34, T. 2 N., R. 5 E.; then west to the southwest corner of sec. 31, T. 2 N., R. 5 E.; then north to the northwest corner of sec. 7, T. 2 N., R. 5 E.; then east to the northeast corner of sec. 10, T. 2 N., R. 5 E.; then south to the point of beginning.

(5) Beginning at the intersection of the Maricopa/Pinal County line and the southwest corner of sec. 31, T. 2 S., R. 5 E.; then north to the northwest corner of sec. 31, T. 2 S., R. 5 E.; then west to the southwest corner of sec. 25, T. 2 S., R. 4 E.; then north to the southwest corner of sec. 13, T. 2 S., R. 4 E.; then west to the southwest corner of sec. 15, T. 2 S., R. 4 E; then north to the northwest corner of sec. 3, T. 2 S., R. 4 E.; then east to the southwest corner of sec. 35, T. 1 S., R. 4 E.; then north to the northwest corner of sec. 35, T. 1 S., R. 4 E.; then east to the northwest corner of sec. 34, T. 1 S., R. 5 E.; then north to the northwest corner of sec. 22, T. 1 S., R. 5 E.; then east to the northwest corner of sec. 20, T. 1 S., R. 6 E.; then north to the northwest corner of sec. 8, T. 1 S., R. 6 E.; then east to the northeast corner of sec. 7, T. 1 S., R. 7 E.; then south to the southeast corner of sec. 31, T. 1 S., R. 7 E.; then east to the northeast corner of sec. 5, T. 2 S., R. 7 E.; then south to the southeast corner of sec. 5, T. 2 S., R. 7 E.; then east to the Maricopa/Pinal County line; then south and west along the Maricopa/Pinal County line to the point of beginning.

(6) The following individual fields in Maricopa County are regulated areas:

301060505
301060506
301060601
301060602
301060603
301060604
301102505
301102506
303111502
303111503
304031904
304031906
304073004
304073005
304073010
304081410
304081413
304081415
304081417
304081505
304081506
304082202
304082302
304082303
304082607
304082703
306013222
306013231

306020404
306020501
306020601
306020623
316123301
316123302
316123303
316131901
316131904
316132302
316132604

Pinal County. (1) Beginning at the intersection of the Maricopa/Pinal County line and the northwest corner of sec. 7, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 8, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 8, T. 2 S., R. 8 E.; then east to the northeast corner of sec. 16, T. 2 S., R. 8 E., then south to the southeast corner of sec. 28, T. 2 S., R. 8 E.; then west to the southeast corner of sec. 29, T. 2 S., R. 8 E.; then south to the southeast corner of sec. 32, T. 2 S., R. 8 E.; then west to the Maricopa/Pinal County line; then north along the Maricopa/Pinal County line to the point of beginning.

(2) Beginning at the point of intersection of the Maricopa/Pinal County line and the northeast corner of sec. 5, T. 3 S., R. 6 E.; then south to the southeast corner of sec. 32, T. 3 S., R. 6 E.; then west to the southwest corner of sec. 34, T. 3 S., R. 5 E.; then north to the southwest corner of sec. 3, T. 3 S., R. 5 E.; then west to the southwest corner of sec. 6, T. 3 S., R. 5 E.; then north to the Maricopa/Pinal County line; then east along the Maricopa/Pinal County line to the point of beginning.

(3) Beginning at the southeast corner of sec. 5, T. 6 S., R. 4 E.; then west to the southwest corner of sec. 5, T. 6 S., R. 3 E.; then north to the southwest corner of sec. 28, T. 5 S., R. 3 E.; then west to the southwest corner of sec. 25, T. 5 S., R. 2 E.; then north to the southwest corner of sec. 24, T. 5 S., R. 2 E.; then west to the southwest corner of sec. 23, T. 5 S., R. 2 E.; then north to the northwest corner of sec. 35, T. 4 S., R. 2 E.; then east to the northwest corner of sec. 36, T. 4 S., R. 2 E.; then north to the northwest corner of sec. 25, T. 4 S., R. 2 E.; then east to the northwest corner of sec. 29, T. 4 S., R. 3 E.; then north to the northwest corner of sec. 20, T. 4 S., R. 3 E.; then east to the northeast corner of sec. 21, T. 4 S., R. 4 E.; then south to the northeast corner of sec. 4, T. 5 S., R. 4 E.; then east to the northeast corner of sec. 3, T. 5 S., R. 4 E., then south to the southeast corner of sec. 22, T. 5 S., R. 4 E.; then west to the southeast corner of sec. 21, T. 5 S., R. 4 E.; then south to the point of beginning.

(4) The following individual fields in Pinal County are regulated areas:

307012207
308102604
308102605
309021801
309021804
309021812
309031304
309033507
309042544
309042545
309042601
309042607
309042619
309042620
309042621
309050104
309050109
309050122
309050207
309050209

Yuma County. The following individual fields in Yuma County are regulated areas:

321011103
321033501
321033502
321033503
321033516
321033517
321033518
321033519
321040405
321040911
321040912
321040915
321040917
321040918
321040921
321040922
321041908
321041919
323030401
323030402
323030403
323030404
323030405
323030406
323030501
323030502
323030512
323030513
323030514
323030515
323030521

California

Imperial County. Beginning at the intersection of the Riverside/Imperial County line and the California/Arizona State line; then west to the northwest corner of sec. 1, T. 9 S., R. 21 E.; then south to the California/Arizona State line; then east and north along the State line to the point of beginning.

Riverside County. Beginning at the intersection of the Riverside/Imperial County line and the California/Arizona State line; then west to the southwest corner of sec. 31, T. 8 S., R. 22 E.; then north to the northwest corner of sec. 30, T. 7 S., R. 22 E.; then north and northeast along the Palo Verde Valley agriculture area to the California/Arizona State line; then south along the State line to the point of beginning.

New Mexico

Dona Ana County. The following individual fields in Dona Ana County are regulated areas:

113040501
113040502
113040506
113040507
113040508
113040602
113040702
113040902
113042601
113042707
113042708
113043401
113043407
113050201
113050202
113050301
113060702
113060703
113060801
113060809
113060901
113060902
113070702
113072701
113072702
113072703
113072704
113072705
113072706
113173103
113210401
113210402
113210403
113210406
113210407
113210808
113212103
113212802
113212806
113241601
113242708

Hildalgo County. The following individual fields in Hidalgo County are regulated areas:

123272403
123353001

Luna County. The following individual fields in Luna County are regulated areas:

129011301
129012201
129013003
129013006
129060901
129060902
129062001
129062802
129232801
129232805
129232806
129300506
129301104
129301701
129301801
129302702
129303302

129440601
129440602
129440701
129440708
129441701

Sierra County. The following individual fields in Sierra County are regulated areas:

151013401
151441201
151441202
151441306
151442201
151442601
151442602
151442603
151442604
151442605
151442606
151442607
151442608
151442609
151442610
151442611
151442612
151442613
151442614
151442701
151443501
151443502
151443503
151443601
151443602
151443603
151443604
151453001
151453101
151453102
151453103
151453104
151453106

Texas

El Paso County. The following individual fields in El Paso County are regulated areas:

441141301
441142301
441142302
441142303
441142304
441142305
441142306
441142307
441142401
441142402
441142403
441142404
441241301
441241302
441252801
441252803
441252804
441252901
441253201
441253302
441253401

Hudspeth County. The following individual fields in Hudspeth County are regulated areas:

429050701
429050702
429070101
429070102

McCulloch County. Beginning at the McCulloch/San Saba County line and the line of latitude 31.232299 N.; then west along the line of latitude 31.232299 N. to the line of longitude −99.13473 W.; then north along the line of longitude −99.13473 W. to the line of latitude 31.31004 N.; then east along the line of latitude 31.31004 N. to the line of longitude −99.11427 W.; then north along the line of longitude −99.11427 W. to the line of latitude 31.283487 N.; then east along the line of latitude 31.283487 N. to the McCulloch/San Saba County line; then south to the point of beginning.

San Saba County. (1) Beginning at the San Saba/Mills County line and the line of longitude −98.5851 W.; then south along the line of longitude −98.5851 W. to the line of latitude 31.167959 N.; then west along the line of latitude 31.167959 N. to the line of longitude −98.903233 W.; then north along the line of longitude −98.903233 W. to the line of latitude 31.310819 N.; then east along the line of latitude 31.310819 N. to the San Saba/Mills County line; then south along the San Saba/Mills County line to the point of beginning.

(2) Beginning at the San Saba/McCulloch County line and the line of latitude 31.283487 N.; then east along the line of latitude 31.283487 N. to the line of longitude −99.063487 W.; then south along the line of longitude −99.063487 W. to the line of latitude 31.232299 N.; then west along the line of latitude 31.232299 N. to the San Saba/McCulloch County line; then north along the San Saba/McCulloch County line to the point of beginning.

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9794 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

7 CFR Part 319

[Docket No. 00–042–1]

Importation of Artificially Dwarfed Plants

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations for importing plants and plant products by requiring artificially dwarfed plants that are imported into the United States to have been grown under certain conditions in nurseries registered with the government of the country where the plants were grown. We are proposing this action to protect against the introduction of longhorned beetles and other dangerous plant pests into the United States.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 00–042–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 00–042–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Inder P. Gadh, Import Specialist, Phytosanitary Issues Management Team, PPQ, APHIS, 4700 River Road Unit 140, Riverdale, MD 20737–1236; (301) 734–6799.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 7 CFR part 319 prohibit or restrict the importation of certain plants and plant products into the United States to prevent the introduction of plant pests. The regulations contained in ''Subpart—Nursery Stock, Plants, Roots, Bulbs, Seeds, and Other Plant Products,'' §§ 319.37 through 319.37–14 (referred to below as the regulations), restrict, among other things, the importation of living plants, plant parts, and seeds for propagation.

Under § 319.37–2(b)(2) of the regulations, the importation from all foreign places except Canada of any naturally dwarf or miniature form of

tree or shrub exceeding 305 millimeters (approximately 12 inches) in length from the soil line is prohibited, unless the plants are imported by the U.S. Department of Agriculture for experimental or scientific purposes in accordance with § 319.37–2(c). Because the regulations do not explicitly prohibit the importation of naturally dwarf plants under 305 millimeters in length or artificially dwarfed plants, and because the regulations do not contain restrictions particular to their importation, such plants may be imported into the United States if they are accompanied by a phytosanitary certificate of inspection. Such plants are also subject to inspection and, if necessary, treatment for plant pests, at the port of first arrival in the United States.

The volume of artificially dwarfed and other dwarf plants imported into the United States has increased dramatically in recent years, from fewer than 600 plants in 1993 to 54,749 plants in 1998. Because of the increasing numbers of harmful pests found in artificially dwarfed plants imported into the United States, we believe that many of these plants may be field-collected plants that are produced quickly in their country of origin for mass export. These plants include species that, historically, have not been imported as artificially dwarfed plants and that may not be given the same meticulous care and safeguards as traditional artificially dwarfed plants such as bonsai and penjing.

In April 1999, adults and larvae of citrus longhorned beetle (CLB), *Anoplophora chinensis* (Forester), were found on several occasions in a greenhouse housing artificially dwarfed plants imported from the People's Republic of China. The beetles were observed emerging from infested artificially dwarfed plants and moving throughout the greenhouse. Two months later, another beetle, the white spotted longhorned beetle (WSLB), *Anoplophora malasiaca* (Thomson), was discovered in a nursery and was traced to an artificially dwarfed plant imported from the Republic of Korea. Both CLB and WSLB are considered dangerous orchard pests in their native countries and can infest and kill a wide variety of hardwood trees, including apple, pear, and citrus.

In June 1999, APHIS inspectors intercepted an unidentified longhorned beetle in Miami, FL, during an intensive inspection of artificially dwarfed wisteria plants from the People's Republic of China. Another longhorned beetle, *Chlorophorus diademus* (Motschulsky), was intercepted in August 1999 in an artificially dwarfed plant seized by APHIS inspectors in San Francisco, CA. The plant, identified as *Styrax* spp., was imported from the People's Republic of China, where the beetle is considered a harmful pest of cherry trees.

In this document, we are proposing to add new requirements for importing artificially dwarfed plants into the United States to guard against the introduction of plant pests, including those mentioned above, into the United States. We are not proposing to restrict the importation of naturally dwarf plants under 305 millimeters in length in this document because we do not believe those plants present a significant pest risk. Further, naturally dwarf plants under 305 millimeters in length are subject to inspection upon arrival and, if pests are detected, treatment.

If this proposed rule is adopted, any growing media would be required to be removed from the artificially dwarfed plants prior to shipment to the United States, unless the plants are to be imported in accordance with the regulations in § 319.37–8. Under current regulations, all imported nursery stock is subject to this requirement except plants that are imported under the regulations in § 319.37–8. The proposed requirement would help to further ensure that soil-borne pests do not accompany the plants to the United States.

Under this proposed rule, plants would also need to meet the following requirements in order to be eligible for importation into the United States:

(1) The artificially dwarfed plants must be grown for at least 2 years in a nursery that is registered with the government of the country where the plants were grown.

This proposed requirement, which mirrors requirements maintained by the European Union, would help to ensure that artificially dwarfed plants have been grown in nurseries that have adequate phytosanitary measures in place to guard against the infestation of plants by longhorned beetles and other dangerous plant pests. We believe that nurseries provide a higher degree of pest protection for such plants than do open fields and other areas because nurseries are routinely cleaned and kept free of debris, and the plants contained in nurseries are regularly observed for signs of pest infestation. This requirement would prevent the importation of plants that are harvested from open fields and that present a higher risk of pest infestation.

(2) The artificially dwarfed plants must be grown in pots containing only sterile growing media during the 2-year period when they were grown in the registered nursery.

This proposed requirement would help to ensure against infestation of artificially dwarfed plants by harmful soil-borne plant pests such as nematodes. Plants that are potted and grown in sterile growing media have been shown to present less of a risk of pest infestation because the use of sterile growing media helps to preclude the possibility that growing media could be a source of pest infestation.

(3) The artificially dwarfed plants must be grown on benches at least 50 cm above the ground.

Research conducted by the United Kingdom has shown that plants that are grown in pots placed on benches at least 50 cm above the ground are less likely to be attacked by plant pests than plants grown on the ground because they are less accessible to pests. The European Union, based on this research, also maintains this same requirement for imported artificially dwarfed plants.

(4) The plants and the nursery where they were grown must be inspected for any evidence of pests and found free of pests of quarantine significance to the United States at least once every 12 months by the plant protection service of the country where the plants were grown.

This proposed requirement would provide added assurance that nurseries growing artificially dwarfed plants have adequate phytosanitary measures in place to protect against the infestation of plants by longhorned beetles and other plant pests.

In order to verify that these conditions are met in the country where the plants were grown, all artificially dwarfed plants imported into the United States would be required to be accompanied by a phytosanitary certificate of inspection issued by the government of the country where the plants were grown. The phytosanitary certificate would have to contain declarations that each of the above four conditions have been met.

We believe that the above conditions would provide adequate protection against imported artificially dwarfed plants introducing pests into the United States.

In conjunction with the above changes, we are also proposing to amend § 319.37–2 to make it clear that artificially dwarfed plants must be imported in accordance with the proposed regulations in § 319.37–5(q).

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule

has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would require imported artificially dwarfed plants to be free of growing media and accompanied by a phytosanitary certificate of inspection issued by the government of the country where the plants were grown, verifying that the following conditions have been met:

- The plants were grown for 2 years prior to shipment to the United States in nurseries registered with the government of the country where the plants were grown;
- The plants were grown in pots containing sterile growing media and grown on benches at least 50 cm above the ground; and
- The plants and the nurseries were inspected at least once every 12 months by the plant protection service of the country of export and found free of pests of quarantine significance to the United States.

The proposal is intended to prevent the introduction of longhorned beetles and other dangerous plant pests into the United States. Recent studies have shown that the production losses that could result from a widespread Asian longhorned beetle infestation in the United States could total in excess of $27.4 billion.

The art of miniature (or artificially dwarfed) plant gardening is a recent phenomenon in the United States. Because it is a highly time consuming and very labor intensive activity, it is practiced by a relatively small number of U.S. nurserymen and households. The size of these artificially dwarfed plants range from 4 inches to 60 inches in height, with prices ranging from $10 to more than $10,000. The median price of an artificially dwarfed plant is close to $100, and its value increases with age, regardless of size.

According to a market expert, 80 percent of the value of this market corresponds to the plants that have been imported from Asia. Such imports come predominantly from Japan, the People's Republic of China, and Korea. The remaining 20 percent corresponds to plants that have been domestically produced. With respect to volume, 20 percent of the artificially dwarfed plants available in the U.S. market are imported from Asia, and the rest are domestically produced. Domestically produced artificially dwarfed plants are the smallest, simplest, and most inexpensive ones. Plants produced in and imported from Asian countries are the largest, most elaborate, and most expensive.

In 1997, the U.S. National Arboretum in Washington, DC, surveyed U.S. nurseries that sell artificially dwarfed plants, as well as other businesses related to the growing of artificially dwarfed plants. A summary of this survey's findings was published in the American Nurseryman Magazine in April 1999. According to that survey, in 1997, there were at least 366 artificially dwarfed plant-related businesses in the United States. Based on that survey, artificially dwarfed plant businesses can be divided into two categories: Full-service nurseries and specialty companies focusing on one product.

Full-service nurseries may carry a wide range of artificially dwarfed plants in varying sizes, including some that they have developed themselves and others they have purchased or have imported from Asia. Many of these businesses also sell pots for these plants, as well as related tools and books. On the other hand, specialty companies may produce one product, such as plants, pots, or tools, or may be limited to teaching or publishing.

The survey identified 97 full service artificially dwarfed plant nurseries (see table below). These entities range from relatively small family-owned and family-operated enterprises to a few large companies.

Type of company	No. of companies
Full service artificially dwarfed plant nurseries	97
Specialty artificially dwarfed plant related companies:	
Plants (including seeds)	82
Tools, supplies, stands	81
Containers and pots	46
Magazines, books, and newsletters	32
Consultants and teachers	28
Total	366

The 1997 survey found that artificially dwarfed plant-related businesses are fairly well-distributed throughout the United States. However, the largest concentrations are in the Southeast (107) and the Southwest (102), including California. The Northeast has 84 artificially dwarfed plant related businesses. The Midwest has 37 related businesses, and the Northwest has 26.

Effect on Small Entities

According to Small Business Administration (SBA) guidelines, a small business involved in the sale or importation of artificially dwarfed plants or related products is one having either less than $500,000 of annual receipts from sales or less than 100 employees.

According to two industry experts on artificially dwarfed plants, there are between 20 to 50 importers of these plants in the United States, with the number varying each year. However, on average, this number is closer to 20. All of them can be considered small entities according to the SBA definition. We do not expect that this proposed rule, if adopted, would significantly affect the price of imported artificially dwarfed plants or that the proposed rule would have a significant effect on importers of artificially dwarfed plants.

Most of the businesses engaged in the production and distribution of artificially dwarfed plants and related materials are family owned and operated. Approximately 99 percent of these firms are considered small according to SBA criteria. There is no reason to believe that these entities would be significantly affected by implementation of this rule because the price of imported artificially dwarfed plants is not expected to change significantly.

The proposed requirement that imported artificially dwarfed plants be grown in registered nurseries—and not collected from open fields—could be expected to affect the number of artificially dwarfed plants imported during the short term. Plants imported from Asia are predominantly higher valued and nursery-grown, and comprise only 20 percent of U.S. sales by quantity, but 80 percent of sales by value. This proposed rule, if adopted, would likely not have a significant effect on the number of higher valued plants imported from Asia. However, since artificially dwarfed plants that are not grown in accordance with the conditions in this rule would be prohibited importation into the United States, it is possible that some U.S. producers could benefit from decreased competition. Nevertheless, the effect of this proposed rule on those nurseries is expected to be insignificant, given the small number of affected imports.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no

retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB). Please send written comments to the Office of Information and Regulatory Affairs, OMB, Attention: Desk Officer for APHIS, Washington, DC 20503. Please state that your comments refer to Docket No. 00–042–1. Please send a copy of your comments to: (1) Docket No. 00–042–1, Regulatory Analysis and Development, PPD, APHIS, suite 3C03, 4700 River Road Unit 118, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, room 404-W, 14th Street and Independence Avenue SW., Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

This proposed rule would require all artificially dwarfed plants imported into the United States to be accompanied by a phytosanitary certificate issued by the government of the country of origin. This certificate must contain declarations that certain conditions were met in the country of origin to protect against the infestation of the plants by plant pests.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; e.g., permitting electronic submission of responses).

Estimate of burden: Public reporting burden for this collection of information is estimated to average .25 hours per response.

Respondents: Plant health officials of exporting countries.

Estimated number of respondents: 20.

Estimated number of responses per respondent: 5.

Estimated annual number of responses: 100.

Estimated total annual burden on respondents: 25 hours.

Copies of this information collection can be obtained from Mrs. Celeste Sickles, APHIS' Information Collection Coordinator, at (301) 734–7477.

List of Subjects in 7 CFR Part 319

Bees, Coffee, Cotton, Fruits, Honey, Imports, Nursery Stock, Plant diseases and pests, Quarantine, Reporting and recordkeeping requirements, Rice, Vegetables.

Accordingly, we propose to amend 7 CFR part 319 as follows:

PART 319—FOREIGN QUARANTINE NOTICES

1. The authority citation for part 319 would be revised to read as follows:

Authority: Title IV, Pub. L. 106–224, 114 Stat. 438, 7 U.S.C. 7701–7772; 7 U.S.C. 166 and 450; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

2. Section 319.37–2 would be amended as follows:

§ 319.37—2 [Amended]

a. In paragraph (b)(1), by removing the words ''trees or shrubs'' and adding in their place the words ''plants meeting the conditions in § 319.37–5(q)''.

b. In paragraph (b)(6)(i), by removing the words ''such as bonsai'' and adding in their place the words ''meeting the conditions in § 319.37–5(q)''.

c. In paragraph (b)(7), by removing the words ''tree or shrub'' the second time it appears and adding in their place the words ''plant meeting the conditions in § 319.37–5(q)''.

2. In § 319.37–5, a new paragraph (q) would be added to read as follows:

§ 319.37–5 Special foreign inspection and certification requirements.

* * * * *

(q) Any artificially dwarfed plant imported into the United States must have been grown and handled in accordance with the requirements of this paragraph and must be accompanied by a phytosanitary certificate of inspection that was issued by the government of the country where the plants were grown.

(1) Any growing media, including soil, must be removed from the artificially dwarfed plants prior to shipment to the United States unless the plants are to be imported in accordance with § 319.37–8.

(2) The phytosanitary certificate accompanying artificially dwarfed plants must contain declarations that the following requirements have been met in the country where the plants were grown:

(i) The artificially dwarfed plants were grown for at least 2 years in a nursery registered with the government of the country where the plants were grown;

(ii) The artificially dwarfed plants were grown in pots containing only sterile growing media during the 2-year period when they were grown in a registered nursery;

(iii) The artificially dwarfed plants were grown on benches at least 50 cm above the ground; and

(iv) The plants and the nursery where they were grown were inspected for any evidence of pests and found free of pests of quarantine significance to the United States at least once every 12 months by the plant protection service of the country where the plants were grown.

* * * * *

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9792 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 93

[Docket No. 99–071–1]

Cattle from Australia and New Zealand; Testing Exemption

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing to amend the regulations regarding the importation of cattle to exempt cattle imported from Australia from testing for brucellosis and tuberculosis prior to their export to the United States. We are also proposing to amend those regulations to exempt cattle imported from New Zealand from testing for brucellosis prior to their export to the United States. We have determined that cattle imported from Australia and New Zealand present a negligible risk of

introducing brucellosis into the United States and that cattle imported from Australia present a negligible risk of introducing tuberculosis into the United States. This action would relieve certain testing requirements for cattle imported from Australia and New Zealand while continuing to protect against the introduction of communicable diseases of cattle into the United States.

DATES: We invite you to comment on this docket. We will consider all comments that we receive by June 19, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 99–071–1, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 99–071–1.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at http://www.aphis.usda.gov/ppd/rad/webrepor.html.

FOR FURTHER INFORMATION CONTACT: Dr. Glen I. Garris, Supervisory Staff Officer, Regionalization Evaluation Services Staff, National Center for Import and Export, VS, APHIS, 4700 River Road Unit 38, Riverdale, MD 20737–1231; (301) 734–4356.

SUPPLEMENTARY INFORMATION:

Background

The regulations in 9 CFR part 93 (referred to below as the regulations) govern the importation into the United States of specified animals and animal products to prevent the introduction into the United States of various animal diseases, including brucellosis and tuberculosis. Brucellosis is a contagious disease affecting animals and humans, caused by bacteria of the genus *Brucella*. In its principal animal hosts, brucellosis may cause abortion and impaired fertility. Bovine tuberculosis is a contagious, infectious, and communicable disease caused by *Mycobacterium bovis.* It affects cattle, bison, deer, elk, goats, and other species, including humans. Bovine tuberculosis in infected animals and humans manifests itself in lesions of the lung, bone, and other body parts, causes weight loss and general debilitation, and can be fatal.

Paragraph (a) of § 93.406 outlines procedures for the importation of cattle from other parts of the world into the United States. This paragraph details tuberculosis and brucellosis testing and certification requirements for all cattle offered for importation from any part of the world, except those intended for immediate slaughter.

Australia

The government of Australia has requested that the U.S. Department of Agriculture (USDA) exempt cattle imported from Australia from testing for brucellosis and tuberculosis. Australia has been free of tuberculosis since 1997 and free of brucellosis since 1990.

In response to the Government of Australia's request, the USDA's Animal and Plant Health Inspection Service (APHIS) has prepared a qualitative risk assessment evaluating the status of brucellosis and tuberculosis in Australia. The risk assessment is based on documentation provided by Australia regarding its veterinary infrastructure, animal health monitoring system, trading practices with other regions, and other pertinent information. The risk assessment documents Australia's freedom from both tuberculosis and brucellosis, describes the capabilities of Australia's veterinary diagnostic laboratory, and evaluates Australia's natural barriers and regulatory restrictions that serve to protect against the introduction and dissemination of disease. Copies of the risk assessment may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** and through the Internet at *http://www.aphis.usda.gov/vs/reg-request.html.*

Based on the findings of our risk assessment, we believe that cattle imported from Australia would pose a negligible risk of introducing tuberculosis and/or brucellosis into the United States. Therefore, we are proposing to amend § 93.406 of the regulations to exempt cattle imported from Australia from testing for tuberculosis and brucellosis. However, cattle imported from Australia would still have to be quarantined under the provisions of § 93.411 and undergo any tests and procedures that may be required by the Administrator to determine their freedom from communicable diseases.

New Zealand

The government of New Zealand has requested that the USDA exempt cattle imported from New Zealand from testing for brucellosis. New Zealand has been free of brucellosis since 1989.

In response to the Government of New Zealand's request, APHIS has prepared a qualitative risk assessment evaluating the status of brucellosis in New Zealand. The risk assessment is based on documentation provided by New Zealand regarding its veterinary infrastructure, animal health monitoring system, trading practices with other regions, and other pertinent information. The risk assessment documents New Zealand's freedom from brucellosis, describes the capabilities of New Zealand's veterinary diagnostic laboratory, and evaluates New Zealand's natural barriers and regulatory restrictions that serve to protect against the introduction and dissemination of disease. Copies of the risk assessment may be obtained from the person listed under **FOR FURTHER INFORMATION CONTACT** and through the Internet at *http://www.aphis.usda.gov/vs/reg-request.html.*

Based on the findings of our risk assessment, we believe that cattle imported from New Zealand would pose a negligible risk of introducing brucellosis into the United States. Therefore, we are proposing to amend § 93.406 of the regulations to exempt cattle imported from New Zealand from testing for brucellosis. However, cattle imported from New Zealand would still have to be quarantined under the provisions of § 93.411 and undergo any tests and procedures that may be required by the Administrator to determine their freedom from communicable diseases.

Executive Order 12866 and Regulatory Flexibility Act

This proposed rule has been reviewed under Executive Order 12866. The rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

This proposed rule would exempt cattle imported into the United States from Australia from the requirement for testing for tuberculosis and brucellosis. This proposed rule would also exempt cattle imported into the United States from New Zealand from the requirement for testing for brucellosis. This action would relieve certain testing requirements for cattle imported from Australia and New Zealand while continuing to protect against the

introduction of communicable diseases of cattle into the United States.

Australia

Australia has a large cattle industry, but has minimal cattle exports to the United States. We do not expect that removing the current tuberculosis and brucellosis testing requirements would significantly affect the number of cattle imports from Australia.

The number of cattle imported into the United States from Australia has increased slightly over recent years, although in 1998, imports from Australia only represented about $101,400 of the approximately $1.148 billion value of all U.S. cattle imports. While cattle imports from Australia may continue to increase, it is unlikely that the rates of increase would be significantly affected by the removal of the current tuberculosis and brucellosis testing requirements. The costs of testing, which include veterinary fees and handling expenses, are $15.00 to $25.00 per tuberculosis test and $7.50 to $15.00 per brucellosis test, and these testing costs represent less than 2 percent of the 1998 import price for cattle from Australia. It is realistic to assume that only a fraction of the cost savings associated with the removal of tuberculosis and brucellosis testing requirements would be passed to U.S. importers.

New Zealand

There is no history of cattle imports into the United States from New Zealand. Removing the brucellosis testing requirement is not expected to significantly affect cattle imports from New Zealand.

The average value of New Zealand's cattle exports during 1995 to 1997 was $731 to $801 per head. Brucellosis testing in the United States, which includes veterinary and handling fees, costs about $7.50 to $15.00, would represent only about 1 to 2 percent of the average value of cattle exported by New Zealand. If U.S. cattle imports from New Zealand were to commence, only a fraction of this cost saving would be passed along to the importer. Therefore, this proposed change is not expected, by itself, to generate such imports.

Effects on Small Entities

The Regulatory Flexibility Act requires that the Agency specifically consider the economic effects of its rules on small entities. More than 99 percent of the 766,991 U.S. farms that reported cattle or calf sales in the most recent ''Census of Agriculture'' could be classified as small entities, using the Small Business Administration's criterion of annual receipts of less than $500,000. Given that there is no history of cattle imports from New Zealand and only a very low level of cattle imports from Australia, and given the minimal cost decrease that would result from the proposed testing exemptions, no effect on domestic cattle producers, large or small, is expected.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service has determined that this action would not have a significant economic impact on a substantial number of small entities.

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are inconsistent with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

This proposed rule contains no information collection or recordkeeping requirements under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 9 CFR Part 93

Animal diseases, Imports, Livestock, Poultry and poultry products, Quarantine, Reporting and recordkeeping requirements.

Accordingly, we propose to amend 9 CFR part 93 as follows:

PART 93—IMPORTATION OF CERTAIN ANIMALS, BIRDS, AND POULTRY, AND CERTAIN ANIMAL, BIRD, AND POULTRY PRODUCTS; REQUIREMENTS FOR MEANS OF CONVEYANCE AND SHIPPING CONTAINERS

1. The authority citation for part 93 would continue to read as follows:

Authority: 7 U.S.C. 1622; 19 U.S.C. 1306; 21 U.S.C. 102–105, 111, 114a, 134a, 134b, 134c, 134d, 134f, 136, and 136a; 31 U.S.C. 9701; 7 CFR 2.22, 2.80, and 371.4.

2. Section 93.406 would be amended as follows:

a. In the introductory text of paragraph (a), in the first sentence, the words ''in paragraph (d) of this section and'' would be added immediately after the words ''Except as provided''.

b. A new paragraph (d) would be added to read as follows:

§ 93.406 Diagnostic tests.

* * * * *

(d) *Testing exemptions.* Cattle from Australia are exempt from the tuberculosis and brucellosis testing and certification requirements of paragraph (a) of this section. Cattle from New Zealand are exempt from the brucellosis testing requirements of paragraph (a)(1) of this section.

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9790 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Parts 317 and 381

[Docket No. 98–005E]

Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products

AGENCY: Food Safety and Inspection Service, USDA.

ACTION: Extension of comment period.

SUMMARY: The Food Safety and Inspection Service (FSIS) is extending the comment period for the proposed rulemaking, Nutrition Labeling of Ground or Chopped Meat and Poultry Products and Single-Ingredient Products. The comment period is scheduled to close on April 18, 2001. At the request of a group of trade associations, FSIS is granting a 90-day extension to the comment period to provide the associations additional time to conduct research, gather information from their memberships, and analyze the results and responses. The proposed rule was published on January 18, 2001 (66 FR 4970).

DATES: Comments must be received on or before July 17, 2001.

ADDRESSES: Send one original and two copies of written comments to FSIS Docket No. 98–005P, Department of Agriculture, Food Safety and Inspection Service, Room 102-Annex, 300 12th Street, SW., Washington, DC 20250–3700. The request for this extension will be posted as a related document associated with the **Federal Register** publication on the FSIS web page at *http://www.fsis.usda.gov/OPPDE/rdad/ProposedRules.htm.*

FOR FURTHER INFORMATION CONTACT: Dr. Robert Post, Director, Labeling and Consumer Protection Staff, Office of Policy, Program Development, and Evaluation, Food Safety and Inspection

Service, U.S. Department of Agriculture, Washington, DC 20250–3700; (202) 205–0279.

Additional Public Notification

Public awareness of all segments of rulemaking and policy development is important. Consequently, in an effort to better ensure that minorities, women, and persons with disabilities are aware of this notice, FSIS will announce it and provide copies of this **Federal Register** publication in the FSIS Constituent Update. FSIS provides a weekly FSIS Constituent Update, which is communicated via fax to over 300 organizations and individuals. In addition, the update is available on-line through the FSIS web page located at *http://www.fsis.usda.gov.* The update is used to provide information regarding FSIS policies, procedures, regulations, **Federal Register** notices, FSIS public meetings, recalls, and any other types of information that could affect or would be of interest to our constituents/stakeholders. The constituent fax list consists of industry, trade, and farm groups, consumer interest groups, allied health professionals, scientific professionals, and other individuals that have requested to be included. Through these various channels, FSIS is able to provide information to a much broader, more diverse audience. For more information and to be added to the constituent fax list, fax your request to the Congressional and Public Affairs Office, at (202) 720–5704.

Done in Washington, DC, on: April 16, 2001.

Thomas J. Billy,

Administrator.

[FR Doc. 01–9812 Filed 4–17–01; 10:42 am]

BILLING CODE 3410–DM–P

NUCLEAR REGULATORY COMMISSION

10 CFR Part 35

[Docket No. PRM–35–16]

American College of Nuclear Physicians and the Society of Nuclear Medicine; Denial of a Petition for Rulemaking

AGENCY: Nuclear Regulatory Commission.

ACTION: Denial of a petition for rulemaking.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is denying a petition for rulemaking submitted by the American College of Nuclear Physicians (ACNP) and the Society of Nuclear Medicine (SNM) (PRM–35–16). The petitioners request that the Commission: rescind its approval of the NRC staff's draft final revision of the regulations at 10 CFR part 35 ''Medical Use of Byproduct Material'', which was approved by the Commission in a Staff Requirements Memorandum dated October 23, 2000; revoke all of part 35, except for specifically identified requirements; and institute a new rulemaking proceeding to adopt a regulatory scheme for the use of byproduct material in diagnostic nuclear medicine that reflects the discipline's safety record. The NRC is denying the petition because: the Commission approved the final rule after an extensive rulemaking process that provided an unprecedented level of enhanced stakeholder and public participation; the Commission believes that the ACNP/SNM had many opportunities to present their concerns and suggestions as part of that process; and the petition does not appear to present any significant new information or recommendations that the Commission has not already considered.

ADDRESSES: Copies of the petition for rulemaking and the NRC's letters to the petitioners are available for public inspection or copying in the NRC Public Document Room, 11555 Rockville Pike, Room 01-F21, Rockville, Maryland.

FOR FURTHER INFORMATION CONTACT: Catherine Haney, Office of Nuclear Material Safety and Safeguards, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, telephone (301) 415–6825, e-mail: cxh@nrc.gov.

SUPPLEMENTARY INFORMATION:

The Petition

On January 11, 2001, the NRC docketed a January 3, 2001, letter from Donald A. Podoloff, MD, of the American College of Nuclear Physicians, and Jonathan M. Links, PhD, of the Society of Nuclear Medicine, to the Office of the Secretary, as a petition for rulemaking under 10 CFR 2.802 (PRM–35–16). The petitioners request that the Commission: rescind its approval of the NRC staff's proposed revision to 10 CFR part 35, ''Medical Use of Byproduct Material,'' which was approved by the Commission in a Staff Requirements Memorandum dated October 23, 2000; revoke all of 10 CFR part 35, except for specifically identified requirements; and institute a new rulemaking proceeding to adopt a regulatory scheme for the use of byproduct material in diagnostic nuclear medicine that reflects the discipline's ''unparalleled and undisputed safety record.''

The petitioners provide a history of the Commission's statutory authority and nuclear medicine regulation from their perspective. The petitioners state that the NRC regulates the medical use of reactor-generated radioactive materials to protect the public health under section 81 of the Atomic Energy Act (AEA) (42 U.S.C. 2111) and that its responsibilities include the regulation of radiopharmaceuticals and sealed sources. The NRC does not regulate machine-produced x-rays nor naturally occurring or accelerator-produced radioisotopes (such as those used in positron emission tomography). The petitioners also described the relationship between NRC and State regulatory authority and the impacts of NRC's program on State regulatory programs.

The petitioners characterize the use of radioactive material as a highly regulated activity. All uses and possession of radioactive material are prohibited, except those uses and possessions that are authorized by an individual license. The petitioners believe that as medical uses of radioactive materials expanded with the development of new technologies, the licensure process quickly became complex, often involving lengthy documents with little consistency from one license to another license. The petitioners state that in the late 1970's, the NRC placed all common license conditions into regulations. The petitioners believe that this regulatory action was the NRC's attempt to simplify the licensing process and to allow greater consistency in uses and possession of radioactive materials.

The petitioners believe that the NRC's regulations applicable to diagnostic nuclear medicine eclipse the regulatory controls imposed on other dramatically more dangerous medical products and procedures by a wide margin. The petitioners state that the goal of this petition is to end that unsupportable and extraordinarily expensive program. The petitioners also state that their proposed regulatory scheme would assure the continued extremely safe use of diagnostic nuclear medicine products and procedures while saving the nation millions of dollars a year.

The Requested Actions

The petitioners request that the NRC amend its regulations to match the regulatory scheme to the minimal risks presented. Specifically, they request that NRC regulate the use of byproduct material in diagnostic nuclear medicine solely by:

1. Protecting workers, the general public, and the environment through

the radiation protection standards of 10 CFR part 20;

2. Ensuring the protection for patients, workers, the public, and the environment by enforcing comprehensive education, and training and experience requirements for the use and possession of byproduct materials;

3. Relying on health care professionals with the required education, training, and experience in nuclear medicine, nuclear pharmacy, and basic nuclear and radiation science to protect the health and safety of their patients under the supervision of their respective State Medicine and Pharmacy Boards;

4. Revoking all of part 35, except for requirements concerning comprehensive education, training, and experience of authorized users, coupled with a new provision that would require evidence of mastery of basic nuclear and radiation sciences by passage of an examination given in this field by a board certified by the American Board of Medical Specialties or a single alternate examination equivalent in scope and depth to that covered in the certified boards and approved by the Advisory Committee on the Medical Uses of Isotopes (ACMUI);

5. Ceasing the subdivision of diagnostic nuclear medicine into smaller and smaller fragments. After completing comprehensive education, training, and experience in basic nuclear and radiation sciences, and passing an appropriate comprehensive examination in these areas, as defined in (4) above, an authorized user may subspecialize in any portion of diagnostic nuclear medicine he/she wishes without further Commission restriction;

6. Removing all license conditions except for simple identification. This includes the name, address, e-mail address, telephone, and fax numbers of the institution, the responsible administrator, and the Radiation Safety Officer (RSO). The license should simply state, ''This license permits the possession, use, transport, and disposal of any byproduct material, in any physical or chemical form, in any quantity, for diagnostic nuclear medicine use including clinical use, research, quality control, teaching, and related diagnostic nuclear medicine professional activities.'' In the case of presently limited licenses, such as in nuclear cardiology, ''diagnostic nuclear cardiology'' should replace ''diagnostic nuclear medicine.'' The license should also state that, ''This license does not cover diagnostic uses of radiopharmaceuticals containing more than 30 microcuries of I–131.''

7. Inspecting diagnostic medical licensees only in those rare situations of likely over exposures of workers, the general public, or the environment. The routine inspections now being conducted are an invitation to document meaningless paperwork ''deviations'' and which impose substantial unnecessary costs on licensees. As far as patients are concerned, cases of possible malpractice will be handled under existing State law by the Boards of Medicine and/or Pharmacy and the courts, without NRC involvement unless specifically requested by the Board or the court.

8. Decreasing the size of the staff assigned to the medical use program to adequately reflect the limited role the Commission plays in assuring diagnostic nuclear medicine safety. This staff adjustment has been long overdue. As the number of NRC medical licensees decreases because of the increase in Agreement States, the number of employees assigned to the medical program paradoxically increases. Because Congress requires that the NRC recover its costs from licensees, fewer and fewer licensees are supporting an increasingly bloated NRC program. A properly sized staff alone would dramatically reduce the escalating cost of holding an NRC license.

Supporting Information

The petitioners state that they are not asking for a ''deregulation'' of diagnostic nuclear medicine in the usual meaning of the word, which implies a decrease in safety standards; they are requesting that NRC remove prescriptive regulations and license conditions. The petitioners believe that qualified professional authorized users have significantly more training and real-life experience than regulators in providing the highest level of protection and safety for their patients and others.

The petitioners believe that the Commission has never adopted a regulatory scheme that matches its requirements to the acknowledged minimal risks posed by diagnostic nuclear medicine. The petitioners characterize the revisions to 10 CFR part 35 approved by the Commission on October 23, 2000, as offering little meaningful change from the existing regulations. The petitioners believe that, combined with NRC's increased use of ''license conditions'' to impose requirements that do not appear in its regulations, the new supposedly ''risk-informed'' regulations mark a step backward, not forward and that these new regulations bear no relationship to the risk sought to be protected against, and which will, by its substantial unnecessary costs, adversely impact health care.

The petitioners state that in the 64-year history of nuclear medicine in the United States, about one-third of a billion radiopharmaceutical doses have been administered. There was one case, in the 1950's, of a radiation death due to a diagnostic radiopharmaceutical. This event occurred before there was board certification in nuclear medicine, nuclear pharmacy, and nuclear medicine technology. The petitioner states that this mistake was due to human error and would not have been avoided with NRC's current regulations and license conditions.

The petitioners believe that the entire predicate of the NRC's regulation of diagnostic nuclear medicine appears to be that radiation from byproduct materials poses significant risks to patients, workers and the public and that this predicate is demonstrably untrue. The petitioners believe that diagnostic nuclear medicine is extremely safe, and its use by properly trained health care professionals poses no undue risks. The petitioners cite the conclusion of the Institute of Medicine of the National Academy of Science that the regulatory structure imposed on diagnostic nuclear medicine by the NRC is a costly and unnecessary burden that yields no benefit to patients, workers, or the public.

Although this petition deals solely with diagnostic nuclear medicine, the petitioners believe that essentially the same arguments can be made to reduce the burden on the practice of therapeutic nuclear medicine.

The petitioners state that the NRC should become involved in regulating patient safety only when justified by the risk and where voluntary standards are inadequate. The petitioners believe that the NRC has steadily increased its regulations of nuclear medicine despite minimal changes in the materials used, their applications in medicine, and the absence of any evidence of significant problems.

Petitioners' Cost Estimate

On October 21, 1998, the petitioners presented a preliminary cost estimate of the impact of the proposed revisions of part 35 to the NRC at a public meeting. The analysis, entitled ''Preliminary Estimate of the Cost of the Proposed part 35 for a Typical Hospital Nuclear Medicine Service; Spread Sheet Analysis,'' was prepared by Mark Rotman, a former Visiting Medical Fellow at the NRC. The petitioners state that the analysis did not include the cost of most of 10 CFR parts 19 and 20,

NUREG–1559 Volume 9 (the new guidance for medical use licensing, including nuclear medicine); typical license conditions; radioactive waste disposal; user fees; or any costs to any Agreement State nuclear medicine licensees. The petitioners state that the total cost of the NRC's regulatory scheme alone came to just over $100,000,000/year and assuming Agreement States will be forced by NRC to have similar programs, which is happening now, the cost, including Agreement State licenses, is $500,000,000. The petitioners believe that the total costs could easily reach $1 billion per year, even with uncertainties. The petitioners request that the NRC discard its own cost analysis, which was sent to OMB, and work with the petitioners to produce a realistic cost estimate. The petitioners assert that the Commission has refused to recognize the existence of the analysis produced by the ACNP/SNM and has refused to discuss it, comment on it, or address the issues on it in any manner. The petitioners believe that if this petition is granted, most of these costs would disappear. The petitioners believe that it is likely that nuclear pharmacy costs would also decrease and, therefore, radiopharmaceutical costs would decrease as well.

Conclusion

The petitioners believe that the requested changes would benefit the public in two ways. First, substantial requirements for physicians' education, training, and experience, and appropriate evidence of mastery by testing would improve the knowledge and abilities of physicians offering diagnostic nuclear medicine. Second, costs to the health care system would decrease without any decrease in safety.

Reason for Denial

NRC is denying the petition because:

(1) The Commission approved the final rule addressing the issues raised in the petition after an extensive rulemaking process that provided an unprecedented level of enhanced stakeholder and public participation;

(2) The Commission believes that the ACNP/SNM had many opportunities to present their concerns and suggestions as part of that process and did so; and

(3) The petition does not appear to present any significant new information or recommendations that the Commission has not already considered.

In general, the proposed rule amendments, comments, and supporting information presented by the petitioners were previously submitted by the ACNP/SNM in the following documents that provided comments on the rulemaking to revise part 35:

- Document entitled ''A Framework for the Regulation of Nuclear Medicine'' ACNP/SNM Government Relations Office, dated December 18, 1997 (docketed by the NRC on January 13, 1998, as comment number 239). This document presents information on the important and challenging issues that face the NRC as it reviews and revises 10 CFR part 35.
- Letter dated November 10, 1998, to James Smith, NRC, jointly signed by David C. Nichols, ACNP/SNM; Roy Brown, Council on Radionuclides and Radiopharmaceuticals; Felix Killar, Nuclear Energy Institute; and Rich White, Council on Radionuclides and Radiopharmaceuticals (docketed by the NRC as comment number 498 on December 4, 1998). The signatories raise the matter of regulating diagnostic nuclear medicine through part 35, combined with training and experience requirements.
- Letter dated December 16, 1998, from Robert L. Meckelnburg, M.D., President, ACNP and James W. Fletcher, M.D. President, SNM, to the Secretary, U.S. Nuclear Regulatory Commission (docketed by the NRC on December 16, 1998, as comment number 505). This letter discusses limiting the requirements for diagnostic nuclear medicine to the provisions of part 20, combined with specific training and experience requirements.
- Letter dated September 3, 1999, to Greta Joy Dicus, then Chairman, NRC, from Robert F. Carretta, M.D., President, SNM, and James M. Woolfenden, M.D., President, ACNP (docketed by the NRC on November 8, 1999, as comment number 604). This letter discusses limiting the requirements for diagnostic nuclear medicine to the provisions of part 20, combined with specific training and experience requirements.

The NRC has already responded to comments similar to those presented by the petitioners in their January 11, 2001, petition for rulemaking. Responses to these comments are provided in SECY–00–0118, ''Final Rules—10 CFR part 35, 'Medical Use of Byproduct Material' and 10 CFR part 20, 'Standards for Protection Against Radiation','' dated May 31, 2000. In this document, the NRC staff presented the Commission with a draft final rule that would revise the regulations governing the medical use of byproduct material as well as related supporting and guidance documents. This document contains an exhaustive analysis of the comments received on the proposed revision to part 35 that was noticed for public comment on August 13, 1998 (63 FR 43516); the NRC's response to these comments; and the changes made to the proposed rule in response to these comments. The Commission subsequently approved the draft final rule in a Staff Requirements Memorandum, dated October 23, 2000.

The following addresses Requested Actions 1–5, as listed under the heading ''The Requested Actions'' as well as cost figures, discussed under the heading, ''Petitioner's Cost Estimate'' of this notice. Requested Actions 6 through 8, as listed under the heading ''The Requested Actions,'' raise issues not amenable to rulemaking such as removal of conditions from NRC diagnostic nuclear medicine licenses, inspection, and NRC personnel levels. As such, these issues are not further addressed here. However, the NRC staff has responded to comments on related issues such as licensing and inspection of diagnostic nuclear medicine in SECY–00–0118, Attachment 6, **SUPPLEMENTARY INFORMATION**, III. Summary of Public Comments and Responses to Comments, Part II—General Issues, B. *Licensing* (Issue 1) and C. *Inspection* (Issues 2 and 3).

The NRC staff has already responded to Requested Action 1 regarding the approach of regulating diagnostic nuclear medicine solely under part 20 by explaining the need for certain specific provisions in part 35 in SECY–00–0118, Attachment 6, **SUPPLEMENTARY INFORMATION**, III. Summary of Public Comments and Responses to Comments, Part II—General Issues, A. *Risk, Issue 4,* as follows:

> The final rule includes requirements that are needed to protect occupationally exposed individuals, patients, and the public. Certain radiation protection-related requirements unique to medical use are needed in part 35 because of their contribution to risk reduction. For example, the final rule retains requirements to calibrate instrumentation used to measure the radioactivity of patient dosages before they are administered (§ 35.60). For this reason and because the NRC believes that these requirements are essential to the safe handling of byproduct material * * *

The NRC staff has already responded to Requested Actions 2–4 regarding training and experience requirements for the medical use and possession of byproduct material. See SECY–00–0118, Attachment 6, **SUPPLEMENTARY INFORMATION**, III. Summary of Public Comments and Responses to Comments, Part II—General Issues, E. *Training and Experience, Issue 7,* as follows:

> The NRC believes that the training and experience requirements in the final rule for authorized medical physicists (AMP), authorized nuclear pharmacists (ANP),

authorized users (AU), and Radiation Safety Officers (RSO) are sufficient to assure that the radiation safety of the public, patients, human research subjects, and workers is maintained. Therefore, we deleted the requirement for an examination from all the training and experience sections. Instead of an examination, we will rely on the preceptor's certification that an individual has completed the required training and experience and has achieved a level of competency sufficient to function independently as an AMP, ANP, AU, or RSO.

Further, under the revised 10 CFR part 35, NRC will continue to rely on health care professionals who are required to meet certain NRC training and experience criteria to protect the health and safety of the public and patients.

The NRC staff has already responded to Requested Action 5 regarding the structure of regulations for the medical use of byproduct material in nuclear medicine (i.e., there are different requirements for training of AU's under §§ 35.100, 35.200 and 35.300) in SECY–00–0118, Attachment 6, **SUPPLEMENTARY INFORMATION**, III. Summary of Public Comments and Responses to Comments, Part II—General Issues, E. *Training and experience,* 2. Training and experience—unsealed byproduct material, *Issue 5,* as follows:

The NRC recognizes that there is a certain degree of basic radiation safety knowledge that is common among all the types of use, e.g., use of the decay formula and decontamination techniques. However, we also believe that there are some basic differences between the uses of byproduct material under §§ 35.100, 35.200, and 35.300 that warrant additional training and experience, e.g., increased potential for exposures in excess of part 20 limits and the potential for adverse biological effects. For example, AUs [authorized users] handling byproduct material for imaging and localization studies, as compared to uptake, dilution, and excretion studies, are generally handling larger quantities and many different radionuclides. Also, AUs meeting the training and experience requirements in § 35.190 are not authorized to prepare radioactive drugs using generators and reagent kits, but AUs under § 35.290 are authorized to prepare drugs using generators and reagent kits. Finally, AUs under § 35.390 are handling material in quantities that can cause deterministic effects.

The NRC staff has already addressed the cost figures (i.e., over $100,000,000/year to $1 billion/year) presented by the petitioners in SECY–00–0118, Attachment 6, **SUPPLEMENTARY INFORMATION**, III. Summary of Public Comments and Responses to Comments, Part II—General Issues, G. *Costs of the revision, Issue 5,* as follows:

In evaluating the costs of regulatory compliance and implementation, the NRC has used detailed information whenever it is available. We have sought data from a number of sources, including medical speciality groups, manufacturers, members of the ACMUI, the National Institutes of Health, and various published sources. However, certain necessary data are treated as proprietary. Other data are not collected or are available only in a disaggregated form. Many of the compliance costs will vary substantially from licensee to licensee, depending on the number and type of modalities and procedures that they use and perform. Other compliance costs will be dependent on numerous interrelated variables. We believe that an effort to collect the necessary data and/or develop necessary models to provide substitutes for missing or unavailable data would require very considerable time and expense. We are concerned that at the conclusion of such an effort, because of many remaining gaps and uncertainties in the underlying data, an estimate of the total cost of the regulations would still fall within such broad confidence bounds that it would be fundamentally flawed.

In addition, the NRC has prepared a regulatory analysis for the final rule which shows a net *decrease* in the cost to licensees of implementing the final rule as compared to the current rule. NRC has also submitted an estimate of the cost associated with the recordkeeping and reporting to OMB for its approval. This document, currently under review by OMB, shows a decrease of approximately 30 percent in costs associated with the recordkeeping and reporting requirements as compared to the current part 35.

For the reasons cited in this document, the NRC denies the petition in its entirety.

Dated at Rockville, Maryland, this 16th day of April, 2001.

For the Nuclear Regulatory Commission.

Annette Vietti-Cook,

Secretary of the Commission.

[FR Doc. 01–9824 Filed 4–19–01; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

Office of Federal Housing Enterprise Oversight

12 CFR Part 1710

RIN 2550–AA20

Corporate Governance

AGENCY: Office of Federal Housing Enterprise Oversight, HUD.

ACTION: Proposed rule; withdrawal.

SUMMARY: The Office of Federal Housing Enterprise Oversight (OFHEO) is withdrawing its notice of proposed rulemaking on Corporate Governance that was published in the **Federal Register** on April 10, 2001. The proposal is withdrawn at this time due to the possible confusion it could create as to the standards applicable to anticipated appointees to the Boards of Directors of the Enterprises.

DATES: The proposed rule published on April 10, 2001 (66 FR 18709) is withdrawn as of April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Alfred M. Pollard, General Counsel, telephone (202) 414–3788 (not a toll-free number); Office of Federal Housing Enterprise Oversight, Fourth Floor, 1700 G Street, NW., Washington, DC 20552. The telephone number for the Telecommunications Device for the Deaf is (800) 877–8339.

SUPPLEMENTARY INFORMATION: On April 10, 2001, the Office of Federal Housing Enterprise Oversight proposed a regulation to set forth minimum requirements with respect to corporate governance policies and procedures of the Federal National Mortgage Association and Federal Home Loan Mortgage Corporation (collectively the Enterprises). The proposed rule would, among other things, delineate the legal role and responsibilities of the members of the board of directors of the respective Enterprises. In light of the anticipated appointment by the President of the United States of new members to the boards of each Enterprise, the proposed rule is withdrawn at this time as likely to result in untimely confusion for the appointees as to the standards applicable to their positions. OFHEO anticipates reissuing the proposal. OFHEO requests that preparation and filing of any comments on the withdrawn proposal be withheld pending such reissuance.

Withdrawal of Notice of Proposed Rulemaking

Accordingly, for reasons stated in the preamble, the notice of proposed rulemaking that was published in the **Federal Register** on April 10, 2001 (66 FR 18709) is withdrawn.

Dated: April 16, 2001.

Armando Falcon, Jr.,

Director, Office of Federal Housing Enterprise Oversight.

[FR Doc. 01–9788 Filed 4–19–01; 8:45 am]

BILLING CODE 4220–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–395–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 737–100, –200, –300, –400, and –500 Series Airplanes, and Model 747, 757, 767, and 777 Series Airplanes

AGENCY: Federal Aviation Administration, DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This document proposes the adoption of a new airworthiness directive (AD) that is applicable to certain Model 737–100, –200, –300, –400, and –500 series airplanes, and Model 747, 757, 767, and 777 series airplanes. This proposal would require replacing the rudder pedal pushrod fasteners for both the captain's and first officer's pedal assemblies with new, improved fasteners. This action is necessary to prevent loss of rudder control due to improperly torqued fasteners that connect the pushrod to the rudder pedal assembly, which could result in loss of controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by June 4, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–395–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056. Comments may be inspected at this location between 9:00 a.m. and 3:00 p.m., Monday through Friday, except Federal holidays. Comments may be submitted via fax to (425) 227–1232. Comments may also be sent via the Internet using the following address: 9-anm-nprmcomment@faa.gov. Comments sent via fax or the Internet must contain ''Docket No. 2000–NM–395–AD'' in the subject line and need not be submitted in triplicate. Comments sent via the Internet as attached electronic files must be formatted in Microsoft Word 97 for Windows or ASCII text.

The service information referenced in the proposed rule may be obtained from Boeing Commercial Airplane Group, P.O. Box 3707, Seattle, Washington 98124–2207. This information may be examined at the FAA, Transport Airplane Directorate, 1601 Lind Avenue, SW., Renton, Washington.

FOR FURTHER INFORMATION CONTACT: Barbara Mudrovich, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2983; fax (425) 227–1181.

SUPPLEMENTARY INFORMATION:

Comments Invited

Interested persons are invited to participate in the making of the proposed rule by submitting such written data, views, or arguments as they may desire. Communications shall identify the Rules Docket number and be submitted in triplicate to the address specified above. All communications received on or before the closing date for comments, specified above, will be considered before taking action on the proposed rule. The proposals contained in this action may be changed in light of the comments received.

Submit comments using the following format:

- Organize comments issue-by-issue. For example, discuss a request to change the compliance time and a request to change the service bulletin reference as two separate issues.
- For each issue, state what specific change to the proposed AD is being requested.
- Include justification (e.g., reasons or data) for each request.

Comments are specifically invited on the overall regulatory, economic, environmental, and energy aspects of the proposed rule. All comments submitted will be available, both before and after the closing date for comments, in the Rules Docket for examination by interested persons. A report summarizing each FAA-public contact concerned with the substance of this proposal will be filed in the Rules Docket.

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this action must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket Number 2000–NM–395–AD.'' The postcard will be date stamped and returned to the commenter.

Availability of NPRMs

Any person may obtain a copy of this NPRM by submitting a request to the FAA, Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–395–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report from one operator of a Boeing Model 737–400 series airplane that, during rollout after landing, the captain's right rudder pedal moved to the full travel position when it was pushed and did not return to the normal position when it was released. The first officer used the pedal to control the rudder and nose wheel steering. Investigation revealed that the pushrod was not connected to the right rudder pedal assembly. The nut and washer were found in the lower forward compartment. The airplane in this incident had accumulated 17,600 total flight hours and 7,900 total flight cycles. Another operator reported that a pilot felt a loose rudder pedal. Investigation revealed that the fastener connecting the pushrod to the rudder pedal assembly was loose. The airplane in this incident had accumulated 3,012 total flight hours and 2,658 total flight cycles.

In addition, maintenance inspections of 130 in-service Model 737 series airplanes found four other loose fasteners. The manufacturer reports that a loose nut may allow the bolt to migrate out of its hole and block the movement of the adjacent rudder pedal. The bolt could also fall out of its hole and disconnect the rudder pedal from the pushrod.

The rudder pedal installation that controls the rudder and nose wheel steering on certain Model 737–100, –200, –300, and –500 series airplanes, and certain Model 747, 757, 767, and 777 series airplanes, is similar in design to that on the affected Model 737–400 series airplanes. Therefore, those Model 737–100, –200, –300, and –500 series airplanes, and Model 747, 757, 767, and 777 series airplanes, may be subject to the same unsafe condition revealed on the affected Model 737–400 series airplanes.

This condition, if not corrected, could cause loss of rudder control due to improperly torqued fasteners that connect the pushrod to the rudder pedal assembly, which could result in loss of controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved the Boeing service bulletins listed in the following table:

Service bulletin	Revision level	Date	Model
737–27A1214	1	July 1, 1999	737–100, –200, –300, –400, and –500.
747–27A2373	Original	June 24, 1999	747.
757–27A0129	Original	March 25, 1999	757.
767–27A0159	Original	June 10, 1999	767.
777–27A0030	Original	April 1, 1999	777.

The service bulletins listed in the table above describe procedures for replacing the rudder pedal pushrod fasteners for both the captain's and first officer's pedal assemblies with new, improved fasteners. Replacement action specifies using self-locking, castellated nuts and cotter pins through the bolts for nut retention. Accomplishment of the actions specified in the service bulletins is intended to adequately address the identified unsafe condition.

Explanation of Requirements of Proposed Rule

Since an unsafe condition has been identified that is likely to exist or develop on other products of this same type design, the proposed AD would require accomplishment of the actions specified in the service bulletins described previously.

Cost Impact

There are approximately 6,097 Model 737–100, –200, –300, –400, and –500 series airplanes, and Model 747, 757, 767, and 777 series airplanes of the affected design in the worldwide fleet. The FAA estimates that 2,338 series airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 1 work hour per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost approximately $75 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $315,630, or $135 per airplane.

The cost impact figure discussed above is based on assumptions that no operator has yet accomplished any of the proposed requirements of this AD action, and that no operator would accomplish those actions in the future if this proposed AD were not adopted. The cost impact figures discussed in AD rulemaking actions represent only the time necessary to perform the specific actions actually required by the AD. These figures typically do not include incidental costs, such as the time required to gain access and close up, planning time, or time necessitated by other administrative actions.

Regulatory Impact

The regulations proposed herein would not have a substantial direct effect on the States, on the relationship between the national Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, it is determined that this proposal would not have federalism implications under Executive Order 13132.

For the reasons discussed above, I certify that this proposed regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under the DOT Regulatory Policies and Procedures (44 FR 11034, February 26, 1979); and (3) if promulgated, will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act. A copy of the draft regulatory evaluation prepared for this action is contained in the Rules Docket. A copy of it may be obtained by contacting the Rules Docket at the location provided under the caption **ADDRESSES**.

List of Subjects in 14 CFR Part 39

Air transportation, Aircraft, Aviation safety, Safety.

The Proposed Amendment

Accordingly, pursuant to the authority delegated to me by the Administrator, the Federal Aviation Administration proposes to amend part 39 of the Federal Aviation Regulations (14 CFR part 39) as follows:

PART 39—AIRWORTHINESS DIRECTIVES

1. The authority citation for part 39 continues to read as follows:

Authority: 49 U.S.C. 106(g), 40113, 44701.

§ 39.13 [Amended]

2. Section 39.13 is amended by adding the following new airworthiness directive:

Boeing: Docket 2000–NM–395–AD.

Applicability: Model 737–100, –200, –300, –400, and –500 series airplanes, and Model 747, 757, 767, and 777 series airplanes, as listed in the following applicable Boeing service bulletin specified in the following table; certificated in any category:

TABLE 1.—APPLICABLE SERVICE BULLETINS

Model	Service bulletin	Revision level	Date
737–100, –200, –300, –400, and –500	737–27A1214	1	July 1, 1999.
747	747–27A2373	Original	June 24, 1999.
757	757–27A0129	Original	March 25, 1999.
767	767–27A0159	Original	June 10, 1999.
777	777–27A0030	Original	April 1, 1999.

Note 1: This AD applies to each airplane identified in the preceding applicability provision, regardless of whether it has been modified, altered, or repaired in the area subject to the requirements of this AD. For airplanes that have been modified, altered, or repaired so that the performance of the requirements of this AD is affected, the owner/operator must request approval for an alternative method of compliance in accordance with paragraph (b) of this AD. The request should include an assessment of the effect of the modification, alteration, or repair on the unsafe condition addressed by this AD; and, if the unsafe condition has not been eliminated, the request should include specific proposed actions to address it.

Compliance: Required as indicated, unless accomplished previously.

To prevent loss of rudder control due to improperly torqued fasteners that connect the pushrod to the rudder pedal assembly, which could result in loss of controllability of the airplane, accomplish the following:

Replacement

(a) Within 18 months after the effective date of this AD: Replace the rudder pedal pushrod fasteners for both the captain's and first officer's pedal assemblies with new, improved fasteners that use self-locking, castellated nuts and cotter pins through the bolts for nut retention, per the applicable Boeing service bulletin listed in the following table:

TABLE 2.—APPLICABLE SERVICE BULLETINS

Model	Service bulletin	Revision level	Date
737–100, –200, –300, –400, and –500	737–27A1214	1	July 1, 1999.
747	747–27A2373	Original	June 24, 1999.
757	757–27A0129	Original	March 25, 1999.
767	767–27A0159	Original	June 10, 1999.
777	777–27A0030	Original	April 1, 1999.

Note 2: Replacement actions that include replacing the rudder pedal pushrod fasteners for both the captain's and first officer's pedal assemblies with new, improved fasteners, which use self-locking, castellated nuts and cotter pins through the bolts for nut retention, accomplished before the effective date of this amendment, per Boeing Alert Service Bulletin 737–27A1214, dated April 8, 1999, is considered acceptable for compliance with the applicable action specified in this amendment.

Alternative Methods of Compliance

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

Note 3: Information concerning the existence of approved alternative methods of compliance with this AD, if any, may be obtained from the Seattle ACO.

Special Flight Permit

(c) Special flight permits may be issued in accordance with sections 21.197 and 21.199 of the Federal Aviation Regulations (14 CFR 21.197 and 21.199) to operate the airplane to a location where the requirements of this AD can be accomplished.

Issued in Renton, Washington, on April 13, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–9765 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 3

RIN 2900–AK25

Written and Oral Information or Statements Affecting Entitlement to Benefits

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

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

DATES: Comments must be received on or before June 19, 2001.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to *OGCRegulation@mail.va.gov.* Comments should indicate that they are submitted in response to ''RIN 2900–AK25.'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8 a.m. and 4:30 p.m., Monday through Friday (except holidays).

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

SUPPLEMENTARY INFORMATION: For compensation, pension and dependency and indemnity compensation (DIC) benefits administered by VA, individual factors such as income, marital status, the beneficiary's number of dependents, may affect the amount of the benefit that he or she receives or they may affect his or her right to receive the benefit. Beneficiaries must report changes in these factors to VA in a timely manner; certain current VA regulations require that they report such changes in writing. However, there are other means by which beneficiaries could report such changes, including telephone, facsimile, or e-mail, that would allow beneficiaries to advise VA of the changes more quickly and thereby enable VA to adjust benefit payments more quickly. Furthermore, the office of the VA Inspector General has recommended that we eliminate the requirement that such reports be in writing in order to reduce the amounts of the overpayments created when beneficiaries report changes that require VA to reduce or terminate their benefits. For these reasons, we propose to amend VA's adjudication regulations at 38 CFR 3.204(a)(1), 3.256(a) and 3.277(b) to delete the requirement that beneficiaries report such changes in writing.

If VA is to adopt these changes, clearly we must also develop safeguards, both for beneficiaries and for VA, to ensure that VA adjusts benefit payments based only on information provided by the beneficiary (or his or her fiduciary) and that the information provided is documented for VA records. We propose to address these issues by adding a new regulation at 38 CFR 3.217. We propose to specify in paragraph (a) of that new section, that unless specifically provided otherwise elsewhere in the regulations, the submission of information that affects entitlement via e-mail, facsimile, or other written electronic means will satisfy a requirement that such information be submitted in writing. This paragraph will also include a note to clarify that the new section applies only to how such information is submitted; it does not relieve the claimant of any other evidence

requirements, such as a requirement to use a specific form, to provide specific information or evidence, or to provide a certified statement or a signature. Although VA cannot currently accept electronic signatures, we are exploring technology that may allow us to do so in the future.

We propose to authorize VA to take action affecting entitlement to benefits based on oral or written information provided by a beneficiary or his or her fiduciary in paragraph (b) of new section 3.217. When an individual submits information in writing or by facsimile or e-mail, clearly there is, or in the case of e-mail VA may clearly create, a written document detailing the information provided and the date VA received it. However, because there is no such automatic recording of information that is provided orally, we propose that VA may not take action based on oral information or statements unless the VA employee receiving the information takes specific actions during the conversation in which the information or statement is provided. We propose to require the VA employee to take the following actions:

(1) Identify himself or herself as a VA employee who is authorized to receive the information or statement;

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

(3) Inform the provider that VA will use the information or statement to calculate benefit amounts.

We also propose to require the VA employee receiving the information to document all of the information or the statement received, as well as the steps taken to verify the identity of the provider, in the beneficiary's VA records. Just as importantly, we propose to require the VA employee to document in the beneficiary's VA records that he or she informed the provider that VA would use the information or statement to calculate benefit amounts.

VA regulations at 38 CFR 3.103(b) generally prohibit VA from reducing or terminating an award of compensation, pension or DIC without first notifying the beneficiary of the adverse action and allowing him or her 60 days in which to submit evidence showing that VA should not take the adverse action. There are specific exceptions to that rule in which VA may issue a notice of the adverse action at the same time it takes the action rather than wait 60 days before taking the action. One of those exceptions is when an adverse action is based solely on *written,* factual, unambiguous information regarding income, net worth, dependency or marital status provided to VA by the beneficiary or his or her fiduciary with knowledge or notice that VA will use the information to calculate benefits. We propose to revise § 3.103(b) to allow VA to issue notice at the same time it takes adverse action, in lieu of the otherwise required 60-day advance notice, based on written or *oral* information as described above if the VA employee receiving the information met all of the requirements set out in proposed § 3.217. The proposed rule also states that VA will restore retroactively benefits that were reduced or terminated based on oral information or statements if within 30 days of the date of the notification of adverse action the beneficiary or his or her fiduciary asserts that the adverse action was based upon information or statements that were inaccurate or upon information that was not provided by the beneficiary or his or her fiduciary. This will not preclude VA from taking subsequent action that adversely affects benefits.

Many beneficiaries report these changes to VA by telephone because it is more convenient or in hopes of keeping VA from issuing payments to which they know they are not entitled. They are frustrated when VA advises them that it will issue at least two additional benefit payments unless the beneficiary reports the same information in writing. Adopting the proposed change to § 3.103(b) in conjunction with the proposed changes to §§ 3.204, 3.256 and 3.277 and the addition of § 3.217, will address the concerns of both beneficiaries, by allowing VA to take action on reported changes in a more timely and customer friendly fashion, and the Office of the Inspector General by reducing the amounts of overpayments created because of adverse actions. We believe the proposed provisions contain sufficient added safeguards to ensure that the information and statements used for decision making are accurate and that we accept oral information or statements only under conditions that meet due process requirements.

We also propose to make nonsubstantive changes for purposes of clarity.

Paperwork Reduction Act

Proposals regarding 38 CFR 3.256, and 3.277 would contain changes to collections of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520). Accordingly, under section 3507(d) of the Act, VA has submitted a copy of this rulemaking action to OMB for its review of the collections of information.

OMB assigns a control number for each collection of information it approves. VA may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

Comments on the proposed collections of information should be submitted to the Office of Management and Budget, Attention: Desk Officer for the Department of Veterans Affairs, Office of Information and Regulatory Affairs, Washington, DC 20503, with copies mailed or hand-delivered to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW, Room 1154, Washington, DC 20420. Comments should indicate that they are submitted in response to ''RIN 2900–AK25.''

Title: Eligibility Verification Reporting.

Summary of collection of information: Under the provisions of proposed §§ 3.256 and 3.277 the modes for submitting evidence of changes in factors affecting entitlement to pension or dependency and indemnity compensation benefits would be expanded to include oral or electronic submissions. The current OMB information collection approval applies only to written, not oral or electronic, submissions of factual and unambiguous information that the beneficiary or his or her fiduciary is required to provide to VA to meet the reporting requirements of §§ 3.256 and 3.277. A slight reduction in the current burden estimate is anticipated with likely respondents' use of these more customer-friendly modes of submitting evidence.

Description of the need for information and proposed use of information: This information would be needed for VA to determine whether adjustments in the rate of payment are necessary.

Description of likely respondents: Veterans and their dependents who receive compensation, pension or dependency and indemnity compensation benefits.

Estimated number of respondents: 372,209.

Estimated frequency of responses: 1.

Estimated total annual reporting and recordkeeping burden: 31,017 hours.

Estimated annual burden per collection: 5 minutes.

The Department considers comments by the public on proposed collections of information in—

• Evaluating whether the proposed collections of information are necessary for the proper performance of the functions of the Department, including whether the information will have practical utility;

• Evaluating the accuracy of the Department's estimate of the burden of the proposed collections of information, including the validity of the methodology and assumptions used;

• Enhancing the quality, usefulness, and clarity of the information to be collected; and

• Minimizing the burden of the collections of information on those who are to respond, including responses through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses.

OMB is required to make a decision concerning the collections of information contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. This does not affect the deadline for the public to comment on the proposed rule.

Executive Order 12866

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

Regulatory Flexibility Act

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

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

List of Subjects in 38 CFR Part 3

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

Approved: February 15, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

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

PART 3—ADJUDICATION

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

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

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

2. Section 3.103 is amended by:

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

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

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

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

E. Adding paragraph (b)(4).

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

The addition and revisions read as follows:

§ 3.103 Procedural due process and appellate rights.

* * * * *

(b) * * *

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

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

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

* * * * *

(4) *Restoration of benefits.* VA will restore retroactively benefits that were reduced, terminated, or otherwise adversely affected based on oral information or statements if within 30 days of the date on which VA issues the notification of adverse action the beneficiary or his or her fiduciary asserts that the adverse action was based upon information or statements that were inaccurate or upon information that was not provided by the beneficiary or his or her fiduciary. This will not preclude VA from taking subsequent action that adversely affects benefits.

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

3. In § 3.204(a)(1), the word ''written'' is removed.

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

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

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

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

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

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

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

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

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

(2) During or following the conversation in which the information

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

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

5. Section § 3.256(a) introductory text is amended by removing ''in writing''.

6. Section § 3.277(b) introductory text is amended by removing ''in writing''.

[FR Doc. 01–9643 Filed 4–19–01; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 81

[Region 7 Tracking No. 0124–1124(a); FRL–6968–4]

Approval and Promulgation of Implementation Plans and Redesignation of Areas for Air Quality Planning Purposes; State of Nebraska

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: EPA proposes to approve the State Implementation Plan (SIP) revision and request for redesignation submitted by the state of Nebraska for the purpose of redesignating the lead nonattainment area in eastern Douglas County, Nebraska, to attainment of the national ambient air quality standards (NAAQS). In the final rules section of the **Federal Register**, EPA is approving the state's SIP revision and promulgating an attainment designation as a direct final rule without prior proposal because the Agency views this as a noncontroversial action and anticipates no relevant adverse comments to this action. A detailed rationale for the action is set forth in the direct final rule. If no relevant adverse comments are received in response to this action, no further activity is contemplated in relation to this action. If EPA receives relevant adverse comments, the direct final rule will be withdrawn and all public comments received will be addressed in a subsequent final rule based on this proposed action. EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time.

DATES: Comments on this proposed action must be received in writing by May 21, 2001.

ADDRESSES: Comments may be mailed to Kim Johnson, Environmental Protection Agency, Air Planning and Development Branch, 901 North 5th Street, Kansas City, Kansas 66101.

FOR FURTHER INFORMATION CONTACT: Kim Johnson at (913) 551–7975.

SUPPLEMENTARY INFORMATION: See the information provided in the direct final rule which is located in the rules section of the **Federal Register**.

Dated: April 11, 2001.

William A. Spratlin,

Acting Regional Administrator,, Region 7.

[FR Doc. 01–9740 Filed 4–19–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–804; MM Docket No. 01–80, RM–10089; MM Docket No. 01–81; RM–10090]

Radio Broadcasting Services; Eagle Lake, TX; Montana City, MT

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document proposes two allotments. The Commission requests comments on a petition filed by Stargazer Broadcasting, Inc., proposing the allotment of Channel 237C3 at Eagle Lake, Texas, as the community's first local aural transmission service. Channel 237C3 can be allotted to Eagle Lake in compliance with the Commission's minimum distance separation requirement with a site restriction of 16.4 kilometers (10.2 miles) west to avoid short-spacings to the licensed sites of Station KVIC(FM), Channel 236C3, Victoria, Texas, and Station KIKK–FM, Channel 239C, Houston, Texas. The coordinates for Channel 237C3 at Eagle Lake are 29–35–15 North Latitude and 96–30–03 West Longitude. The Commission requests comments on a petition filed by Montana Magic Investments, Inc., proposing the allotment of Channel 293A at Montana City, Montana, as the community's first local aural transmission service. Channel 293A can be allotted to Montana City in compliance with the Commission's minimum distance separation requirements with a site restriction of 3.8 kilometers (2.4 miles) north to avoid a short-spacing to the licensed site of Station KWYS–FM, Channel 293C, Island Park, Idaho. The coordinates for Channel 293A at Montana City are 46–33–43 North Latitude and 111–57–39 West Longitude. Since Montana City is located within 320 kilometers (200 miles) of the U.S.-Canadian border, concurrence of the Canadian government has been requested.

DATES: Comments must be filed on or before May 21, 2001, and reply comments on or before June 5, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: David P. Garland, President, Stargazer Broadcasting, Inc., P.O. Box 519, Woodville, Texas 75979 (Petitioner); Roger Lonnquist, Montana Magic Investments, Inc., P.O. Box 4218, Helena, Montana 59604 (Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–80 and MM Docket No. 01–81, adopted March 21, 2001, and released March 30, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

The Provisions of the Regulatory Flexibility Act of 1980 do not apply to this proceeding. Members of the public should note that from the time a Notice of Proposed Rule Making is issued until the matter is no longer subject to Commission consideration or court review, all *ex parte* contacts are prohibited in Commission proceedings, such as this one, which involve channel allotments. See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Texas, is amended by adding Eagle Lake, Channel 237C3.

3. Section 73.202(b), the Table of FM Allotments under Montana, is amended by adding Montana City, Channel 293A.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–9836 Filed 4–19–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–866; MM Docket No. 01–86; RM–10079]

Radio Broadcasting Services; Lost Cabin and Arapahoe, WY

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: The Commission requests comments on a petition filed by Idaho Broadcasting Corsortium, Inc., proposing the reallotment of Channel 256C from Lost Cabin to Arapahoe, Wyoming, and the modification of Station KSXZ–FM's construction permit accordingly. Channel 256C can be reallotted to Arapahoe in compliance with the Commission's minimum distance separation requirements with a site restriction of 1.5 (0.9 miles) northeast at the petitioner's requested site. The coordinates for Channel 256C at Arapahoe are 42–5813 North Latitude and 108–28–30 West Longitude.

DATES: Comments must be filed on or before May 28, 2001, and reply comments on or before June 12, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner, his counsel, or consultant, as follows: Laura A. Otis, Rosenman & Colin, LLP, 805 15th Street, NW., 9th Floor, Washington, DC 20005–2212 (Counsel for Petitioner).

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–86, adopted March 28, 2001 and released April 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center (Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

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

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

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

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by removing Lost Cabin, Channel 256C and adding Arapahoe, Channel 256C.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–9835 Filed 4–19–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–867; MM Docket No. 01–87, RM–10092]

Television Broadcasting Services; International Falls and Chisholm, MN

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document requests comments on a petition for rule making filed on behalf of Channel 11 License, Inc., permittee of Channel 11, International Falls, Minnesota (File No. BPCT–960709KR), requesting the reallotment of NTSC Channel 11 from International Falls to Chisholm, Minnesota, as that community's first local television transmission service and modification of its authorization accordingly, pursuant to the provisions of Section 1.420(i) of the Commission's Rules. There is no paired DTV channel for Channel 11 at International Falls. Coordinates used for Channel 11 at Chisholm are 47–51–39 NL and 92–56–43 WL. As Chisholm, Minnesota, is located within 400 kilometers (250 miles) of the United States-Canada border, the Commission must obtain concurrence of the Canadian Government to this proposal.

DATES: Comments must be filed on or before May 28, 2001, and reply comments on or before June 12, 2001.

ADDRESSES: Federal Communications Commission, Washington, DC 20554. In addition to filing comments with the FCC, interested parties should serve the petitioner's counsel, as follows: Tom W. Davidson and Natalie G. Roisman, Esqs., Akin Gump Strauss Hauer & Feld, L.L.P., 1333 New Hampshire Ave., NW., Washington, DC 20036.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Notice of Proposed Rule Making, MM Docket No. 01–87, adopted March 28, 2001, and released April 6, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

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

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

See 47 CFR 1.1204(b) for rules governing permissible *ex parte* contacts.

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

List of Subjects in 47 CFR Part 73

Television broadcasting.

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

PART 73—TELEVISION BROADCAST SERVICES

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

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

§ 73.606 [Amended]

2. Section 73.606(b), the Table of TV Allotments under Minnesota, is amended by adding Chisholm, Channel 11, and removing International Falls, Channel 11.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–9834 Filed 4–19–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register
Vol. 66, No. 77
Friday, April 20, 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.

AGENCY FOR INTERNATIONAL DEVELOPMENT

Malaria Vaccine Development Program Federal Advisory Committee; Notice of Meeting

Pursuant to the Federal Advisory Committee Act, notice is hereby given of a meeting of the USAID Malaria Vaccine Development Program (MVDP) Federal Advisory Committee. The meeting will be held from 9 a.m. to 5 p.m. on 1 May 2001 and from 9 a.m. to 3 p.m. on 2 May 2001 at the Conference Room of the Environmental Health Project located in Suite 300, 1611 North Kent Street in Arlington, VA 22209–2111. The agenda will concentrate on the activities of the MVDP over the past six months and on future plans.

The meeting will be partially closed since proprietary information will be discussed throughout the meeting. However, an open public information session including a program briefing and opportunity for discussion will be held from 10–10:30 on 1 May.

Those wishing to attend or obtain additional information about the USAID MVDP should contact Carter Diggs, the designated Federal Officer for the USAID MVDP Federal Advisory Committee at the Office of Health and Nutrition, USAID MVDP Federal Advisory Committee at the Office of Health and Nutrition, USAID/G/PHN/HN/EH, Room 3.07–013, 3rd floor, RRB, Washington, DC 20523–3700, telephone (202) 712–5728, Fax (202) 216–3702, cdiggs@usaid.gov.

Carter Diggs,

USAID Designated Federal Officer, Senior Technical Advisor, Malaria Vaccine Development Program.

[FR Doc. 01–9771 Filed 4–19–01; 8:45 am]

BILLING CODE 6116–01–M

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[DA–00–10A]

Milk for Manufacturing Purposes and Its Production and Processing; Requirements Recommended for Adoption by State Regulatory Agencies

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Notice.

SUMMARY: This document proposes to amend the recommended manufacturing milk requirements (Recommended Requirements) by updating the existing drug residue monitoring program. The proposal would provide State regulatory agencies and the dairy industry with updated guidance in carrying out sampling, testing, and monitoring activities relating to drug residues in manufacturing grade milk. The proposal to update the drug residue monitoring program was initiated at the request of the Dairy Division of the National Association of State Departments of Agriculture (NASDA) and developed in cooperation with NASDA, the Food and Drug Administration (FDA), dairy trade associations, and producer groups. This document also proposes certain other changes to the Recommended Requirements for clarity and consistency.

DATES: Comments must be submitted on or before June 19, 2001.

ADDRESSES: Written comments may be submitted to Duane R. Spomer, Chief, Dairy Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2746 South Building, Stop 0230, P.O. Box 96456, Washington, DC 20090–6456; faxed to (202) 720–2643; or e-mailed to *Duane.Spomer@usda.gov.*

Comments should reference the date and page number of this issue of the **Federal Register**. All comments received will be made available for public inspection at the above address during regular business hours (8 a.m.–4:30 p.m) and will be available by accessing AMS' Home Page on the Internet at *http://www.ams.usda.gov/dairy/stand.htm.*

The current Recommended Requirements, along with the proposed changes, are available either from the above address or by accessing the information on the Internet. The Recommended Requirements are located at the following Internet address: *http://www.ams.usda.gov/dairy/manufmlk.pdf.* The proposed changes to the Recommended Requirements can be accessed at the following Internet address: *http://www.ams.usda.gov/dairy/dockets.htm.*

FOR FURTHER INFORMATION CONTACT: Duane R. Spomer, Chief, Dairy Standardization Branch, AMS/USDA/Dairy Programs, Room 2746 South Building, P.O. Box 96456, Washington, DC 20090–6456, telephone (202) 720–7473, e-mail *Duane.Spomer@usda.gov.*

SUPPLEMENTARY INFORMATION: Under the authority of the Agricultural Marketing Act of 1946, as amended (7 U.S.C. 1621–1627), the United States Department of Agriculture maintains a set of model regulations relating to quality and sanitation requirements for the production and processing of manufacturing grade milk. These Recommended Requirements are developed by AMS and recommended for adoption and enforcement by the various States that regulate manufacturing grade milk. The purpose of the model requirements is to promote uniformity in State dairy laws and regulations relating to manufacturing grade milk.

In consultation with representatives from NASDA, State regulatory agencies, FDA, and dairy industry trade associations, the Department prepared the Recommended Requirements to promote uniformity in State dairy laws and regulations for manufacturing grade milk. To accommodate changes that have occurred in the dairy industry, NASDA and various State officials have from time to time requested USDA to update the Recommended Requirements.

On May 6, 1993, the Agricultural Marketing Service (AMS) updated the existing Recommended Requirements and incorporated an expanded drug residue monitoring program based on drug residue provisions for Grade A milk produced under the cooperative National Conference on Interstate Milk Shipments (NCIMS) program (58 FR 26950). Within the NCIMS program, FDA, State regulatory agencies, consumers, and the dairy industry cooperatively develop and modify model regulations that are used to

regulate Grade A milk. Since 1993 several drug residue monitoring changes have occurred in the Grade A milk model program.

During its July 1999 annual meeting, the Dairy Division of NASDA passed a resolution requesting USDA to review the drug residue provisions of Recommended Requirements and update this document to provide greater consistency with the drug residue requirements currently in place for Grade A milk. AMS reviewed these provisions and developed a draft that identified the changes associated with this request. This draft was provided to State regulatory officials and dairy trade association representatives for informal discussion prior to publication in the **Federal Register**. AMS is now soliciting comments on the proposed amendment to the Recommended Requirements.

The requirements of Executive Order 13132, Federalism, were considered in developing this notice, and it has been determined that this action does not have federalism implications as defined under the executive order. This action does not have substantial effects on the States (the relationship between the national government and the States or on the distribution of power and responsibilities among the various levels of government). The adoption of the Recommended Requirements by State regulatory agencies is voluntary. States maintain the responsibility to establish dairy regulations and continue to have the option to establish regulations that are different from the Recommended Requirements. A State may choose to have requirements less restrictive or more stringent than the Recommended Requirements. Their decision to have different requirements would not affect the ability of milk producers to market milk or of processing plants to produce dairy products in their State.

AMS is proposing to change the term ''fieldman'' to ''fieldperson'' wherever it appears in the Recommended Requirements so that gender-neutral designations are used. The term fieldman is currently included in the Definitions section and is used in several instances in the Administrative Procedures section of the document.

In addition to the proposals to update the drug residue monitoring program and to provide gender-neutral language, this document proposes certain other changes for accuracy, clarity, and consistency.

Except for the gender changes identified earlier in this Notice, the following outline details the remaining proposed changes in the Recommended Requirements. For the reasons set forth, AMS is publishing this notice with a 60-day comment period to provide a sufficient time for interested persons to comment on the changes.

MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING

Current Requirement	Proposed	Discussion
B—Definitions B2. Terms defined (t) Official methods. Official Methods of Analysis of the Association of Official Agricultural Chemists, a publication of the Association of Official Analytical Chemists, Box 540, Benjamin Franklin Station, Washington, DC	B—Definitions B2. Terms defined (t) Official methods. ''Official Methods of Analysis of the Association of Official Analytical Chemists'' (AOAC), a publication of the Association of Official Analytical Chemists International, 481 North Frederick Avenue, Suite 500, Gaithersburg, MD 20877–2417	We propose to update the name and address of the Association of Official Analytical Chemists International.
B—Definitions B2. Terms defined (u) Standard methods. Standard Methods for the Examination of Dairy Products, a publication of the American Public Health Association, 1790 Broadway, New York, NY	B—Definitions B2. Terms defined (u) Standard methods. ''Standard Methods for the Examination of Dairy Products'', a publication of the American Public Health Association, 1015 Fifteenth Street, NW, Washington, DC 20005	We propose to update the address of the American Public Health Association.
B—Definitions B2. Terms defined (v) 3–A Sanitary Standards. The latest standards for dairy equipment formulated by the 3–A Sanitary Standards Committees representing the International Association of Milk, Food and Environmental Sanitarians, the U.S. Public Health Service, and the Dairy Industry Committee. Published by the International Association of Milk, Food and Environmental Sanitarians, Box 437, Shelbyville, IN 46176	B—Definitions B2. Terms defined (v) 3–A Sanitary Standards. The latest standards for dairy equipment and accepted practices formulated by the 3–A Sanitary Standards Committees representing the International Association of Food Protection, the Federal Food and Drug Administration, and the Dairy Industry Committee. These standards are published by the International Association for Food Protection, 6200 Aurora Avenue, Suite 200W, Des Moines, IA 50322–2863	We propose adding ''and accepted practices'' to the definition and include both standards and accepted practices formulated by the 3–A Sanitary Standards Committees. Also, we propose to update the name and address of the International Association for Food Protection and specifically identify the Federal Food and Drug Administration as a participant in the development of equipment standards and accepted practices established by the 3–A Sanitary Standards Committees.
B—Definitions B2. Terms defined (y) Sanitizing treatment. Application of any effective method or sanitizing agent to clean surface for the destruction of pathogens and other organisms as far as is practicable. The sanitizing agents used shall comply with the Federal Food, Drug, and Cosmetic Act	B—Definitions B2. Terms defined (y) Sanitizing treatment. Subjection of a clean surface to steam, hot water, hot air, or an acceptable sanitizing solution for the destruction of most human pathogens and other vegetative microorganisms to a level considered safe for product production. Such treatment shall not adversely affect the equipment, the milk, the milk product or the health of consumers. Sanitizing solutions shall comply with 21 CFR 178.1010	We propose to modify the definition of sanitizing treatment to more clearly and accurately define this term and to provide greater consistency with the definition for this term in other related documents.

MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING—Continued

Current Requirement	Proposed	Discussion
C—Quality Requirements for Milk for Manufacturing Purposes C3. Sediment Content Classification (a) Method of testing. Methods for determining the sediment content of the milk of individual producers shall be those described in the latest edition of Standard Methods for Examination of Dairy Products. Sediment content shall be based on comparison with applicable charts of the United States Sediment Standards for Milk and Milk Products, 7 CFR Part 58, Subpart T, § 58.2728 through 58.2732	C—Quality Requirements for Milk for Manufacturing Purposes C3. Sediment Content Classification (a) Method of testing. Methods for determining the sediment content of the milk of individual producers shall be those described in the latest edition of Standard Methods for Examination of Dairy Products. Sediment content shall be based on comparison with applicable charts of the United States Sediment Standards for Milk and Milk Products. These charts are available from the Dairy Standardization Branch, Dairy Programs, Agricultural Marketing Service, U.S. Department of Agriculture, Room 2746–South, P.O. Box 96456, Washington, DC 20090–6456	Since the last revision of the Recommended Requirements, the Department has decided to remove certain standards from the Code of Federal Regulations. The current wording in this document references the Code of Federal Regulations as the source for sediment standard information. We propose to correct this citation by providing current information where sediment standards can be obtained.
C—Quality Requirements for Milk for Manufacturing Purposes C7. Excluded Milk (f) The producer is delinquent in completing a review of the ''Milk and Dairy Beef Quality Assurance Program'' with a licensed veterinarian following an occurrence of shipping milk testing positive for drug residue (sec. C12.)		A change in the model requirements for Grade A milk no longer requires a producer to review the ''Milk and Dairy Beef Quality Assurance Program'' with a licensed veterinarian. We propose to delete this provision that results in the exclusion of milk from an individual producer that has not completed this review. However, the Department recognizes the educational benefits this program provides and proposes to include provisions for voluntary participation under Section C10.
C. Quality Requirements for Milk for Manufacturing Purposes C10. Field Service A representative of the plant shall arrange to promptly visit the farm of each producer whose milk tests positive for drug residue, exceeds the maximum somatic cell count level, exceeds the maximum bacterial estimate, or does not meet the requirements for acceptable milk. The purpose of the visit shall be to inspect the milking equipment and facilities, to offer assistance to improve the quality of the producer's milk, and eliminate any potential cause of drug residue. A representative of the plant should routinely visit each producer as often of as necessary to assist and encourage the production of high-quality milk	C. Quality Requirements for Milk for Manufacturing Purposes C10. Field Service A representative of the plant shall arrange to promptly visit the farm of each producer whose milk tests positive for drug residue, exceeds the maximum somatic cell count level, exceeds the maximum bacterial estimate, or does not meet the requirements for acceptable milk. The purpose of the visit shall be to inspect the milking equipment and facilities, to offer assistance to improve the quality of the producer's milk, and to eliminate any potential cause of drug residue. A review of the ''Milk and Dairy Beef Quality Assurance Program'' is one method that can be used to educate the producer in practices that are effective in eliminating the occurrence of drug residues in the milk. A representative of the plant should routinely visit each producer as often as necessary to assist and encourage the production of high-quality milk	A change in the model requirements for Grade A milk no longer requires a producer to review the ''Milk and Dairy Beef Quality Assurance Program'' with a licensed veterinarian. Previously the Recommended Requirements mandated that a producer review this program under certain circumstances detailed in Section C7. The Department recognizes the educational benefits this program provides and proposes to include provisions for voluntary participation under Section C10.
C. Quality Reqirements for Milk for Manufacturing Purposes C12. Drug residue level (a) Industry responsibilities (1) Sampling and testing program. (ii) When so specified by the U.S. Food and Drug Administration (FDA), all milk shipped for processing, or intended to be processed on the farm where it was produced, shall be sampled and tested prior to processing, for other drug residues under a random drug sampling program. The random drug sampling program shall include at least four samples collected in at least 4 separate months during any 6-month period	C. Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (a) Industry responsibilities (1) Sampling and testing program. (ii) When so specified by the U.S. Food and Drug Administration (FDA), all milk shipped for processing, or intended to be processed on the farm where it was produced, shall be sampled and tested prior to processing, for other drug residues under a random drug sampling program. The random drug sampling program shall include at least four samples collected in at least 4 separate months during any consecutive 6-month period	We propose to include the word ''consecutive'' in the final sentence in this paragraph. This would clearly indicate that the random sampling for drug residues other than beta lactam are to be performed on at least four samples collected during a consecutive 6-month period. This change would provide greater consistency with Grade A provisions.

MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING—Continued

Current Requirement	Proposed	Discussion
C. Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (a) Industry responsibilities (1) Sampling and testing program. (iv) The dairy industry shall analyze samples for beta lactams and other drug residues by methods evaluated by the Association of Official Analytical Chemists (AOAC) and accepted by the FDA as effective in determining compliance with established ''safe levels'' or tolerances. ''Safe levels'' and tolerances for particular drugs are established and amended by the FDA. The industry may employ on a temporary basis other test methods evaluated by the Virginia Polytechnic Institute and State University, or by other institutions using equivalent evaluation procedures, and determined to demonstrate accurate compliance results. These test methods may be used until they are evaluated by the AOAC and accepted or rejected by the FDA	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (a) Industry responsibilities (1) Sampling and testing program. (iv) The dairy industry shall analyze samples for beta lactams and other drug residues by methods which have been independently evaluated or evaluated by FDA and accepted by FDA as effective to detect drug residues at current safe or tolerance levels. Safe and tolerance levels for particular drugs are established by the FDA.	When the drug residue provision of the Recommended Requirements were initially included, the Grade A milk program allowed for the approval of test methods by the Virginia Polytechnic Institute and State University. Since that time this method of approval is no longer specified. The proposed changes would provide greater consistency with information included in the Grade A milk program.
	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (1) Sampling and testing program. (v) All sample test results for milk that does not test positive shall be recorded, and test result records shall be retained for a period of six months	We propose to include a provision that all test results that do not test positive for drug residues be retained for a period of 6 months. Currently Section C12(a)(4) of the Recommended Requirements stipulate that all test results be maintained for a period of 12 months. This change would provide greater consistency with Grade A requirements.
C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (a) Industry responsibility (4) Sample and record retention. A load sample that tests positive for drug residue shall be retained for a period of not less than 12 months	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (a) Industry responsibility (4) Sample and record retention. A load sample that tests positive for drug residue shall be retained according to guidelines established by the appropriate State regulatory agency. The records of all positive sample test results shall be retained for a period of not less than 12 months	We propose to include the word ''positive'' prior to ''sample'' in the second sentence of this paragraph. This change would relax the requirement that all test results be maintained for 12 months while ensuring that all positive test results are retained for a period of 12 months. The 12-month retention for positive results is necessary in order to address producers that repetitively violate the drug residue provisions. This change would provide greater consistency with Grade A requirements.
C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (1) Monitoring and surveillance. (i) Each producer is included in a routine, effective drug residue milk monitoring program utilizing AOAC-evaluated and FDA-approved methods to test samples for the presence of drug residue	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (1) Monitoring and surveillance. (i) Each producer is included in a routine, effective drug residue milk monitoring program utilizing methods evaluated and found acceptable by FDA to test samples for the presence of drug residue	The proposed changes would provide greater consistency with information currently used in the Grade A milk program to analyze samples for drug residues by providing for test methods accepted by FDA as effective to detect drug residues at current safe or tolerance levels.
	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (i) Any time milk is found to test positive for drug residue, the regulatory agency shall immediately take action to suspend the producer's milk shipping privileges to prevent the sale of milk from the producer shipping milk testing positive for drug residue	We propose to incorporate information that would support the requirements currently contained in section C12(a)(5)(iii) and direct the regulatory agency to immediately suspend the producer's milk shipping privileges when a sample of milk tests positive. This change would provide greater consistency with Grade A requirements.

MILK FOR MANUFACTURING PURPOSES AND ITS PRODUCTION AND PROCESSING—Continued

Current Requirement	Proposed	Discussion
	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (ii) The producer's milk shipping privileges may be reinstated when a representative sample taken from the producer's milk, prior to commingling with any other milk, is no longer positive for drug residue	We propose to incorporate information that would support the requirements currently contained in section C12(a)(5)(iii) and provide requirements to be met in order for a producer to resume shipping milk. This change would provide greater consistency with Grade A requirements.
C—Quality Requirement for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (i) A penalty sanctioned by the State regulatory agency shall be imposed on the producer for each occurrence of shipping milk testing positive for drug residue.	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (iii) A penalty sanctioned by the State regulatory agency shall be imposed on the producer for each occurrence of shipping milk testing positive for drug residue	We propose that the paragraph designation be changed without changing the information.
C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (ii) The producer shall review the ''Milk and Dairy Beef Quality Assurance Program'' with a licensed veterinarian within 30 days after each occurrence of shipping milk testing positive for drug residue. A certificate confirming that the ''Quality Assurance Program'' has been reviewed shall be signed by the responsible producer and a licensed veterinarian. The appropriate State regulatory agency shall be notified after the program has been reviewed	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (iv) Whenever a drug residue test is positive, an investigation shall be made to determine the cause. Action shall be taken to prevent future occurrences	We propose that the mandatory review of the ''Milk and Dairy Beef Quality Assurance Program'' be deleted and that the information in this paragraph be modified to require an investigation be made to determine the cause of the positive drug residue test and that preventative measures be taken to prevent future occurrences. The Department recognizes the educational benefits this program provides in educating milk producers and proposes to include provisions for voluntary participation under Section C10.
C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (iii) If a producer ships milk testing positive for drug residue three times within a 12-month period, the appropriate State agency shall initiate administrative procedures to suspend the producer's milk shipping privileges, according to State policy	C—Quality Requirements for Milk for Manufacturing Purposes C12. Drug residue level (b) Regulatory agency responsibility (2) Enforcement. (v) If a producer ships milk testing positive for drug residue three times within a 12-month period, the appropriate State agency shall initiate administrative procedures to suspend the producer's milk shipping privileges according to State policy	We propose that the paragraph designation be changed without changing the information.
E—Requirements for Licensed Dairy Plants E1. General Requirements E 1.13 Plant records (a) Sediment and bacterial test results on raw milk from each producer: Retain for 12 months. (1) Routine tests and monthly summary of all producers showing number and percent of total in each class, (2) Retests, if initial test places milk in a probationary status, (3) Rejections of raw milk over No. 3 in quality	E—Requirements for Licensed Dairy Plants E1. General Requirements E 1.13 Plant records (a) Sediment, drug residue, and bacterial test results on raw milk from each producer: Retain for 12 months. (1) Routine tests and monthly summary of all producers showing number and percent of total in each class, (2) Retests, if initial test places milk in a probationary status, (3) Rejections of raw milk over No. 3 in quality, (4) Positive drug residue tests	We propose to update the information in this section to provide consistency with the proposed drug residue record keeping provisions of Section C12(a)(4).
	E—Requirements for Licensed Dairy Plants E1. General Requirements E 1.13 Plant records (e) Drug residue test results for milk samples that do not test positive: Retain for 6 months	We propose to update the information in this section to provide consistency with the proposed drug residue record keeping provisions of Section C12(a)(1)(v).

Authority: (7 U.S.C. 1621–1627)

Dated: April 3, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–9623 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–02–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. 97–093–7]

Scrapie Eradication Uniform Methods and Rules

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are giving notice that the Animal and Plant Health Inspection Service is seeking public comments on the draft Scrapie Eradication Uniform Methods and Rules. This document contains draft cooperative procedures and standards to be used by the Agency, States, and the sheep and goat industries to contribute to the control and eradication of scrapie, a serious disease of sheep and goats.

DATES: We invite you to comment on the draft Scrapie Eradication Uniform Methods and Rules. We will consider all comments that we receive by June 19, 2001.

ADDRESSES: Please send four copies of your comment (an original and three copies) to: Docket No. 97–093–7, Regulatory Analysis and Development, PPD, APHIS, Suite 3C03, 4700 River Road, Unit 118, Riverdale, MD 20737–1238.

Please state that your comment refers to Docket No. 97–093–7.

You may read any comments that we receive on this docket in our reading room. The reading room is located in room 1141 of the USDA South Building, 14th Street and Independence Avenue SW., Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 690–2817 before coming.

APHIS documents published in the **Federal Register**, and related information, including the names of organizations and individuals who have commented on APHIS dockets, are available on the Internet at *http://www.aphis.usda.gov/ppd/rad/webrepor.html.*

You may request a copy of the draft Scrapie Eradication Uniform Methods and Rules by writing to the person listed under **FOR FURTHER INFORMATION CONTACT.** The document is also available on the Internet at http://www.aphis.usda.gov/vs/scrapie, and we may post revised versions to this website for additional comment in the future.

FOR FURTHER INFORMATION CONTACT: Dr. Diane Sutton, National Scrapie Program Coordinator, National Animal Health Programs Staff, VS, APHIS, 4700 River Road Unit 43, Riverdale, MD 20737–1231; (301) 734–6954.

SUPPLEMENTARY INFORMATION: Scrapie is a degenerative and eventually fatal disease affecting the central nervous systems of sheep and goats. To control the spread of scrapie within the United States, the Animal and Plant Health Inspection Service (APHIS), U.S. Department of Agriculture (USDA), administers regulations at 9 CFR part 79, which restrict the interstate movement of certain sheep and goats. APHIS also has regulations at 9 CFR part 54 that describe a voluntary scrapie control program.

The draft Scrapie Eradication Uniform Methods and Rules (UM&R) is a set of proposed cooperative procedures and standards to aid the control and eradication of scrapie. The legal requirements for interstate movement of sheep and goats due to scrapie are contained in Title 9 of the Code of Federal Regulations. The Scrapie Eradication UM&R provides guidance to the States regarding the minimum standards necessary for a State to participate in the national eradication program. The UM&R will be revised and published as necessary by APHIS, with input from involved State and Federal agencies, representatives of the livestock industry, and the public. The current draft of the UM&R was written after substantial consultation with State animal health agencies, the American Sheep Industry Association, and the United States Animal Health Association.

We are soliciting comments on the draft UM&R from any interested parties. To obtain a copy of the UM&R, or to submit comments on it, please see the instructions given under **ADDRESSES** above. Any comments received will be considered during the process of revising this version of the UM&R for final publication.

Authority: 21 U.S.C. 111–113, 114, 114a, 115, 117, 120, 121, 123–126, and 134a–134h; 7 CFR 2.22, 2.80, and 371.4.

Done in Washington, DC, this 16th day of April 2001.

Bobby R. Acord,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 01–9789 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–34–U

DEPARTMENT OF AGRICULTURE

Forest Service

Bitterroot National Forest Noxious Weed Environmental Impact Statement

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement.

SUMMARY: The USDA, Forest Service is gathering information and preparing an Environmental Impact Statement (EIS) for a forest wide noxious weed management program. The intent of this program is to deter the establishment, and control the spread of existing noxious weeds on portions of the Bitterroot National Forest, with special consideration given to the areas affected by the 2000 fire season. The methods of weed management would include mechanical, biological, vegetative, innovative grazing, ground and aerial herbicide applications. Methods of management will be evaluated based on environmental and wilderness restrictions, and based on site characteristics to ensure weed management activities are as successful as possible. Treatment areas would include big game summer and winter range and adjacent burned areas, roads, trails, trailheads, administrative sites, and other emphasis areas. The total treated area will encompass between 15,000 and 20,000 acres. This project will also include pre and post treatment monitoring and follow up treatments for a period of 10 to 15 years.

DATES: Comments concerning the scope of this project should be received by the Sula Ranger District, Bitterroot National Forest by May 15, 2001.

ADDRESSES: Please send written comments to: Sula Ranger District, Bitterroot National Forest; Attn: Forest Weed EIS; 7338 Highway 93 South; Sula, MT 59871.

FOR FURTHER INFORMATION CONTACT: Craig Bobzien, Darby/Sula District Ranger, telephone: (406) 821–3201, or Frank Guzman, Forest Weed EIS Team Leader, Sula Ranger District, 7338 Highway 93 South, Sula, MT 59871, telephone (406) 821–3201, email: *fguzman@fs.fed.us*

SUPPLEMENTARY INFORMATION: This project will encompass portions of the

Bitterroot National Forest, and complete analysis is expected by mid February 2002. Special concerns have risen within the perimeters of the 2000 wildfires because of the anticipated increase of noxious weeds due to the loss of canopy coverage, competitive native vegetation, and the increased ground disturbance. Noxious weeds are a problem of the past, present, and future. A shift from timber, shrubs, and bunchgrass vegetation to noxious weeds will cause a decrease in wildlife forage, reduction of species diversity, increased soil erosion, a decline in soil productivity, and a long term increase in overland flow, due to a decrease in surface cover. This analysis will focus on restoring native species and wildlife habitat while reducing runoff and erosion by controlling the spread of existing weeds and preventing the establishment of new weed species.

Public participation will be an integral component of the study process, and will be especially important at several points during the analysis. The first is during the scoping process. The Forest Service will be seeking information, comments and assistance from federal, State, County, and local agencies, individuals and organizations that may be interested in or affected by the proposed activities. The scoping process will include: (1) Identification of potential issues, (2) identification of issues to be analyzed in depth, and (3) elimination of insignificant issues or those which have been covered by a previous environmental review. Written scoping comments will be solicited through a scoping package that will be sent to the project mailing list and local newspapers. For the Forest Service to best use the scoping input, comments should be received by May 31, 2001. Preliminary issues identified for analysis in the EIS include the potential effects and relationship of the project to human health risk, water quality, fisheries and native plant communities, wildlife habitat, soil productivity, recreation, scenery, heritage resources, sensitive plants.

Based on the results of scoping and the resource conditions within the project area, alternatives (including a no-action alternative) will be developed for the draft EIS. The draft EIS is projected to be filed with the Environmental Protection Agency (EPA) in September 2001. The final EIS is anticipated in February 2002.

The comment period on the draft EIS will be 45 days from the date that the EPA publishes the notice of availability in the **Federal Register**.

At this early stage, the Forest Service believes it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of draft EIS's must structure their participation in the environmental review of the proposal, so that it is meaningful and alerts an agency to the reviewer's position and contentions. *Vermont Yankee Nuclear Power Corp.* v. *NRDC,* 435 U.S. 519, 553, (1978). Also, environmental objections that could have been raised at the draft EIS stage, but that are not raised until the completion of the final EIS, may be waived or dismissed by the courts. *City of Angoon* v. *Hodel,* 803 F.2nd 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.* v. *Harris,* 490 F. Supp, 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the 45-day comment period on the draft EIS, so that substantive comments and objections are made available to the Forest Service at a time when they can be meaningfully considered and respond to them in the final EIS.

To assist the Forest Service in identifying and considering issues and concerns of the proposed action, comments on the draft EIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may address the adequacy of the draft EIS, or the merits of the alternatives formulated and discussed in the statement. Reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act in 40 CFR 1503.3, in addressing these points.

Permits/Authorizations: The proposed action will not require any site-specific amendments to the Bitterroot Forest Plan.

Responsible Official: Rodd Richardson, Forest Supervisor, Bitterroot National Forest, is the responsible official. In making the decision, the responsible official will consider the comments; responses; disclosure of environmental consequences; and applicable laws, regulations, and policies. The responsible official will state the rationale for the chosen alternative in the Record of Decision.

Dated: April 5, 2001.

Rodd Richardson,

Forest Supervisor.

[FR Doc. 01–9776 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Forest Service

Intergovernmental Advisory Committee Meeting

AGENCY: Forest Service, USDA.

ACTION: Notice of meeting.

SUMMARY: The Intergovernmental Advisory Committee (IAC) will meet on May 3, 2001, at the World Trade Center, 121 S.W. Salmon, Portland, Oregon 97204. The purpose of the meeting is to continue discussions on the implementation of the Northwest Forest Plan (NFP). The meeting will begin at 9:30 a.m. and continue until 3:30 p.m. Agenda items to be discussed include, but are not limited to: Soliciting advice regarding the Future Direction of Adaptive Management Areas, sharing information about the Sierra Nevada Ecosystem Framework, and illustrating how IAC advice was used in the development of the draft Aquatic Riparian Effectiveness Monitoring Plan and the FERC/ACS Short- and Long-Term Questions. The IAC meeting will be open to the public and is fully accessible for people with disabilities. Interpreters are available upon request in advance. Written comments may be submitted for the record at the meeting. Time will also be scheduled for oral public comments. Interested persons are encouraged to attend.

FOR FURTHER INFORMATION CONTACT: Questions regarding this meeting may be directed to Steve Odell, Executive Director, Regional Ecosystem Office, 333 SW 1st Avenue, P.O. Box 3623, Portland, OR 97208 (Phone: 503–808–2166).

Dated: April 14, 2001.

Stephen J. Odell,

Designated Federal Official.

[FR Doc. 01–9809 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Change to Section 4 of the Alaska State Technical Guide

AGENCY: Natural Resources Conservation Service (NRCS), U.S. Department of Agriculture.

ACTION: Notice of availability of proposed changes in the Alaska NRCS State Technical Guide for review and comment.

SUMMARY: It has been determined by the NRCS State Conservationist for Alaska

that changes must be made in the NRCS State Technical Guide specifically in practice standard 590, Nutrient Management to account for improved technology. This practice can be used in systems that include additions of organic and non-organic plant nutrients.

DATES: Comments will be received on or before May 21, 2001.

FOR FURTHER INFORMATION CONTACT: Chuck Bell, State Conservationist, Natural Resources Conservation Service, 800 West Evergreen, Palmer, Alaska, 99645; phone (907) 761–7760; or FAX (907) 761–7790.

SUPPLEMENTARY INFORMATION: If you would like to review the Nutrient Management practice standard in view of making comments, contact Chuck Bell at the above address or phone number to receive a copy of the draft standard.

For the next 30 days the NRCS will receive comments relative to the proposed changes. Following that period a determination will be made by the NRCS regarding disposition of those comments and a final determination of change will be made to the subject standard.

Dated: April 13, 2001.

Chuck Bell,

State Conservationist, Alaska.

[FR Doc. 01–9803 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–16–P

DEPARTMENT OF AGRICULTURE

Natural Resources Conservation Service

Notice of Proposed Changes to Section IV of the Field Office Technical Guide (FOTG) of the Natural Resources Conservation Service in New Mexico

AGENCY: Natural Resources Conservation Service (NRCS) in New Mexico, Department of Agriculture.

ACTION: Notice of availability of proposed changes in Section IV of the FOTG of the NRCS in New Mexico for review and comment.

SUMMARY: It is the intention of NRCS in New Mexico to issue a series of new conservation practice standards in Section IV of the FOTG. These revised standards include: 595-Pest Management, 332-Contour Buffer Strips, and 382-Fence.

The NRCS New Mexico State Conservationist has chosen to revise and supplement the National Standards adapted to the State of New Mexico. These will be incorporated into Section IV of the New Mexico Field Office Technical Guide (FOTG). Some of these practices may be used in conservation systems that treat highly erodible land and wetlands. Copies of these standards are available from NRCS in Albuquerque, NM and are also available electronically on the NRCS New Mexico Internet Homepage at: http://www.nm.nrcs.usda.gov/techserv/sec4home.htm

SUPPLEMENTARY INFORMATION: Section 343 on the Federal Agriculture Improvement and Reform Act of 1996 states that revisions made after enactment of the law to NRCS State technical guides used to carry out highly erodible land and wetland provisions of the law shall be made available for public review and comment. For the next 30 days the NRCS will receive comments relative to these proposed changes. Following that period a determination will be made by the NRCS regarding disposition of those comments and a final determination of change will be made.

DATES: Comments will be received on or before May 21, 2001.

ADDRESSES: Inquire in writing to Mr. Rosendo Treviño, State Conservationist, NRCS, 6200 Jefferson NE, Suite 305, Albuquerque, New Mexico 87109.

Dated: April 2, 2001

Rosendo Treviño III,

State Conservationist, Albuquerque, New Mexico.

[FR Doc. 01–9804 Filed 4–19–01; 8:45 am]

BILLING CODE 3410–16–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletion

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

ACTION: Additions to and deletion from the procurement list.

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

DATES: EFFECTIVE DATE: May 21, 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 additions to and deletion from the Procurement List:

Additions

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the services and impact of the additions on the current or most recent contractors, the Committee has determined that the services listed below are suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4. I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

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

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

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

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

Accordingly, the following services are hereby added to the Procurement List:

Services

Administrative Services

U.S. Army Space Command, 1670 N. Newport Road, Colorado Springs, Colorado

Administrative Services

Health Care Financing Administration, 7500 Security Blvd, Baltimore, Maryland

Janitorial/Custodial

Social Security Building, Lewiston, Idaho

Janitorial/Custodial

FAA Flight Standards District Office, 9191 Plank Road, Baton Rouge, Louisiana

This action does not affect current contracts awarded prior to the effective

date of this addition or options that may be exercised under those contracts.

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 not have a severe economic impact on future contractors for the commodity.

3. The action will result in authorizing small entities to furnish the commodity 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 commodity deleted from the Procurement List.

After consideration of the relevant matter presented, the Committee has determined that the commodity listed below is no longer suitable for procurement by the Federal Government under 41 U.S.C. 46–48c and 41 CFR 51–2.4.

Accordingly, the following commodity is hereby deleted from the Procurement List:

Commodity

Pallet, Wood
3990–00–NSH–0001

Louis R. Bartalot,

Director, Program Evaluation and Analysis.

[FR Doc. 01–9846 Filed 4–19–01; 8:45 am]

BILLING CODE 6353–01–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 commodities previously furnished by such agencies.

DATES: Comments must be received on or before May 21, 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: 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 have been proposed for addition to Procurement List for production by the nonprofit agencies listed:

Commodities

Belt, Military Police, Black Leather
8465–00–924–7943
8465–00–924–7944
8465–00–924–7945
8465–00–924–7946
8465–00–924–7947
8465–00–924–7948
8465–00–924–7949
NPA: Stone Belt ARC, Inc., Bloomington, Indiana

Services

Janitorial/Custodial

U.S. Air Force Recruiting Station
Wasilla, Alaska
NPA: Portland Habilitation Center, Inc., Portland, Oregon

Janitorial/Custodial

McConnell USARC
Liverpool, New York
NPA: Oswego Industries, Inc., Fulton, New York

Janitorial/Custodial

Seward USARC
Mattydale, New York
NPA: Oswego Industries, Inc., Fulton, New York

Janitorial/Custodial

Fort Ontario USARC
Oswego, New York
NPA: Oswego Industries, Inc., Fulton, New York

Recycling Service

Fort Dix, New Jersey
NPA: Occupational Training Center of Burlington County, Mt. Holly, New Jersey

Vehicle Operation and Maintenance

Travis Air Force Base, California
NPA: PRIDE Industries, Roseville, California

Deletions

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

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

2. The action will result in authorizing small entities to furnish the commodities 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 proposed for deletion from the Procurement List.

The following commodities have been proposed for deletion from the Procurement List:

Commodities

Aerosol Paint, Lacquer
8010–00–721–9487
8010–00–290–6984
8010–00–965–2389
8010–00–721–9479
8010–00–582–5382
8010–00–584–3150

8010–00–721–9747
8010–00–721–9744
8010–00–721–9752
8010–00–721–9751
8010–00–290–6983
8010–00–584–3149
8010–00–584–3154
8010–00–721–9742
8010–00–141–2952

Louis R. Bartalot,

Director, Program Evaluation and Analysis.

[FR Doc. 01–9847 Filed 4–19–01; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1151]

Grant of Authority for Subzone Status; Zale Corporation (Jewelry and Accessories), Irving, TX

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C., 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones Act provides for ''the * * * establishment * * * of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Foreign-Trade Zones Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs ports of entry;

Whereas, the Board's regulations (15 CFR part 400) provide for the establishment of special-purpose subzones when existing zone facilities cannot serve the specific use involved, and when the activity results in a significant public benefit and is in the public interest;

Whereas, the Dallas/Fort Worth International Airport Board, grantee of Foreign-Trade Zone 39, has made application to the Board for authority to establish special-purpose subzone status at the distribution, processing and repair facilities (jewelry and accessories) of Zale Corporation, located in Irving, Texas (FTZ Docket 11–2000, filed 3/21/00);

Whereas, notice inviting public comment has been given in the **Federal Register** (65 FR 16562, 3/29/00); and,

Whereas, the Board adopts the findings and recommendations of the examiner's report and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that approval of the application is in the public interest;

Now, Therefore, the Board hereby grants authority for subzone status at the facilities of Zale Corporation, located in Irving, Texas (Subzone 39F), at the location described in the application, and subject to the FTZ Act and the Board's regulations, including § 400.28. The scope of authority does not include activity conducted under FTZ procedures that would result in a change in tariff classification.

Signed at Washington, DC, this 5th day of April 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 01–9855 Filed 4–19–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 1163]

Expansion of Foreign-Trade Zone 20, Hampton Roads, VA, Area

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones (FTZ) Board (the Board) adopts the following Order:

Whereas, the Virginia Port Authority, grantee of Foreign-Trade Zone 20, submitted an application to the Board for authority to expand FTZ 20 at the Battlefield Lakes Technical Center (Site 16) and Butts Station Commerce Center (Site 17) in Chesapeake, Virginia, and at the Port of Cape Charles Sustainable Technologies Industrial Park (Site 18) in Northampton County, Virginia, adjacent to the Norfolk-Newport News Customs port of entry (FTZ Docket 58–2000; filed 11/15/00);

Whereas, notice inviting public comment was given in the **Federal Register** (65 FR 70694, 11/27/00) and the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiner's report, and finds that the requirements of the FTZ Act and Board's regulations are satisfied, and that the proposal is in the public interest;

Now, Therefore, the Board hereby orders:

The application to expand FTZ 20 is approved, subject to the Act and the Board's regulations, including Section 400.28, and further subject to the Board's standard 2,000-acre activation limit for the overall zone project.

Signed at Washington, DC, this 5th day of April 2001.

Timothy J. Hauser,

Acting Under Secretary for International Trade, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 01–9856 Filed 4–19–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–580–836]

Certain Cut-To-Length Carbon-Quality Steel Plate from the Republic of Korea: Rescission of Antidumping Duty Administrative Review

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

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On March 22, 2001, the Department of Commerce (the Department) initiated an administrative review of the antidumping duty order on certain cut-to-length carbon-quality steel plate from the Republic of Korea for the period July 29, 1999, through January 31, 2001, pursuant to a request made by Dongkuk Steel Mill Co., Ltd. (DSM) on February 28, 2001 (66 FR 16037, 16038). In accordance with 19 CFR 351.213(d)(1), the Department is rescinding this administrative review because the producer, DSM, has withdrawn its request for an administrative review in a timely manner.

EFFECTIVE DATE: April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Howard Smith or Michele Mire, AD/CVD Enforcement, Office 4, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–5193 or (202) 482–4711, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Act by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations at 19 CFR Part 351 (2000).

Background

On February 14, 2001, the Department published a notice of opportunity to request an administrative review of the antidumping duty order on certain cut-to-length carbon-quality steel plate from the Republic of Korea (66 FR 10269, 10270). On March 22, 2001, the Department initiated an administrative review for the period July 29, 1999, through January 31, 2001, pursuant to a request made by Dongkuk Steel Mill Co., Ltd. (DSM) on February 28, 2001 (66 FR 16037, 16038). On March 21, 2001, DSM withdrew its request that the Department conduct an administrative review.

Rescission of Review

19 CFR 351.213(d)(1) of the Department's regulations provides that the Secretary may permit a party that requests an administrative review to withdraw the request within 90 days after the date of publication of the notice of initiation of the requested administrative review. The Department is rescinding this review because the requesting party, DSM, has withdrawn its request for an administrative review within the 90 day time limit and no other interested parties have requested a review.

The notice is in accordance with section 777(i)(1) of the Act and 19 CFR 351.213(d)(4).

Dated: April 13, 2001.

Thomas F. Futtner,

Acting Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–9858 Filed 4–19–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–475–811]

Grain-Oriented Electrical Steel From Italy: Rescission of Antidumping Administrative Review

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

ACTION: Notice of rescission of antidumping duty administrative review.

SUMMARY: On October 2, 2000, the Department published in the **Federal Register** (65 FR 58733) a notice of initiation of an administrative review of the antidumping duty order on Grain-Oriented Electrical Steel from Italy. This review was requested by the petitioners, and covered the period August 1, 1998, through July 31, 1999. The Department is now rescinding this review after receiving a withdrawal of its request for the review from the petitioners on March 29, 2001.

EFFECTIVE DATE: April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Helen Kramer or Steve Bezirganian, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–0405 or (202) 482–1131, respectively.

SUPPLEMENTARY INFORMATION:

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the Tariff Act of 1930, as amended (the Tariff Act), are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930, as amended, by the Uruguay Round Agreements Act. In addition, unless otherwise indicated, all citations to the Department of Commerce (the Department) regulations are to the regulations at 19 CFR part 351 (April 2000).

Scope of Review

The product covered by this review is grain-oriented silicon electrical steel, which is a flat-rolled alloy steel product containing by weight at least 0.6 percent of silicon, not more than 0.08 percent of carbon, not more than 1.0 percent of aluminum, and no other element in an amount that would give the steel the characteristics of another alloy steel, of a thickness of no more than 0.560 millimeters, in coils of any width, or in straight lengths which are of a width measuring at least 10 times the thickness, as currently classifiable in the Harmonized Tariff Schedule of the United States (HTS) under item numbers 7225.30.7000, 7225.40.7000, 7225.50.8085, 7225.99.0090, 7226.11.1000, 7226.11.9030, 7226.11.9060, 7226.91.7000, 7226.91.8000, 7226.92.5000, 7226.92.7050, 7226.92.8050, 7226.99.0000, 7228.30.8050, and 7229.90.1000. Although the HTS subheadings are provided for convenience and customs purposes, our written descriptions of the scope of these proceedings are dispositive.

SUPPLEMENTARY INFORMATION: On August 31, 2000, Allegheny Ludlum and AK Steel Corporation (formerly Armco, Inc.), collectively ''petitioners,'' requested an administrative review of the antidumping duty order on grain-oriented electrical steel from Italy. We initiated this review on October 2, 2000 (65 FR 58733). On March 29, 2001, the petitioners filed a letter with the Department withdrawing their request for the Department to conduct an administrative review. Ordinarily, parties have 90 days from the publication of the notice of initiation of review in which to withdraw a request for review. See CFR 351.213(d)(1). We did not receive petitioners' withdrawal request until after the 90-day period had elapsed. However, the review has not progressed substantially and there would be no undo burden on the parties or the Department if the Department were to rescind the review on the basis of this request. Therefore, the Department has determined that it would be reasonable to grant the withdrawal at this time.

This notice is published pursuant to section 751 of the Tariff Act of 1930, as amended, (19 U.S.C. 1675 (1999)), and section 351.213 of the Department's regulations (19 CFR 351.213 (2000)).

Dated: April 16, 2001.

Joseph A. Spetrini,

Deputy Assistant Secretary, AD/CVD Enforcement Group III.

[FR Doc. 01–9857 Filed 4–19–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–560–813]

Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Indonesia

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

ACTION: Notice of preliminary affirmative countervailing duty determination.

EFFECTIVE DATE: April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Stephanie Moore at (202) 482–3692 or Tipten Troidl at (202) 482–1767, Office of AD/CVD Enforcement VI, Group II, Import Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Preliminary Determination

The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to certain producers and

exporters of certain hot-rolled carbon steel flat products (subject merchandise) from Indonesia. For information on the estimated countervailing duty rates, please see the ''Suspension of Liquidation'' section of this notice.

SUPPLEMENTARY INFORMATION:

Petitioners

The petition in this investigation was filed by Bethlehem Steel Corporation, U.S. Steel Group, a unit of USX Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., Weirton Steel Corporation, the Independent Steelworkers Union, and the United Steelworkers of America (the petitioners).

Case History

Since the publication of the notice of initiation in the **Federal Register** (*see Notice of Initiation of Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, South Africa, and Thailand,* 65 FR 77580 (December 12, 2000) (*Initiation Notice*)), the following events have occurred. On December 5, 2000, we issued countervailing duty questionnaires to the Government of Indonesia (GOI) and to producers/exporters of the subject merchandise. We received responses to our initial questionnaires from the GOI and PT. Krakatau Steel (Krakatau), the producer/exporter of the subject merchandise on January 31, 2001. We then issued supplemental questionnaires to the GOI and Krakatau. Beginning on March 7, 2001, we received supplemental questionnaire responses from the GOI and Krakatau.

On January 18, 2001, we issued a partial extension of the due date for this preliminary determination from February 7, 2001 to March 26, 2001. *See Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, South Africa, and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations,* (Extension Notice) 66 FR 8199 (January 30, 2001).

On March 26, 2001, we amended the Extension Notice to take the full amount of time to issue this preliminary determination. The extended due date is April 13, 2001. *See Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, South Africa, and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations,* 66 FR 17525 (April 2, 2001).

On April 10, 2001, we received comments from petitioners based on their partial translation of the respondent's untranslated financial statements. Petitioner's comments concerned the equityworthiness and creditworthiness of Cold Rolling Mill of Indonesia (CRMI), and the equityworthiness of Krakatau.

Scope of the Investigation

The merchandise subject to this investigation is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of definitions in the *Harmonized Tariff Schedule of the United States* (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated: 1.80 percent of manganese, or 2.25 percent of silicon, or 1.00 percent of copper, or 0.50 percent of aluminum, or 1.25 percent of chromium, or 0.30 percent of cobalt, or 0.40 percent of lead, or 1.25 percent of nickel, or 0.30 percent of tungsten, or 0.10 percent of molybdenum, or 0.10 percent of niobium, or 0.15 percent of vanadium, or 0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, e.g., ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon-quality steel covered by this investigation, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00,

7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise under investigation is dispositive.

In the scope section of the *Initiation Notice* for this investigation, the Department encouraged all parties to submit comments regarding product coverage by December 26, 2000. The Department is presently considering a request to amend the scope of this investigation to exclude a particular specialty steel product. We will issue our determination on this request prior to the final determination.

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are references to the provisions codified at 19 CFR Part 351 (2000).

Injury Test

Because Indonesia is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Indonesia materially injure, or threaten material injury to, a U.S. industry. On January 4, 2001, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from Indonesia of the subject merchandise. *See Hot-Rolled Steel Products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine,* 66 FR 805 (January 4, 2001).

Alignment With Final Antidumping Duty Determination

On March 23, 2001, the petitioners submitted a letter requesting alignment of the final determination in this investigation with the final determination in the companion antidumping duty investigation. Therefore, in accordance with section 705(a)(1) of the Act, we are aligning the final determination in this investigation with the final determinations in the antidumping duty investigations of hot-rolled carbon steel flat products.

Period of Investigation

The period for which we are measuring subsidies (the POI) is calendar year 1999.

Allocation Period

Under section 351.524(d)(2) of the CVD Regulations, we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned, as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System, as updated by the Department of Treasury. The presumption will apply unless a party claims and establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant.

In this investigation, no party to the proceeding has claimed that the AUL listed in the IRS tables does not reasonably reflect the AUL of the renewable physical assets for the firm or industry under investigation. Therefore, in accordance with section 351.524(d)(2) of the CVD Regulations, we will allocate non-recurring subsidies over 15 years, the AUL listed in the IRS tables for the steel industry.

Creditworthiness

Petitioners alleged that Krakatau was uncreditworthy in the years in which it received GOI loans and equity infusions. *See Initiation Notice* and Office of AD/CVD Enforcement VI, *Initiation Checklist (Checklist),* public versions are available in the Central Records Unit, Room B–099. In order to make a determination with respect to Krakatau's creditworthiness, we have determined that more information is needed. We have requested additional information from Krakatau and provided a deadline of April 27, 2001. Krakatau is in the process of providing translations of its financial statements for the years 1985 through 1995. We anticipate that this information will be submitted to the Department prior to verification. After we collect additional information and conduct verification, we will prepare an analysis memorandum addressing the company's creditworthiness during this period. Before our final determination, we will provide all parties with an opportunity to comment on this memorandum. Comments on our creditworthy analysis, as well as our preliminary determination will be addressed in the final determination.

I. Programs Preliminarily Determined To Be Countervailable

A. Two-Step Loan Program

Pursuant to Government Regulation number 12/1969, the Ministry of Finance through Bank Indonesia, which is Indonesia's Central Bank, can borrow money denominated in foreign currencies to lend to Indonesian companies. As stated in the *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from Indonesia,* 64 FR 73155, 73161 (December 29, 1999) (*CTL Plate*), two-step loans are drawn from credit facilities (*i.e.,* lines of credit) in the billing currencies of foreign equipment suppliers. These loans are converted into rupiah based on the exchange rate on the drawing date, and carry an established interest rate of four percent. In *CTL Plate,* we determined this program to be countervailable. *Id.* No new substantive information or evidence of changed circumstances has been submitted in this investigation to warrant reconsideration of this finding.

In 1995, the year in which the credit facility was extended, a lending rate of four percent would have been inconsistent with an interest rate the company would have received on a comparable commercial loan, and would thus provide a countervailable benefit in accordance with section 771(5)(E)(ii) of the Act. Moreover, there is no information on the record of this investigation which would indicate that the two-step loan was provided to Krakatau pursuant to a program to which other companies ostensibly had access. Therefore, we preliminarily determine that the loan was specific to Krakatau under section 771(5A)(D)(i) of the Act.

To calculate the benefit from this program, we compared the interest rate Krakatau paid on the two-step loan during the POI to the benchmark interest rate the company would have paid for a comparable commercial loan. For the benchmark interest rate, we used the average cost of long-term fixed-rate loans in Indonesia as the interest rates that would have been paid by a creditworthy company, specifically the rates offered by commercial banks in Indonesia as reported in the Indonesian Financial Statistics, submitted in the March 20, 2001, GOI questionnaire

response. This difference was then divided by Krakatau's total sales during the POI. On this basis, we preliminarily determine the countervailable subsidy from this program to be 1.01 percent *ad valorem* for Krakatau.

B. Equity Infusions to Krakatau From the Government of Indonesia

Petitioners alleged that the GOI provided various equity infusions into Krakatau and its subsidiary, the CRMI. Petitioners alleged that in 1995, the GOI converted approximately 1.298 trillion rupiah of debt into equity. In addition, petitioners alleged that the GOI provided Krakatau with equity infusions totaling 1.6 trillion rupiah in the five years prior to December 31, 1992. Petitioners also alleged two equity infusions into CRMI. We initiated on these two allegations under the following programs: ''1989 Equity Infusion to CRMI'' and ''Three-Step Equity Infusion to CRMI.'' *See* the *Initiation Notice* and *Checklist.*

According to the response of the GOI and Krakatau, equity infusions or debt-to-equity conversions were provided to Krakatau in various years. In addition, all of the alleged equity infusions were provided to Krakatau. The details of the equity infusions and conversions are proprietary, and are discussed in the *Business Proprietary Calculations Memorandum.*

Section 771(5)(E)(i) of the Act and section 351.507(a)(1) of the CVD Regulations state that, in the case of government-provided equity infusion, a benefit is conferred if an equity investment decision is inconsistent with the usual investment practice of private investors.

Consistent with the methodology discussed in section 351.507(a)(2) of the CVD Regulations, the first question in analyzing a benefit with respect to an equity infusion is whether, at the time of the infusion, there was a market price for similar newly-issued equity. If so, the Department will consider an equity infusion to be inconsistent with the usual investment practice of private investors if the price paid by the government for newly-issued shares is greater than the price paid by private investors for the same, or similar, newly-issued shares.

If actual private investor prices are not available, then the Department will determine whether the firm funded by the government-provided infusion was equityworthy or unequityworthy at the time of the equity infusion. (*See* section 351.507(a)(3)(i) of the CVD Regulations.) Section 351.507(a)(4)(ii) of the CVD Regulations further stipulates that the Department will ''normally require from the respondents the information and analysis completed prior to the infusion upon which the government based its decision to provide the equity infusion.'' Absent the existence or provision of an analysis or study, containing information typically examined by potential private investors considering an equity investment, on which the government based its decision to invest, the Department will normally determine that the equity infusion provides a countervailable benefit. This is because, before making a significant equity infusion, it is the usual investment practice of private investors to evaluate the potential risk versus the expected return, using the most objective criteria and information available to the investor.

In this instance, Krakatau reported that there was no market price for a similarly newly-issued equity at the time of the GOI equity infusions and debt-to-equity conversions into Krakatau. Therefore, we must determine whether Krakatau was equityworthy or unequityworthy at the time of the equity infusions and conversions.

The first criterion examined by the Department to determine whether, from the perspective of a reasonable private investor, Krakatau showed an ability to generate a reasonable rate of return within a reasonable period of time, is an objective analysis of Krakatau prepared prior to the government-provided equity infusions and conversions which the government based its decisions to invest. Based on our examination of the responses of the GOI and Krakatau, we have preliminarily determined that no objective studies of Krakatau had been prepared prior to the GOI's investment decisions on which the GOI could have based its investment decisions for the equity infusions and debt-to-equity conversions.

Therefore, we preliminarily determine that the GOI's equity infusions and conversions into Krakatau constitute countervailable subsidies within the meaning of section 771(5) of the Act. These investments provide a financial contribution, as described in section 771(5)(D)(i) of the Act. Also, we preliminarily determine that this program is specific under section 771(5A)(D)(i) of the Act because the equity infusions/conversions were limited to Krakatau. Finally, because no objective analysis was performed containing information typically examined by potential private investors considering an equity investment prior to the GOI's decisions to invest in Krakatau, the investment decisions were inconsistent with the usual investment practice of private investors. Therefore, a benefit exists according to section 771(5)(E)(i) of the Act in the amount of the equity infusions and the amount of the debt-to-equity conversions.

To calculate the benefit applicable to the POI, we applied the Department's standard grant methodology. We divided the total benefits attributable to the equity infusions and conversions by Krakatau's total sales during the POI. On this basis, we preliminarily determine the countervailable subsidy from this program to be 15.52 percent *ad valorem* for Krakatau.

II. Program Preliminarily Determined Not Used

A. Bank of Indonesia Rediscount Loans

Verification

In accordance with section 782(i)(1) of the Act, we will verify the information submitted by respondents prior to making our final determination.

Suspension of Liquidation

In accordance with 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for Krakatau, the only company under investigation. We preliminarily determine that the total estimated net countervailable subsidy rate is 16.53 percent *ad valorem.* The All Others rate is 16.53 percent *ad valorem,* which is the rate calculated for Krakatau.

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Indonesia, which are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amount indicated above. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final

determination within 45 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing is tentatively scheduled to be held 57 days from the date of publication of the preliminary determination, at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 13, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–9859 Filed 4–19–01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–533–821]

Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Determination With Final Antidumping Duty Determinations: Certain Hot-Rolled Carbon Steel Flat Products From India

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

ACTION: Notice of preliminary affirmative countervailing duty determination.

EFFECTIVE DATE: April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds at (202) 482–6071 or Robert Copyak (202) 482–2209, Office of AD/CVD Enforcement VI, Group II, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 4012, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Preliminary Determination

The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to certain producers and exporters of certain hot-rolled carbon steel flat products (subject merchandise) from India. For information on the estimated countervailing duty rates, please see the ''Suspension of Liquidation'' section of this notice.

SUPPLEMENTARY INFORMATION:

Petitioners

The petition in this investigation was filed by Bethlehem Steel Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., U.S. Steel Group, a unit of USX Corporation, Weirton Steel Corporation, Independent Steelworkers Union, and the Independent Steelworkers of America (the petitioners).

Case History

Since the publication of the notice of initiation in the **Federal Register** (*see Notice of Initiation of Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products from Argentina, India, Indonesia, South Africa, and Thailand,* 65 FR 77580 (December 12, 2000) (*Initiation Notice*), the following events have occurred: On December 7, 2000, we issued countervailing duty questionnaires to the Government of India (GOI).[1] On January 26, 2001, we received questionnaire responses from the Steel Authority of India Limited (SAIL), Essar Steel Limited (Essar), Ispat Industries Limited (Ispat), the Tata Iron and Steel Company Limited (TISCO), (collectively, producers/exporters of subject merchandise), and the GOI. Beginning on February 16, 2001, we issued supplemental questionnaires to SAIL, Essar, Ispat, TISCO, and the GOI. Beginning on March 9, 2001, we received supplemental questionnaire responses from the GOI and the producers/exporters of subject merchandise.

We note that the GOI's January 26, 2001 questionnaire response indicated that Jindal Iron and Steel (Jindal) shipped subject merchandise to the United States during the POI. However, we did not receive a questionnaire response from Jindal.

On February 22, 2001, petitioners submitted financial information for Ispat and Essar and requested that the Department initiate creditworthy investigations for the two companies for fiscal years 1997 through 2000. In the same submission, petitioners submitted additional financial information for SAIL covering fiscal years 1997 and 1998 and requested that the Department reverse its decision in the *Initiation Notice* and initiate creditworthy investigations of SAIL for these years.

On January 18, 2001, we issued a partial extension of the due date for this preliminary determination from February 7, 2001, to March 26, 2001. *See Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, South Africa, and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations, (Extension Notice)* 66 FR 8199 (January 30, 2001).

On March 26, 2001, we amended the Extension Notice to take the full amount of time to issue this preliminary determination. The extended due date is April 13, 2001. *See Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, South Africa, and Thailand:*

[1] Upon the issuance of the questionnaire, we informed the GOI that it was the government's responsibility to forward the questionnaires to all producers/exporters that shipped subject merchandise to the United States during the period of investigation.

Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations, 66 FR 17525 (April 2, 2001).

Scope of the Investigation

The merchandise subject to this investigation is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

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1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
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In the scope section of the *Initiation Notice* for this investigation, the Department encouraged all parties to submit comments regarding product coverage by December 26, 2000. The Department is presently considering a request to amend the scope of these investigations to exclude a particular specialty steel product. We will issue our determination on this request prior to the final determination.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Injury Test

Because India is a ''Subsidy Agreement Country'' within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from India materially injure or threaten material injury to a U.S. industry. On January 4, 2001, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from India of subject merchandise. *See Hot-Rolled Steel Products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine,* 66 FR 805 (January 4, 2001). *Alignment With Final Antidumping Duty Determination*

On March 23, 2001, petitioners submitted a letter requesting alignment of the final determination in this investigation with the final determination in the companion antidumping duty investigation. Therefore, in accordance with section 705(a)(1) of the Act, we are aligning the final determination in this investigation with the final determination in the

antidumping duty investigation of hot-rolled carbon steel flat products from India.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is April 1, 1999, through March 31, 2000, which corresponds to the period for producers/exporters' most recently completed fiscal year.

Use of Facts Available

Jindal failed to respond to the Department's questionnaire. Sections 776(a)(2)(A) and 776(a)(2)(B) of the Act require the use of facts available when an interested party withholds information that has been requested by the Department, or when an interested party fails to provide the information requested in a timely manner and in the form required. Jindal failed to provide information explicitly requested by the Department; therefore, we must resort to the facts otherwise available. Because Jindal failed to provide any requested information, sections 782(d) and (e) of the Act are not applicable.

Section 776(b) of the Act provides that in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a party if it determines that a party has failed to cooperate to the best of its ability. In this investigation, the Department requested that all producers/exporters in India that shipped subject merchandise to the United States during the POI submit the information requested in our initial questionnaire. However, Jindal, a producer/exporter that shipped subject merchandise to the United States during the POI, did not participate in the investigation.

The Department finds that by not providing the necessary information specifically requested by the Department and by failing to participate in any respect in this investigation, Jindal has failed to cooperate to the best of its ability. Therefore, in selecting facts available, the Department determines that an adverse inference is warranted.

Section 776(b) of the Act indicates that, when employing an adverse inference, the Department may rely upon information derived from (1) the petition; (2) a final determination in a countervailing duty or an antidumping investigation; (3) any previous administrative review, new shipper review, expedited antidumping review, section 753 review; or (4) any other information placed on the record. *See* also 19 CFR § 351.308(c). As adverse facts available in this preliminary determination, we have calculated Jindal's net subsidy rate by taking the sum of the highest company-specific rates calculated under each program. We note that, in determining Jindal's adverse facts available rate, we did not include in our calculations any net subsidy rates stemming from programs that were provided exclusively to public sector companies such as under the GOI's loan guarantee program or to a particular producer/exporter of subject merchandise such as under the GOI's forgiveness of loans to SAIL. In addition, we also did not include a subsidy rate for the Steel Development Fund because, according to the response of the GOI, Jindal was not eligible for this program. We further note that none of the company-specific program rates used to derive Jindal's net subsidy rate were determined on the basis of facts available.

For more information on the rate attributed to Jindal, see the ''Suspension of Liquidation'' section of this preliminary determination.

Subsidies Valuation Information

Allocation Period

Under section 351.524(d)(2) of the CVD Regulations, we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned, as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System, as updated by the Department of the Treasury. The presumption will apply unless a party claims and establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant.

In this investigation, the Department is examining non-recurring subsidies. Regarding non-recurring subsidies, we have allocated, where applicable, all of the non-recurring subsidies of the producers/exporters of subject merchandise over the AUL listed in the IRS tables for the steel industry and used in a recently completed administrative review for Indian steel companies (*see Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from India,* 64 FR 73131 (December 29, 1999) (*CTL Plate from India*)). Therefore, in accordance with section 351.524(d)(2) of the CVD Regulations, the Department is using an allocation period of 15 years.

Benchmarks for Loans and Discount Rate

In accordance with section 351.505(3)(i) of the CVD Regulations, for those programs requiring the application of a short-term benchmark interest rate, we used company-specific, short-term interest rates on commercial loans as reported by producers/exporters of subject merchandise. With respect to the rupee-denominated, short-term benchmark, we used the weighted-average of the companies' cash credit loans. We note that in *CTL Plate from India,* we found that the cash credit loans provide the most comparable type of short-term benchmark when calculating the benefit under the GOI's short-term loan programs. 64 FR at 73137.

For those programs requiring a rupee-denominated discount rate or the application of a rupee-denominated, long-term benchmark interest rate, we used, where available, company-specific, weighted-average interest rates on commercial long-term, rupee-denominated loans. We note that some producers/exporters of subject merchandise did not have rupee-denominated, long-term loans from commercial banks for all required years. Therefore, for those years, we had to rely on a rupee-denominated, long-term benchmark interest rate that is not company-specific, but provides a reasonable representation of industry practice, in order to determine whether a benefit was provided to the companies from rupee-denominated, long-term loans received from the GOI. Pursuant to 19 CFR § 351.505(a)(3)(iii), we first sought to use national average interest rates for those years in which the producer/exporters did not report company-specific interest rates on comparable commercial loans. However, the GOI did not provide in its questionnaire response national average interest rates on long-term, rupee-denominated financing for those years. Therefore, in keeping with the Department's past practice, we used as our benchmark in these instances the weighted-average interest rates of commercial rupee-denominated, long-term loans that were received by the other respondent companies in this investigation. This approach is consistent with the Department's practice in recent investigations. *See e.g., Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea,* 64 FR 30636, 30640 (June 8, 1999) and *Final Affirmative*

Countervailing Duty Determination: Structural Steel Beams From the Republic of Korea, 65 FR 41051 (July 3, 2000).

SAIL used a countervailable program requiring the use of long-term interest rate benchmarks that were denominated in foreign currencies. Because SAIL did not have any comparable, commercial loans denominated in the appropriate foreign currencies, we used currency-specific ''Lending Rates'' from private creditors as published in the *International Financial Statistics* as the benchmark for SAIL's foreign currency loans. *See, e.g., CTL Plate from India,* 64 FR at 73133. During verification, we will seek additional information on interest rates charged by commercial banks on foreign currency loans provided within India.

Creditworthiness

In the November 13, 2000 petition and the November 22, 2000 supplement to the petition, petitioners alleged that SAIL was uncreditworthy for the years 1989 through 2000. Based upon the information provided by petitioners we initiated creditworthy investigations of SAIL for only the fiscal years 1999 and 2000. We declined to initiate a creditworthy investigation for the years 1989 through 1998 because the information provided in the petition did not support the allegation that SAIL was uncreditworthy for that period. *See Initiation Notice,* 65 FR 77580, 77583.

As discussed in the ''Case History'' section of this preliminary determination, on February 22, 2001, petitioners submitted additional financial information for SAIL covering the years 1997 and 1998 and requested that the Department reverse its finding in the *Initiation Notice* and initiate creditworthy investigations of SAIL for these two years. Petitioners also alleged on February 22, 2001, that Ispat and Essar were uncreditworthy during the years 1997 through 2000.

Pursuant to section 351.505(a)(4)(i) of the CVD Regulations, the Department will generally consider a firm to be uncreditworthy if, based on information available at the time of the government-provided loan, the firm could not have obtained long-term loans from conventional commercial sources. To make this determination, the Department may examine, among other factors, the following:

(A) The receipt by the firm of comparable commercial long-term loans;

(B) The present and past financial health of the firm, as reflected in various financial indicators calculated from the firm's financial statements and accounts;

(C) The firm's recent past and present ability to meet its costs and fixed financial obligations with its cash flow; and

(D) Evidence of the firm's future financial position, such as market studies, country and industry economic forecasts, and project and loan appraisals prepared prior to the agreement between the lender and the firm on the terms of the loan.

With regard to items (B) and (C), above, it is necessary to examine financial ratios of a firm not only as they stand alone, but also within the context of the industry in which it operates. Petitioners have calculated numerous financial ratios for Ispat, Essar and SAIL based on the companies' balance sheets during the years in question. The Department has confirmed these figures. The key ratios calculated and reported by petitioners are debt/equity, total liabilities/net worth, fixed assets/net worth, current liabilities/net worth, quick ratio and current ratio. However, in our creditworthy analysis we have placed little reliance on the debt/equity ratio because the other five ratios are more important in determining the solvency and creditworthiness of a company.

As explained in the April 13, 2001, creditworthiness memorandum to Melissa G. Skinner, Director of the Office of AD/CVD Enforcement VI, a public document on file in the Department's Central Records Unit, Room B–099 (*Preliminary Creditworthiness Memorandum*), for purposes of this preliminary determination, we find that SAIL was creditworthy during the fiscal years 1999 and 2000 based on the company's financial ratios for the period and on the fact that SAIL was able to secure commercial financing during fiscal years 1999 and 2000 without the aid of GOI guarantees.

As also explained in the *Preliminary Creditworthy Memorandum,* the information submitted by petitioners is not sufficient to warrant a reversal of the Department's decision in the *Initiation Notice* not to initiate a creditworthy investigation of SAIL for fiscal years 1997 and 1998. As noted in the *Preliminary Creditworthy Memorandum,* SAIL's financial ratios for fiscal years 1997 and 1998 are not indicative of an uncreditworthy company. On this basis, we preliminarily find that SAIL was creditworthy for fiscal years 1997 and 1998 and, therefore, we are not initiating a creditworthy investigation of SAIL for these fiscal years.

Regarding petitioners' allegation that Ispat and Essar were uncreditworthy during fiscal years 1997 through 2000, our review of the companies' financial ratios do not lead us to conclude that the companies were uncreditworthy. Moreover, the companies' financial statements as well as their questionnaire responses indicate that they were able to secure commercial financing without GOI guarantees during the years alleged. For more information, see the *Preliminary Creditworthy Memorandum.* Thus, for purposes of this preliminary determination, we find that Ispat and Essar were creditworthy during the fiscal years 1997 through 2000.

Programs Preliminarily Determined To Confer Subsidies

1. Pre-shipment and Post-shipment Export Financing

The Reserve Bank of India (RBI), through commercial banks, provides short-term pre-shipment financing, or ''packing credits,'' to exporters. Upon presentation of a confirmed export order or letter of credit to a bank, companies may receive pre-shipment loans for working capital purposes, *i.e.,* for the purchase of raw materials, warehousing, packing, and transporting of export merchandise. Exporters may also establish pre-shipment credit lines upon which they may draw as needed. Credit line limits are established by commercial banks, based upon a company's creditworthiness and past export performance, and may be denominated either in Indian rupees or in foreign currency. Companies that have pre-shipment credit lines typically pay interest on a quarterly basis on the outstanding balance of the account at the end of each period. Commercial banks extending export credit to Indian companies must, by law, charge interest on this credit at rates determined by the RBI. During the POI, the rate of interest charged on pre-shipment, rupee-denominated export loans up to 180 days was 10.0 percent. For those loans over 180 days and up to 270 days, banks charged interest at 13.0 percent. During the POI, the interest rate charged on foreign currency-denominated export loans up to 180 days was a rate not to exceed the LIBOR/Euro or LIBOR/Euribor rate plus 1.5 percent. Any extension of a foreign currency-denominated pre-shipment loan outstanding during the POI was subject to the same terms and conditions as were applicable for an extension of rupee-denominated packing credit, with an additional cost of two percent above

the rate for the initial 180-day period prevailing at the time of the extension.

Post-shipment export financing consists of loans in the form of discounted trade bills or advances by commercial banks. Exporters qualify for this program by presenting their export documents to their lending bank. The credit covers the period from the date of shipment of the goods to the date of realization of export proceeds from the overseas customer. Under the Foreign Exchange Management Act of 1999, exporters are required to realize export proceeds within 180 days from the date of shipment, which is monitored by the RBI. Post-shipment financing is, therefore, a working capital program used to finance export receivables. This financing is normally denominated either in rupees or in foreign currency, except in those instances when an exporter uses foreign currency pre-shipment financing and is then restricted to post-shipment export financing denominated in the same foreign currency.

In general, post-shipment loans are granted for a period of no more than 180 days. The interest rate charged on these foreign currency denominated loans during the POI was LIBOR plus 1.5 percent. For loans not repaid within the due date, exporters lose the concessional interest rate on this financing.

The Department has previously found both pre-shipment export financing and post-shipment export financing to be countervailable, because receipt of export financing under these programs was contingent upon export performance and the interest rates under this program were lower than the rates the exporters would have paid on comparable commercial loans. *See, e.g., CTL Plate from India,* 64 FR at 73137. No new substantive information or evidence of changed circumstances has been submitted in this investigation to warrant reconsideration of this finding. Therefore, in accordance with section 771(5A)(B) of the Act, we continue to find that pre- and post-shipment export financing constitute countervailable export subsidies.

To determine whether a benefit was conferred under the pre-export financing program for rupee-denominated loans, we compared the interest rate charged on these loans to a rupee-denominated, short-term benchmark interest rate, as described in the ''Benchmarks for Loans and Discount Rate'' section above. We compared this company-specific benchmark rate to the interest rates charged on the producer/exporter's pre-shipment rupee loans and found that the interest rates charged were lower than the benchmark rates. Therefore, in accordance with section 771(5)(E)(ii) of the Act, we preliminarily determine that this program conferred countervailable benefits on producers/exporters of subject merchandise during the POI because the interest rates charged on these loans were less than what the companies otherwise would have had to pay on comparable short-term commercial loans.

To calculate the benefit conferred by these pre-shipment loans, we compared the actual interest paid on the loans with the amount of interest that would have been paid at the benchmark interest rate. Where the benchmark interest exceeds the actual interest paid, the difference is the benefit. We then divided the total amount of benefit by each producer/exporter's total exports. On this basis, we preliminarily determine the net countervailable subsidy under the pre-shipment export financing program to be 0.13 percent *ad valorem* for SAIL, 0.16 percent *ad valorem* for Essar, 1.28 percent *ad valorem* for Ispat, and 1.21 percent *ad valorem* for TISCO. As facts available, we preliminary determine a rate of 1.28 percent *ad valorem* for Jindal.

With regard to rupee-denominated post-shipment loans, we calculated the benefit using the same methodology described above. With respect to our calculation of the net subsidy rate, respondents have indicated that post-shipment financing can be tied to specific exports contracts. Therefore, when calculating the net subsidy rate under this program, we divided the benefits received by each producer/exporter under this program by their respective sales of subject merchandise made to the United States during the POI.

During the POI, SAIL also took out post-shipment export financing denominated in U.S. dollars. To determine the benefit conferred by SAIL's U.S. dollar-denominated post-shipment financing, we again compared the program interest rates to a comparable benchmark interest rate. As explained in the ''Benchmarks for Loans and Discount Rate'' section above, we used as our benchmark the weighted-average interest rate of SAIL's company-specific, U.S. dollar-denominated short-term loans received from commercial banks. We compared this company-specific benchmark rate to the interest rates charged on SAIL's post-shipment U.S. dollar-denominated loans and have determined that the interest payments under the program were less than what would have been paid on a comparable commercial short-term loan. Because respondents have indicated that post-shipment loans are tied to particular shipments, we divided SAIL's benefits under this program by its sales of subject merchandise to the United States during the POI.

On this basis, we preliminarily determine the net countervailable subsidy under the post-shipment export financing program to be 0.02 percent *ad valorem* for SAIL, 0.10 percent *ad valorem* for Ispat, and 0.33 percent *ad valorem* for TISCO. As facts available, we preliminary determine a rate of 0.33 percent *ad valorem* for Jindal.

2. Duty Entitlement Passbook Scheme (DEPS)

The DEPS formerly was the Passbook Scheme (PBS), which was enacted by the GOI on April 1, 1995. Administered under auspices of the Directorate General of Foreign Trade (DGFT), the PBS enabled GOI-designated manufacturers/exporters, upon export of finished goods, to earn import duty exemptions in the form of credits which could be used to pay customs duties on subsequent imports. The amount of PBS credit granted was determined according to the GOI's ''Standard Input/Output Norms Schedule'' (SIO Norms), which contains GOI-determined breakdowns of inputs needed to produce finished products. Rather than receiving cash, companies record their PBS credits in ''passbooks'' and then offset import duties on subsequent GOI-approved imports by making debit entries in their passbooks.

The PBS was discontinued on April 1, 1997. In its January 26, 2001, response to the Department's original questionnaire, the GOI stated that credit available under the PBS had to be utilized by September 30, 1999, after which date any outstanding credits lapsed. No producer/exporter reported using this program during the POI.

India's DEPS was enacted on April 1, 1997, as a successor to the PBS. As with PBS, the DEPS enables exporting companies to earn import duty exemptions in the form of passbook credits rather than cash. Exporting companies may obtain DEPS credits on a pre-export basis or on a post-export basis. Eligibility for pre-export DEPS credits is limited to manufacturers/exporters that have exported for a three-year period prior to applying for the program. The amount of pre-export DEPS credits that could be earned during the POI was ten percent of the average of total export performance of the applicant during the preceding three years. Pre-export DEPS credits are not transferable.

All exporters are eligible to earn DEPS credits on a post-export basis, provided that the exported product is listed in the GOI's SIO Norms. Post-export DEPS credits can be used for any subsequent imports, regardless of whether they are consumed in the production of an export product. Post-export DEPS credits are valid for 12 months and are transferable. With respect to subject merchandise, exporters were eligible to earn credits equal to 14 percent of the f.o.b. value of their export shipments during the fiscal year ending March 31, 2000. During the POI, SAIL, Essar, Ispat, and TISCO all earned post-export DEPS credits.

The criteria regarding the remission, exemption or drawback of import duties is set forth in 19 CFR 351.519. Pursuant to this provision, the entire amount of an import duty exemption is countervailable if the government does not have in place and apply a system or procedure to confirm which imports are consumed in the production of the exported product and in what amounts, or if the government has not carried out an examination of actual imports involved to confirm which imports are consumed in the production of the exported product.

In *CTL Plate from India,* we determined that the DEPS does not meet either of these standards. 64 FR at 73134. In that investigation, we found that the exporter, upon exportation, submits a listing of inputs used to produce the export shipment. *Id.* at 73134. While some of these inputs may be imported items, we found in *CTL Plate from India* that the GOI has no way of knowing whether the inputs were imported or purchased domestically. *Id.* Therefore, we concluded in *CTL Plate from India* that the GOI did not have a system in place for determining whether the value of credits issued is equal to the amount of import duties that was payable on any imported items which were consumed in the production of the export shipment. *Id.* In addition, we further concluded that the GOI does not carry out, nor has it carried out, examinations of actual inputs involved. *Id.*

Consequently, in *CTL Plate from India* we determined that under section 351.519(a)(4) of the CVD Regulations, the entire amount of import duty exemption earned by producers/exporters during the POI constitutes a benefit. *Id.* In addition, we further found that a financial contribution, as defined under section 771(5)(D)(ii) of the Act, is provided under the program because the GOI provides producers/exporters with credits for the future payment of import duties. *Id.* We further found in *CTL Plate from India* that this program can only be used by exporters and, therefore, is specific under section 771(5)(A) of the Act. *Id.*

We note that, in this investigation, the GOI and the producers/exporters of subject merchandise have claimed that the DEPS is not countervailable. However, we find that these claims are not sufficient to demonstrate that a different decision is warranted at this time. Therefore, for purposes of this preliminary determination, we find that the DEPS conferred countervailable export subsidies upon producers/exporters of subject merchandise during the POI. However, during verification we will carefully examine how this program operates.

We have determined that benefits from the DEPS are conferred as of the date of exportation of the shipment for which the pertinent DEPS credits are earned rather than the date DEPS credits are used. At that time, the amount of the benefit is known by the exporter. The benefit to producers/exporters under this program is the total value of DEPS import duty exemptions that producers/exporters earned on their export shipments of subject merchandise to the United States during the POI. We have also determined that the application fees paid by producers/exporters qualify as an ''* * * application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the countervailable subsidy.'' *See* section 771(6)(A) of the Act. We note that this approach is consistent with the methodology employed in *CTL Plate from India. See* 64 at 73134.

Under 19 CFR § 351.524(c), this program provides a recurring benefit because DEPS credits provide exemption from import duties. To derive the DEPS program rate, we first calculated the value of the pre- and post-export credits that producers/exporters earned for their export shipments of subject merchandise to the United States during the POI by multiplying the f.o.b. value of each export shipment by 14 percent, the percentage of DEPS credit allowed under the program for exports of subject merchandise. We then subtracted as an allowable offset the actual amount of application fees paid for each license in accordance with section 771(6) of the Act. Finally, we took this sum (the total value of the licenses net of application fees paid) and divided it by each producer/exporter's total respective exports of subject merchandise to the United States during the POI.

On this basis, we preliminarily determine the net countervailable subsidy from this program to be 10.55 percent *ad valorem* for SAIL, 6.06 percent *ad valorem* for Essar, 14.02 percent ad valorem for Ispat, and 1.43 percent *ad valorem* for TISCO. As facts available, we preliminary determine a rate of 14.02 percent *ad valorem* for Jindal.

3. Advance Licenses

Under India's Duty Exemption Scheme, exporters may also import inputs duty-free through the use of import licenses. Using advance licenses, companies are able to import inputs ''required for the manufacture of goods'' without paying India's basic customs duty. Advance intermediate licenses and special imprest licenses are also used to import inputs duty-free. The GOI reported that advance intermediate licenses and special imprest licenses are not related to exports. During the POI, Essar and TISCO used advance licences and TISCO also sold some advance licenses. Producers/exporters did not use or sell any advance intermediate licenses or special imprest licenses during the POI.

The Department has previously determined that the sale of import licenses confers a countervailable export subsidy. *See, e.g., CTL Plate from India; Certain Iron-Metal Castings from India: Final Results of Countervailing Duty Administrative Review,* 63 FR 64050 (November 18, 1998) (*1996 Castings*) [2]; and *Certain Iron-Metal Castings from India: Final Results of Countervailing Duty Administrative Review,* 62 FR 32297 (June 13, 1997) (*1994 Castings*). No new or substantive evidence of changed circumstances has been submitted in this proceeding to warrant reconsideration of this determination. During the POI, TISCO sold advance licenses or portions of advance licenses. Therefore, in accordance with section 771(5)(B) of the Act, we preliminarily determine that TISCO's sales of advance licenses are countervailable as export subsidies.

Essar and TISCO used advance licenses during the POI. In *CTL Plate from India,* we found that products imported under an advance license need not be consumed in the production of the exported product.[3] 64 FR at 73134. Furthermore, in *CTL Plate from India,* we found that, upon exportation, the exporter, in order to obtain an advanced license, submits a listing of inputs used to produce the export shipment. *Id.* We

[2] The year refers to the period covered by the administrative review, not to the date of publication.

[3] We note that in this investigation, TISCO has reported that the GOI does not place any restriction on the use of goods imported under the advanced license program.

concluded in *CTL Plate from India* that, while some of these inputs may be imported items, the GOI had no way of knowing whether the inputs were imported or purchased domestically. *Id.* Because we found that the GOI then issued the advanced licenses based on this list of inputs, we determined in *CTL Plate from India* that the GOI did not base the licenses it issued on the amount of import duties that were payable on the imported items that were consumed in the production of the exported merchandise. 64 FR at 73135.

In addition, we further determined in *CTL Plate from India* that, because the licenses specify ranges of quantities to be imported rather than an actual amount of duty exemption that can be claimed, the actual value of an advanced license was not known at the time the license was issued. *Id.* Therefore, in *CTL Plate from India,* we determined that the GOI had no system in place to confirm that the inputs are consumed in the production of the exported product. *Id.* In that investigation, we further determined that the GOI did not carry out examinations of actual inputs involved. *Id.*

Consequently, we determined in *CTL Plate from India* that, pursuant to 19 CFR 351.519(a)(4), the entire amount of the import duty exemption earned under the advanced license program conferred a benefit. *Id.* We further found that, because only exporters can receive advance licenses, the program constituted an export subsidy under section 771(5A)(B) of the Act and constituted a financial contribution under section 771(5)(D)(ii) of the Act in the form of revenue forgone. *Id.*

Respondents have stated that some adjustments have been made to this program; however, these claims are not sufficient to demonstrate that a different decision is warranted at this time. On this basis, we continue to determine that the advance license program is a countervailable program. However, during verification will we closely examine any changes made to the program since *CTL Plate from India.*

Under 19 CFR 351.524(c), this program provides a recurring benefit because advance licenses provide import duty exemptions. Essar and TISCO used advance licenses during the POI on exports of subject merchandise to the United States. As in *CTL Plate from India,* we continue to determine that benefits from advance licenses are conferred as of the date they are used, not the date of exportation of the export shipment for which the pertinent advance license is earned (*see* 64 FR at 73135). We also determine that the application fees paid by Essar and TISCO qualify as an ''* * * application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the countervailable subsidy'' under section 771(6)(A) of the Act, and, therefore, should be treated as an offset to the duty exemptions.

To calculate the benefits conferred to Essar and TISCO from their use of the advance licenses, we first calculated the total amount of import duty exemptions realized by Essar and TISCO (net of application fees). Regarding TISCO's sale of advanced licenses, we determine that the benefit is equal to the revenues (net of application fees) that TISCO realized on its sale of the licenses. In *CTL Plate from India,* we found that advance licenses are issued on a shipment-by-shipment basis, thereby enabling companies to tie their receipt and sale of advance licenses to their sales of subject merchandise to the U.S. *Id.* Accordingly, we divided the total benefits Essar and TISCO received under this program by the companies' respective sales of subject merchandise to the United States during the POI. On this basis, we preliminarily determine the net countervailable subsidy from this program to be 1.78 percent *ad valorem* for Essar and 1.12 percent *ad valorem* for TISCO. As facts available, we preliminary determine a rate of 1.78 percent *ad valorem* for Jindal.

4. Special Import Licenses (SILs)

During the POI, producers/exporters of subject merchandise sold through public auction two types of import licenses—SILs for Quality and SILs for Star Trading Houses. SILs for Quality are licenses granted to exporters which meet internationally-accepted quality standards for their products, such as the IS0 9000 (series) and ISO 14000 (series). SILs for Star Trading Houses are licenses granted to exporters that meet certain export targets. Both types of SILs permit the holder to import products listed on a ''Restricted List of Imports'' in amounts up to the face value of the SIL. Under the program, the SILs do not exempt or reduce the amount of import duties paid by the importer.

Producers/exporters reported that they sold SILs during the POI. The Department's practice is that the sale of SILs constitutes an export subsidy because companies receive these licenses based on their status as exporters. *See, e.g., CTL Plate from India,* 64 FR at 73135. No new substantive information or evidence of changed circumstances has been submitted in this investigation to warrant reconsideration of this determination. Therefore, in accordance with section 771(5A)(B) of the Act, we continue to find that this program constitutes a countervailable export subsidy, and that the financial contribution in the form of the revenue received on the sale of licenses constitutes the benefit.

During the POI, producers/exporters sold numerous SILs. Because the receipt of SILs cannot be segregated by type or destination of export, we calculated the net subsidy rate by dividing the total amount of proceeds each producer/exporter of subject merchandise received from its sales of these licenses by its respective total export sales for the POI. On this basis, we preliminarily determine the net countervailable subsidy to be 0.16 percent *ad valorem* for SAIL and 0.02 percent *ad valorem* for TISCO. As facts available, we preliminary determine a rate of 0.16 percent *ad valorem* for Jindal.

5. Export Promotion Capital Goods Scheme (EPCGS)

The EPCGS provides for a reduction or exemption of customs duties and an exemption from excise taxes on imports of capital goods. Under this program, producers may import capital equipment at reduced rates of duty by undertaking to earn convertible foreign exchange equal to four to five times the value of the capital goods within a period of eight years. For failure to meet the export obligation, a company is subject to payment of all or part of the duty reduction, depending on the extent of the export shortfall, plus penalty interest.

In *CTL Plate from India,* we determined that the import duty reduction provided under the EPCGS was a countervailable export subsidy. *Id.* No new information or evidence of changed circumstances has been provided to warrant a reconsideration of this determination. Therefore, we continue to find that import duty reductions provided under the EPCGS are countervailable export subsidies.

Producers/exporters reported that they imported machinery under the EPCGS in the years prior to the POI and during the POI. For some of their imported machinery, producers/exporters met their export requirements. As a result, the GOI completely waived the amount of import duties. However, producers/exporters have not completed their export requirements for other imports of capital machinery. Therefore, although producers/exporters received a reduction in import duties when the capital machinery was imported, the final waiver on the potential obligation to repay the duties has not yet been made by the GOI.

We determine that producers/exporters benefitted in two ways by participating in this program. The first benefit to producers/exporters is the benefit from the waiver of import duty on imports of capital equipment. SAIL was the only producer/exporter of subject merchandise to meet some of its export requirements with respect to certain imports of capital equipment. Because the GOI has formally waived the unpaid duties on those imports, we have treated the full amount of the waived duty exemptions as a grant received in the year in which the GOI officially granted the waiver. For other imports of capital machinery, producers/exporters have not completed their export commitments and the final waiver of the potential obligation to repay the duties on those imports has not yet been made by the GOI.

The criteria to be used by the Department in determining whether to allocate the benefits from a countervailable subsidy program is specified under 19 CFR 351.524. Specifically, recurring benefits are not to be allocated but are to be expensed to the year of receipt, while non-recurring benefits are to be allocated over time. In this investigation, non-recurring benefits will be allocated over 15 years, the AUL of assets used by the steel industry as reported in the IRS tables.

Normally, tax benefits are considered to be recurring benefits and are expensed in the year of receipt. Since import duties are a type of tax, the benefit provided under this program is a tax benefit, and, thus, normally would be considered a recurring benefit. However, our CVD regulations recognize that, under certain circumstances, it is more appropriate to allocate over time the benefits of a program traditionally considered a recurring subsidy, rather than to expense the benefits in the year of receipt. Section 351.524(c)(2) of the CVD regulations provides that a party can claim that a subsidy normally treated as a recurring subsidy should be treated as a non-recurring subsidy and enumerates the criteria to be used by the Department in evaluating such a claim. In the Preamble to our regulations, the Department provides an example of when it may be more appropriate to consider the benefits of a tax program to be non-recurring benefits, and, thus, allocate those benefits over time. *Countervailing Duties; Final Rule,* 63 FR 65348, 65393 (November 25, 1998). We also stated in the Preamble to our regulations that, if a government provides an import duty exemption tied to major capital equipment purchases, it may be reasonable to conclude that, because these duty exemptions are tied to capital assets, the benefits from such duty exemptions should be considered non-recurring, even though import duty exemptions are on the list of recurring subsidies. *Id.* Because the benefit received from the waiver of import duties under the EPCGS is tied to the capital assets of SAIL, and, therefore, is just such a benefit, we determine that it is appropriate to treat the waiver of duties received by SAIL as a non-recurring benefit. We note that our approach on this issue is consistent with that taken in *CTL Plate from India,* 64 FR at 73136.

In their questionnaire responses, producers/exporters reported all of the capital equipment imports they made using EPCGS licenses and the application fees they paid to obtain their EPCGS licenses. We preliminarily determine that the application fees paid by SAIL qualify as an ''* * * application fee, deposit, or similar payment paid in order to qualify for, or to receive, the benefit of the countervailable subsidy.'' *See* section 771(6)(A) of the Act.

In order to calculate the benefit received from the waiver of SAIL's import duties on its capital equipment imports, we determined the total amount of duties waived in each year (net of application fees). Consistent with our approach in *CTL Plate from India,* we determine the year of receipt to be the year in which the GOI formally waived SAIL's remaining outstanding import duties. *See* 64 FR at 73136. Next, we performed the ''0.5 percent test,'' as prescribed under 19 CFR 351.524(b)(2) for each year in which the GOI granted SAIL an import duty waiver.[4] Those waivers whose face values exceeded 0.5 percent of SAIL's total export sales in the year in which the waivers were granted were allocated over 15 years, the AUL used in this investigation, using the Department's standard grant allocation methodology.

A second type of benefit conferred under this program involves the import duty reductions that producers/exporters received on the imports of capital equipment for which producers/exporters have not yet met their export requirements. For those capital equipment imports, producers/exporters have unpaid duties that will have to be paid to the GOI if the export requirements are not met. Therefore, we determine that the companies had outstanding contingent liabilities during the POI. When a company has an outstanding liability and the repayment of that liability is contingent upon subsequent events, our practice is to treat any balance on that unpaid liability as an interest-free loan. *See* 19 CFR § 351.505(d)(1).

We determine that the amount of contingent liability to be treated as an interest-free loan is the amount of the import duty reduction or exemption for which producers/exporters applied but, as of the end of the POI, was not finally waived by the GOI. Accordingly, we determine the benefit to be the interest that producers/exporters would have paid during the POI had they borrowed the full amount of the duty reduction at the time of import. We note that this approach is consistent with the methodology employed in *CTL Plate from India. See* 64 FR at 73136. Pursuant to 19 CFR 351.505(d)(1), the benchmark for measuring the benefit is a long-term interest rate because the event upon which repayment of the duties depends (*i.e.,* the date of expiration of the time period for producers/exporters to fulfill their export commitments) occurs at a point in time more than one year after the date the capital goods were imported.

To calculate the program rate, we combined, where applicable, the sum of the allocated benefits received on waived duties and the benefits conferred on producers/exporters in the form of contingent liability loans. We then divided each producer/exporter's total benefit under the program by its respective total export sales during the POI. On this basis, we preliminarily determine the net countervailable subsidy from this program to be 0.30 percent *ad valorem* for SAIL, 1.08 percent *ad valorem* for Essar, 16.60 percent *ad valorem* for Ispat, and 2.42 percent *ad valorem* for TISCO. As facts available, we preliminarily determine a rate of 16.60 percent *ad valorem* for Jindal.

6. Loans From the Steel Development Fund (SDF)

The SDF was established in 1978 during a time when the steel sector in India was subject to price and distribution controls. From 1978 through 1994, India's integrated steel producers, SAIL, TISCO, Rashtriya Ispat Nigam Limited (RINL), and India Iron & Steel Company Limited (IISCO), were mandated by the GOI to increase the prices for the products they sold. The proceeds from the price increases were remitted to the SDF. Under the SDF program, companies that contributed to the fund are eligible to take out long-term loans at advantageous rates.

[4] Under this section, non-recurring subsidies will be expensed in the year of receipt rather than allocated over time if the benefit from the non-recurring subsidy is less than 0.5 percent of the company's sales.

Loans from the SDF are made for the following purposes: (1) Financing capital improvements and research and development projects; (2) providing funding for rebates to the Small Scale Industries Corporations on supplies by those companies; and (3) meeting the expenditures of the Economic Research Unit of the Joint Plant Committee (JPC).

The Commission for Iron and Steel, which is known as CI&S, is led by the Secretary of the Ministry of Steel. This official is an ex-officio member of the SDF Managing Committee, and Chairman of the JPC. The issuance and administration of loans under the SDF program are supervised by the JPC. However, according to the GOI, all of the SDF's lending decisions are subject to the review and approval of the SDF Managing Committee.

In *CTL Plate from India,* we determined that the SDF was financed by producer levies and other non-GOI sources. In addition, we determined that there was no information on the record of that investigation to indicate that the GOI contributed tax revenues, either directly or indirectly to the fund, or that the GOI exerted any control over the fund. On this basis, we determined that loans under the SDF were not countervailable. *See CTL Plate from India,* 64 FR at 73143.

However, new information on the record of this investigation has led us to reverse the non-countervailable finding we made in *CTL Plate from India.* As stated above, our determination in *CTL Plate from India* was based on the claims of the GOI and SAIL that contributions to the SDF were made without the direct or indirect involvement of the government. In this investigation, new information from the GOI and the producers/exporters of subject merchandise indicate that the levies originated from producer price increases that were mandated and determined by the JPC. Because the Secretary of the Ministry of Steel, in his capacity as the head of the CI&S, acts as an ex-officio member and Chairman of the JPC, we determine, for purposes of this preliminary determination, that the GOI, through the JPC, has a controlling interest in the manner and amount of contributions that are made to the SDF.

In particular, during the period in which the funds for the SDF were provided, the GOI controlled the price of steel products in India. In order to create the SDF, the GOI, acting through the JPC, mandated steel price increases which were earmarked for the SDF. Steel producers collected this price increase, which was paid by steel consumers in India, and these additional funds were then placed into the SDF as a source of concessional financing for the Indian steel industry. Therefore, information on the record, information which was not on the record in *CTL Plate from India,* demonstrates that the GOI played a direct role in the creation of the SDF by mandating price increases on steel products which were authorized for use solely as a source of funds for the SDF.

Under section 771(5)(B) of the Act, a subsidy can be found whenever the government makes a financial contribution, when it provides a payment to a funding mechanism to provide a financial contribution, or when it entrusts or directs a private entity to make a financial contribution. We preliminary determine that the GOI directed the contribution of funds for the SDF within the meaning of section 771(5)(B) of the Act, by levying price increases on steel products which were routed into the SDF. Furthermore, because the Secretary of the Ministry of Steel has a major leadership role in the JPC and the SDF Managing Committee, the bodies that issue and administer loans under the SDF, we preliminarily determine that the GOI exercises control over the way in which funding is disbursed under this program. Therefore, we preliminarily determine that loans under the SDF constitute a financial contribution within the meaning of section 771(5)(D)(i) of the Act. According to information from the GOI, eligibility for loans from the SDF is limited to steel companies. Thus, we also preliminarily determine that loans under this program are specific within the meaning of 771(5A)(D)(i) of the Act. SAIL and TISCO received loans under the SDF program. However, SAIL has indicated in its questionnaire response that it had no outstanding SDF loans with interest payments due during the POI. Therefore, we preliminarily determine that these loans did not provide a benefit to SAIL during the POI. We will examine the terms of the loans in detail during verification.

In order to determine whether TISCO's loans under the SDF program conferred a benefit within the meaning of section 771(5)(E)(ii) of the Act, we compared the actual interest rates charged to the benchmark interest rates that would have been charged on a comparable commercial loan. As discussed in the ''Benchmarks for Loans and Discount Rate'' section of this preliminary determination, where available we used as our benchmark the weighted-average interest rates on TISCO's rupee-denominated, long-term loans. For those years in which no company-specific long-term benchmark was available for TISCO, we used the weighted-average interest rates of commercial rupee-denominated, long-term loans that were received by the other producers/exporters of subject merchandise. Our comparison of the interest rates indicates that the interest rate payments that TISCO made under the SDF program were less than what it would have otherwise paid on a comparable commercial loan. Thus, we preliminarily determine that the interest savings realized under this program conferred a benefit upon TISCO. We then divided the total amount of interest savings TISCO obtained under this program by TISCO's total sales for the POI. On this basis, we preliminarily determine the net countervailable subsidy to be 1.45 percent *ad valorem* for TISCO.

7. The GOI's Forgiveness of SDF Loans Issued to SAIL

In October of 1998, SAIL, which was facing financial problems, proposed a turnaround plan to the GOI, through the SDF Managing Committee, in which it outlined its financial and business restructuring. The goals of the restructuring plan were to restore the profitability and competitiveness of the company. In order to achieve these goals, SAIL included in its proposal to the GOI provisions for the forgiveness of portions of its outstanding SDF debt. As SAIL's principal shareholder, the GOI reviewed and approved SAIL's overall restructuring plan. However, the approval for the actual forgiveness of SAIL's SDF loans lay with the SDF Managing Committee. SAIL has reported that on February 17, 2000, the SDF Managing Committee issued a resolution in which it waived Rs. 50.73 billion of SAIL's SDF debt. In addition, SAIL indicated that it received from the GOI three other waivers on its SDF loans in the years immediately preceding the POI.

As explained above, we have determined that because the Ministry of Steel has a major leadership role in the SDF Managing Committee, the actions of the SDF Managing Committee are subject to the influence and control of the GOI. Therefore, we preliminarily determine that the forgiveness of SAIL's Rs. 50.73 billion in SDF debt that took place during the POI, as well as the SDF waivers that occurred in prior years, constitute a financial contribution within the meaning of section 771(5)(D)(i) of the Act. Furthermore, because the waivers of the SDF loans were limited to SAIL, we determine that they were specific to a particular enterprise within the meaning of section 771(5A)(D)(i) of the Act.

In its questionnaire response, SAIL has claimed that a portion of the GOI debt forgiveness it received during the POI was contingent on the company assisting its subsidiary, IISCO, with its debts. Thus, SAIL argues that this portion of the SDF debt was effectively provided to IISCO and, therefore, did not benefit SAIL.

For purposes of this preliminary determination, we have determined that all of the Rs. 50.73 billion in SDF debt forgiveness that SAIL received during the POI constitutes a countervailable benefit conferred upon SAIL in the form of a grant. Information from the GOI indicates that, absent government involvement, SAIL would have borne the burden of IISCO's inability to repay its debts. Thus, we preliminarily determine that the full amount of the SDF loan waiver provided during the POI is attributable to SAIL. We will carefully examine this entire transaction during verification.

To calculate the benefit under this program, we treated the amount of debt forgiveness SAIL received in each year under this program as a non-recurring grant. For each of those years, we performed the ''0.5 percent test'' as prescribed under 19 CFR 351.524(b)(2). For those grants whose face values were larger than 0.5 percent of SAIL's total sales in the year the grant was approved, we allocated the face amounts of the grants over 15 years, the AUL applied in this investigation, using the Department's standard allocation methodology. We then divided the amounts of the benefits attributable to the POI by SAIL's total sales during the POI. On this basis, we preliminarily determine the net countervailable subsidy to be 6.27 percent *ad valorem* for SAIL.

8. GOI Forgiveness of Other Loans Issued to SAIL

In the 1970s, IISCO, a subsidiary of SAIL, was an ailing private sector company, the management of which was assumed by SAIL in the early 1970s at the direction of the GOI. According to the GOI, pursuant to a 1978 Act of Parliament, IISCO was made a wholly-owned subsidiary of SAIL. However, IISCO continued to incur losses, and, in order to meet its capital expenditures and to finance its debts, the GOI issued loans to the company in the late 1980s and early 1990s. According to the GOI, these loans were ''routed'' through SAIL. The GOI eventually forgave these loans as part of SAIL's financial restructuring package.

In its questionnaire responses, SAIL has claimed that IISCO was the sole recipient of the GOI's debt forgiveness and that SAIL did not benefit from the waiver of the GOI loans in any way. However, according to the questionnaire response of the GOI, due to IISCO's troubled financial situation, IISCO was not able to repay the outstanding debt it owed to SAIL. Thus, according to the GOI, IISCO's inability to repay its debts meant that SAIL, as the controlling entity of IISCO, was ''burdened with loans with no prospect of their recovery.'' In order to provide relief to SAIL and IISCO, the GOI approved a waiver of SAIL's GOI debts in the amount of Rs. 3.81 billion so that SAIL could immediately thereafter waive loans in the same amount that IISCO owed to SAIL.

Based on the information provided by the GOI, we preliminarily determine that this program conferred countervailable benefits upon SAIL. Absent the involvement of the GOI, IISCO would have not been able to repay the loans it owed to SAIL. In other words, the actions of the GOI enabled SAIL to avoid bad debt expenses. Thus, we preliminarily determine that this program constitutes a financial contribution within the meaning of section 771(5)(D)(i) of the Act. Furthermore, because the waiver of the GOI loans was limited to SAIL, we determine that it was specific to a particular enterprise within the meaning of section 771(5A)(D)(i) of the Act.

To calculate the benefit under this program, we treated the amount of debt forgiveness SAIL received as a non-recurring grant. We then performed the ''0.5 percent test,'' as prescribed under section 351.524(b)(2) of the CVD Regulations. Because the amount of the grant was larger than 0.5 percent of SAIL's total sales in the year the debt forgiveness was approved, we allocated the face amount of the grant over 15 years, the AUL applied in this investigation, using the Department's standard allocation methodology. We then divided the amount of the benefit attributable to the POI by SAIL's total sales during the POI. On this basis, we preliminarily determine the net countervailable subsidy to be 0.45 percent *ad valorem* for SAIL.

9. Loan Guarantees from the GOI

In its questionnaire response, the GOI reported that it does not extend loan guarantees under a particular program. Rather, it provides loan guarantees on a case-by-case basis only after companies have explained in their loan applications the situation and circumstances justifying the guarantee. According to the GOI's response, loan guarantees are normally extended to ''Public Sector Companies'' in particular industrial sectors. SAIL was the only producer/exporter of subject merchandise that reported loans outstanding during the POI on which it had received GOI loan guarantees. These long-term loans were denominated in several foreign currencies.

In *CTL Plate from India,* we determined that the loan guarantees issued by the GOI constitute a financial contribution within the meaning of section 771(5)(D)(i) of the Act. 64 FR at 73137. In addition, in that investigation we determined that the GOI's provision of loan guarantees were specific under section 771(5A)(D)(iii)(II) of the Act because they were limited to certain companies selected by the GOI on an *ad hoc* basis. 64 FR at 73134. No new information has been submitted on the record of this investigation to warrant any reconsideration of these findings.

Under 19 CFR 351.506, a benefit exists from a loan guarantee to the extent that the total amount a firm pays for the loan with a government-provided guarantee is less than the total amount the firm would pay for a comparable commercial loan that the firm could actually obtain on the market absent the government-provided guarantee, including any differences in guarantee fees. Thus, to determine whether a government loan guarantee confers a benefit, we compare the total amount paid by the company (*i.e.,* the effective interest and guarantee fees) for the loan with the total amount it would have paid for a comparable commercial loan.

Using the foreign currency denominated, long-term interest rate benchmark for SAIL that was discussed in the ''Benchmarks for Loans and Discount Rate'' section of this preliminary determination, we found that the total amounts SAIL paid for its GOI-guaranteed loans were less than the total amounts SAIL would have otherwise paid for comparable commercial loans. Thus, we preliminarily determine that the loan guarantees from the GOI conferred a benefit on SAIL equal to the difference between these two amounts. We then divided the benefit SAIL received under this program by its total sales for the POI. On this basis, we preliminarily determine the net countervailable subsidy from this program to be 0.06 percent *ad valorem* for SAIL.

SAIL also received several GOI-guarantees on loans that were issued by international lending and development institutions. In *CTL Plate from India,* 64 FR at 73137, we did not include in our benefit calculations the loans that SAIL received from international lending and development institutions. In the

concurrent CVD investigation of the subject merchandise from South Africa, the Department has preliminarily determined that the government loan guarantees provided to South African companies on loans from international lending and development institutions are countervailable to the extent that the guarantee fees charged by the government are lower than the fees which would have been charged by commercial banks. Based on the decision in *CTL Plate,* we did not solicit information on guarantee fees charged by commercial banks in India. Therefore, we are unable to determine whether the GOI guarantees provided to SAIL on loans from international lending and development institutions provide a countervailable benefit.

During verification we will gather information on guarantee fees charged by commercial banks in India. We will report this benchmark information in our verification report and encourage interested parties to comment on this issue in their case and rebuttal briefs.

10. Exemption of Export Credit From Interest Taxes

Under the Interest Tax Act of 1974, a tax is levied on the chargable interest accruing to a credit institution in a given year. Under Section 28 of the Act, the GOI may exempt any credit institution or class of credit institutions, or the interest on any category of loan or advances from the levy of the interest tax. Pursuant to this section of the Act, the GOI has exempted working capital loans taken from banks for supporting exports from the interest tax. Loans obtained by producers/exporters of subject merchandise from banks under the pre- and post-shipment export financing program are covered by this exemption. All producers/exporters of subject merchandise used this program.

In the *Final Results of Countervailing Duty Administrative Review: Certain Iron-Metal Castings From India,* 61 FR 64676, 64686 (December 6, 1996) (*1993 Castings*), we determined that, in the absence of this program, banks would pass along this interest tax to borrowers in its entirety. As a result, in *1993 Castings*, we determined that this tax exemption is an export subsidy, and thus countervailable, because only interest accruing on loans and advances made to exporters in the form of export credit is exempt from the interest tax. We reached the same conclusions in *Certain Iron-Metal Castings from India: Final Results of Countervailing Duty Administrative Review,* 65FR 31515, May 18, 2000 (*1997 Castings*). No new information or evidence of changed circumstances has been submitted in this investigation to warrant reconsideration of this finding. Therefore, in accordance with sections 771(5)(D) and (E) of the Act, we continue to find this program countervailable because it results in a financial contribution by the government in the form of revenue forgone and provides a benefit to the recipient in the amount of the interest tax savings. Moreover, because receipt of the interest tax exemption is contingent upon export performance, we continue to find the program to be an export subsidy under section 771(5A)(B) of the Act.

To calculate the benefit for each producer/exporter of subject merchandise, we first determined the total amount of interest paid by each producer/exporter during the POI by adding the interest payments made on all pre- and post-shipment export loans. We then multiplied this amount by the tax rate to which the interest amount would have been subject, if not for the exemption during the POR. In its response, the GOI indicated that during the POI the rate of interest tax exempted was two percent of the basic interest rate. Next, we divided the benefit by the value of each producer/exporter's total exports or total exports of subject merchandise to the United States, depending on the type of sales to which the export financing was tied. On this basis, we preliminarily determine the net countervailable subsidy from this program to be 0.01 percent *ad valorem* for SAIL, less than 0.005 percent *ad valorem* for Essar, 0.05 percent *ad valorem* for Ispat, and 0.10 percent *ad valorem* for TISCO. As facts available, we preliminary determine a rate of 0.10 percent *ad valorem* for Jindal.

The GOI indicated that pursuant to the Finance Act of 2000, the tax exemptions under this program were discontinued as of April 1, 2000. However, the GOI has not yet submitted a copy of the Finance Act of 2000 to substantiate the termination of the program. During verification we will seek to confirm whether this program has been terminated and whether its termination qualifies as a ''program-wide change'' under 19 CFR § 351.526. If we can substantiate during verification that there has been a program-wide change, we will adjust the cash deposit rates to reflect the termination of this program in our final determination.

Program Preliminarily Determined Not To Be Not Used

1. Income Tax Deductions Under Section 80 HHC

2. Grant-In-Aid Reported on SAIL's Annual Reports

SAIL's Annual Reports for fiscal years 1995 through 1999 indicate that the company received ''grant-in-aid'' from the GOI under several programs ranging from environmental and labor welfare assistance to research and development grants. We conducted the ''0.5 percent test'' on each of these grants, as prescribed under 19 CFR § 351.524(b)(2). The face amounts of the grants received during the fiscal years 1995 through 1999 did not exceed 0.5 percent of SAIL's total sales. Thus, we determine that these grants would have been expensed in the years of receipt. Because any benefits attributable to these grants would not be allocable to the POI, we find that the program is not used during the POI; therefore, it is not necessary to determine whether these grants are countervailable.

Verification

In accordance with section 782(i) of the Act, we will verify the information submitted by respondents prior to making our final determination.

Suspension of Liquidation

In accordance with 703(d)(1)(A)(i) of the Act, we have calculated individual rates for the companies under investigation—SAIL, Essar, TISCO, Ispat, and Jindal. To calculate the ''all others'' rate, we weight-averaged the individual rates of SAIL, Essar, TISCO, and Ispat by each company's respective sales of subject merchandise made to the United States during the POI. We note that we did not include Jindal's net subsidy rate in the ''all others'' rate because Jindal's net subsidy rate was calculated on the basis of facts available. These rates are summarized in the table below:

Producer/exporter	Net subsidy rate (percent *ad valorem*)
Steel Authority of India Limited (SAIL)	17.95
Essar Steel Limited (Essar)	9.08
Ispat Industries Limited (Ispat)	32.05
Tata Iron and Steel Company Limited (TISCO)	8.08
Jindal Iron and Steel (Jindal)	34.27
All Others	15.72

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from India, which are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated above. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and nonproprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. Any requested hearing will be tentatively scheduled to be held 57 days from the date of publication of the preliminary determination at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 13, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–9860 Filed 4–19–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–549–818]

Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment With Final Antidumping Duty Determinations: Certain Hot-Rolled Carbon Steel Flat Products From Thailand

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

ACTION: Notice of preliminary affirmative countervailing duty determination.

EFFECTIVE DATE: April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Dana Mermelstein at (202) 482–1391 or Samantha Denenberg at (202) 482–1386, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

Preliminary Determination

The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to producers and exporters of certain hot-rolled carbon steel flat products from Thailand. For information on the estimated countervailing duty rates, please see the ''Suspension of Liquidation'' section of this notice.

SUPPLEMENTARY INFORMATION:

Petitioners

The petition in this investigation was filed, on November 22, 2000, by Bethlehem Steel Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., U.S. Steel Group, a unit of USX Corporation, Weirton Steel Corporation, Independent Steelworkers Union, and the United Steelworkers of America (the petitioners).

Case History

We initiated this investigation on December 4, 2000. See Notice of Initiation of Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, South Africa, and Thailand, 65 FR 77580 (December 12, 2000) (Initiation Notice). Since the initiation, the following events have occurred. On December 20, 2000, we issued a countervailing duty questionnaire to the Royal Thai Government (RTG). On January 3, 2001, the RTG responded to Section I.D. of the Department's questionnaire, identifying Sahaviriya Steel Industries Public Company Limited (SSI) as the only producer/exporter of the subject merchandise to the United States during the period of investigation. On January 17, 2001, petitioners renewed their allegation that SSI was uncreditworthy in 1996. On February 6, 2001, we received questionnaire responses from SSI and the RTG. On February 27, 2001, we issued supplemental questionnaires to the RTG and SSI. On March 7 and March 13, 2001, we received the RTG's and SSI's responses to the Department's supplemental questionnaires. On March 16, 2001, the Department decided not to initiate an uncreditworthiness investigation of SSI for 1996. See Memorandum to the File Regarding Uncreditworthiness Allegation for SSI in 1996.

On January 18, 2001, we issued a partial extension of the due date for this preliminary determination from February 7, 2001, to March 26, 2001. See Certain Hot -Rolled Carbon Steel

Flat Products from India, Indonesia, South Africa and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations, 66 FR 8199 (January 30, 2001)(Extension Notice). On March 26, 2001, we amended the Extension Notice to take the full amount of time to issue this preliminary determination. The extended due date is April 13, 2001. See Certain Hot-Rolled Carbon Steel Flat Products from India, Indonesia, South Africa and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations, 66 FR 17525 (April 2, 2001).

Scope of the Investigation

The merchandise subject to this investigation is certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, e.g., American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this investigation is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by this investigation, including vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise under investigation is dispositive.

In the scope section of the Initiation Notice for this investigation, the Department encouraged all parties to submit comments regarding product coverage by December 26, 2000. The Department is presently considering a request to amend the scope of these investigations to exclude a particular specialty steel product. We will issue our determination on this request prior to the final determination.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Injury Test

Because Thailand is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from Thailand materially injure or threaten material injury to a U.S. industry. On January 4, 2001, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from Thailand of subject merchandise (66 FR 805). The views of the

Commission are contained in the USITC Publication 3381 (January 2001), Hot-Rolled Steel Products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine; Investigation Nos. 701–TA–404–408 (Preliminary) and 731–TA–898–908 (Preliminary).

Alignment with Final Antidumping Duty Determinations

On March 23, 2001, petitioners submitted a letter requesting alignment of the final determination in this investigation with the final determinations of the antidumping duty investigations of certain hot-rolled carbon steel flat products from Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China, Romania, South Africa, Taiwan, Thailand, and Ukraine. See Initiation Notice. In accordance with section 705(a)(1) of the Act, we are aligning the final determination in this investigation with the final determinations in the companion antidumping investigations of certain hot-rolled carbon steel flat products.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is calendar year 1999.

Use of Facts Available

The RTG failed to respond to specific questions in the Department's original and supplemental questionnaires. Section 776(a)(2)(A) of the Act states the Department shall use facts otherwise available in reaching the applicable determination if any interested party ''withholds information that has been requested by the administering authority.'' As described in more detail in the *Debt Restructurings* section below, the RTG withheld information explicitly requested by the Department; therefore, we must resort to the use of facts otherwise available.

Furthermore, section 776(b) of the Act provides that in selecting from among the facts available, the Department may use an inference that is adverse to the interests of a party if it determines that a party has failed to cooperate to the best of its ability. In this investigation, the Department requested the RTG to submit information identifying which companies and industries had been targeted for debt restructuring. The Department also requested the CDRAC ''List of 351,'' a list which identifies the first 351 cases ''targeted'' by the RTG for debt restructuring. This information was requested in the initial and supplemental questionnaires, respectively. The Department finds that by not providing necessary information specifically requested by the Department the RTG has failed to cooperate to the best of its ability. Therefore, in selecting facts available, the Department determines that an adverse inference is warranted.

When employing an adverse inference, the statute indicates that the Department may rely upon information derived from (1) the petition; (2) a final determination in a countervailing duty or an antidumping investigation; (3) any previous administrative review, new shipper review, expedited antidumping review, section 753 review, or section 762 review; or (4) any other information placed on the record. See section 776(b)(1)–(b)(4) of the Act and 19 CFR § 351.308(c). As adverse facts available in this preliminary determination, we have relied upon information in the record, including other information in the response and information submitted by the petitioners, in order to determine that the information the RTG has withheld may provide necessary insight into the specificity of SSI's and PPC's debt restructurings. The Department's selection of the information used as adverse facts available is discussed in more detail in the *Debt Restructurings* section below.

Subsidies Valuation Information

Allocation Period

Section 351.524(d)(2) of the Department's regulations states that we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System, as updated by the Department of Treasury. The presumption will apply unless a party claims and establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant.

No party requested, or submitted information which yielded, an industry-wide AUL different from the AUL listed in the IRS tables. We are therefore using the 15-year AUL as reported in the IRS tables to allocate any non-recurring subsidies under investigation which were provided directly to SSI. Petitioners also alleged that Prachuab Port Co., Ltd. (PPC), which is 51 percent owned by SSI and which provides port facilities and services to SSI, received non-recurring subsidies under several programs. For non-recurring subsidies provided to PPC, we are using the AUL of 20 years, as reported in the IRS tables for port facilities.

Creditworthiness and the Calculation of Loan Benchmark and Discount Rates

Both SSI and PPC received exemptions from import duties on the importation of capital equipment (under IPA Section 28), which we have preliminarily determined to be non-recurring benefits. See *Duty Exemptions on Imports of Machinery Under IPA Section 28* section below. SSI received IPA Section 28 exemptions in the years 1992 through 1997 and PPC received IPA Section 28 benefits in 1994 through 1996.

Section 351.524(d)(3) of the regulations directs us regarding the selection of a discount rate for the purposes of allocating non-recurring benefits over time. The regulations provide several options in order of preference. The first among these is the cost of long-term fixed-rate loans of the firm in question, excluding any loans which have been determined to be countervailable, for each year in which non-recurring subsidies have been received. Both SSI and PPC have calculated their annual average cost of long-term fixed-rate loans. SSI has done so for the years 1994 through 1997; PPC has done so for the years 1993 through 1997. Since we are not investigating the countervailability of SSI's or PPC's loans during this period, there is no reason to seek another source of appropriate discount rate information. However, for the years 1992 and 1993, in which SSI received IPA Section 28 benefits, and for which SSI has not provided its cost of long-term fixed-rate loans, we have used as our discount rate the cost of long-term fixed-rate loans reported by PPC for 1993. While the RTG did report the Thailand-wide average cost of fixed-rate debt for the years 1992 through 1999, we believe that PPC's own cost of long-term fixed rate debt more closely satisfies the Department's preference for a company-specific interest rate.

We initiated an investigation of whether SSI was creditworthy for the years 1997 through 1999. However, except for 1999, we have not found benefits granted in those years that are allocable to the POI, under any of the non-recurring subsidy programs under investigation. See *Duty Exemptions on Imports of Machinery Under IPA Section 28* section below. Therefore we need not reach the issue of SSI's creditworthiness in 1997 or 1998.

Furthermore, we declined to initiate an investigation of SSI's creditworthiness for 1996. See *Case History* section above. Therefore, there is no basis for adjusting the discount rates to include an uncreditworthiness risk premium in any of the relevant years. However, both SSI and PPC received loans as part of their restructuring packages in 1999. Therefore, it is necessary to conduct a creditworthiness analysis for 1999, the year in which the terms of the debt restructurings under investigation were agreed to, as discussed in the *Debt Restructurings* section below.

In determining whether SSI was uncreditworthy during 1999, we conducted: (1) an examination of SSI's ability to meet its costs and fixed financial obligations with its cash flow; (2) an analysis of SSI's financial ratios from 1996 to 1998; and, (3) an examination of whether new long-term commercial loans were provided by commercial lending institutions, other than the debt restructuring itself.

In its questionnaire responses, SSI stated that it was unable to meet its principal and interest payment schedules and that defaults occurred on the loans which gave rise to the necessity for restructuring those loans. Information in the responses also shows that by 1999 SSI was unable to meet its financial obligations. Because SSI was a startup, we would expect to see that SSI's capital and other startup-related expenses would absorb revenue in the initial years and would cause the company to experience some difficulty in meeting its debt obligations in its initial years, in this case 1994 through 1995. However, even beyond the first two years, SSI was still having difficulty meeting its debt servicing requirements from 1996 through the first half of 1999.

We also examined the company's financial statements for the three years prior to 1999. In this case, the questionnaire responses provide sufficient SSI financial statement information for 1996, 1997, and 1998 to analyze whether a reasonable private lender would have extended credit to SSI in 1999. When we examined the relevant ratios (Current Ratio, Quick Ratio, Debt-to-Equity) for 1996 through 1998, we see that 1996 starts with SSI below average financial health benchmarks. After 1996, SSI experienced a marked decline in its financial performance in all three of these ratios: for example, the Current Ratio was below financial benchmark averages for 1996 and worsened until 1998; the Quick Ratio exhibited the same trend as the Current Ratio; and the Debt-to-Equity Ratio exhibited a marked increase from 1996 to 1998. This information shows that 1998 was the worst in terms of overall financial health. These ratios normally would be seen by a reasonable private lender as an indication of SSI's declining ability to meet its debt service obligations and thus an indication of its uncreditworthiness. For additional information, see Memorandum from Javier Barrientos through Dana Mermelstein to Barbara E. Tillman: Creditworthiness of SSI (April 13, 2001) (Creditworthiness Memo) (public version on file in the Department's Central Records Unit). Respondents have argued that the debt restructuring itself constitutes commercial long-term financing obtained in 1999, and therefore is indicative of SSI's creditworthiness. The Department, however, has examined the proprietary details of the debt restructuring transaction to determine whether it gives rise to countervailable benefits, and has found that the financing to which respondents refer was part of the debt restructuring package which was achieved on non-commercial terms. See section on *Debt Restructurings* below. Thus, we cannot consider this financing as indicative of SSI creditworthiness during the POI. In addition, respondents have not shown that they received other long-term commercial financing during 1999.

Thus, based on the above information and in accordance with section 351.505 (a)(4) of the Department's regulations, we preliminarily determine that SSI was uncreditworthy in 1999. There is no indication that SSI could have obtained long-term loans from conventional commercial sources.

Because we have preliminarily determined that SSI was uncreditworthy in 1999, we adjusted the loan benchmark rate by adding a risk premium, calculated according to the methodology described in section 351.505(a)(3)(iii) of our regulations, for those subsidies conferred during the fiscal year 1999.

Equityworthiness

We initiated an investigation of SSI's equityworthiness for 1999. The conversion to equity of SSI's convertible debentures which occurred in 1999 was one element of SSI's debt restructuring which was completed in 1999. As discussed in greater detail below, we are continuing to gather information necessary to determine whether the alleged RTG involvement in the debt-for-equity conversion gives rise to countervailable subsidies. Therefore, for purposes of this preliminary determination, we need not reach the issue of SSI's equityworthiness in 1999.

Programs Preliminarily Determined To Be Countervailable

1. Investment Incentives Under the Investment Promotion Act

According to the questionnaire responses, the Investment Promotion Act of 1977 (IPA) is administered by the Board of Investment (BOI) and is designed to provide incentives to invest in Thailand. In order to receive IPA benefits, each company must apply to the BOI for a Certificate of Promotion (license), which specifies goods to be produced, production and export requirements, and benefits approved. These licenses are granted at the discretion of the BOI and are periodically amended or reissued to change benefits or requirements. IPA benefits include VAT exemptions, import duty exemptions, income tax exemptions, and other tax benefits for promoted companies under various sections of the IPA. Each IPA benefit for which a company is eligible must be specifically stated in the license.

According to the responses, Thailand had been considering the establishment of a private domestic steel industry since the 1960's. It was not until the late 1980's, however, that developing market factors made a Thai flat-rolled steel industry feasible. In an effort to encourage private investment into this industry, the BOI solicited bids and offered a package of tax and duty incentives under IPA that it would make available for the creation of a hot-rolled steel sheet facility. The August 2, 1988 Announcement of the Office of the Board of Investment No. Por. 1/1988, Re: Promotion of Steel Sheet Production outlined the criteria for application to this program. Six applications were submitted, and two of these were found to meet the requirements outlined in the above announcement, one of them being SSI's. SSI was then chosen to receive the benefits package because it was considered by the BOI to have a greater likelihood of success than the other applicant. After the BOI approved the benefits package for SSI, the Ministry of Industry (MOI) issued SSI a factory license. The MOI then announced on November 24, 1989, in Ministry of Industry Announcement, Re: Policy on Steel Sheet Industry, that it would ''suspend its consideration for the establishment or the expansion of factories producing hot-rolled, cold-rolled, and surface treatment sheet (plate mill excluded), for a period of ten years.''

When determining whether a program is countervailable, we must examine whether it is an export subsidy or whether it provides benefits to a specific

enterprise, industry, or group thereof, either in law (*de jure* specificity) or in fact (*de facto* specificity). See Section 771(5A) of the Act. There are no export requirements in the general legislation of the IPA, although some specific sections of the IPA contain export requirements. There is also no element of the law explicitly limiting eligibility for IPA program benefits from the BOI, to an enterprise, industry, or group thereof. Thus, this program is not *de jure* specific, and we must analyze whether the program meets the *de facto* criteria defined under section 771(5A)(D)(iii) of the Act. Because a specific package of IPA benefits was tailored to meet SSI's requirements and because the MOI announced it would not issue a license to any other companies in the hot-rolled industry for a period of ten years, we preliminarily find SSI's IPA benefits to be *de facto* specific to an enterprise within the meaning of section 771(5A)(D)(iii)(I) of the Act.

In addition to IPA benefits to SSI, petitioners alleged that PPC, the 51 percent-owned subsidiary of SSI, also received a package of benefits under IPA. PPC, which owns and operates the port facility where SSI is located, was established in 1991, after SSI was established and approved for its package of IPA benefits. Although the BOI did not expressly solicit applicants to establish a port facility, the fact that PPC was created after SSI to develop a port facility in the same location as SSI's plant; is owned 51 percent by SSI; and, services SSI's import and export needs, leads us to conclude that the BOI's approval of a package of incentives to PPC was part of its effort to develop a hot-rolled steel industry, and therefore, that PPC's package of incentives is specific in accordance with section 771(5A)(D)(iii)(I) of the Act.

Because the packages of benefits were composed of different types of incentives under different sections of the IPA, we are analyzing the issues of financial contribution and benefit under each relevant section.

a. *Duty Exemptions on Imports of Machinery Under IPA Section 28.* IPA Section 28 allows companies to import machinery and equipment (fixed assets) with an exemption of import duties and VAT (VAT exemptions under IPA Section 28 are provided by section 21(4) of the VAT Act, which is discussed separately below in the section titled *Programs Preliminarily Determined to be Not Countervailable*). According to the questionnaire responses, SSI and PPC received import duty exemptions under IPA Section 28 during the years since the initial BOI Section 28 certificates were issued.

Import duty exemptions provide a financial contribution under section 771(5)(D)(ii) of the Act in the form of foregone revenue that is otherwise due to the RTG. The benefit is the amount of the revenue foregone by the RTG.

Although import duty exemptions are identified as recurring in the illustrative list of recurring benefits in section 351.524(c)(1) of the regulations, petitioners alleged that, since these import duty exemptions were for the purchase of capital equipment, they should be treated as non-recurring in accordance with section 351.524(c)(2)(iii) of the regulations. In the preamble to our regulations, we stated that if a government provides an import duty exemption tied to major equipment purchases, it may be reasonable to conclude that, because these duty exemptions are tied to capital assets, the benefits from such duty exemptions should be considered non-recurring. See Countervailing Duties; Final Rule, 63 FR 65348, 65393 (November 25, 1998) (Preamble). The benefit received from the exemption of import duties under IPA Section 28 is tied to the capital assets of SSI and PPC. Additionally, proprietary information provided by SSI supports our treatment of Section 28 benefits as non-recurring. Our analysis of this information is contained in the Memorandum from Case Analysts to Barbara E. Tillman, Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Analysis of Business Proprietary Information related to IPA Section 28 (April 13, 2001) (Business Proprietary Memo). Accordingly, we preliminarily determine that it is appropriate to treat the exemption of duties on capital equipment as a non-recurring benefit.

To measure the benefit allocable to the POI, we first conducted the ''0.5 percent test'' for the total Section 28 import duty exemptions. *See* section 351.524(b)(2) of the Department's regulations. For each year in which there were section 28 import duty exemptions, we summed the exemptions provided in that year and divided that sum by the relevant total sales for that year. We thus determined that for certain years Section 28 import duty exemptions should be allocated over time. For those years, we allocated the annual total exemptions, in accordance with section 351.524(d) of the Department's regulations, to determine the Section 28 benefits attributable to the POI (*see Allocation Period* section above). We summed the portions of each year's benefits attributable to the POI and divided that amount by the appropriate total sales during the POI to preliminarily determine a countervailable subsidy of 0.84 percent *ad valorem*.

b. *Duty Exemptions on Imports of Raw and Essential Materials Under IPA Section 30 and Section 36.* IPA Section 30 allows companies reductions of import duties on raw and essential materials that are consumed in production. Under section 30, SSI was originally approved for a 90 percent reduction of duties on imported raw and essential materials; the rate of duty reduction was later changed to 75 percent, which was in effect during the POI. During the POI, SSI used Section 30 on imports of steel slab. Pursuant to section 771(5)(D)(ii) of the Act, Section 30 provides a financial contribution in the form of revenue forgone by the RTG, i.e., the duties which would otherwise be assessed on the imported raw and essential materials. There is a benefit to SSI in the amount of the duties they would otherwise have to pay. According to SSI, the duty rate on steel slab was one percent, and thus SSI paid duties on slab imports at the rate of 0.25 percent. However, the tariff schedule provided by the RTG shows that the ''normal rate'' of duties on steel slab imports was ten percent, while one percent is the ''discount rate.'' Neither the RTG nor SSI explained the difference between the ''normal rate'' and the ''discount rate,'' nor did they explain how or when such discount rates are applied. They also did not explain why SSI would have been entitled to import steel slab at the ''discount rate.'' Because the normal rate of duty that SSI should have paid on steel slab during the POI was ten percent, we are using that rate to calculate the benefit from Section 30 import duty reductions. To measure the benefit, we have calculated the difference between the duties SSI actually paid and the duties that they should have paid absent the Section 30 reduction and access to the discount rate. We divided that difference by the value of SSI's total sales during the POI and we preliminarily determine the countervailable subsidy to be 0.91 percent *ad valorem*.

SSI's benefits under Section 30 expired at the beginning of the POI. However, this expiration does not constitute a program-wide change in accordance with section 351.526(b) of the regulations because the program itself was not terminated and SSI reported that it started receiving duty exemptions under another element of the IPA, Section 36. Section 36 provides companies with export-specific import duty and tax exemptions. Section 36(1) allows companies to import raw and

essential materials that are incorporated into goods for export with exemptions on import duties. After SSI's benefits under Section 30 expired, SSI began receiving duty exemptions on imports of raw and essential materials under Section 36(1). SSI reported that it only received exemptions under Section 36(1) on its imports of goods that were consumed in the production of merchandise for export. The RTG reported that Section 36(1) essentially operates as a duty drawback scheme and as such, is not countervailable, as the exemptions on imported raw and essential materials can only be received for imported goods consumed in the production of exports. However, in order to determine whether this program meets the standards for non-countervailability set forth in section 351.519(a)(4) of the regulations, we need additional information to confirm that the Thai customs authority has a system in place to monitor and track the consumption and/or re-export of goods imported under section 36(1) and that there are provisions related to the normal allowance for waste.

c. *Corporate Income Tax Exemptions Under IPA Section 31.* IPA Section 31 provides a three- to eight-year exemption for payment of corporate income tax on profits derived from promoted activities, as well as deductions from net profits for losses incurred during the tax exemption period. SSI and PPC were eligible for Section 31 benefits, but both were in a tax loss position during the POI, and thus, were prevented from claiming these exemptions on the tax returns each filed during the POI. As such, we preliminarily determine that IPA Section 31 was not used by producers or exporters of the subject merchandise to the United States during the POI.

d. *Additional Tax Deductions Under IPA Section 35.* IPA Section 35 provides various income tax deductions and exemptions for promoted firms. During the POI, SSI through Section 35(3), claimed benefits under this program on the tax return filed during the POI. IPA Section 35(3) allows promoted companies to deduct double the cost of transportation, electricity, and water for ten years after the promoted company first derives income. Income tax deductions provide a financial contribution under section 771(5)(D)(ii) of the Act in the form of foregone revenue that is otherwise due to the RTG. The benefit is the amount of the revenue foregone by the RTG. Under the provisions of section 351.509(a)(1) of the Department's regulations, we preliminarily determine that SSI received a benefit under IPA Section 35 during the POI.

To measure the benefit, we assumed, consistent with Final Affirmative Countervailing Duty Determination and Countervailing Duty Order; Extruded Rubber Thread from Malaysia, 57 FR 38475 (August 25, 1992), that SSI first used its pool of countervailable tax deductions under IPA section 35, earned in 1998, to reduce its tax liability on its income tax return for 1998, filed during the POI. See Id., Department's Position at Comment 13. See also Extruded Rubber Thread From Malaysia; Final Results of Countervailing Duty Administrative Review, 60 FR 17516 (April 6, 1995), Department's Position at Comment 7. We then determined the extent to which that countervailable tax deduction reduced SSI's taxable income. We calculated the benefit by multiplying the amount of taxable income which SSI was able to offset with its Section 35 tax deduction by the income tax rate. We then divided this benefit by SSI's total sales during the POI. We preliminarily determine the countervailable subsidy to be 0.13 percent ad valorem.

2. Debt Restructurings

Petitioners' allegations with respect to SSI's and PPC's debt restructurings indicated that, in light of SSI's and PPC's financial condition, and as a result of direct or indirect actions of the RTG, the companies' creditors restructured their debt on terms that were not comparable to those which would be offered by commercial lenders or reasonable private investors. The favorable terms included reductions in interest rates, forgiveness of interest and principal, and lengthening of loan terms. Petitioners allege that these actions were specific because the RTG exercised discretion and disproportionately targeted large industries such as the steel industry for debt restructuring.

According to the questionnaire responses, SSI and PPC each underwent comprehensive financial debt restructurings, beginning in 1998 and concluding during the POI, which resulted in all of their debts being restructured, and included the conversion to equity of previously issued converted debentures. We have examined information provided by the RTG and SSI with respect to the operation of the Thai financial sector and the RTG's role therein, including actions of the RTG in response to the financial crisis caused by the collapse of the baht, the RTG's role in corporate debt restructuring in general, and the corporate debt restructurings of SSI and PPC in particular, to determine whether the RTG played a role which would give rise to countervailable subsidies.

a. *Collapse of the Baht and the Thai Economic Crisis.* In July 1997, the RTG floated the baht against other currencies, causing the baht to depreciate by as much as 56 percent against the U.S. dollar by the end of the year and resulting in the general contraction of the Thai economy. The Thai economy subsequently experienced massive failures both of companies and their creditors. The RTG implemented programs to prevent further failure and to get the economy back on its feet. These included implementing the August 14, 1998 Announcement for Comprehensive Financial Restructuring, the RTG's intervention in financial institutions unable to achieve sufficient recapitalization because of their large non-performing loan portfolios, and the injection of new capital into several banks.

b. *Corporate Debt Restructuring Following the Baht's Collapse.* After the collapse of the baht, the RTG implemented plans to facilitate corporate debt restructurings, as part of its broad effort at financial reforms. To do so, the RTG established the Corporate Debt Restructuring Advisory Committee (CDRAC) in 1998. The CDRAC is chaired by the Bank of Thailand (BOT) Governor, and the CDRAC framework (the so-called ''Bangkok Approach'') is set forth in the August 25, 1998 agreement among CDRAC members, the Board of Trade of Thailand, the Federation of Thai Industries, the Thai Bankers' Association, the Association of Finance Companies, and the Foreign Bankers' Association. The record indicates that many, but not all, major corporate debt restructurings were undertaken within the context of the framework established through the CDRAC.

According to the RTG, CDRAC initially focused its attention on the largest and most complicated debts in the economy, without respect to specific industries or regions, and regardless of whether the debtors or creditors were public or private sector entities. In late 1998, CDRAC created a list of the first 351 firms, in 200 groups, as priority cases targeted for debt restructuring and selected to participate in the CDRAC process. According to the questionnaire response, the selection criteria used in developing the list of 351 companies were: (1) Debtors with sizable credit outstanding; (2) debtors proposed by the Thai Bankers' Association, the Foreign Bankers' Association, the Association of Finance Companies, the Federation of Thai Industries and the Board of Trade

of Thailand; (3) debtors who expressed their intention to participate in the restructuring process; and, (4) debt restructurings involving multiple creditors. Despite the Department's express request, the RTG, citing confidentiality reasons, has declined to provide this list for the record.

c. *SSI, PPC and Their Restructuring.* SSI's debt restructuring was accomplished pursuant to an agreement, concluded during the POI, which was the final of four amendments to the original Credit Facilities Agreement (CFA) of February 18, 1994. The original CFA, an agreement between SSI and its private creditors, provided for all of SSI's financing needs, baht- and foreign currency-denominated short- and long-term financing from both secured and unsecured lenders as provided by a syndicate of lending institutions, following SSI's initial startup in 1992. PPC's debt restructuring was also accomplished pursuant to an agreement with its creditors during the POI and also involved both short- and long-term financing.

According to the responses, SSI, PPC, and their creditors were prompted to pursue debt restructuring by factors internal and external to the companies and their creditors, including the economic climate following the collapse of the baht in July 1997, and the financial management strategy these companies pursued before and after this collapse. All parties involved had incentives to achieve a loan arrangement that would enable SSI and PPC to continue their operations and repay their debts. The secured loans and unsecured bonds were restructured at the same time to assure all creditors that the restructuring was viable. According to the questionnaire responses, none of the original loans or the restructured loans were provided through, or insured pursuant to, any RTG program.

While the details of the debt restructuring are proprietary, it is sufficient for the purposes of this preliminary determination to characterize the restructurings as having involved the reorganization of SSI's and PPC's short-term and long-term debts to provide repayment terms under which SSI and PPC could service their debt obligations in the coming years, based on general economic and company-specific forecasts. The unsecured bonds, which had been issued on the bond market in 1995 as debentures convertible to equity, were converted to equity on terms under which the private bondholders (some of which were foreign) and SSI agreed would enable SSI to meet its obligations.

The respondents have reported that neither SSI nor PPC was involved with, or participated in, the CDRAC process. Although both SSI and PPC were invited to participate in this process, both restructurings were almost complete by the time CDRAC was operational. SSI and PPC contend that the restructurings were achieved without CDRAC or adherence to the CDRAC procedures, and the companies and the RTG claim that the restructurings did not involve the RTG. SSI and PPC also contend that they were not required to comply with any CDRAC application or reporting requirements to proceed with their restructurings.

d. *Analysis of SSI's and PPC's Debt Restructurings.* In order to find a countervailable subsidy under the Act, the Department must determine that the program is specific (section 771(5A) of the Act), that a financial contribution is provided (section 771(5)(D) of the Act), and that there is a benefit to the recipient (section 771(5)(E) of the Act).

Based on information on the record of this proceeding, we believe that the list of the first 351 firms identified for debt restructuring is critical to our analysis of specificity. In the Department's original questionnaire to the RTG (see Department Questionnaire, December 20, 2000, pg. II–17), we requested any federal or regional legislation targeted at large industries, including the steel industry, that was passed dealing with the debt restructurings. Additionally, we requested the RTG to identify which companies had their debt restructured and in which industries they belonged. The RTG responded by providing information regarding the establishment of CDRAC. The RTG also discussed a list of 351 companies that CDRAC had targeted for restructuring. However, neither this list of 351, nor any other identification of companies that had undergone debt restructuring, was provided, despite our requests. Additionally, in the Department's supplemental questionnaire, we again requested the RTG to identify companies that had undergone debt restructuring, and specifically requested the list of 351 companies that CDRAC had targeted for debt restructuring (see Department Supplemental Questionnaire, February 27, 2001, pg. 7). The RTG declined to provide the list, stating that they were prohibited from providing the list under Thai law because of confidentiality constraints. The Department's questionnaire details the protections afforded respondents for this type of information. Both the statute and the regulations provide protection for business proprietary and confidential information requested by the Department. *See* section 777(b) of the Act, and 19 CFR 351.304–306. The RTG did not explain why it was unable to provide the requested information in accordance with the Department's procedures. In addition, the RTG did not argue that there was a clear and compelling need to withhold this information pursuant to 19 CFR 351.304(a)(1)(ii) and 351.304(b)(2)(i). Without full disclosure of the list of 351 companies, it is not possible for the Department to determine whether the debt restructurings of SSI and PPC were specific.

A 1999 report issued by the BOT, and submitted by petitioners, indicates that the steel industry may have received special consideration prior to the CDRAC process. The report also indicates that the steel industry was identified by the RTG for debt restructuring (see Steel Industry in Crisis, Bank of Thailand, December 1999). The Steel Industry in Crisis report indicates that 32 of the 351 companies found on the list were from the primary metal production sector. It is also not clear whether the RTG's stated qualifications for being placed on the list of 351 firms were applied consistently to all those firms placed on the list or even whether all of the firms on the list were restructured. Additionally, another publicly available report indicates that the RTG, through the Board of Investment, identified five major industries whose survival was vital to economic recovery. The steel industry was included on this list of major industries. See Support for Structural Reform in Five Industries Including Steel—Industrial Revitalization with BOI as the Driving Force, Shukan Tai Keizai (August 9, 1999) (submitted by petitioners). On the record of this investigation, there is certain other information that illustrates the importance of the list of 351 companies in analyzing whether SSI's and PPC's debt restructurings were specific. However, this information is proprietary and cannot be summarized for purposes of this notice. This proprietary information is discussed in the Memorandum from Case Analysts to Barbara E. Tillman, Certain Hot-Rolled Carbon Steel Flat Products from Thailand: Analysis of Business Proprietary Information on SSI and PPC Debt Restructuring (April 13, 2001) (Debt Restructuring Memo). The Department is not able to address these important issues without access to the list of 351 companies that the RTG developed. Because the RTG has not provided this list to the Department, we are applying adverse facts available,

and, pursuant to section 771(5A)(D)(iii)(III) and (IV) of the Act, we preliminarily determine the debt restructuring of SSI and PPC to be specific.

With respect to financial contribution, several of SSI's and PPC's creditors were owned or controlled by the RTG at the time the restructurings were completed. The details of this RTG ownership and control are proprietary, and are discussed more fully in the Debt Restructuring Memo; however, the levels of ownership and control are sufficient to support a conclusion that the provision of restructured loans by government-owned or -controlled creditors constitutes a financial contribution within the meaning of section 771(5)(D)(i). At this time, we have insufficient information regarding the privately-owned creditors which provided restructured loans or converted debentures to equity to address whether those creditors have been ''entrusted or directed'' by the government to make a financial contribution to SSI and PPC within the meaning of 771(5)(B)(iii) of the Act.

In determining whether there is a benefit to SSI and PPC from these restructured loans, we compared the interest rates on the loans provided by government-owned or -controlled creditors to a benchmark interest rate which reflects an interest rate on comparable commercial loans which the companies could actually obtain on the market. *See* section 351.505(a) of the regulations. We do not consider the interest rates on the portion of the restructured loans provided by private creditors to be representative of interest rates that the companies could actually obtain on the market. Since these loans were provided as part of the companies' restructuring packages, which included government financial contributions, they cannot be seen as commercial market loans. Furthermore, the interest rates on these loans are below the Minimum Lending Rate (MLR) for commercial loans reported by the BOT. See e.g., Preamble, 63 FR at 65363–64. Therefore, pursuant to section 771(5)(E)(ii) of the Act, the benefit conferred to SSI and PPC is the difference between what SSI and PPC paid on restructured loans versus what they would pay on comparable commercial loans obtained in the commercial market.

All of the restructured loans are variable-rate long-term loans. The RTG did not provide information relating to a national average variable long-term interest rate. Therefore, we are using as our benchmark the annual average Minimum Lending Rate (''MLR'') which is reported as BOT data through the following internet address: *www.scb.co.th/~scbri/ecogrp.htm.* We are adding to the MLR a spread that is typical of that offered to commercial borrowers (and was reported by SSI to have been a feature of the debt SSI obtained prior to restructuring). Since we have only made specificity and financial contribution determinations with respect to government-owned or -controlled creditors, we have only measured the benefits from that portion of each restructured loan provided by the government-owned or -controlled creditor. For purposes of calculating the benefits from the restructurings during the POI, we are following section 351.505(c)(4) for long-term variable interest rate loans. We have determined the difference between the amount paid by the SSI on the government-provided loan and the comparison loan. We determined the difference between the restructured loan interest rate and the benchmark interest rate (which for SSI includes an uncreditworthy risk premium as discussed in the *Creditworthiness and the Calculation of Loan Benchmark and Discount Rates* section above). We accounted for the number of days the loans were outstanding during the POI, and then multiplied the entire principal amount for each loan by this rate (the entire principal amounts were outstanding during the POI). We summed the resulting loan benefits and divided them by the relevant sales value to preliminarily determine a countervailable subsidy of 4.01 percent *ad valorem.*

3. Provision of Electricity for Less Than Adequate Remuneration

Petitioners have alleged that SSI is receiving countervailable benefits under the electricity system that exists in Thailand: electricity is largely supplied by state-owned agencies, and a uniform electricity tariff policy exists which is supported by a central electricity agency which prices electricity differently to the two state-owned distribution agencies. Petitioners alleged that this system results in countervailable subsidies to the extent that the RTG is providing electricity for less than adequate remuneration.

According to the questionnaire responses, the RTG owns and controls most of the generation and transmission of electricity in Thailand. The ministry responsible for Thailand's electricity policy is the Prime Minister's Office. More specifically, rate-setting policy is developed by the National Energy Policy Council (NEPC). This policy addresses both the rates charged by the generating agency, as well as the distribution agencies. The generating agency is the Electricity Generating Authority of Thailand (EGAT) and the two distributing authorities are the Metropolitan Electricity Authority (MEA), which serves Bangkok and the immediate surrounding areas, and the Provincial Electricity Authority (PEA), which serves the remainder of the country. The RTG maintains a ''uniform tariff policy'' that aims to provide the same rates to all consumers in the same customer category regardless of whether they are in MEA's distribution area or PEA's distribution area.

Other than EGAT, which supplies approximately 73 percent of the electricity used in Thailand, there are Independent Power Providers (IPP) and Small Power Providers (SPP). IPPs generate approximately 15.4 percent of Thailand's electricity, and SPPs generate approximately 9 percent. Thailand also imports approximately 2.4 percent of its electricity from Laos and Malaysia. IPPs sell electricity only to EGAT. SPPs sell electricity to EGAT, as well as to end users in industrial estates. IPPs and SPPs are privately owned. The SPPs that sell to end users are prohibited from selling electricity at rates higher than those charged by the agencies owned by the RTG. The RTG provided to the Department a document entitled Concession of Electricity Business, which was issued by the Ministry of Interior and states that the rates charged by SPPs shall not exceed those charged by PEA.

The questionnaire responses state that PEA's cost of delivery to some of its customers in the region it serves is higher than MEA's cost of delivery. In order to implement the uniform tariff policy that the RTG had in place during the POI, EGAT provided a discount to PEA and charged MEA a surcharge on the electricity generated by EGAT.

According to the RTG National Energy Policy Office (NEPO) Recommendations to Cabinet Report (the NEPO Report), dated September 26, 2000, the original objectives of the RTG's uniform tariff policy, which has been in place since 1991, were to establish a tariff that reflects the economic costs and secures the financial status of the three power utilities, and to promote efficiency of electricity usage and equity for all power consumer categories. The RTG's tariff policy consists of the base tariff, plus an automatic adjustment mechanism which ensures that the electricity charges cover fluctuations in marginal costs. There are four criteria the RTG used in determining the electricity tariff structure: (1) marginal costs; (2) load pattern; (3) revenue

requirements of the power utilities and financial criteria; and, (4) social criteria for the electricity tariff determination. The social criteria require that uniform tariffs be applied across the country for each customer category. Also, the social criteria call for subsidization of small, residential customers with low usage. Finally, the social criteria maintain that the structure of the electricity tariffs for customer groups other than small residential customers should reflect marginal costs as closely as possible.

According to the NEPO Report, prior to 1997, the electricity tariff was established on a flat-rate basis. Under this system, EGAT sold electricity at a lower rate to PEA than it did to MEA. This bulk supply tariff afforded a cross-subsidization of PEA via the higher rates charged to MEA because the distribution cost for PEA was higher than for MEA. In November of 1996, the NEPC approved a modification of the bulk supply tariff to go into effect in January 1997. This modification altered the bulk supply tariff from the initial flat rate to a time-of-use rate. The time-of-use rates were based on usage during peak and off-peak hours. The modification also created a cross-subsidization of PEA in the form of a surcharge added to the bulk supply tariff EGAT charged to MEA and a deduction from the bulk supply tariff that EGAT charged PEA. The NEPC has altered the surcharge and deductions charged to PEA and MEA on three separate occasions thus far. On May 22, 1997, an adjustment was made so the surcharge and deduction would correspond with the former average bulk supply tariff. This change was retroactive to January 1997. On October 8, 1997, the surcharge and deduction were altered again as a result of the economic crisis in Thailand, and the changes were retroactive to July 1997. On March 20, 2000, the third alteration of the surcharge and deduction was made, retroactive to October 1998, in order to keep the power utilities in line with the financial criteria established when the electricity tariff structure was created.

The retail tariff structure used by MEA and PEA varies depending upon the category of consumer. The following are the categories of consumers: Residential; Small General Services; Medium and Large General Services, and Specific Business Services; Government Institutions and Non-Profit Organizations; and, Agricultural Pumping Service. SSI is considered to be a Large General Services customer. SSI and PPC purchased all of the electricity consumed during the POI from PEA.

In order to find a countervailable subsidy under the Act, the Department must determine that a financial contribution is provided (section 771(5)(D) of the Act), that there is a benefit to the recipient (section 771(5)(E) of the Act), and that the program is specific (section 771(5A) of the Act). The government's provision of electricity constitutes a financial contribution as defined in 771(5)(D)(iii).

To determine whether there is a benefit from the provision of a good, the Act specifies that the Department must examine whether the good was provided for less than adequate remuneration. According to section 771(5)(E) of the Act, the adequacy of remuneration with respect to a government's provision of a good or service, ''* * * shall be determined in relation to prevailing market conditions for the good or service being provided or the goods being purchased in the country which is subject to the investigation or review. Prevailing market conditions include price, quality, availability, marketability, transportation, and other conditions of purchase or sale.'' In the regulations, we set forth, in order of preference, the benchmarks that we will examine in determining the adequacy of remuneration (see section 351.511). Under the regulations, the first preference is to compare the government price to a market-determined price stemming from actual transactions within the country. However, in the preamble, we made clear that if the government provider constitutes a majority of the market, we would have to resort to other alternatives, including world market prices, and if no such market-determined prices were available, we would examine whether the government applied market principles in setting its price. See 19 CFR 351.511(a)(2)(iii) and Preamble, 63 FR 65378.

In this instance, EGAT is the major generator of electricity and MEA and PEA are the major distributors of electricity. Of the two types of private electricity producers, IPPs sell their product to EGAT and not to end users, and SPPs are prohibited by the RTG from charging prices higher than PEA's. Regarding import prices or other types of market reference prices, while Thailand does import a small percentage of electricity (2.4 percent), this electricity is purchased by EGAT and sold through the same tariff structure that is described above. Additionally, any exports of electricity are sold through the government agencies. Therefore, any in-country, market-determined prices we might use as a point of comparison would ultimately be distorted by the involvement of a government agency or the government's ceiling on market prices. In the preamble to section 351.511, we discuss the fact that the nature of the provision of electricity would normally prevent us from examining a ''world market price.'' *See* Preamble, 63 FR at 65377–65378.

Therefore, based on the situation in Thailand, it becomes necessary to examine whether the price charged for electricity is consistent with market principles, in accordance with section 351.511(a)(2)(iii) of the regulations. As discussed in the preamble, in assessing whether the government price was set in accordance with market principles, we will analyze such factors as the government's price-setting philosophy, costs (including rates of return sufficient to ensure future operations), or possible price discrimination. The preamble further explains that these factors are not listed in any hierarchy, and that we may rely on one or more of these factors in any particular case. *See* Preamble, 63 FR at 65378. Based on our analysis of the RTG's price-setting (i.e., rate-setting) policy for electricity, as described above, the NEPC takes into account marginal costs, usage, financial and revenue criteria, and maintains an adjustment mechanism which accounts for inflation and changing fuel prices in creating Thailand's electricity tariff structure.

However, in this case, the evidence indicates that there is also price discrimination in the provision of electricity by the RTG. As is stated in the NEPO Report, a cross-subsidization is required in order to maintain the uniform tariff structure (see NEPO Report at 8), hence the surcharge MEA pays to EGAT and the deduction PEA receives from EGAT. Absent the uniform tariff policy, MEA would be incurring costs much lower for its distribution of electricity than would PEA and therefore, in accordance with market principles, MEA's retail prices to its customers would be lower than PEA's. Absent the policy, PEA would be incurring much higher costs for its distribution of electricity, and hence, its customers would be paying higher prices because PEA's cost of distribution would be higher.

A report commissioned by the RTG to conduct a review of the tariff structure in Thailand also illustrates that price discrimination currently exists. The PriceWaterhouseCoopers' report, Review of Electric Power Tariffs Final Report (PWC Report), issued in January, 2000, notes that the ultimate goal is privatization of the utility, a component of which is the necessary phase-out of

the uniform tariff policy. Notably, the report states that the transition from public to private sector ownership, which will introduce new suppliers of electricity, may create instances where some customers will begin to purchase their electricity from the new, independent suppliers in order to avoid paying for the cross-subsidy to other customers.

Without the cross-subsidization mandated by the RTG to ensure that PEA's prices are no higher than MEA's prices, PEA's customers would, based on market principles, be charged a higher price, and as such, we preliminarily determine that electricity is provided by the RTG for less than adequate remuneration in accordance with section 771(5)(E)(iv) of the Act.

Since this tariff structure only benefits PEA's customers, we find this provision of electricity to be specific in accordance with section 771(5A)(D)(iv) of the Act (see also The Statement of Administrative Action Accompanying the Uruguay Round Agreements Act (SAA), H.Doc. 103–316, Vol. 1 (1994) at 262) because it is limited to users who are located in a specific geographical region within Thailand (i.e., all customers outside the Bangkok metropolitan area).

To determine the benefit from this provision of electricity, we calculated the difference, on a per kilowatt hour basis, between the rate paid by MEA during the POI (bulk supply tariff plus surcharge) and the rate paid by PEA during the POI (bulk supply tariff minus deduction). We then multiplied that difference by kilowatt hours consumed. We then divided that figure by the relevant total sales value during the POI to determine a countervailable subsidy of 0.66 percent ad valorem.

Programs Preliminarily Determined To Be Not Countervailable

1. Exemptions From VAT Under Section 21(4) of the VAT Act

According to the questionnaire responses, under provisions of Section 21(4) of the VAT Act, companies that were granted Section 28 benefits under the IPA before January 1, 1992, are not required to pay VAT on imports of fixed assets. SSI received its IPA Section 28 certificate prior to this date, and is therefore eligible for this program. The respondents have argued that this exemption from VAT on imports of fixed assets did not constitute a benefit to SSI because all companies, promoted and non-promoted alike, are effectively exempted from VAT on their imports of fixed assets. According to Section 82 of the VAT Act, the VAT liability is computed by subtracting the ''input tax'' (the VAT paid) from the ''output tax'' (the VAT collected). Consequently, companies that pay VAT on imports of fixed assets are effectively exempted from this VAT payment as they receive a credit for the VAT they paid on purchases of inputs, including imports of fixed assets, when their monthly VAT liability is computed. According to the questionnaire responses, under the VAT system, companies receive credit for the VAT paid on the purchases of inputs and, as a result, no VAT is effectively paid by companies on these purchases.

SSI has not been granted any VAT exemptions under Section 21(4) on imports of capital equipment since early 1997. VAT liability is computed on a monthly basis, and the RTG has reported the estimated shortest, average, and longest periods of time for which a company might wait to receive a VAT refund. Even when applying the longest estimated period of time a company might wait to receive a VAT refund, any time-value-of-money benefit received by SSI under Section 21(4) of the VAT Act would either fall short of the POI or be insignificant. On this basis, we preliminarily determine that with regard to SSI, the exemption from the VAT on imports of fixed assets under Section 21(4) of the VAT Act does not constitute a countervailable benefit.

In addition, we note that SSI also received VAT exemptions on its imports of inputs under section 36(1) of the IPA. Since we have not reached a decision on Section 36(1), we need not address the VAT exemptions for purposes of this preliminary determination. We will examine the VAT exemptions for the final determination.

Programs Preliminarily Determined To Be Not Used

We preliminarily determine that the producer/exporter of subject merchandise did not apply for or receive benefits attributable to subject merchandise under the following programs during the POI.

1. *Loans From the Industrial Finance Corporation of Thailand (IFCT) and the Thai Export-Import Bank*
2. *Other Loans and Loan Guarantees From Banks Owned, Controlled, or Influenced by the RTG*
3. *Export Packing Credits*
4. *Pre-shipment Finance Facilities*
5. *Export Insurance Program*
6. *Trust Receipt Financing for Raw Materials*
7. *Tax Certificates for Export*
8. *Duty Exemptions to PPC Under IPA Section 29*
9. *Import Duty Exemptions for Industrial Estates*
10. *Export Processing Zone Incentives*
11. *LPN Debt Restructuring*

LPN did not produce or export subject merchandise to the United States during the POI. Therefore, we have not examined LPN's debt restructuring, its equityworthiness, or its creditworthiness.

Programs Preliminarily Determined Not To Exist

1. IPA Subsidies for Construction of SSI's On-Site Power Plant

SSI reported that a power plant was never constructed on-site. Therefore, IPA incentives were not used for construction of such a power plant.

2. Provision of Water Infrastructure for Less Than Adequate Remuneration

The water pipeline and reservoir which were allegedly built specifically for SSI were not built.

Verification

In accordance with section 782(i)(1) of the Act, we will verify the information submitted by respondents prior to making our final determination.

Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for the company under investigation, SSI. We have preliminarily determined that the total estimated countervailable subsidy rate is 6.55 percent ad valorem for SSI. With respect to the ''all others'' rate, section 705(c)(5)(A)(i) of the Act requires that the ''all others'' rate equal the weighted average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and de minimis countervailable subsidy rates. Since SSI was the sole producer/exporter during the POI, we are using SSI's rate as the ''all others'' rate.

Producer/exporter	Countervailable subsidy rate (in percent)
SSI	6.55 ad valorem.
All others	6.55 ad valorem.

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from Thailand produced or exported by SSI or any other company, which are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated

above. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination.

In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Public Comment

In accordance with 19 CFR 351.310, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing is tentatively scheduled to be held 57 days from the date of publication of the preliminary determination at the U.S. Department of Commerce, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, unless otherwise informed by the Department, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than five days from the date of filing of the case briefs. An interested party may make an oral presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with 19 CFR 351.309 and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 13, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–9861 Filed 4–19–01; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[C–791–810]

Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment With Final Antidumping Duty Determinations: Certain Hot-Rolled Carbon Steel Flat Products From South Africa

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

EFFECTIVE DATE: April 20, 2001.

FOR FURTHER INFORMATION CONTACT: Sally C. Gannon at (202) 482–0162, Mark Hoadley at (202) 482–0666, or Julio Fernandez at (202) 482–0190, Office of AD/CVD Enforcement VII, Group III, Import Administration, International Trade Administration, U.S. Department of Commerce, Room 7866, 14th Street and Constitution Avenue, N.W., Washington, D.C. 20230.

Preliminary Determination

The Department of Commerce (the Department) preliminarily determines that countervailable subsidies are being provided to certain producers and exporters of certain hot-rolled carbon steel flat products from South Africa. For information on the estimated countervailing duty rates, please see the ''Suspension of Liquidation'' section of this notice.

SUPPLEMENTARY INFORMATION:

Petitioners

The petition in this investigation was filed by Bethlehem Steel Corporation, Gallatin Steel Company, IPSCO Steel Inc., LTV Steel Company, Inc., National Steel Corporation, Nucor Corporation, Steel Dynamics, Inc., U.S. Steel Group, a unit of USX Corporation, Weirton Steel Corporation, Independent Steelworkers Union, and the United Steelworkers of America (collectively, the petitioners).

Case History

We initiated this investigation on December 4, 2000. *See Notice of Initiation of Countervailing Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products From Argentina, India, Indonesia, South Africa, and Thailand,* 65 FR 77580 (December 12, 2000) (*Initiation Notice*). Since the initiation, the following events have occurred. On December 8, 2000, we issued a questionnaire to the Government of South Africa (GOSA), requesting the GOSA to forward the questionnaire to the producers/exporters of the subject merchandise. The GOSA identified three producers which exported subject merchandise to the United States during the period of investigation: Highveld Steel and Vanadium Corporation Limited (Highveld); Iscor, Ltd. (Iscor); and Saldanha Steel (Pty.) Ltd. (Saldanha). We received a response from Highveld on January 26, 2001, and from Iscor, Saldanha, and the GOSA on February 5, 2001.

On January 18, 2001, we issued a partial extension of the due date for this preliminary determination from February 7, 2001 to March 26, 2001. *See Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, South Africa, and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations,* (*Extension Notice*) 66 FR 8199 (January 30, 2001). On December 22, 2000, petitioners alleged that additional subsidies were conferred by the GOSA. On January 10, 2001, Saldanha objected to the new allegations. On January 29, 2001, the Department decided to investigate the newly alleged subsidies. *See Memorandum from Barbara E. Tillman for Joseph A. Spetrini,* dated January 29, 2001. On January 31, February 20, and February 27, 2001, we issued supplemental questionnaires to the GOSA and all three producers/exporters. We received responses from the three producers/exporters and the GOSA on February 16, February 20, March 5, March 6, March 8, and March

14, 2001. On March 26, 2001, we amended the *Extension Notice* to take the full amount of time to issue this preliminary determination. The extended due date is April 13, 2001. *See Certain Hot-Rolled Carbon Steel Flat Products From India, Indonesia, South Africa, and Thailand: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations,* 66 FR 17525 (April 2, 2001).

Scope of the Investigation

The merchandise subject to this investigation is certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this investigation is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by this investigation, including vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise under investigation is dispositive.

In the scope section of the *Initiation Notice* for this investigation, the Department encouraged all parties to submit comments regarding product coverage by December 26, 2000. The Department is presently considering a request to amend the scope of these investigations to exclude a particular specialty steel product. We will issue our determination on this request prior to the final determination.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, all citations to the Department's regulations are to the regulations codified at 19 CFR Part 351 (2000).

Injury Test

Because South Africa is a ''Subsidies Agreement Country'' within the meaning of section 701(b) of the Act, the International Trade Commission (ITC) is required to determine whether imports of the subject merchandise from South Africa materially injure, or threaten material injury, to a U.S. industry. On January 4, 2001, the ITC published its preliminary determination finding that there is a reasonable indication that an industry in the United States is being materially injured, or threatened with material injury, by reason of imports from South Africa of subject merchandise (66 FR 805). The views of the Commission are contained in USITC Publication 3381 (December 2000), *Hot-Rolled Steel Products from Argentina, China, India, Indonesia, Kazakhstan, Netherlands, Romania, South Africa, Taiwan, Thailand, and Ukraine; Investigation Nos. 701–TA–404–408*

(Preliminary) and 731–TA–898–908 (Preliminary).

Alignment with Final Antidumping Duty Determinations

On March 23, 2001, petitioners submitted a letter requesting alignment of the final determination in this investigation with the final determinations of the antidumping duty investigations of certain hot-rolled carbon steel flat products from Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China, Romania, South Africa, Taiwan, Thailand, and Ukraine. *See Initiation of Antidumping Duty Investigations: Certain Hot-Rolled Carbon Steel Flat Products from Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China, Romania, South Africa, Taiwan, Thailand, and Ukraine*, 65 FR 77568 (December 12, 2000). In accordance with section 705(a)(1) of the Act, we are aligning the final determination in this investigation with the final determinations in the companion antidumping investigations of certain hot-rolled flat products from Argentina, India, Indonesia, Kazakhstan, the Netherlands, the People's Republic of China, Romania, South Africa, Taiwan, Thailand, and Ukraine.

Period of Investigation

The period for which we are measuring subsidization (the period of investigation or POI) is the companies' most recently completed fiscal year.

Industrial Development Corporation

The Industrial Development Corporation (IDC) is an investment and financing entity which is wholly-owned by the GOSA. In its questionnaire responses, the GOSA has stated that the IDC, along with its operating units, functions independently of government action, and has independent budget and decision-making powers. In order to assess whether an entity like the IDC should be considered to be the government for purposes of countervailing duty investigations, the Department has in the past considered facts such as the following significant: (1) government ownership, (2) the government's presence on the entity's board of directors, (3) the government's control over the entity's activities, (4) the entity's pursuit of governmental policies or interests, and (5) whether the entity is created by statute. *See, e.g., Final Affirmative Countervailing Duty Determinations: Pure Magnesium and Alloy Magnesium from Canada*, 57 FR 30946, 30954 (July 13, 1992); *Final Affirmative Countervailing Duty Determination: Certain Fresh Cut Flowers from the Netherlands*, 52 FR 3301, 3302, 3310 (Feb. 3, 1987); *Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils from the Republic of Korea*, 64 FR 30636, 30642–43 (June 8, 1999) (*Korean Sheet and Strip*).

Regarding point (1), the IDC's annual reports indicate that ''The IDC is a wholly owned State Corporation established by Act No. 22 of 1940.'' Regarding point (2), the GOSA has the right to appoint the majority of IDC's board of directors, pursuant to the IDC's Act of Incorporation. The GOSA's Minister of Trade and Finance appoints the board's chairman and managing director. *See* the GOSA's February 5th response, at Annexure F. Regarding points (3) and (4), besides controlling the IDC's activities through board appointments, the IDC's annual reports acknowledge it operates under GOSA constraints, at least to a certain degree. For example, the 1998 Annual Report, at page 64, states that the IDC's ''mandate, policy framework and objectives are in accordance with the guidelines put forth by its shareholder, the South African Government.'' Additionally, the IDC pursued GOSA interests and policies by performing tasks on behalf of the GOSA, such as serving on the Technical Committee that granted Section 37E benefits. *See* the GOSA's February 5th response, at 49. Regarding point (5), the Industrial Development Act provides for the IDC's incorporation and continued operation. *See* the GOSA's February 5th response, at Annexure F. Moreover, as stated in the preamble to the regulations, ''* * * we intend to continue our long standing practice of treating most government-owned corporations as the government itself,'' and we have done so in cases like *Korean Sheet and Strip. See* Countervailing Duties; Final Rule, 63 FR at 65402 (Nov. 25, 1998) (CVD Final Rule). The information on the record provides no basis for departing from this long-standing practice.

While the GOSA emphasizes the fact that the IDC is self-funding, theoretically, an entire government is self-funding and the statute does not direct us to consider how the government funds the assistance provided by the government action; rather it directs us to determine whether there is a financial contribution by the government and a benefit is thereby conferred. We note that we have treated the IDC's actions as constituting the conferral of financial contributions by a governmental authority in the past. *See Final Affirmative Countervailing Duty Determination: Stainless Steel Plate in Coils from South Africa*, 64 FR 15553 (March 31, 1999) (*SSPC Final*).

Subsidies Valuation Information

Allocation Period

Section 351.524(d)(2) of the Department's regulations states that we will presume the allocation period for non-recurring subsidies to be the average useful life (AUL) of renewable physical assets for the industry concerned, as listed in the Internal Revenue Service's (IRS) 1977 Class Life Asset Depreciation Range System, as updated by the Department of Treasury. The presumption will apply unless a party claims and establishes that these tables do not reasonably reflect the AUL of the renewable physical assets for the company or industry under investigation, and the party can establish that the difference between the company-specific or country-wide AUL for the industry under investigation is significant.

The applicable AUL listed in the IRS tables for the steel industry, and used in the most recently completed investigation for South African steel companies, is 15 years. *See SSPC Final*, 64 FR at 15555. While Highveld did not argue for anything other than the IRS tables' AUL of 15 years, Iscor and Saldanha did. Both claim that 15 years does not reasonably reflect the AUL of their assets, and both companies submitted information regarding their annual depreciation and book values. We have not found Iscor to be the direct recipient of non-recurring subsidies and, therefore, have made no determination as to the applicable AUL for its assets. However, because we have preliminarily determined that Saldanha has received non-recurring subsidies, we have examined the information provided by Saldanha for purposes of establishing a company-specific AUL. To calculate its company-specific AUL, Saldanha submitted its opening and closing book values, and depreciation expense, for fiscal year 2000.

Section 351.524(d)(2)(iii) of our regulations states that a company-specific AUL is ''calculated by dividing the aggregate of the annual average gross book values of the firm's depreciable productive fixed assets by the firm's aggregated annual charge to accumulated depreciation, for a period considered appropriate by the Secretary.'' The Department's practice has been to use a ten-year period. While a ten-year period is not required by statute or our regulations, one year cannot reasonably serve as a basis for calculating a company-specific AUL. Moreover, we note that Saldanha

reduces its depreciation to account for less than full production, and that its plant was not at full production during the year for which information was submitted; thus, even this one year's worth of information is not representative. Therefore, we preliminarily determine that Saldanha has not satisfied the requirements of section 351.524(d)(2)(iii) of our regulations. Thus, the Department is using, in accordance with section 351.524(d)(2)(i), the IRS tables to determine the AUL period. We note that Saldanha did not submit other information to substantiate its claim of an AUL longer than 15 years, except for its annual report and financial statement for fiscal year 2000, which state that plant and equipment have an estimated maximum useful life of 25 years; however, for the reasons stated above, this does not serve as a sufficient basis for determining a company-specific AUL.

Issue Pertaining to the Realignment of the Benefit Stream from Non-Recurring Subsidies

The Department's normal practice is to begin the benefit stream for non-recurring subsidies in the year of receipt of the subsidy. *See* CVD Final Rule, 63 FR at 65397. Petitioners argue that, for non-recurring subsidies in this case, we should begin the benefit stream for Saldanha in the year in which production commences, fiscal year 1999, rather than in the year of receipt as allowed under section 351.524(d)(2)(iv) of our regulations. Petitioners emphasize our commentary in the Preamble to this regulation in which we stated that such a realignment of the benefit stream would be considered for subsidies provided ''* * * to develop certain new technologies, or to fund extraordinarily large development projects that require extensive research and development * * *'' CVD Final Rule, 63 FR at 65397. Petitioners contend that Saldanha's Corex smelting process, Midrex direct iron reduction shaft, and Cornac steel furnace are innovative technologies and that the project was indisputably large. They rely on statements by the GOSA and Iscor placed on the record of this investigation and *SSPC* to demonstrate the belief of those parties in the extraordinarily large size and innovative quality of the Saldanha project. Petitioners point out, for example, that in its *SSPC* case brief the GOSA stated: ''The Department's finding of de facto specificity rests solely on the value of the financing provided to the fabricated metal products and basic metal manufacture industries. But this value includes three mega projects in the basic metal manufacture industry, concerning basic iron and steel, stainless steel and aluminum. These mega projects are both huge and extraordinary.'' As another example, petitioners point to Iscor's 2000 Annual report which refers to the use of surplus Corex off-gas as a reducing agent in the Midrex direct iron reduction shaft as a ''world first.''

After reviewing all of the information on the record, we preliminarily determine that a change in the starting date for the benefit stream is not warranted, and we are following our normal practice of beginning the benefit stream for all non-recurring subsidies in the year in which they are first conferred. Section 351.524(d)(2)(iv) states that the Secretary will consider starting the benefit stream at a date other than the date on which the subsidy is bestowed only in ''certain extraordinary circumstances.'' The information on the record does not demonstrate that extraordinary circumstances exist in this case. In our commentary discussing the type of situation to which subsection 351.524(d)(2)(iv) might apply, we stated: ''The assets needed to develop new technologies, or to produce a new product may not even have been designed yet, and certainly the product is not yet developed.'' CVD Final Rule, 63 FR at 65397. The steel produced by Saldanha is not a new product, and, although the production technology may be relatively new, it had already been developed and was simply being transferred to a new company in South Africa. Petitioners have not demonstrated that there was more of a lag time between R&D and production in Saldanha's case than that which would occur in the construction of any greenfield mill using more conventional technologies. In addition, petitioners did not claim that the size of the Saldanha mill is unusual for a greenfield project. Even though the GOSA considers it ''huge'' in terms of development projects within South Africa, the language in the Preamble concerning funding of development projects cites, in relevant part, subsidies ''* * * to fund extraordinarily large development projects that require extensive research and development * * *'' The Saldanha project may be quite large in South Africa, but it did not entail, as discussed above, extensive research and development. Accordingly, we preliminarily determine that the benefit stream for non-recurring subsidies should not be realigned.

Calculation of Discount Rates and Benchmark Loan Rates

Saldanha is the only respondent to have received IDC (i.e., GOSA) long-term loans and other non-recurring subsidies. Saldanha proposed two loans to be used as benchmark loans in evaluating the IDC loans and in calculating discount rates. As discussed in the ''Creditworthiness'' section below, we find that neither loan proposed by Saldanha meets the requirements for comparable commercial loans in section 351.505(a)(2). No other long-term commercial interest rates were submitted. Section 351.505(a)(3)(ii) states that, if there are no comparable commercial loans, then the Department ''may use a national average interest rate for comparable commercial loans.''

Therefore, for the years 1996 through the POI, we calculated the discount rates and benchmark loan rates by averaging the ''Lending'' rate and ''Government Bond Yield'' rate for each year as found in the International Financial Statistics published by the International Monetary Fund. This is the same methodology employed in the last CVD investigation of the South African steel industry. *See SSPC Final,* 64 FR at 15554.

Saldanha objects to the use of the Lending rate, and argues that the Department should use the RSA 150 government bond rate, plus a risk premium of between 1.8 and 2 percent, as the benchmark rate. The proposed risk premium is the result of a study undertaken by Saldanha concerning the rate at which it might issue commercial paper. Saldanha argues that the RSA 150 government bond rate is superior to the Lending rate because the South African central bank increased the prime rate in response to a 1998 currency crisis, and because the commercial paper study concluded Saldanha could sell commercial paper at the RSA 150 rate plus the 1.8 to 2 percent risk premium.

We rejected the government bond rate in *SSPC Final,* which we had used in the preliminary determination of that case, and adopted the blended rate described above. We stated:

> Although we discussed commercial interest rates at length during our meetings with the IDC, the South African Reserve Bank, and commercial bankers, no information was provided that would enable us to determine a commercial long-term interest rate that could be used as the discount rate. As such, because the government bond rate does not represent a commercial rate, for purposes of this final determination, we have constructed a discount rate which we believe is more

appropriate. For each of the years 1993 through 1997, we have averaged the government bond rate as reported by respondents with the ''Lending Rate'' reported in International Financial Statistics, December 1998, published by the International Monetary Fund. This publication indicates that the ''Lending Rate'' represents financing that ''meets the short- and medium-term needs of the private sector.'' By averaging these two rates, we believe that we have identified a rate more appropriate than the rate used for the purposes of the preliminary determination, a rate which includes the necessary characteristics of both long-term borrowing and commercially-available interest rates.

SSPC Final, 64 FR at 15554. We see no reason to change our stance on the proper benchmark for long-term South African loans in this case. Saldanha did not explain why the currency crisis and ensuing rate hike would have affected lending rates differently than government bond rates. Regarding the commercial paper study, we note that the commercial paper apparently was never issued, and, therefore, that the study does not appear to be relevant.

Creditworthiness

We investigated whether Saldanha has been uncreditworthy since its inception in 1996. As discussed in ''The IDC's Equity Infusions in Saldanha'' and the ''Industrial Loan Financing Provided by the IDC and Findevco Ltd.'' sections below, the years for which we are analyzing the benefits from equity infusions and the IDC loans are fiscal years 1998, 1999, and 2000. Therefore, we have limited our creditworthiness analysis to those years.

We preliminarily have determined that Saldanha was uncreditworthy during fiscal years 1998 through 2000. The primary bases for this determination are: (1) an absence of long-term commercial loans, provided by commercial lending institutions, that were not guaranteed by the IDC; and (2) our examination of Saldanha's ability to meet its costs and fixed financial obligations with its cash flow.

In its questionnaire response, Saldanha stated that it had ''significant credit exposure'' provided by local banks which were unaffiliated with the GOSA. *See* Saldanha's February 5, 2001 response, at 51. Saldanha confirmed in its supplemental questionnaire response that all of this credit was short-term. *See* Saldanha's March 6, 2001 response, at 36. Saldanha also noted an amount provided on an open account basis by trade creditors. Section 351.505(a)(4)(i) of the Department's regulations, however, specifies that a creditworthiness determination must be based on the receipt of long-term commercial loans.

Saldanha points to two long-term loans, unguaranteed by the IDC, as proof that it has been creditworthy. However, as explained in our discussion of the Findevco and IDC loans below, we have determined that one of these loans was from a foreign, state-controlled development bank, and the other was credit provided by a supplier. Section 351.505(a)(2)(ii) of the regulations defines ''commercial'' loans, which are the focus of this analysis, as loans ''* * * taken out by the firm from a commercial lending institution or a debt instrument issued by the firm in a commercial market,'' and states that we will not ''* * * consider a loan provided under a government program, or a loan provided by a government-owned special purpose bank to be a commercial loan * * *'' Thus, neither the supplier credit nor a loan provided by a foreign development bank meets our definition of a commercial loan.

In addition to an absence of long-term commercial loans which could provide evidence of Saldanha's creditworthiness, Saldanha does not appear able to meet its financial obligations without difficulty. While it would not be unexpected for a greenfield mill to experience some difficulty in meeting its debt obligations in its initial years, Saldanha was still unable to meet its interest obligations by 1998 and beyond. Saldanha states in its questionnaire response that ''there was never at any time any instance whatsoever that the company was not able to meet its financial obligations such as interest and capital redemption.'' *See* Saldanha's February 5, 2001 response, at 54. While there is no indication that Saldanha ever defaulted on its obligations, the IDC did restructure the Findevco loan in 1998 (*see* section on ''Industrial Loan Financing Provided by the IDC and Findevco Ltd.'' below), giving it a new loan repayment schedule and a different interest rate structure. The Department, after examining the proprietary details of the transaction, considers the restructuring to amount to a deferral. Proprietary information also indicates that Saldanha had obtained additional GOSA financing through a later loan in order to meet its debt obligations. *See Memorandum from Mark Hoadley through Sally Gannon to Barbara E. Tillman Regarding Business-Proprietary Analysis of Saldanha Steel Ltd.* (April 13, 2001) (*Saldanha Analysis Memo*) (public version on file in the Department's Central Records Unit).

Finally, we note that, while Saldanha is a greenfield mill, and thus there is not a significant history of financial data to examine, financial statements from fiscal years 1999 and 2000 indicate that Saldanha has been highly leveraged over the period examined. Saldanha's financial statements and history are discussed in the *Saldanha Analysis Memo.*

Because we have preliminarily determined that Saldanha has been uncreditworthy from fiscal year 1998 onward, we adjusted both the loan benchmark rate and the discount rate by adding a risk premium, calculated according to the methodology described in section 351.505(a)(3)(iii) of our regulations, for those subsidies conferred during fiscal years 1998 through 2000.

Cross-Ownership and Attribution of Subsidies

Because Iscor owns 50 percent of Saldanha, we have examined whether cross-ownership exists between the two companies within the meaning of section 351.525(b)(6) of our regulations. Section 351.525(b)(6)(vi) of the regulations defines cross-ownership as existing ''* * * where one corporation can use or direct the individual assets of the other corporation(s) in essentially the same ways it can use its own assets. Normally, this standard will be met where there is a majority voting ownership interest between two corporations or through common ownership of two (or more) corporations.'' The preamble to the CVD Regulations identifies situations where cross-ownership may exist even though there is less than a majority voting interest between two corporations: ''in certain circumstances, a large minority interest (for example, 40 percent) or a 'golden share' may also result in cross-ownership.'' CVD Final Rule, 63 FR at 65401; *See also Final Affirmative Countervailing Duty Determination: Certain Cold Rolled Flat-Rolled Carbon-Quality Steel Products from Brazil,* 65 FR 5536, 5544 (Feb. 4, 2000).

Iscor controls 50 percent of the voting ownership in Saldanha. There is only one other shareholder, the IDC, which owns the other 50 percent. Thus, there is no ''majority ownership'' *per se.* However, the Department's regulation uses the term ''normally,'' meaning that cross-ownership may be found even where majority voting ownership is not present if other factors demonstrate control by one corporation of the other corporation's assets. Because much of the information pertaining to Iscor's relationship with Saldanha is business proprietary, we have analyzed the cross-ownership issue in a business proprietary *Memorandum to the File*

From Julio A. Fernandez through Sally Gannon to Barbara E. Tillman Regarding Cross-Ownership of Iscor, Ltd., in Saldanha Steel Ltd. (April 13, 2001) (*Cross-Ownership Memo*) (public version on file in the Department's Central Records Unit).

Facts outlined in the *Cross-Ownership Memo* demonstrate that, in addition to owning 50 percent of the voting rights in Saldanha, Iscor is in a position to exercise control over Saldanha's assets. Given this evidence of cross-ownership, and the fact that both companies produce the subject merchandise, we preliminarily determine that cross-ownership exists and that subsidies received by either or both corporations will be attributed to the products sold by both corporations in accordance with section 351.525(b)(6)(ii) of the Department's regulations. Thus, for purposes of this preliminary determination, we have calculated one subsidy rate for Saldanha/Iscor for each program by adding together their countervailable subsidies during the POI under each program and dividing that amount by the sum of the two companies' total sales (domestic subsidies), or appropriate export sales (export subsidies) during the POI.

Trading Companies

Section 351.525(c) of the regulations requires that the benefits from subsidies provided to a trading company which exports subject merchandise be cumulated with the benefits from subsidies provided to the firm which is producing the subject merchandise that is sold through the trading company, regardless of their affiliation. In their questionnaire responses, Highveld and Iscor indicated that they sell subject merchandise through trading companies. Based on information provided in the questionnaire responses, the South African trading companies, through which Iscor and Highveld exported subject merchandise during the POI, did not receive benefits under the programs subject to investigation. Therefore, we have determined that the subsidy rates calculated for each producer will be attributable to the merchandise exported either directly or through a trading company by that producer.

Programs Preliminarily Determined to be Countervailable

1. Section 37E Tax Allowances

The GOSA enacted Section 37E of the Income Tax Act in 1991. The program was limited to investments approved between September 1991 and September 1993. For projects approved as valued-added processes, Section 37E allows for depreciation of capital assets and the deduction of pre-production interest and finance charges in advance, that is, in the year the costs are incurred rather than the year the assets go on line. The program also allows taxpayers in loss positions to receive ''negotiable tax credit certificates'' (NTCCs) in the amount of the cash value of the Section 37E tax deduction (i.e., deduction multiplied by the tax rate). The NTCCs can be sold (normally at a small discount, which Saldanha reports as 0.5 percent) to any other taxpayer, who can use them to pay taxes. The program does not provide for accelerated depreciation, nor does it provide for additional finance charge-related deductions beyond those available under other provisions of the South African tax code. The advantage to users of this program is the receipt of these tax deductions in advance, i.e., when the expenses are incurred rather than when the equipment is put into use.

According to the GOSA's questionnaire response, eligibility for Section 37E benefits was determined on a project-by-project basis by a committee appointed by the Minister of Finance, in concurrence with the Minister of Trade and Industry, and of which the IDC is a member charged with investigating and evaluating applications. (*See* the GOSA's February 5, 2001 response, at 49.) To demonstrate that their projects qualified under Section 37E, applicants were required to show: (1) That investments were made in new machinery, plant, or building to be used in the value-added process; (2) that the value-added process must have added at least 35% to the value of the raw material or intermediate product that underwent the processing; and, (3) that the investment must have been approved by a governmental committee between September 12, 1991 and September 11, 1993. (*See* the GOSA's February 5, 2001 response, at 47.) In this case, although construction at Saldanha did not begin until early 1996, an application for the Saldanha project was submitted, and approval was granted, prior to the September 11, 1993 deadline. Saldanha received all of its Section 37E benefits in the form of NTCCs. Highveld and Iscor reported that they did not receive Section 37E benefits during the POI.

When determining whether the government has provided a countervailable subsidy, we must examine whether the government has provided a financial contribution to a person and a benefit is thereby conferred. *See* Section 771(5)(B)(iii) of the Act. In addition, we must determine whether the subsidy is specific. *See* Section 771(5A) of the Act.

We find that Section 37E constitutes a financial contribution by the GOSA because the GOSA has foregone revenue in allowing for these tax deductions sooner rather than later within the meaning of Section 771(5)(D)(ii) of the Act. We further find that Saldanha received a benefit by receiving the NTCCs up to four years earlier than it could have received deductions under the standard provisions of the income tax code, which allow for the deductions to be made only after the relevant assets have been put into use.

With respect to specificity, we have examined whether Section 37E benefits are specific under section 771(5A) of the Act. Based upon our analysis of the approval package, we preliminarily determine that the approval for Section 37E benefits was contingent upon export performance, and, as such, that the Section 37E benefits to Saldanha are specific as an export subsidy under sections 771(5A)(A) and (B) of the Act. Because much of the information analyzed to determine specificity with respect to this program is business proprietary, a complete discussion of the documentation and the bases for our conclusions are set forth in the *Memorandum Regarding Section 37E of the South African Income Tax Act* (April 13, 2001) (*37E Memo*) (public version on file in the Department's Central Records Unit).

Since the Section 37E program reduces a company's capital requirements, and because the receipt of Section 37E benefits required express government approval, we determine that it is more appropriate to treat the benefits provided under Section 37E as a non-recurring subsidy. *See* 19 CFR 351.524(c)(2); *see also, SSPC Final*, 64 FR at 15556.

To determine the benefit, we calculated the time value of obtaining the certificates in advance of the allowance, in this case by up to four years, by discounting the cash value of each allowance. The difference between the value of the certificates and the discounted value of the allowances is the benefit to Saldanha. Finally, because we consider that these Section 37E benefits should be allocated over time as a non-recurring subsidy, we treated each year's benefit as a non-recurring grant using our standard grant methodology. *See* 19 CFR 351.524(d). Since we have determined that Saldanha's Section 37E benefits constitute an export subsidy contingent upon exportation of hot-rolled steel, we have divided the benefits allocable to the POI from this program by the combined total exports

of hot-rolled steel by Saldanha/Iscor during the POI. (*See* ''Cross-Ownership and Attribution of Subsidies'' section above.) On this basis, we preliminarily determine the countervailable subsidy to be 5.80 percent ad valorem for Saldanha/Iscor.

2. The IDC's Equity Infusions in Saldanha

In 1988, the IDC and Iscor together began to examine the possibility of using the Corex process to take advantage of South Africa's iron ore supply, particularly ore from Iscor's Sishen mine, without incurring the costs of a blast furnace. The environmental benefits of the Corex process were also a consideration. The IDC's feasibility studies culminated in reports to the IDC's and Iscor's boards of directors in the fall of 1994. Each partner's board agreed to the project in November 1994 and Saldanha was incorporated on January 25, 1995.

Environmental concerns and site location resulted in a one-year deferral of the project's start date. As a result of these delays, the feasibility studies were revised in the fall of 1995, revealing increased costs. In response to these changed circumstances, Iscor withdrew from the project. According to the IDC's 1995 annual report:

> As a consequence of the inordinate delay in the commencement of construction and the placing of orders with suppliers of equipment, the anticipated peak funding requirements of the project has increased substantially and the project return has decreased.
>
> Subsequent to the financial year end, Iscor has withdrawn from the project in its present form and the IDC is evaluating alternative processes and financial structures in order to facilitate the implementation of the project.

Saldanha's questionnaire response offers the following description of the IDC's reaction to Iscor's withdrawal:

> All of the environmental concerns were fully addressed and revised investment proposals were submitted to IDC's Board and approved in September 1995 and revised again in November 1995. These proposals confirmed the economic viability of the project with an acceptable real return (i.e. inflation adjusted) on IDC's and Iscor's investment.

As a result of the revised investment proposals and the November 1995 feasibility study, which incorporated the revised financial structure, Iscor returned to the project a short time after its withdrawal. The IDC and Iscor concluded a shareholders' agreement in 1996, including the terms of the revised financial structure agreed to in the fall of 1995. Construction began in early 1996.

The shareholders' agreement committed each of the two partners to provide half of the initial equity investment. IDC and Iscor agreed to provide another equity investment in fiscal year 1999. Both of the IDC's equity investments were through conversion of a portion of earlier loans made by the IDC to Saldanha. *See* the *Saldanha Analysis Memo* for details on the dates and manner of the equity investments, loan conversions, and the feasibility studies. Almost the entire amount of the equity contributions is classified as ''shareholders' loans'' in Saldanha's financial statements, except for a nominal amount exchanged for share certificates. The IDC and Iscor, the only two shareholders, each hold 1000 share certificates with a par value of one rand each. While the infusions are characterized as ''shareholders' loans'' in Saldanha's financial statements, we preliminarily determine that these contributions constitute equity investments (*see* CVD Final Rule, 63 FR at 65349; *see also General Issues Appendix: Certain Steel Products from Austria* (GIA), 58 FR 37062, 37254 (July 9, 1993)). The first criteria in the hierarchy set out in the GIA is ''Expiration/Maturity Date/Repayment Obligation.'' The appendix states that once a criteria is clearly indicative of debt or equity, we will stop our analysis. These ''shareholders' loans'' carry no repayment terms nor is interest charged on them. They are reported in Saldanha's financial statements as equity and not as liabilities. None of the parties describes them as loans; rather they are described as equity by the owners. Based on this analysis, we conclude that these contributions should be considered equity infusions by the IDC.

To determine whether a benefit exists from equity infusions, the Department must examine whether ''* * * the investment decision is inconsistent with the usual investment practices of private investors * * *'' (*see* section 771(5)(E)(i) of the Act). However, even if private investors exist, they may not always provide appropriate benchmarks. As we stated in *Final Affirmative Countervailing Duty Determination: Certain Corrosion-Resistant Carbon Steel Flat Products from New Zealand,* 58 FR 37366, 37368 (July 9, 1993) (*CORE from New Zealand*):

> The Department has in the past considered the presence of private investment made at the same time as the government's investment indicative of the commercial reasonableness of the government investment. However, the facts of each case must be carefully examined in order to make such a determination. Although NZS was a private investor in this joint venture project, it is clear from the record that NZS could not have undertaken this project without outside investors, and that, absent the government's commitments in the Formation Agreement and Planning Memorandum, no reasonable outside private investor would have undertaken this project. Thus, the participation of NZS is not dispositive that the GONZ's investment was consistent with commercial considerations.

Our analysis of the feasibility studies, the shareholders' agreement, and various internal memoranda generated by the IDC and Iscor indicates that the economic viability of the Saldanha project was predicated on the expected receipt of subsidies from the GOSA. The Saldanha project, like the joint venture project in *CORE from New Zealand,* was a greenfield mill project, and based on our analysis as well as certain statements in the feasibility studies themselves, no reasonable private investor would have undertaken this project absent the projected receipt of government subsidies.

The fact that the feasibility studies submitted by the IDC predict positive rates of return does not change our conclusion. As we stated in *CORE from New Zealand,* 58 FR at 37368:

> Our analysis of the feasibility studies shows that the studies relied on the implementation of specific commitments by the GONZ, such as the assurance of certain financing, domestic market share, supply of raw materials and favorable tax treatment, in their projection of the revenues of the project. Therefore, we find that the studies did not provide an objective assessment of the viability of the project, based on market conditions.

The feasibility studies conducted by the IDC, in combination with the other documentation mentioned above, have led us to conclude that, absent the receipt of expected government subsidies, all of the projected rates of return would have fallen well below the benchmark set by the private investor for participation in the project. Because most of the information upon which our determination relies is business proprietary, our more detailed analysis is set forth in the *Saldanha Analysis Memo.* Therefore, we preliminarily determine that the IDC's equity investments into Saldanha were inconsistent with the usual investment practice of private investors in South Africa.

Because we have found that these equity infusions were inconsistent with the usual investment practice of private investors in South Africa, we find that benefits were provided to Saldanha in the amount of the two equity infusions, and that these infusions should be

treated as grants, in accordance with sections 351.507(a)(6) and (7)(b) of our regulations. We also determine that these equity infusions are specific in accordance with section 771(5A)(D) of the Act because they were provided to a specific enterprise, Saldanha.

We allocated the amount of the grants over the AUL in accordance with section 351.507 (7)(c) of our regulations using the discount rate discussed above in the section ''Calculation of Discount Rates and Benchmark Loan Rates.'' Because we have preliminarily determined that Saldanha was uncreditworthy in the years in which these infusions were made (*see* ''Creditworthiness'' section above), we added a risk premium to the discount rate in accordance with section 351.505(a)(3)(iii) of the regulations. We then divided the combined amounts allocated to the POI by Saldanha/Iscor's total sales during the POI. (*See* ''Cross-Ownership and Attribution of Subsidies'' section above.) Accordingly, we preliminarily determine the countervailable subsidy to be 3.97 percent *ad valorem* for Saldanha/Iscor.

3. Industrial Loan Financing Provided by the IDC and Findevco Ltd.

The IDC and its wholly-owned subsidiary, Findevco, Ltd., provide industrial loan financing geared towards the establishment of new industrial facilities, or the expansion or modernization of existing facilities. The IDC has been providing such financing since its inception in 1940, and any South African company interested in obtaining loan financing through this program may apply through the IDC.

According to its questionnaire responses, Saldanha received a loan under the Findevco program (''the Findevco Loan'') in accordance with the shareholder agreement between the IDC and Iscor. The terms of this loan in the original agreement involved a lag between disbursement and payment, with interest capitalized. Part of the loan amount was later offset through a separate IDC–Saldanha transaction in a manner consistent with the original loan agreement. The remaining portion of the Findevco loan was restructured in a manner the Department considers to constitute a new loan, including new payment terms, and a later deferral of principal and interest as mentioned above in the ''Creditworthiness'' section. (Further details of the provision of this loan, the ''deferral,'' and the feasibility studies are mainly of a business proprietary nature and can be found in the *Saldanha Analysis Memo*). The IDC provided Saldanha with a second loan (''the IDC Loan''), without the involvement of Findevco. *See* the *Saldanha Analysis Memo.* Highveld and Iscor did not receive any Findevco or IDC loans that were outstanding during the POI.

Loans provide a financial contribution under section 771(5)(D)(i) of the Act in the form of a direct transfer of funds from the IDC, or its subsidiary Findevco, to Saldanha. To determine whether there is a benefit, we compared the interest rates charged on the Findevco/IDC loans provided to Saldanha to the benchmark rate described in the ''Subsidies Valuation Information'' section above. Based on this comparison, there is a difference between the amount paid by Saldanha on these loans and the amount Saldanha would have paid on a comparable commercial loan obtained on the South African market. Thus, the loans provided by Findevco and the IDC provide a benefit under section 771(5)(E)(ii) of the Act.

In addition to determining the existence of a financial contribution and a benefit, when determining whether a program is countervailable, we must examine whether it is specifically provided under section 771(5A) of the Act. There is no law explicitly limiting eligibility for IDC loans, or loans from the IDC subsidiary Findevco, to exporters or to an enterprise, industry, or group thereof. Thus, these loans are not *de jure* specific, and we must analyze whether the program meets the *de facto* criteria defined under section 771(5A)(D)(iii) of the Act. We examined IDC annual reports provided by the GOSA and found that, since 1993, the steel and metals industries have been predominant recipients of loans and loan guarantees provided by the IDC and Findevco. Information regarding Findevco's loans is consolidated with information on the IDC's loans in the IDC's annual reports. Specifically, since 1993, as much as 84 percent of IDC/Findevco financing has gone to the basic iron and non-ferrous metals industries. In addition, Findevco's financial statements indicate that the Saldanha loan constituted a disproportionate amount of its lending in the year of its disbursement. Likewise, the IDC's financial statements indicate that its financing disproportionately favored Saldanha. Therefore, we preliminarily find that these loans are *de facto* specific, within the meaning of section 771(5A)(D)(iii) of the Act, because a disproportionate share of the financing is provided to a group of industries, the basic iron and non-ferrous metals industries. Accordingly, we preliminarily determine that IDC/Findevco loan financing constitutes a countervailable subsidy within the meaning of section 771(5) of the Act.

To calculate the benefit, we used the Long-Term Benchmark rate discussed in the section ''Calculation of Discount Rates and Benchmark Rates'' above. Saldanha provided information regarding two commercial loans as potential benchmarks for its Findevco loan. One of these loans was obtained from a foreign government-owned development bank. The second loan is a supplier finance loan for services provided to Saldanha. Neither of these, however, is acceptable under our regulations. (*See* the ''Creditworthiness'' subsection of the ''Subsidies Valuation Information'' section above for a more detailed discussion.) Because we have preliminarily determined that Saldanha was uncreditworthy in the years in which it received these loans, we added a risk premium to the benchmark in accordance with section 351.505(a)(3)(iii) of the regulations.

For the Findevco Loan, because we have determined that Saldanha received a deferral, we applied the allocation methodology of section 351.505(c)(3) of our regulations for the comparison of loans with different repayment schedules. Section 351.505(c)(3)(i) of our regulations requires that we take the difference between the net present value of payments under the deferred schedule with the IDC interest rate and the net present value of payments under a normal repayment schedule for a commercial loan with the benchmark interest rate and uncreditworthiness risk premium. We then assigned a portion of this difference to the POI in accordance with section 351.505(c)(3)(ii) of the regulations. For the IDC Loan, we followed the standard benefit calculation methodology of 351.505(c)(2) for long-term variable-rate loans. We summed the benefits allocable to the POI from this program and divided this amount by the combined total sales of Saldanha/Iscor during the POI, as discussed in the ''Cross-Ownership and Attribution of Subsidies'' section above. On this basis, we preliminarily determine the countervailable subsidy to be 3.20 percent *ad valorem* for Saldanha/Iscor.

4. Loan Guarantees Provided by the IDC

The IDC facilitates and guarantees foreign credits for the importation of capital goods into South Africa. The program was established in 1989 and was designed to facilitate foreign lending to South African firms; the availability of foreign credit in South Africa was extremely limited at that time. The IDC establishes blanket credit lines with specific foreign banks which

can be used in two ways. First, the IDC may act as an intermediary lending authority, borrowing funds through these credit lines from the foreign bank and lending them to the South African firm. Second, based on these credit lines, the South African firm may negotiate its own supply contract loan with the foreign lender which is then guaranteed by the IDC. Any company seeking financing for the purchase of foreign capital equipment may apply to the IDC to use the program. Whether the financing is arranged through the IDC, or directly with the foreign lender, it is guaranteed through the IDC program. The IDC charges a fee for its guaranteeing and facilitating services.

According to its questionnaire responses, Saldanha began receiving IDC loan guarantees under this program in 1996, to finance purchases of foreign capital equipment. The GOSA has reported that these export credits are provided under the OECD guidelines for export credits in the relevant countries. Highveld did not receive guarantees under this program. Iscor received several IDC guarantees under this program which were tied to production facilities that are not involved in any part of the production process for subject merchandise. (*See* 19 CFR 351.525(b)(5).) Therefore, there are no countervailable loan guarantees attributable to subject merchandise for Highveld or Iscor.

The IDC guaranteed import financing for capital equipment purchased by Saldanha. These guarantees represent a financial contribution by the GOSA. We are measuring the benefit of the loan guarantee as the difference between the GOSA loan guarantee fee and a commercial guarantee fee as we did in *SSPC Final.* However, for purposes of the final determination, we intend to examine whether the loan guarantees provided by the IDC were required in order for Saldanha to receive this financing, and whether the provision of these guarantees affects interest rates charged on this import financing.

In *SSPC Final,* we found the amount a South African firm would pay for similar guarantee facilities would range between 0.25 and 0.50 percent, and chose to use the middle of the range, 0.375, as the benchmark rate. *See SSPC Final,* 64 FR at 15557. We also stated that the price paid for the fees would vary depending on the quality of the borrower and the size of the credit. In this case, as in *SSPC,* the amount of the guaranteed loans is large, as they are used to purchase start-up facilities. However, while we have not determined that Saldanha was uncreditworthy during all of the years in which the guarantees were provided, we find that it is not a ''high-quality'' borrower because it had no loans that were not guaranteed by the IDC. Therefore, we have determined that 0.50 percent is a more appropriate benchmark. According to questionnaire responses, the amount paid by Saldanha to the IDC for these guarantee facilities was 0.25 percent. Therefore, we have determined that the amount paid by Saldanha for the IDC guarantee was less than what it would have paid for a guarantee in the commercial market in South Africa.

In addition to determining the existence of a financial contribution and benefit, when determining whether a program is countervailable, we must examine whether it is specifically provided under section 771(5A) of the Act. The enacting legislation for the IDC does not explicitly limit eligibility for this import financing guarantee program to exporters or to an enterprise, industry, or group thereof. Thus, these guarantees are not *de jure* specific, and we must analyze whether the program meets the *de facto* criteria defined under section 771(5A)(D)(iii) of the Act. We examined IDC annual reports provided by the GOSA and found that, since 1993, the steel and metals industries have been predominant recipients of loans and loan guarantees provided by the IDC. Specifically, since Saldanha began receiving these guarantees in 1996, as much as 44 percent of IDC financing has gone to the basic iron and non-ferrous metals industries (84 percent in 1995). We note that no other industry group has received benefits near this amount. On this basis, we find IDC import financing guarantees provided to Saldanha to be *de facto* specific within the meaning of section 771(5A)(D)(iii) of the Act. We note that we found IDC guarantees to be specific on these same grounds in *SSPC Final.* 64 FR at 15557. Therefore, we preliminarily determine that the IDC guarantees constitute a countervailable subsidy within the meaning of section 771(5) of the Act.

We note that the GOSA and Saldanha have argued that the commercial guarantee rate chosen by the Department in *SSPC Final* is not a valid comparison with the IDC guarantees because Saldanha's loans were cross-guaranteed by Iscor, while the rate quoted in *SSPC Final* was, apparently, for a single guarantor. Therefore, according to the GOSA and Saldanha, the IDC was only liable for half the value of the guaranteed loans, while the benchmark guarantor would be liable in full. Iscor's role as a guarantor, however, is unclear. Furthermore, regardless of Iscor's role, the IDC's liability does not appear to be limited. Nothing on the record indicates that Saldanha's debtors are obligated to seek only half of their repayment from the IDC, and half from Iscor. Moreover, the standard for determining whether a benefit exists is not the net cost to the guarantor, but rather the benefit to the recipient that can only be determined by examining what Saldanha would have to pay for a commercial loan guarantee.

To determine the benefit, we used the following methodology. Since the guarantee fees are paid every year on the loan balance that is outstanding, we multiplied the outstanding balance during the POI for each guaranteed loan by the rate of 0.25 percent to calculate the fee paid by Saldanha to the IDC. We then multiplied the outstanding balance by 0.5 percent to calculate the fee Saldanha would have paid to a commercial guarantor. We then subtracted what Saldanha paid the IDC under this program from what it would have paid on a comparable commercial guarantee for each loan. We summed the benefits allocable to the POI from this program and divided this amount by the combined total sales of Saldanha/Iscor during the POI, as discussed in the ''Cross-Ownership and Attribution of Subsidies'' section above. On this basis, we preliminarily determine the countervailable subsidy to be 0.12 percent *ad valorem* for Saldanha/Iscor.

5. Wharfage Fees for Exports

The GOSA charges lower wharfage fees for exports than for imports through all ports in South Africa. The export rate is an *ad valorem* rate of 0.89 percent of FAS value, and the import rate is an *ad valorem* rate of 1.78 percent of entered value. We asked the GOSA to explain the difference. The GOSA responded that the cost of provision and maintenance of infrastructure primarily determines wharfage charges, but did not explain how the costs of providing and maintaining the infrastructure differ for imports than for exports.

Section 351.514(a) of the Department's regulations states that a subsidy is an export subsidy if its provision is contingent upon export performance. We preliminarily determine that the GOSA's lower wharfage fees for exports constitute a countervailable export subsidy under section 351.514(a).

In order to calculate the benefit, we calculated what each respondent would have paid in export wharfage fees if the export rate had been equal to an average of the export rate and the import rate, and then subtracted what was actually paid for export wharfage fees. Because we have preliminarily determined that

this difference in rates is an export subsidy, we divided the benefit amount by the value of total exports for the POI, in accordance with section 351.525(b)(2) of our regulations, to calculate the *ad valorem* subsidy rate. Accordingly, we preliminarily determine the countervailable subsidy to be 0.45 percent for Highveld and 0.44 percent for Saldanha/Iscor, *ad valorem.* For Highveld, we based our calculation on the FOB value of its exports, because it did not provide any information on the amount of wharfage fees it paid during the POI, as requested in our February 27, 2001 questionnaire.

Programs Preliminarily Determined to be Not Countervailable

1. Improvements to Saldanha Bay Port

We initiated an investigation of a program to improve the Saldanha Bay port, alleged to provide countervailable benefits to Saldanha. The program was undertaken by Portnet, a company wholly-owned by the GOSA and charged with managing and constructing South Africa's ports. Portnet is a subsidiary of Transnet, an organization also wholly-owned by the GOSA, which supervises a number of transportation-related organizations. The program involved the expansion of the multipurpose cargo quay at Saldanha Bay port from 250 to 870 meters. Construction began in 1995 and was completed in 1998. In our initiation memorandum, we found that petitioners had provided sufficient evidence to warrant an investigation that the quay expansion was specific to an enterprise or industry or group thereof and was not general infrastructure. We noted that petitioners, after an ''exhaustive search,'' were unable to find evidence that the GOSA had received adequate remuneration for this program.

After reviewing the GOSA's questionnaire responses, we preliminarily determine that the GOSA received adequate remuneration for this provision of infrastructure. Provision of infrastructure is incorporated in our regulations under section 351.511, ''Provision of goods or services.'' (*See* section 351.511(d) of our regulations which provides an exception for general infrastructure.) Section 351.511(1) of our regulations provides that, in the provision of goods and services, ''a benefit exists to the extent that such goods or services are provided for less than adequate remuneration.'' Section 351.511(2) of our regulations directs us to judge adequate remuneration by comparing the government price to a market-determined price. In this case, there are no other operators, besides Portnet, of ports in South Africa. There is also no world market price available to ''purchasers in the country in question,'' which is the next alternative under section 351.511 of the regulations. Thus, we have to assess ''whether the government price is consistent with market principles.'' 19 CFR 351.511(a)(2)(iii).

The GOSA reported that Portnet charges country-wide wharfage fees, which it stated are used for port capital. The GOSA provided a business proprietary feasibility study and budgets for the project, demonstrating that Portnet sets its fees at a level designed to ensure that it covers operating costs and future capital expenditures. The documents calculate internal rates of return and profit indices based on planned spending and existing fees. While these fees have not changed in several years, they are *ad valorem* rates, and, thus, increase with the total value of shipments. Portnet expected an increase in the volume of shipments, and correspondingly the total value of shipments, the accommodation of which was one of the aims of the improvement.

Furthermore, the annual reports for Transnet, Portnet's parent, provide separate descriptions of its subsidiaries' operations, which describe Portnet as a profit-making operation. Financial statements for each subsidiary are also included, which indicate that Portnet had a positive income during fiscal years 1999 and 2000. Appendix A to the GOSA's March 14th response provides a summary of Portnet's financial statements going back to fiscal year 1996, which also shows a positive income for each year. This information, in combination with the study and budgets mentioned above, supports the conclusion that Portnet sets its fees in a manner designed to recover its operating and capital costs and that its fees are set to ensure its future operations. Therefore, we preliminarily find that the GOSA set prices for this infrastructure consistently with market principles, *i.e.*, that it planned to recover the costs of its investments plus an amount for profit, in accordance with section 351.511(a)(2)(iii) of our regulations.

2. Improvements to the Sishen-Saldanha Rail Line

We initiated an investigation of a program to upgrade the Sishen-Saldanha rail line, alleged to provide countervailable benefits to the production of subject merchandise. The program was undertaken by Spoornet, a company wholly-owned by the GOSA and charged with managing and constructing South Africa's railroads, through its subsidiary Orex, an entity created specifically for management of the Sishen-Saldanha line. Spoornet is a subsidiary of Transnet. The program involved two projects to improve a rail line from iron ore mines in the Sishen region to Saldanha Bay. Orex began planning the first project in November 1999 and completion of the project is expected by July 2002. It involves the construction of additional crossing loops first envisioned, but not built, when the line was built between 1973 and 1976. The GOSA states that construction of these additional loops became necessary with increased volumes of iron ore. The second project involves the upgrading of locomotives and wagons, and was also undertaken for the purpose of increasing iron ore transport capacity. The iron ore transported on this line was mined by Iscor, and either exported, sold to Saldanha, or sold to other local mills not involved in the production of subject merchandise. The GOSA's response states that the improvements were planned in order to accommodate increased iron ore exports. The ore was transported from Saldanha Bay to Saldanha's mill by means of a conveyor belt.

In our initiation memorandum, we found that petitioners had provided sufficient evidence to warrant an investigation that the rail upgrade was specific to an enterprise or industry or group thereof and was not general infrastructure. We noted that petitioners, after an ''exhaustive search,'' were unable to find evidence that the GOSA had received adequate remuneration for this program.

After reviewing the GOSA's questionnaire responses, we preliminarily determine that the GOSA received adequate remuneration for this program. Provision of infrastructure is incorporated in our regulations under section 351.511, ''Provision of goods or services.'' (*See* section 351.511(d) of our regulations which provides an exception for general infrastructure.) Section 351.511(1) of the regulations provides that, in the provision of goods and services, ''a benefit exists to the extent that such goods or services are provided for less than adequate remuneration.'' Section 351.511(2) of the regulations directs us to judge adequate remuneration by comparing the government price to a market-determined price. In this case, there are no other operators, besides the GOSA-owned subsidiaries, of rail lines in South Africa. There is also no world market price available to ''purchasers in the country in question,'' which is the

next alternative under section 351.511 of the regulations. Thus, we have to assess ''whether the government price is consistent with market principles.'' 19 CFR 351.511(a)(2)(iii).

The GOSA reported that Spoornet charges Iscor a negotiated fee for use of the Sishen-Saldanha line. The GOSA provided plans and proposals for the project, demonstrating that Spoornet negotiated its fee at a level designed to ensure that it covers operating costs and future capital expenditures. The documents calculate internal rates of return and profit indices based on planned spending and existing fees. While the fee has not changed in several years, it is an *ad valorem* rate, and, thus, increases with the total value of shipments. As stated above, the project was designed to accommodate increased exports which was accomplished by an increase in the line's tonnage capacity per year.

Furthermore, the annual reports for Transnet, Spoornet's parent, provide separate descriptions of its subsidiaries' operations, which describe Spoornet as a profit-making operation. Financial statements for each subsidiary are also included, which indicate that Spoornet had a positive income during fiscal years 1999 and 2000. This information, in combination with the plans and proposals mentioned above, supports the conclusion that Spoornet sets its fees in a manner designed to recover its operating and capital costs and that its fees are set to ensure its future operations. Therefore, we preliminarily find that the GOSA set prices for this infrastructure consistently with market principles, *i.e.*, that it planned to recover the costs of its investments plus an amount for profit, in accordance with section 351.511(a)(2)(iii) of the regulations.

Verification

In accordance with section 782(i)(1) of the Act, we will verify the information submitted by respondents prior to making our final determination.

Suspension of Liquidation

In accordance with section 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for the companies under investigation, Highveld, Iscor, and Saldanha. We have preliminarily determined that the total estimated countervailable subsidy rate is 0.45 percent *ad valorem* for Highveld, which is *de minimis,* in accordance with section 703(b)(4)(B) of the Act. Therefore, we preliminarily determine that no countervailable subsidies are being provided to the production or exportation of subject merchandise by Highveld. As discussed in the ''Cross-Ownership and Attribution of Subsidies'' section above, we are treating Saldanha and Iscor as a single entity and, therefore, have calculated a single rate to be applied to these companies. With respect to the ''all others'' rate, section 705(c)(5)(A)(i) of the Act requires that the ''all others'' rate equal the weighted average countervailable subsidy rates established for exporters and producers individually investigated, excluding any zero and *de minimis* countervailable subsidy rates. Therefore, because Highveld's rate is *de minimis,* we are using the Saldanha/Iscor rate as the ''all others'' rate.

Producer/Exporter	Net subsidy rate
Highveld Steel and Vanadium Corp.	0.45% *Ad Valorem*
Saldanha Steel (Pty.) Corp./Iscor Ltd.	13.53% *Ad Valorem*
All Others	13.53% *Ad Valorem*

In accordance with section 703(d) of the Act, we are directing the U.S. Customs Service to suspend liquidation of all entries of the subject merchandise from South Africa produced or exported by any company, other than Highveld, which are entered or withdrawn from warehouse, for consumption on or after the date of the publication of this notice in the **Federal Register**, and to require a cash deposit or bond for such entries of the merchandise in the amounts indicated above. This suspension will remain in effect until further notice.

ITC Notification

In accordance with section 703(f) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information relating to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided the ITC confirms that it will not disclose such information, either publicly or under an administrative protective order, without the written consent of the Assistant Secretary for Import Administration.

In accordance with section 705(b)(2) of the Act, if our final determination is affirmative, the ITC will make its final determination within 45 days after the Department makes its final determination.

Public Comment

In accordance with section 351.310 of our regulations, we will hold a public hearing, if requested, to afford interested parties an opportunity to comment on this preliminary determination. The hearing is tentatively scheduled to be held 57 days from the date of publication of the preliminary determination at the U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Individuals who wish to request a hearing must submit a written request within 30 days of the publication of this notice in the **Federal Register** to the Assistant Secretary for Import Administration, U.S. Department of Commerce, Room 1870, 14th Street and Constitution Avenue, NW., Washington, DC 20230. Parties should confirm by telephone the time, date, and place of the hearing 48 hours before the scheduled time.

Requests for a public hearing should contain: (1) The party's name, address, and telephone number; (2) the number of participants; and, (3) to the extent practicable, an identification of the arguments to be raised at the hearing. In addition, unless otherwise informed by the Department, six copies of the business proprietary version and six copies of the non-proprietary version of the case briefs must be submitted to the Assistant Secretary no later than 50 days from the date of publication of the preliminary determination. As part of the case brief, parties are encouraged to provide a summary of the arguments not to exceed five pages and a table of statutes, regulations, and cases cited. Six copies of the business proprietary version and six copies of the non-proprietary version of the rebuttal briefs must be submitted to the Assistant Secretary no later than 5 days from the date of filing of the case briefs. An interested party may make an affirmative presentation only on arguments included in that party's case or rebuttal briefs. Written arguments should be submitted in accordance with section 351.309 of our regulations and will be considered if received within the time limits specified above.

This determination is published pursuant to sections 703(f) and 777(i) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: April 13, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–9862 Filed 4–19–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Environmental Technologies Trade Advisory Committee (ETTAC); Meeting

AGENCY: International Trade Administration, Department of Commerce.

ACTION: Notice of open meeting.

Date: May 10, 2001.

Time: 9 a.m. to 3:30 p.m.

Place: Room 3407, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

SUMMARY: The Environmental Technologies Trade Advisory Committee will hold a plenary meeting on May 10, 2001, in Room 3407 of the U.S. Department of Commerce.

During the morning, the ETTAC will hear reports on the Industry Consultations Program, policy issues for environmental technologies companies, and an update on improvements being made to the Global Technology Network. ETTAC subcommittees will identify priorities and work plans. The subcommittees will report to the full committee during the afternoon. Subcommittees include: Water; Energy/Air; Market Access; Government Resources.

ETTAC is mandated by Public Law 103–392. It was created to advise the U.S. government on environmental trade policies and programs, and to help it to focus its resources on increasing the exports of the U.S. environmental industry. The ETTAC operates as an advisory committee to the Secretary of Commerce and the interagency Environmental Trade Working Group (ETWG) of the Trade Promotion Coordinating Committee (TPCC). The ETTAC was originally chartered in May of 1994. It was most recently rechartered until May 30, 2002.

For further information phone Jane Siegel, Office of Technologies Industries, (ETI), U.S. Department of Commerce at (202) 482–5225. This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to ETI.

Dated: April 16, 2001.

Carlos F. Montoulieu,

Acting Deputy Assistant Secretary.

[FR Doc. 01–9756 Filed 4–19–01; 8:45 am]

BILLING CODE 3510–DR–P

COMMODITY FUTURES TRADING COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Commodity Futures Trading Commission.

TIME AND DATE: 2 p.m., Tuesday, May 1, 2001.

PLACE: 1155 21st St., NW., Washington, DC, 9th Floor Conference Room.

STATUS: Closed.

MATTERS TO BE CONSIDERED: Rule Enforcement Review.

CONTACT PERSON FOR MORE INFORMATION: Jean A. Webb, 202–418–5100.

Jean A. Webb,

Secretary of the Commission.

[FR Doc. 01–10007 Filed 4–18–01; 2:39 pm]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 01–04]

36(b)(1) Arms Sales Notification

AGENCY: Department of Defense, Defense Security Cooperation Agency.

ACTION: Notice.

SUMMARY: The Department of Defense is publishing the unclassified text of a section 36(b)(1) arms sales notification. This is published to fulfill the requirements of section 155 of Public Law 104–164 dated 21 July 1996.

FOR FURTHER INFORMATION CONTACT: Ms. J. Hurd, DSCA/COMPT/RM, (703) 604–6575.

The following is a copy of a letter to the Speaker of the House of Representatives, Transmittal 01–04 with attached transmittal, policy justification, and Sensitivity of Technology.

Dated: April 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 5001–10–M

DEFENSE SECURITY COOPERATION AGENCY

WASHINGTON, DC 20301-2800

0 2 APR 2001

In reply refer to:
I-01/001674

The Honorable J. Dennis Hastert
Speaker of the House of
Representatives
Washington, D.C. 20515-6501

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, we are forwarding herewith Transmittal No. 01-04, concerning the Department of the Navy's proposed Letter(s) of Offer and Acceptance (LOA) to Australia for defense articles and services estimated to cost $37 million. Soon after this letter is delivered to your office, we plan to notify the news media.

Sincerely,

TOME H. WALTERS, JR.
LIEUTENANT GENERAL, USAF
DIRECTOR

Attachments

Same ltr to: House Committee on International Relations
Senate Committee on Appropriations
Senate Committee on Foreign Relations
House Committee on Armed Services
Senate Committee on Armed Services
House Committee on Appropriations

Transmittal No. 01-04

Notice of Proposed Issuance of Letter of Offer
Pursuant to Section 36(b)(1)
of the Arms Export Control Act

(i) **Prospective Purchaser**: Australia

(ii) **Total Estimated Value**:

Major Defense Equipment*	$ 27 million
Other	$ 10 million
TOTAL	$ 37 million

(iii) **Description of Articles or Services Offered**: Ten HARPOON Shipboard Launcher Command Launch Control Systems, spare and repair parts, support and test equipment, supply and software support, maintenance training, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics support.

(iv) **Military Department**: Navy (LBE)

(v) **Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid**: None

(vi) **Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold**: See Annex attached

(vii) **Date Report Delivered to Congress**: 0 2 APR 2001

* as defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia - HARPOON Shipboard Launcher Command Launch Control Systems

The Government of Australia (GOA) has requested a possible sale for 10 HARPOON Shipboard Launcher Command Launch Control Systems, spare and repair parts, support and test equipment, supply, and software support, provisioning, publications and technical documents, U.S. Government and contractor technical assistance, and other related elements of logistics support. The estimated cost is $37 million.

This proposed sale will contribute to the foreign policy and national security of the United States by helping to improve the security of a friendly country which has been and continues to be an important force for political stability and economic progress in the Asia Pacific region.

The GOA requires new HARPOON equipment because it is modernizing its Navy to improve its ability to perform coastal patrol force duties. Sale of this equipment will moderately improve the Australian Navy's current surface-to-surface warfare capabilities.

The proposed sale of this equipment and support will not affect the basic military balance in the region.

The prime contractor will be Boeing Company, McDonnell Aircraft and Missile Systems of St. Louis, Missouri. There are no offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 01-04

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act (U)

Annex
Item No. vi

(vi) Sensitivity of Technology:

1. The AN/SWG-1A HARPOON Ship Command Launch Control System (HSCLCS) uses target position data to compute a fire control solution for missile launch. It includes equipment for monitoring and controlling HARPOON missile launching and for performing maintenance and training procedures. The AN/SWG-1A provides capabilities such as automatic engagement planning, waypoint options, off-axis launch, salvo select options, and background ship avoidance. The HSCLCS contains sensitive technology and has the following classified components, including applicable technical and equipment documentation and manuals:

(1) HARPOON control console
(2) HSCLCS embedded trainer

2. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures which might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

3. A determination has been made that Australia can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

[FR Doc. 01–9827 Filed 4–19–01; 8:45 am]
BILLING CODE 5001–10–C

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

Meeting of the President's Information Technology Advisory Committee (PITAC), Formerly the Presidential Advisory Committee on High Performance Computing and Communications, Information Technology, and the Next Generation Internet

AGENCY: DoD.

ACTION: Notice of meeting.

SUMMARY: This notice sets forth the schedule and summary agenda for the next meeting of the President's Information Technology Advisory Committee. The meeting will be open to the public. Notice of this meeting is required under the Federal Advisory Committee Act (Pub. L. 92–463).

DATES: May 10 and 11, 2001.

ADDRESSES: National Science Foundation, Room 555, 4121 Wilson Boulevard, Arlington, VA 22230.

Proposed Schedule and Agenda: The President's Information Technology Advisory Committee will meet in open session from approximately 3 p.m.–5 p.m. on May 10 and 8 a.m.–1 p.m. on May 11, 2001.

The tentative meeting agenda includes discussion of agency response to PITAC advice and the future demands information technology research and development will need to support the following areas:

1. Software;
2. Scalable Infrastructure;
3. High Performance Computing;
4. Societal Issues.

FOR FURTHER INFORMATION CONTACT: The National Coordination Office for Information Technology Research and Development, formerly the National Coordination Office for Computing, Information, and Communications, provides information about the PITAC on its website at www.itrd.gov and can be reached by phone at (703) 292–4873. Public seating for this meeting is limited and is available on first come and first served basis.

Dated: April 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–9828 Filed 4–19–01; 8:45 am]
BILLING CODE 5001–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Privacy Act of 1974; System of Records

AGENCY: Office of the Secretary, DoD.

ACTION: Notice to alter Systems of Records.

SUMMARY: The Office of the Secretary of Defense proposes to amend a system of records notice in its inventory of record systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended.

DATES: The changes will be effective on May 21, 2001 unless comments are received that would result in a contrary determination.

ADDRESSES: Send comments to OSD Privacy Act Coordinator, Records Management Section, Washington Headquarters Services, 1155 Defense Pentagon, Washington, DC 20301–1155.

FOR FURTHER INFORMATION CONTACT: Mr. David Bosworth at (703) 601–4725, x124.

SUPPLEMENTARY INFORMATION: The Office of the Secretary of Defense 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 specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 16, 2001.

L. M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DHA 05

SYSTEM NAME:

Military Deployment Issues Files (December 8, 2000, 65 FR 76999).

CHANGES:

* * * * *

SYSTEM IDENTIFIER:

Delete 'DHA 05' and replace with 'DPR 28'.

* * * * *

SYSTEM LOCATION:

Delete first paragraph and replace with 'Special Assistant to the Under Secretary of Defense (Personnel and Readiness) for Gulf War Illnesses, Medical Readiness, and Military Deployments, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041–3226.'

* * * * *

SYSTEM MANAGER(S) AND ADDRESS:

Delete entry and replace with 'Special Assistant to the Under Secretary of Defense (Personnel and Readiness) for Gulf War Illnesses, Medical Readiness, and Military Deployments, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041–3226.'

* * * * *

DPR 28

SYSTEM NAME:

Military Deployment Issues Files.

SYSTEM LOCATION:

Special Assistant to the Under Secretary of Defense (Personnel and Readiness) for Gulf War Illnesses, Medical Readiness, and Military Deployments, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041–3226;

DoD Deployment Health Clinical Center (including the Comprehensive Clinical Evaluation and Special Care Programs), Walter Reed Army Medical Center, Washington, DC 20307–0002;

DoD Deployment Health Research Center, Naval Health Research Center, 271 Catalina Boulevard, Barracks Building 322, San Diego, CA 92152–5302;

DoD Deployment Health Medical Surveillance Center, Director of Epidemiology and Disease Surveillance, U.S. Army Center for Health Promotion and Preventive Medicine, Aberdeen Proving Ground, MD 21010–5422; and

U.S. Armed Services Center for Unit Records Research, 7798 Cissna Road, Suite 101, Springfield, VA 22150–3197.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals who participated in military deployments or related operations, exercises, or tests, or served in Operation Desert Storm and/or Operation Desert Shield, the Kuwait Theater of Operations who feel they may have been exposed to biological, chemical, radiological, disease, or environmental agents.

CATEGORIES OF RECORDS IN THE SYSTEM:

Records consist of individual's name, Social Security Number or service number, last known or current address, occupational information, date and extent of involvement in military deployments or related operations, exercises, or tests, perceived issues, exposure information, medical treatment information, medical history of subject, and other documentation of reports of possible exposure to biological, chemical radiological, disease, or environmental agents. The system contains information from unit and historical records, medical and hospital records, and information provided to the DoD by individuals with first-hand knowledge of reports of possible biological, chemical, radiological, disease, or environmental incidents. Information from health care providers who have evaluated patients with illnesses possibly related to military deployments is also included. Records include those documents, files, and other media that could relate to possible deployment health issues or illnesses.

Records of diagnostic and treatment methods pursued on subjects following reports of possible incidental exposure are also included in this system.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 131, Office of the Secretary of Defense; 10 U.S.C. 136, Under Secretary of Defense for Personnel and Readiness; and E.O. 9397 (SSN).

PURPOSE(S):

Records are collected and assembled to permit investigative examination and analysis of reports of possible exposure to biological, chemical, radiological, disease, or environmental agents incident to service in military deployments or related operations, exercises, or tests, or service in Gulf War deployments, to conduct scientific or related studies or medical follow-up programs, and to assist in the resolution of deployment related issues.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND 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 the Department of Veterans Affairs and the Social Security Administration for appropriate consideration of individual claims for benefits for which that agency is responsible.

To the Department of Veterans Affairs and Health and Human Services, and the Centers for Disease Control and Prevention to permit investigative, scientific, medical and other analyses regarding deployment health issues and incidents and possible causes, symptoms, diagnoses, treatment, and other characteristics pertinent to service member's and veteran's health.

To the Military and Veterans Health Coordinating Board (MVHCB), which will coordinate with several agencies the clinical, research, and health risk communications issues relating to service member's (and veteran's) pre and post deployment health.

The DoD ''Blanket Routine Uses'' set forth at the beginning of OSD'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:

Paper records are maintained in file folders; electronic records are stored on magnetic media; microfilm/microfiche are maintained in appropriate storage containers.

RETRIEVABILITY:

Records are retrieved by case number, name, Social Security Number or service number and key words.

SAFEGUARDS:

Access to areas where records maintained is limited to authorized personnel. Areas are protected by access control devices during working hours and intrusion alarm devices during non-duty hours.

RETENTION AND DISPOSAL:

Disposition pending (until NARA approves retention and disposition schedule, treat records as permanent.)

SYSTEM MANAGER(S) AND ADDRESS:

Special Assistant to the Under Secretary of Defense (Personnel and Readiness) for Gulf War Illnesses, Medical Readiness, and Military Deployments, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041–3226.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the Special Assistant to the Under Secretary of Defense (Personnel and Readiness) for Gulf War Illnesses, Medical Readiness, and Military Deployments, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041–3226.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this system of records should address written inquiries to the Special Assistant to the Under Secretary of Defense (Personnel and Readiness) for Gulf War Illnesses, Medical Readiness, and Military Deployments, 5113 Leesburg Pike, Suite 901, Falls Church, VA 22041–3226.

CONTESTING RECORD PROCEDURES:

The OSD rules for accessing records, for contesting contents and appealing initial agency determinations are published in OSD Administrative Instruction 81; 32 CFR part 311; or may be obtained from the system manager.

RECORD SOURCE CATEGORIES

Information is from the individual's themselves, witnesses to a possible event, health care providers who have evaluated patients with illnesses possibly related to service in military deployments or related operations, exercises, or tests as well as extracts from official DoD records to include: personnel files and lists, unit histories, medical records, and related sources.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9832 Filed 4–19–01; 8:45 am]

BILLING CODE 5001–01–P

DEPARTMENT OF DEFENSE

Department of the Air Force

Proposed Collection; Comment Request

AGENCY: Department of the Air Force, DoD.

ACTION: Notice.

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the United States Air Force Academy (USAFA), Office of the USAF Academy Admissions Liaison, announces the proposed reinstatement of a public information collection and seeks public comment on provisions thereof. 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 information collection; (c) ways to enhance the quality, unity, and clarity of the information to be collected; (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received June 19, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Karen E. Parker, Director, Admissions Liaison, U.S. Air Force Academy Liaison Office, USAFA/CCL, Room 4C174, 1040 Air Force Pentagon, Washington, DC 20330–1040.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to above address.

Title, Associated Form, and OMB Number: Department of Defense (DD) Form 1870, ''Nomination for Appointment to the United States Military Academy, Naval Academy and Air Force Academy,'' OMB Number 0701–0026.

Needs and Uses: The information collection requirement is necessary in order to receive nominations from all Members of Congress, Vice President, Delegates to Congress, and the Governor and Resident Commissioner of Puerto Rico annually to each of the three service academies as legal nominating authorities. This information collection which results in appointments made to the academies is in compliance with 10 U.S.C. 4342, 6954, 9342 and 32 CFR 901.

Affected Public: Individuals and households.

Annual Burden Hours: 8,100.

Number of Respondents: 16,200.

Responses Per Respondent: 1.

Average Burden Per Response: 30 Minutes.

Frequency: One time annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The DD Form 1870, ''Nomination for Appointment to the United States Military Academy, Naval Academy and Air Force Academy,'' is used solely by legal nominating authorities who by federal law are entitled to make appointments to the three service military academies. The form is used by all three service academies. The nomination form allows for nominating authorities to select by checking one box as to which academy is being provided with the name of a nominee. The completed form provides the required information for a nomination to be processed. Eligibility information concerning the nominees is information that is also included on the form. The nominating authority identifies himself/herself and must date and sign the form to make it a legally acceptable form. The form includes the three addresses of the service academies in order that the form may be returned to the proper academy.

Janet A. Long,

Air Force Federal Register Liaison Officer.

[FR Doc. 01–9775 Filed 4–19–01; 8:45 am]

BILLING CODE 5001–05–U

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 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 21, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

A0210–10 TAPC

SYSTEM NAME:

Departure Clearance Files (February 22, 1993, 58 FR 10002).

CHANGES:

SYSTEM IDENTIFIER:

Delete entry and replace with 'A0600–8–101TAPC'.

SYSTEM NAME:

Delete entry and replace with 'Military and Civilian Out-Processing Files'.

SYSTEM LOCATION:

Delete entry and replace with 'Administrative offices and Army Staff agencies, field operating commands, installations and/or activities Army wide. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with 'All Army Active Duty, National Guard, Army Reserve and Department of the Army civilian personnel.'

CATEGORIES OF RECORDS IN THE SYSTEM:

Delete entry and replace with 'Installation and Unit Clearance Records, Reassignment Records Checklist, copy of receipts or documents evidencing payment of telephone bills, return of material held on memorandum receipt and other supporting clearance matters and materials.'

* * * * *

RETRIEVABILITY:

Delete entry and replace with 'By Social Security Number and Surname of departing individual.

RETENTION AND DISPOSAL:

Delete entry and replace with 'Information concerning clearance procedures for departing soldiers, included are clearance certificates, checklists, and related information are maintained for one year then destroyed.

Information listed in the out-processing master file and out-processing outputs files treat as permanent until a disposition and retention schedule has been approved by the National Archives and Records Administration.'

* * * * *

A0600–8–101TAPC

SYSTEM NAME:

Military and Civilian Out-Processing Files.

SYSTEM LOCATION:

Administrative offices and Army Staff agencies, field operating commands, installations and/or activities Army wide. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

All Army active duty, National Guard, Army Reserve and Department of the Army civilian personnel'

CATEGORIES OF RECORDS IN THE SYSTEM:

Installation and Unit Clearance Records, Reassignment Records Checklist, copy of receipts or documents evidencing payment of telephone bills, return of material held on memorandum receipt and other supporting clearance matters and materials.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 600–8–101, Personnel (In-and Out-and Mobilization Processing); and E.O. 9397 (SSN).

PURPOSE(S):

To verify that an individual has obtained clearance from the Army Staff agency or installation's facilities and has accomplished his/her personal and official obligations.

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 Social Security Number and Surname of departing individual.

SAFEGUARDS:

Information is accessed only by designated persons having official need therefor.

RETENTION AND DISPOSAL:

Information concerning clearance procedures for departing soldiers, included are clearance certificates, checklists, and related information are maintained for one year then destroyed.

Information listed in the out-processing master file and out-processing outputs files treat as permanent until a disposition and retention schedule has been approved by the National Archives and Records Administration.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, Out-Processing Functional Proponent, 200 Stovall Street, Alexandria, Virginia 22332–0474.

NOTIFICATION PROCEDURE:

Individuals seeking to determine whether information about themselves is contained in this system should address written inquiries to the administrative office of the installation/activity to which the individual had been assigned.

Individual should provide the full name, Social Security Number, departure date, location of last employing office, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to information about themselves contained in this system should address written inquiries to the administrative office of the installation/activity to which the individual had been assigned.

Individual should provide the full name, Social Security Number, departure date, location of last employing office, 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; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9829 Filed 4–19–01; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend and delete systems of records.

SUMMARY: The Department of the Army is amending two systems of records notices and deleting one notice from its existing inventory of records systems subject to the Privacy Act of 1974 (5 U.S.C. 552a), as amended, and deleting one system of records.

DATES: This proposed action will be effective without further notice on May 21, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 16, 2001.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Deletion
A0690–400 CE

SYSTEM NAME:

Corps of Engineers Automated Legal System (CEALS) Training Information Program (February 22, 1993, 58 FR 10002). *Reason:* This system has been discontinued and the records destroyed.

Amendment
A0601–100 TAPC

SYSTEM NAME:

Officer Appointment Files (February 22, 1993, 58 FR 10002).

CHANGES:

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 3013, Secretary of the Army and Army Regulation 601–100, Appointment of Commissioned and Warrant Officers in the Regular Army.''

* * * * *

STORAGE:

Delete entry and replace with ''Paper records in file folders stored in file cabinets on microfiche and electronic storage media.''

RETRIEVABILITY:

Delete entry and replace with ''By individual's surname and Social Security Number.''

SAFEGUARDS:

Delete entry and replace with ''Records are maintained in secured areas and secured buildings accessible only to designated individuals having official need thereof in the performance of their duties.''

RETENTION AND DISPOSAL:

Delete entry and replace with ''Inquiry and eligibility files retain and destroy after 2 years. Appointment application records destroy after 1 year. Appointment selection board records retain for 3 years then destroy. Appointment lists retain and destroy after 2 years.''

* * * * *

A0601–100 TAPC

SYSTEM NAME:

Officer Appointment Files.

SYSTEM LOCATION:

Commander, U.S. Total Army Personnel Command, Chief, Officer Records Branch, 200 Stovall, Street, Alexandria, VA 22332–0400.

SECONDARY LOCATIONS:

Army installations and commands. Official mailing addresses are published as an appendix to the Army's compilation of record systems notices.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for appointment in the U.S. Army or U.S. Army Reserves.

CATEGORIES OF RECORDS IN THE SYSTEM:

Individual applications for appointment as a warrant or commissioned officer, evaluation reports, supplemental information regarding qualifications, notification of acceptance/rejection and similar relevant documents and reports.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 3013, Secretary of the Army; Army Regulation 601–100, Appointment of Commissioned and Warrant Officers in the Regular Army; and Executive Order 9397 (SSN).

PURPOSE(S):

To determine acceptability of applicants into the Army officer ranks.

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 stored in file cabinets on microfiche and electronic storage media.

RETRIEVABILITY:

By individual's surname and Social Security Number.

SAFEGUARDS:

Records are maintained in secured areas and secured buildings accessible only to designated individuals having official need thereof in the performance of their duties.

RETENTION AND DISPOSAL:

Inquiry and eligibility files retain and destroy after 2 years. Appointment application records destroy after 1 year. Appointment selection board records retain for 3 years then destroy. Appointment lists retain and destroy after 2 years.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, Officer Records Branch, 200 Stovall, Street, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this record system should address written inquiries to the Army installation in which application was sent or to the Commander, U.S. Total Army Personnel Command, Officer Records Branch, 200 Stovall, Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, date of application, place to which sent, and any other information that will assist in locating the record.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the Army installation in which application was sent or to the Commander, U.S. Total Army Personnel Command, Officer Records Branch, 200 Stovall, Street, Alexandria, VA 22332–0400.

Individual should provide the full name, Social Security Number, date of application, place to which sent, and any other information that will assist in locating 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; extracts from personnel records; forms, documents, and related papers originated by or received in Army offices.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

A0601–210 TAPC

SYSTEM NAME:

Eligibility Determination Files (February 22, 1993, 58 FR 10002).

CHANGES

* * * * *

SYSTEM LOCATION:

Delete entry and replace with ''U.S. Total Army Personnel Command, Non-Commissioned Officer In Charge of Eligibility Inquiries Section, 2461 Eisenhower Avenue, Alexandria, VA 22331–0450.''

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Delete entry and replace with ''Applicants for enlistment who require a waiver for an adult felony; soldiers requesting continuation on active duty who require waiver for certain disqualifications.''

* * * * *

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Delete entry and replace with ''10 U.S.C. 504, Persons not Qualified; 10 U.S.C. 3013, Secretary of the Army; Army Regulation 601–210, Regular Army and Army Reserve Enlisted Program; Army Regulation 635–200, Enlisted Personnel; Army Regulation 601–280, Army Retention Program and E.O 9397 (SSN).''

PURPOSE(S):

Delete entry and replace with ''To evaluate waiver requests, determine appropriate action and render decision.''

* * * * *

STORAGE:

Add to entry ''and on electronic storage media''.

RETRIEVABILITY:

Delete entry and replace with ''By Social Security Number and surname.''

* * * * *

RETENTION AND DISPOSAL:

Delete entry and replace with ''Enlistment eligibility records are destroyed upon reenlistment of individual. Inquiry records and other related documents are maintained for 7 years then destroyed.''

* * * * *

A0601–210 TAPC

SYSTEM NAME:

Eligibility Determination Files.

SYSTEM LOCATION:

U.S. Total Army Personnel Command, Non-Commissioned Officer In Charge of Eligibility Inquiries Section, 2461 Eisenhower Avenue, Alexandria, VA 22331–0450.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Applicants for enlistment who require a waiver for an adult felony; soldiers requesting continuation on active duty who require waiver for certain disqualifications.

CATEGORIES OF RECORDS IN THE SYSTEM:

File contains requests for enlistment eligibility or waiver of disqualifications for enlistment/reenlistment, requests for grade determination, documents reflecting determinations made thereon, copies or extracted items from basic records, transmittals, and suspense documents needed to assure that requests are acted upon in a timely manner.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

10 U.S.C. 504, Persons not Qualified; 10 U.S.C. 3013, Secretary of the Army; Army Regulation 601–210, Regular Army and Army Reserve Enlisted Program; Army Regulation 635–200, Enlisted Personnel; Army Regulation 601–280, Army Retention Program and E.O 9397 (SSN).

PURPOSE(S):

To evaluate waiver requests, determine appropriate action and render decision.

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 on electronic storage media.

RETRIEVABILITY:

By Social Security Number and surname.

SAFEGUARDS:

Records are maintained in areas accessible only to properly cleared,

trained, and authorized personnel. Records are in a secure office in a secure building.

RETENTION AND DISPOSAL:

Enlistment eligibility records are destroyed upon reenlistment of individual. Inquiry records and other related documents are maintained for 7 years then destroyed.

SYSTEM MANAGER(S) AND ADDRESS:

Commander, U.S. Total Army Personnel Command, 2461 Eisenhower Avenue, Alexandria, VA 22332–0400.

NOTIFICATION PROCEDURE:

Individuals seeking to determine if information about themselves is contained in this records system should address written inquiries to the U.S. Total Army Personnel Command, Eligibility Inquiries Section, Retention Management Division, Enlistment Personnel Management Directorate, 2461 Eisenhower Avenue, Alexandria, VA 22331–0451.

Individual should provide the full name, Social Security Number, date of separation and service component, if applicable, current address and telephone number, and signature.

RECORD ACCESS PROCEDURES:

Individuals seeking access to records about themselves contained in this record system should address written inquiries to the U.S. Total Army Personnel Command, Eligibility Inquiries Section, Retention Management Division, Enlistment Personnel Management Directorate, 2461 Eisenhower Avenue, Alexandria, VA 22331–0451.

Individual should provide the full name, Social Security Number, date of separation and service component, if applicable, current address and telephone number, and signature.

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, official military personnel records; investigative/security dossiers; medical evaluations; Army records and reports.

EXEMPTIONS CLAIMED FOR THE SYSTEM:

None.

[FR Doc. 01–9830 Filed 4–19–01; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Army

Privacy Act of 1974; System of Records

AGENCY: Department of the Army, DoD.

ACTION: Notice to amend Address Directory.

SUMMARY: The Department of the Army is amending its Address Directory which appears at the end of the Army's Compilation of Privacy Act systems of records notices 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 21, 2001 unless comments are received which result in a contrary determination.

ADDRESSES: Records Management Division, U.S. Army Records Management and Declassification Agency, ATTN: TAPC–PDD–RP, Stop 5603, 6000 6th Street, Ft. Belvoir, VA 22060–5603.

FOR FURTHER INFORMATION CONTACT: Ms. Janice Thornton at (703) 806–4390 or DSN 656–4390 or Ms. Christie King at (703) 806–3711 or DSN 656–3711.

SUPPLEMENTARY INFORMATION: The Department of the Army systems of records notices subject to the Privacy Act of 1974, (5 U.S.C. 552a), as amended, have been published in the **Federal Register** and are available from the address above.

The specific changes to the records system being amended are set forth below followed by the notice, as amended, published in its entirety. The proposed amendments are not within the purview of subsection (r) of the Privacy Act of 1974, (5 U.S.C. 552a), as amended, which requires the submission of a new or altered system report.

Dated: April 16, 2000.

L.M. Bynum,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

Directory of United States Army, Army and Air Force Exchange Service (AAFES), and Federal Acquisition Institute (FAI) Addresses

This directory is published to enable users of systems of records notices to identify the location of such systems of records in order to request access to and amendment of records.

The Following Elements of the Army Constitute the Headquarters, Department of the Army

Office of the Secretary of the Army, 101 Army Pentagon, Washington, DC 20310–0101.

Office of the Under Secretary of the Army, 102 Army Pentagon, Washington, DC 20310–0102.

Office of the Administrative Assistant of the Secretary of the Army, 105 Army Pentagon, Washington, DC 20310–0105.

Office of the Assistant Secretary of the Army for Acquisitions, Logistics, and Technology, 2511 Jefferson Davis Highway, Arlington, VA 22202–3926.

Office of the Assistant Secretary of the Army Civil Works, 108 Army Pentagon, Washington, DC 20310–0108.

Office of the Assistant Secretary of the Army Financial Management and Comptroller, 109 Army Pentagon, Washington, DC 20310–0109.

Office of the Assistant Secretary of the Army (Installations and Environment), 110 Army Pentagon, Washington, DC 20310–0110.

Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs), 111 Army Pentagon, Washington, DC 20310–0111.

Office of the General Counsel, 104 Army Pentagon, Washington, DC 20310–0104.

Office of the Director of Information Systems for Command, Control, Communications, and Computers, 107 Army Pentagon, Washington, DC 20310–0107.

Office of the Inspector General, 1700 Army Pentagon, Washington, DC 20310–1700.

Office of the Auditor General, 3101 Park Center Drive, Alexandria, VA 22302–1596.

Office of the Chief of Legislative Liaison, Office of the Secretary of the Army, 1600 Army Pentagon, Washington, DC 20310–1600.

Office of the Chief, Public Affairs, 1500 Army Pentagon, Washington, DC 20310–1500.

Director, Office of Small and Disadvantaged Business Utilization, 106 Army Pentagon, Washington, DC 20310–0106.

Office of the Deputy Under Secretary of the Army for International Affairs, 102 Army Pentagon, Washington, DC 20310–0102.

Office of the Deputy Under Secretary of the Army for Operations Research, 102 Army Pentagon, Washington, DC 20310–0102.

Office of the Chief of Staff, 200 Army Pentagon, Washington, DC 20310–0200.

Office of the Deputy Chief of Staff for Intelligence, 1000 Army Pentagon, Washington, DC 20310–1000.

Office of the Deputy Chief of Staff for Logistics, 500 Army Pentagon, Washington, DC 20310–0500.

Office of the Deputy Chief of Staff for Operations and Plans, 400 Army Pentagon, Washington, DC 20310–0400.

Office of the Deputy Chief of Staff for Personnel, 300 Army Pentagon, Washington, DC 20310–0300.

Office of the Assistant Chief of Staff for Installation Management, 600 Army Pentagon, Washington, DC 20310–0600.

Office of the Chief of Engineers, 2600 Army Pentagon, Washington, DC 20310–2600.

Office of the Surgeon General, 5109 Leesburg Pike, Falls Church, VA 22041–3258.

Office of Chief, National Guard Bureau, 2500 Army Pentagon, Washington, DC 20310–2500.

Office of the Chief, Army Reserve, 2400 Army Pentagon, Washington, DC 20310–2400.

Office of the Judge Advocate General, 2200 Army Pentagon, Washington, DC 20310–2200.

Office of the Chief of Chaplains, 2700 Army Pentagon, Washington, DC 20310–2700.

Office of the Chief, Center of Military History, 102 4th Avenue, Fort McNair, DC 20319–5058.

Major Commands

Commander in Chief, U.S. Army Europe and Seventh Army, Unit 29351, APO AE 09014–0010.

Commander, U.S. Army Forces Command, 1777 Hardee Avenue, SW, Fort McPherson, GA 30330–1062.

Commander, U.S. Army Corps of Engineers, 20 Massachusetts Avenue NW, Washington, DC 20314–1000.

Commander, U.S. Army Criminal Investigation Command, 6010 6th Street, Fort Belvoir, VA 22060–5506.

Commander, U.S. Army Medical Command, 2050 Worth Road, Fort Sam Houston, TX 78234–6003.

Commander, U.S. Army Intelligence and Security Command, 8825 Beulah Street, Fort Belvoir, VA 22060–5246.

Commander, U.S. Army Materiel Command, 5001 Eisenhower Avenue, Alexandria, VA 22333–0001.

Commander, U.S. Army Military District of Washington, 103 Third Avenue, Fort McNair, DC 20319–5058.

Commander, U.S. Army South, P.O. Box 34000, Fort Buchanan, Puerto Rico 00934–5301.

Commander, U.S. Army Special Operations Command (Airborne), Fort Bragg, NC 28307–5200.

Commander, U.S. Army Space and Missile Defense Command, P.O. Box 15280, 111 South George Mason Drive, Arlington, VA 22215–0280.

Commander, U.S. Army Training and Doctrine Command, 102 McNair, Fort Monroe, VA 23651–1047.

Commander, U.S. Army Pacific, Fort Shafter, HI 96858–5100.

Commander, U.S. Army Operational Test and Evaluation, Command, 4501 Ford Avenue, Alexandria, VA 22302–1458.

Commander, Eighth U.S. Army, APO AP 96205–0010.

Commander, U.S. Military Traffic Management Command, 200 Stovall Street, Alexandria, VA 22332–5000.

Unified Commands

Commander in Chief, U.S. European Command, Unit 30400 Box 10000, APO AE 09128–4209.

Commander in Chief, U.S. Southern Command, 3511 NW 91st Avenue, Miami, FL 33172–1217.

Commander in Chief, U.S. Special Operations Command, 7701 Tampa Point Boulevard, MacDill Air Force Base, FL 33621–5357.

Commander in Chief, U.S. Atlantic Command, 1562 Mitscher Avenue, Norfolk, VA 23551–2488.

Commander in Chief, U.S. Pacific Command, Honolulu, HI 96861–4031.

Commander in Chief, U.S. Space Command, 250 South Peterson Boulevard, Peterson AFB, CO 80914–3190.

Commander in Chief, U.S. Transportation Command, 508 Scott Drive, Scott AFB, IL 62225–5357.

Commander in Chief, U.S. Strategic Command, 901 Sac Boulevard, Offutt AFB, NE 68113–6000.

Army Field Operating Agencies, Subordinate Commands, and Major Installations

Alabama

Commander, U.S. Army Aviation and Missile Command, Redstone Arsenal, AL 35898–5300.

Commander, U.S. Army Safety Center and School, 1649 5th Avenue, Fort Rucker, AL 36362–5009.

Commander, U.S. Army Engineering and Support Center P.O. Box 1600, Huntsville, AL 35807–4301.

Commander, U.S. Army Engineer District Mobile, P.O. Box 2288, Mobile, AL 36628–0001.

Commander, Anniston Army Depot, 7 Frankford Avenue, Anniston, AL 36201–4199.

Commander, U.S. Army Aviation Center and Fort Rucker, Fort Rucker, AL 36362–5000.

Alaska

Commander, U.S. Army Alaska, Fort Richardson, AK 99595–5000.

Commander, U.S. Army Engineer District Alaska, P.O. Box 898, Anchorage, AK 99506–0898.

Arizona

Commander, U.S. Army Signal Command, Fort Huachuca, AZ 85613–5000.

Commander, U.S. Army Intelligence Center and Fort Huachuca, Fort Huachuca, AZ 85613–6000.

Commander, U.S. Army Yuma Proving Ground, Yuma, AZ 85635–9102.

Arkansas

Commander, U.S. Army Engineer District Little Rock, P.O. Box 867, Little Rock, AR 72203–0867.

Commander, Pine Bluff Arsenal, 10020 Karbrich Circle, Pine Bluff, AR 71602–9500.

California

Commander, U.S. Army Engineer Division South Pacific, 333 Market Street, San Francisco, CA 94105–2102.

Commander, U.S. Army Engineer District Los Angeles, P.O. Box 2711, Los Angeles, CA 90053–2325.

Commander, U.S. Army Engineer District Sacramento, 1325 J Street, Sacramento, CA 95814–2922.

Commander, U.S. Army Engineer District San Francisco, 333 Market Street, San Francisco, CA 94105–2102.

Commander, National Training Center, Fort Irwin, CA 92310–5076.

Colorado

Commander, U.S. Army Space Command, 1670 North Newport Road, Colorado Springs, CO 80196–2749.

Commander, U.S. Army Fort Carson, 1430 Wetzl Street, Fort Carson, CO 80913–5050.

District of Columbia

Director, U.S. Army Special Operations Agency, 400 Army Pentagon, Washington, DC 20310–0400.

Commander, Armed Forces Institute of Pathology, Walter Reed Army Medical Center, 6925 16th Street NW, Washington, DC 20307–6000.

Director, U.S. Army Command and Control Support Agency, 3200 Army Pentagon, Washington, DC 20310–3200.

Commander, Walter Reed Army Medical Center, 6900 Georgia Avenue NW, Washington, DC 20307–5001.

Commander, Fort Lesley J. McNair, 4th and P Streets, Fort McNair, DC 20319–0001.

Florida

Commander, U.S. Central Command, 7115 South Boundary Blvd, MacDill AFB, FL 33621–5101.

Commander, U.S. Army Engineer District Jacksonville, P.O. Box 4970, Jacksonville, FL 32232–0019.

Georgia

Commander, U.S. Army Reserve Command, 1401 Deshler Street, Fort McPherson, GA 30330–2000.

Commander, U.S. Army Engineer Division South Atlantic, 77 Forsyth Street, SW, Atlanta, GA 30303–3490.

Commander, U.S. Army Engineer District Savannah, P.O. Box 889, Savannah, GA 31402–0889.

Commander, Dwight David Eisenhower Army Medical Center, Fort Gordon, GA 30905–5650.

Commander, U.S. Army Signal Center and Fort Gordon, Fort Gordon, GA 30905–5010.

Commander, U.S. Army Infantry Center, Fort Benning, GA 31905–5323.

Commander, U.S Army Fort Stewart and Hunter Army Airfield, 42 Wayne Place, Fort Stewart, GA 31314–5044.

Hawaii

Commander, U.S. Army Engineer Division Pacific Ocean, Building 230, Fort Shafter, HI 96858–5440.

Commander, U.S. Army Engineer District Honolulu, Building 230, Fort Shafter, HI 96858–5440.

Illinois

Commander, U.S. Military Entrance Processing Command, 2834 Green Bay Road, North Chicago, IL 60064–3057.

Commander, U.S. Army Engineer Great Lakes Regional Office, 111 North Canal Street, Chicago, IL 60606–7205.

Commander, U.S. Army Engineer District Chicago, 111 North Canal Street, Chicago, IL 60606–7205.

Commander, U.S. Army Engineer District Detroit, P.O. Box 1037, Detroit, MI 48231–1027.

Commander, U.S. Army Engineer District Rock Island, P.O. Box 2004, Rock Island, IL 61204–2004.

Indiana

Commander, U.S. Army Enlisted Records and Evaluation Center, 8899 East 56th Street, Indianapolis, IN 46249–5301.

Kansas

Commander, U.S. Army Combined Arms Center and Fort Leavenworth, 600 Thomas Avenue, Fort Leavenworth, KS 66027–1417.

Commander, Headquarters Fort Riley, Huebner Road, Fort Riley, KS 66442–5000.

Kentucky

Commander, U.S. Army Recruiting Command, 1307 3rd Avenue, Fort Knox, KY 40121–2726.

Commander, U.S. Army Engineer District Louisville, P.O. Box 59, Louisville, KY 40201–0059.

Commander, U.S. Army 101st Airborne Division and Fort Campbell, 39 26th Street, Fort Campbell, KY 42223–5000.

Commander, U.S. Army Armor Center and Ft Knox, Fort Knox, KY 40121–5000.

Louisiana

Commander, U.S. Army Engineer District New Orleans, P.O. Box 60267, New Orleans, LA 70160–0267.

Maryland

Commander, U.S. Army Research and Materiel Command, 504 Scott Street, Fort Detrick MD 21702–5012.

Director, U.S. Army Physical Disability Agency, 8120 Woodmont Avenue, Bethesda, MD 20814–2796.

Director, U.S. Army Research Laboratory, 2800 Power Mill Road, Adelphi, MD 20783–1197.

Commander, U.S. Army Chemical and Biological Defense Command, 5232 Fleming Road, Aberdeen Proving Ground, MD 21010–5423.

Commander, U.S. Army Engineer District, Baltimore and Supervisor of Harbor Baltimore, P.O. Box 1715, Baltimore, MD 21203–1715.

Commander, U.S. Army Aberdeen Proving Ground, Aberdeen Proving Ground, MD 21010–5001.

Commander, U.S. Army Claims Service, 4411 Llewellyn Avenue, Fort Meade, MD 20755–5300.

Commander, U.S. Army Central Personnel Security Clearance Facility, 4552 Pike Road, Fort Meade, MD 20755–5250.

Commander, U.S. Army Medical Research Institute of Chemical Defense, 3100 Ricketts Point Road, Aberdeen Proving Ground, MD 21010–5400.

Commander, U.S. Army Fort George G. Meade, 4551 Llewellyn Avenue, Fort Meade, MD 20755–5000.

Director, U.S. Army Concepts Analysis Agency, 8120 Woodmont Avenue, Bethesda, MD 20814–2743.

Commander, U.S. Army Chemical Research, Development, and Engineering Center, Aberdeen Proving Ground, MD 21010–5423.

Commander, U.S. Army Medical Research Institute of Infectious Diseases, 1425 Porter Street, Fort Detrick, MD 21701–5011.

Commander U.S. Army Medical Research and Development Command, 521 Detrick Street, Fort Detrick, MD 21701–5012.

Commander, U.S. Army Medical Bioengineering Research and Development Laboratory, Fort Detrick, MD 21701–5010.

Massachusetts

Commander, U.S. Army Soldier Systems Command, Natick, MA 01760–5000.

Commander, U.S. Army Engineer District New England, Frederick C. Murphy Federal Building, 424 Trapelo Road, Waltham, MA 02254–9149.

Commander, U.S. Army Natick Research, Development and Engineering Center, Natick, MA 01760–5020.

Commander, U.S. Army Research Institute of Environmental Medicine, 6501 E–11 Mile Road, Natick, MA 01760–5007.

Michigan

Commander, U.S. Army Tank-Automotive and Armaments Command, Warren, MI 48397–5000.

Commander, U.S. Army Engineer District Detroit, P.O. Box 1027, Detroit, MI 48231–1027.

Minnesota

Commander, U.S. Army Engineer District St. Paul, Army Corps of Engineers Center, 190 5th Street East, St. Paul, MN 55101–1638.

Mississippi

Commander, U.S. Army Engineer Division Mississippi Valley, P.O. Box 80, Vicksburg, MS 39181–0080.

Commander, U.S. Army Engineer District Vicksburg, 4155 Clay Street, Vicksburg, MS 39180–3435.

Missouri

Commander, Army Reserve Personnel Center, 9700 Page Avenue, St. Louise, MO 63132–5200.

Commander, U.S. Army Engineer District St. Louis, 1222 Spruce Street, St. Louis, MO 63103–2833.

Commander, U.S. Army Engineer District Kansas City, 700 Federal Building, Kansas City, MO 64106–2896.

Commander, U.S. Army Chemical and Military Police Centers, Fort Leonard Wood, MO 65473–8935.

Commander, U.S. Army Engineer Center, 32 Engineer Loop, Fort Leonard Wood, MO 65473–8703.

Nebraska

Commander, U. S. Army Engineer, Missouri River Region, 12565 West Center Road, Omaha, NE 68144–3869.

Commander, U.S. Army Engineer District Omaha, 215 North 17th Street, Omaha, NE 68102–4978.

New Jersey

Commander, U.S. Army Reserve Command and Fort Dix, Fort Dix, NJ 08640–5001.

Commandant, U.S. Military Academy Preparatory School, Fort Monmouth, NJ 07703–5000.

Commander, Picatinny Arsenal, Dover, NJ 07806–5000.

Commander, U.S. Army Training Center and Fort Dix, Fort Dix, NJ 08640–5001.

New Mexico

Commander, U.S. Army Engineer District Albuquerque, 4101 Jefferson Plaza NE, Albuquerque, NM 87109–3435.

Commander, U.S. Army White Sands Missile Range, White Sands, NM 88002–5031.

New York

Commander, U.S. Army Engineer District Buffalo, 1776 Niagara Street, Buffalo, NY 14207–3199.

Commander, U.S. Army Engineer Division North Atlantic, 90 Church Street, New York, NY 10007–2979.

Commander, U.S. Army Engineer District New York and Supervisor of New York Harbor, 26 Federal Plaza, New York, NY 10278–0090.

Superintendent, U.S. Military Academy, West Point, NY 10996–2001.

North Carolina

Commander, U.S. Army Engineer District Wilmington, P.O. Box 1890, Wilmington, NC 28402–1890.

Commander, U.S. Army John F. Kennedy Special Warfare Center and School, Fort Bragg, NC 28307–5200.

Commander, U.S. Army Special Forces (Airborne) Command, Fort Bragg, NC 28307–5200.

Director, U.S. Army Research Office, 4300 South Miami Blvd, Research Triangle Park, NC 27703–9142.

Ohio

Commander, U.S. Army Engineer Division Great Lakes and Ohio River, P.O. Box 1159, Cincinnati, OH 45202–2215.

Oklahoma

Commander, U.S. Army Engineer District Tulsa, P.O. Box 61, Tulsa, OK 74121–0061.

Commander, U.S. Army Field Artillery Center and Fort Sill, Fort Sill, OK 73503–5000.

Oregon

Commander, U.S. Army Engineer Division Northwestern, P.O. Box 2870, Portland, OR 97208–2870.

Commander, U.S. Army Engineer District Portland, P.O. Box 2946, Portland, OR 97208–2946.

Commander, U.S. Army Engineer North Pacific Regional, P.O. Box 2870, Portland, OR 97208–2870.

Pennsylvania

Commander, U.S. Army Engineer District Pittsburgh, William S. Moorehead Federal Building, 1000 Liberty Avenue, Pittsburgh, PA 15222–4186.

Commander, U.S. Army Engineer District Philadelphia, 100 Penn Square East, Philadelphia, PA 19107–3390.

Commandant, U.S. Army War College, 122 Forbes Avenue, Carlisle Barracks, PA 17013–5215.

Commander, Letterkenny Army Depot, Chambersburg, PA 17201–4150.

Commander, Tobyhanna Army Depot, 11 Hap Arnold Boulevard, Tobyhanna, PA 18466–5000.

South Carolina

Commander, U.S. Army Engineer District Charleston, P.O. Box 919, Charleston, SC 29402–0919.

Commander, U.S. Army Training Center, Fort Jackson, Columbia, SC 29207–5001.

Tennessee

Commander, U.S. Army Engineer District Nashville, P.O. Box 1070, Nashville, TN 37202–1070.

Commander, U.S. Army Engineer District Memphis, 167 North Main Street, Memphis, TN 38103–1894.

Texas

Commander, U.S. Army Engineer Division Southwestern, 1114 Commerce Street, Dallas, TX 75242–0216.

Commander, U.S. Army Engineer District Fort Worth, P.O. Box 17300, Fort Worth, TX 76102–0300.

Commander, U.S. Army Engineer District Galveston, P.O. Box 1229, Galveston, TX 77553–1229.

Commander, U.S. Army Air Defense Artillery Center, 1733 Pleaston Road, Fort Bliss, TX 79916–6816.

Commander, U.S. Army Institute of Dental Research, Fort Sam Houston, TX 78234–6200.

Utah

Commander, U.S. Army Dugway Proving Ground, Dugway, UT 84022–5000.

Commander, Tooele Army Depot, Tooele, UT 84074–5000.

Virginia

Commander, U.S. Total Army Personnel Command, 200 Stovall Street, Alexandria, VA 22332–0400.

Director, Army Review Boards Agency, 1941 Jefferson Davis Highway, Arlington, VA 22202–4508

Director, U.S. Army Legal Service Agency, 5611 Columbia Pike, Falls Church, VA 22041–5013.

Commander, U.S. Army Center for Substance Abuse Programs, 4501 Ford Avenue, Alexandria, VA 22302–1460.

Director, U.S. Army Records Management and Declassification Agency, 6000 6th Street, Fort Belvoir, VA 22060–5603.

Director, U.S. Army Records Management and Declassification Agency, Center for Research of Unit Records, 7798 Cissna Road, Springfield, VA 22150–3197.

Director, U.S. Army Records Management and Declassification Agency, Freedom of Information Act/Privacy Act Office, 7798 Cissna Road, Springfield, VA 22150–3197.

Director, The Institute of Heraldry, 9325 Gunston Road, Fort Belvoir, VA 22050–5579.

Director, Military Postal Service Agency, 2461 Eisenhower Avenue, Alexandria, VA 22331–0006.

Director, U.S. Army Crime Records Center, 6010 6th Street, Fort Belvoir, VA 22060–5585.

Commander, U.S. Army Security Assistance Command, 5001 Eisenhower Avenue, Alexandria, VA 22333–0001.

Director, U.S. Army Civilian Personnel Evaluation Agency, 1941 Jefferson Davis Highway, Arlington, VA 22202–4508.

Commander, U.S. Army Engineer District Norfolk and Supervisor of Norfolk Harbor, 803 Front Street, Norfolk, VA 23510–1096.

Commander, U.S. Army Engineer Trans Atlantic Programs Center, P.O. Box 2250, Winchester, VA 22604–1450.

Director, U.S. Army Board for the Correction of Military Records, 1941 Jefferson Davis Highway, Arlington, VA 22202–4508.

Commander, U.S. Army Combine Arms Support Command and Fort Lee, Fort Lee, VA 23801–1703.

Commandant, The Judge Advocate General School, U.S. Army, 600 Massie Road, Charlottesville, VA 22903–1781.

Chief, U.S. Army Litigation Division, 901 N. Stuart Street, Suite 400, Arlington, VA 22203–1837.

Commander, U.S. Army Community and Family Support Center, 2461 Eisenhower Avenue, Alexandria, VA 22331–0503.

Commander, U.S. Army Training Support Center, 2787 Madison Avenue, Fort Eustis, VA 23604–5166.

Commander, U.S. Army Research Institute for the Behavioral and Social Sciences, 5001 Eisenhower Avenue, Alexandria, VA 22333–5600.

Director, U.S. Army Gulf War Declassification Project, 5111 Leesburg Pike, Falls Church, VA 22041–3206.

Director, U.S. Army Publishing Agency, 2461 Eisenhower Avenue, Alexandria, VA 22331–0302.

Commander, U.S. Army Transportation Center and Fort Eustis, 705 Read Street, Fort Eustis, VA 23604–5078.

Commander, U.S. Army Fort Monroe, Fort Monroe, VA 23651–6000.

Commandant, U.S. Army Logistics Management College, Fort Lee, VA 23801–5000.

Commander, U.S. Army Quartermaster Center and School, Fort Lee, VA 23801–5000.

Washington

Commander, U.S. Army Engineer District Seattle, P.O. Box 3755, Seattle, WA 98124–3755.

Commander, U.S. Army Engineer District Walla Walla, 201 North Third Avenue, Walla Walla, WA 99362–1876.

Commander, U.S Army Fort Lewis and I Corps, Fort Lewis, WA 98433–5000.

West Virginia

Commander, U.S. Army Engineer District Huntington, 502 8th Street, Huntington, WV 25701–2070.

Wisconsin

Commander, U.S. Army Reserve Command—Fort McCoy, 2016 South 11th Avenue, Fort McCoy, WI 54656–5121.

Overseas

Commander, U.S. Army Engineer District Far East, Unit 15546, APO AP 96205–0610.

Commander, U.S. Army Engineer District Japan, Unit 45010, APO AP 96338–5010.

Commander, U.S. Army Engineer District Europe, CMR 410 Box 1, APO AE 09096.

Commander, U.S. Forces, Korea, Unit 15237, APO AP 96205–0010.

Other Department of Defense Activities

Commander, Army and Air Force Exchange Service, 3911 S. Walton Walker Boulevard, Dallas, TX 75236–0202.

Commander, Army and Air Force Exchange Service-Europe Region, Building 4001, In der Witz 14–18, 55252 Mainz-Kastel, Germany, APO AP 09251–4580.

Commander, Army and Air Force Exchange Service-Europe, Pinder Barracks, Schwabacherster 20 8502 Zirndorf, APO AP 96378–0163.

Commander, Army and Air Force Exchange—Europe, Europe Accounting Support Office, CMR 429, APO AE 09054.

Commander, Army and Air Force Exchange—Pacific Rim, Accounting Support Center, Unit 35163, APO AP 96378–5163.

President, National Defense University, 100 McNair Street, Fort McNair, DC 20319–0001.

National Personnel Records Center (Civilian Personnel Records), 111 Winnebago Street, St. Louis, MO 63118–4126.

National Personnel Records Center (Military Personnel Records), 9700 Page Avenue, St Louis, MO 63132–5100.

Commandant, Academy of Health Services, 3151 Scott Road, Fort Sam Houston, TX 78234–6138.

**Additional listing of Army addresses can be found in DA PAM 25–50, Compilation of Army Addresses. This publication can be obtained electronically from web site *http://www.usapa.army.mil/.*

[FR Doc. 01–9831 Filed 4–19–01; 8:45 am]

BILLING CODE 5001–10–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Proposed Information Collection; Headquarters, U.S. Marine Corps

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Headquarters, U.S. Marine Corps announces a proposed extension of an approved public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 19, 2001.

ADDRESSES: Send written comments and recommendations on the proposed information collection to MCCDC, Training and Education Division, Head, Training Programs Branch, Code C462R, 2034 Barnett Avenue, Suite 201, Quantico, VA 22134–5012.

FOR FURTHER INFORMATION CONTACT: To request additional information or to obtain a copy of the proposal and associated collection instruments, contact Mr. Les Wood at (703) 784–3705.

SUPPLEMENTARY INFORMATION:

Form Title and OMB Number: Individual MCJROTC Instructor Evaluation Summary; OMB Control Number 0703–0016.

Needs and Uses: This form provides a written record of the overall performance of duty of Marine instructors who are responsible for implementing the Marine Corps Junior Reserve Officers' Training Corps (MCJROTC). The Individual MCJROTC Instructor Evaluation Summary is completed by principals to evaluate the effectiveness of individual Marine instructors. The form is further used as a performance related counseling tool and as a record of service performance to document performance and growth of individual Marine instructors. Evaluating the performance of instructors is essential in ensuring that they provide quality training.

Annual Burden Hours: 60.

Number of Respondents: 120.

Responses per Respondent: 1.

Average Burden per Response: 30 minutes.

Frequency: Biennially.

(Authority: 44 U.S.C. Sec. 3506(c)(2)(A))

Dated: April 6, 2001.

J.L. Roth,

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

[FR Doc. 01–9747 Filed 4–19–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Proposed Information Collection; Headquarters, U.S. Marine Corps

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Headquarters, U.S. Marine Corps announces a proposed extension of an approved public information collection and seeks public comment on the provisions thereof. 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 information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by June 19, 2001.

ADDRESSES: Send written comments and recommendations on the proposed information collection to Commanding General, Marine Corps Recruiting Command, (Code OR), 3280 Russell Road, Quantico, Virginia 22134–5103.

FOR FURTHER INFORMATION CONTACT: To request additional information or to obtain a copy of the proposal and associated collection instruments, contact Master Sergeant Hudson at (703) 784–9449.

SUPPLEMENTARY INFORMATION:

Form Title and OMB Number: Academic Certification for Marine Corps Officer Candidate Program; OMB Control Number 0703–0011.

Needs and Uses: Used by Marine Corps officer procurement personnel, this form provides a standardized method for determining the academic eligibility of applicants for all reserve officer candidate programs. Use of this form is the only accurate and specific method to determine a reserve officer applicant's academic qualifications. Each applicant interested in enrolling in an undergraduate or graduate reserve officer commission program completes and returns the form.

Affected Public: Individuals or households.

Annual Burden Hours: 625.

Number of Respondents: 2,500.

Responses per Respondent: 1.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

(Authority: 44 U.S.C. Sec. 3506(c)(2)(A))

Dated: April 6, 2001.

J.L. Roth,

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

[FR Doc. 01–9748 Filed 4–19–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Meeting of the Board of Visitors of Marine Corps University

AGENCY: Department of the Navy, DOD.

ACTION: Notice of open meeting.

SUMMARY: The Board of Visitors of the Marine Corps University (BOV MCU) will meet to review, develop, and provide recommendations on all aspects of the academic and administrative policies of the University; examine all aspects of professional military education operations; and provide such oversight and advice as is necessary to facilitate high educational standards and cost effective operations. The Board will be reviewing the fiscal plan for next year, the University's Facilities Master Plan, and discussing plans for November elections. It will also receive an update on Amphibious Warfare School relocation during renovation of Geiger Hall, be briefed on the status of the History Division move to Quantico, VA and the status of the review and update of the Board By-laws. All sessions of the meeting will be open to the public.

DATES: The meeting will be held on Monday, June 11, 2001, from 9 a.m. to 4 p.m. and on Tuesday, June 12, 2001, from 9 a.m. to 4 p.m.

ADDRESSES: The meeting will be held at the Marine Corps University Research Center, 2040 Broadway Street, Room 164, Quantico, Virginia 22134.

FOR FURTHER INFORMATION CONTACT: Garry Smith, Executive Secretary, Marine Corps University Board of Visitors, 2076 South Street, Quantico, Virginia 22134, telephone number (703) 784–4037.

Dated: April 11, 2001.

C.G. Carlson,

Major, U.S. Marine Corps, Alternate Federal Register Liaison Officer.

[FR Doc. 01–9772 Filed 4–19–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF DEFENSE

Department of the Navy

Notice of Intent To Grant Exclusive Patent License; Environics, Inc.

AGENCY: Department of the Navy, DOD.

ACTION: Notice.

SUMMARY: The Department of the Navy hereby gives notice of its intent to grant to Environics, Inc., a revocable, nonassignable, exclusive license in the United States and certain foreign countries to practice the Government-owned invention, described in U.S. Patent Application Serial No. 09/275,272 (Navy Case No. 79,555) filed March 23, 1999, entitled ''Atmospheric Ozone Concentration Detector''.

DATES: Anyone wishing to object to the grant of this license must file written objections along with supporting evidence, if any, not later than June 19, 2001.

ADDRESSES: Written objections are to be filed with the Naval Research Laboratory, Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320.

FOR FURTHER INFORMATION CONTACT: Catherine M. Cotell, Ph.D., Head, Technology Transfer Office, NRL Code 1004, 4555 Overlook Avenue, SW., Washington, DC 20375–5320, telephone (202) 767–7230.

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

Dated: April 11, 2001.

C.G. Carlson,

Major, U.S. Marine Corps, Alternate Federal Register Liaison Officer.

[FR Doc. 01–9773 Filed 4–19–01; 8:45 am]

BILLING CODE 3810–FF–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 19, 2001.

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

Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 16, 2001.

John Tressler,

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

Office of Student Financial Assistance Programs

Type of Review: Existing.

Title: Federal Perkins Loan/National Direct Student Loan (NDSL) Promissory Notes.

Frequency: On Occasion.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 690,000;
Burden Hours: 345,000.

Abstract: The promissory note is the means by which a borrower applies for a Federal Perkins Loan or National Direct Student Loan and promises to repay the loan.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov,* or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW, Room 4050, Regional Office Building 3, Washington, D.C. 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe.Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–9805 Filed 4–19–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Notice of Proposed Information Collection Requests

AGENCY: Department of Education.

SUMMARY: The Leader, Regulatory Information Management Group, Office of the Chief Information Officer, invites comments on the proposed information collection requests as required by the Paperwork Reduction Act of 1995.

DATES: Interested persons are invited to submit comments on or before June 19, 2001.

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

The Department of Education is especially interested in public comment addressing the following issues: (1) Is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology.

Dated: April 16, 2001.

John Tressler,

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

Office of Postsecondary Education

Type of Review: Reinstatement.

Title: Performance Report for the Training Programs for Federal TRIO Programs.

Frequency: Annually.

Affected Public: Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 25
Burden Hours: 113

Abstract: Data assures that grantees have conducted the project for which funded, signals problems of implementation, and indicates extent and quality of performance. Reports are used in evaluating project's continuations, determining future funding levels and in assigning scores for future competition.

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

Comments regarding burden and/or the collection activity requirements should be directed to Joseph Schubart at (202) 708–9266 or via his internet address Joe.Schubart@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–9807 Filed 4–19–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before May 21, 2001.

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

SUPPLEMENTARY INFORMATION: Section 3506 of the Paperwork Reduction Act of

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

Dated: April 16, 2001.

John Tressler,

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

Office of Vocational and Adult Education

Type of Review: New.

Title: Tech Prep Demonstration Program.

Frequency: Annually.

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

Reporting and Recordkeeping Hour Burden:

Responses: 40.

Burden Hours: 2,000.

Abstract: Section 207 of the Carl D. Perkins Vocational and Technical Education Act of 1998 (PL 105–332) authorizes the Secretary of Education to award grants to consortia established under section 204(a) to enable the consortia to carry out tech-prep education programs involving the location of a secondary school on the site of a community college. For the purposes of this program, each consortium must include a business as a member and student participation must be voluntary. This collection solicits applications for grant funding from eligible applicants.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request. Comments regarding burden and/or the collection activity requirements should be directed to Sheila Carey at (202) 708–6287 or via her internet address Sheila.Carey@ed.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

[FR Doc. 01–9806 Filed 4–19–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Submission for OMB Review; Comment Request

AGENCY: Department of Education.

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

DATES: Interested persons are invited to submit comments on or before May 21, 2001.

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

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

Dated: April 16, 2001.

John Tressler,

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

Office of Vocational and Adult Education

Type of Review: New.

Title: High School Reform State Grants.

Frequency: Annually.

Affected Public: State, Local, or Tribal Gov't, SEAs or LEAs.

Reporting and Recordkeeping Hour Burden:

Responses: 20

Burden Hours: 1,000

Abstract: The Department of Education Appropriations Act, 2001, Title III of the Department of Labor, Health and Human Services, and Education, and Related Agencies Appropriations Act, 2001, as enacted by section 1(1) of P.L. 106–[TBA], the consolidated Appropriations Act, 2001, authorizes a high school reform program of grants to state educational agencies to improve academic performance and provide technical skills training.

This information collection is being submitted under the Streamlined Clearance Process for Discretionary Grant Information Collections (1890–0001). Therefore, the 30-day public comment period notice will be the only public comment notice published for this information collection.

Requests for copies of the proposed information collection request may be accessed from *http://edicsweb.ed.gov*, or should be addressed to Vivian Reese, Department of Education, 400 Maryland Avenue, SW., Room 4050, Regional Office Building 3, Washington, DC 20202–4651. Requests may also be

electronically mailed to the internet address OCIO_IMG_Issues@ed.gov or faxed to 202–708–9346. Please specify the complete title of the information collection when making your request.

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

[FR Doc. 01–9808 Filed 4–19–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–70–000]

Wisvest-Connecticut, LLC and Bridgeport Harbor Power LLC, New Haven Harbor Power LLC, and NRG Connecticut Power Assets LLC; Notice of Filing

DATES: April 16, 2001.

Take notice that on April 11, 2001, Wisvest-Connecticut, LLC (Wisvest), Bridgeport Harbor Power LLC (BHP), New Haven Harbor Power LLC (NHHP), and NRG Connecticut Power Assets LLC (NRG Connecticut), pursuant to Section 203 of the Federal Power Act, filed with the Federal Energy Regulatory Commission (Commission) an amendment to their February 16, 2001 application requesting authorization for Wisvest to transfer to NRG Connecticut the 590–MW Bridgeport Harbor Power Station, 466–MW New Haven Harbor Power Station, and associated power sales agreements. At closing, NRG Connecticut would in turn transfer the Bridgeport Harbor Station to BHP and the New Haven Harbor Station to NHHP, but would retain the power sales agreements. By this amendment, the Applicants seek to eliminate the final step of the proposed transaction: NRG Connecticut will retain both the Bridgeport Harbor Power Station and the New Haven Harbor Power Station, that is, NRG Connecticut will not transfer any facilities to BHP or NHHP.

Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions and protests should be filed on or before April 26, 2001. Protests will be considered by the Commission to determine the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

David P. Boergers,

Secretary.

[FR Doc. 01–9755 Filed 4–19–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–88–000, *et al.*]

San Gorgonio Power Corporation, *et al.*; Electric Rate and Corporate Regulation Filings

April 13, 2001.

1. San Gorgonio Power Corporation, Mountain View Power Partners II, LLC and SeaWest WindPower, Inc.

[Docket No. EC01–88–000]

Take notice that on April 11, 2001, San Gorgonio Power Corporation (San Gorgonio), Mountain View Power Partners II, LLC (Mountain View II) and SeaWest WindPower, Inc. (SeaWest) filed with the Federal Energy Regulatory Commission (Commission) an application pursuant to section 203 of the Federal Power Act for authorization of a disposition of jurisdictional facilities whereby San Gorgonio will acquire 100% of the membership interests in Mountain View II. Mountain View II is constructing a 22.2 MW wind power generating plant (Project) located in San Gorgonio Pass of Riverside County, California, and estimated to begin producing test power for sale in April 2001. Mountain View II is currently wholly owned by SeaWest. Pursuant to an acquisition agreement, the Transaction would be consummated after the Project commences commercial operation, which is expected to occur by June 15, 2001. The Transaction is expected to result in the disposition of Commission-jurisdictional facilities consisting of Mountain View II's market-based rate tariff and minor interconnection facilities connecting the Project to the transmission facilities of Southern California Edison. Applicants have requested privileged treatment for the Acquisition Agreement between SeaWest and San Gorgonio.

A copy of this Application was served upon the California Public Utilities Commission.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Aroostook Valley Electric Company

[Docket No. EG01–184–000]

Take notice that on April 11, 2001, Aroostook Valley Electric Company (the Applicant), with its principal office at 700 Universe Boulevard, Juno Beach, Florida 33408, filed with the Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Applicant states that it is a Maine corporation engaged directly and exclusively in the business of owning an approximately 31 MW wood-burning generating facility located in Fort Fairfield, Maine. Electric energy produced by the facility will be sold at wholesale or at retail exclusively to foreign consumers.

Comment date: May 4, 2001, in accordance with Standard Paragraph E at the end of this notice. The Commission will limit its consideration of comments to those that concern the adequacy or accuracy of the application.

3. Dynegy Power Marketing, Inc.

[Docket No. ER94–968–032]

Take notice that on April 9, 2001, Dynegy Power Marketing, Inc. tendered for filing in compliance with the Commission's April 7, 1994 order in the above-referenced proceeding.

Comment date: April 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. PJM Interconnection, L.L.C.

[Docket No. ER01–1000–000]

Take notice that on April 9, 2001, PJM Interconnection, L.L.C. (PJM), pursuant to the Order issued March 15, 2001 in this proceeding, tendered for filing a redesignated Interconnection Service Agreement between PJM and NRG Energy Center Dover LLC (NRG).

Copies of this filing were served upon NRG and the state electric utility regulatory commissions within the PJM control area.

Comment date: April 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Public Service Electric and Gas Company

[Docket No. ER01–261–001]

Take notice that on April 5, 2001, Public Service Electric and Gas Company tendered for filing an Interconnection Agreement (IA) with JEDI Linden NB, L.L.C. (Jedi Linden) and Tosco Refining, L.P. (Tosco). Therein PSE&G requested a waiver of the Commission's prior notice requirement to permit an effective dated for the IA as of the date of Initial Operation, as defined in the IA.

This filing was noticed by the Commission on November 2, 2000.

Comment date: April 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Alabama Power Company

[Docket No. ER01–602–005]

Take notice that on April 6, 2001, Alabama Power Company tendered for filing original tariff sheets for its Rate Schedule No. 165 compliant with the formatting requirements of Commission Order No. 614.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Southern Company Services, Inc.

[Docket No. ER01–602–006]

Take notice that on April 6, 2001, Southern Company Services, Inc., as agent for Alabama Power Company (APC), tendered for filing rate schedule sheets compliant with Commission Order No. 614 for Alabama Power Company Rate Schedule FERC No. 145.

Comment date: April 27, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Central Maine Power Company

[Docket No. ER01–1145–001]

Take notice that on April 9, 2001, Central Maine Power Company (CMP), tendered for filing, pursuant to the Federal Energy Regulatory Commission's (FERC or the Commission) directive issued March 15, 2001 in the above referenced Docket No., Settlement and Release Agreements between Central Maine Power Company (CMP) and Engage Energy America Corp. (Engage), to comply with Order No. 614, FERC Stats. & Regs. ¶ 31, 096 (2000).

CMP respectfully requests that the Commission accept both Settlement and Release Agreements, effective as of December 29, 2000 and without modification or condition, as requested in its initial filing of January 31, 2001.

Comment date: April 30, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Cordova Energy Company L.L.C.

[Docket No. ER01–1210–001]

Take notice that on April 10, 2001, Cordova Energy Company LLC (Cordova) tendered for filing the cover and first page of an Amendment to a Power Purchase Agreement between Cordova and MidAmerican Energy Company designated in compliance with the Commission's Order No. 614 pursuant to an unreported letter order dated March 29, 2001 in the above-captioned docket.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. PJM Interconnection, L.L.C.

[Docket No. ER01–1343–001]

Take notice that on April 11, 2001, PJM Interconnection, L.L.C. (PJM), tendered for filing revised sheets to update its currently effective FERC Electric Tariff, Fourth Revised Volume No. 1.

Copies of this filing were served upon all PJM Members, and the state electric utility commissions within the PJM control area.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. American Transmission Systems, Inc.; and Ohio Edison Company, and The Cleveland Electric Illuminating Company, and The Toledo Edison Company

[Docket No. ER01–1766–000]

Take notice that on April 10, 2001, American Transmission Systems, Inc.. tendered for filing on behalf of itself and Ohio Edison Company, The Cleveland Electric Illuminating Company, and The Toledo Edison Company, a Service Agreement for Network Integration Service and Operating Agreement for the Network Integration Transmission Service under the Ohio Retail Electric Program with Advantage Energy, Inc. pursuant to the American Transmission Systems, Inc. Open Access Tariff.

This agreement will enable the party to obtain Network Integration Service under the Ohio Retail Electric Program in accordance with the terms of the Tariff. The proposed effective date under this agreement is April 10, 2001.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Idaho Power Company

[Docket No. ER01–1767–000]

Take notice that on April 10, 2001, Idaho Power Company (IPC) tendered for filing Service Agreements for Firm and Non-Firm Point-to-Point Transmission Service between Idaho Power Company and Exelon Generation, LLC.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Central Illinois Light Company

[Docket No. ER01–1768–000]

Take notice that on April 10, 2001, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61602, tendered for filing an Interconnection Agreement with Altorfer Inc. for Generation Interconnection and Parallel Operation.

CILCO requested an effective date of June 1, 2001.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Idaho Power Company

[Docket No. ER01–1769–000]

Take notice that on April 10, 2001, Idaho Power Company (IPC) tendered for filing with the Federal Energy Regulatory Commission Service Agreements for Firm and Non-Firm Point-to-Point Transmission Service between Idaho Power Company and Mirant Americas Energy Marketing, LP.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Central Illinois Light Company

[Docket No. ER01–1770–000]

Take notice that on April 10, 2001, Central Illinois Light Company (CILCO), 300 Liberty Street, Peoria, Illinois 61602, tendered for filing a substitute Index of Network Transmission Service Customers under its Open Access Transmission Tariff and one network service agreement for one existing customer, Corn Belt Energy Corporation.

CILCO requested an effective date of April 1, 2001 for the service agreement.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Idaho Power Company

[Docket No. ER01–1771–000]

Take notice that on April 10, 2001, Idaho Power Company tendered for filing under its Market-Based Rates Tariff the Power Purchase Agreement between Idaho Power Company, Doing Business as IDACORP Energy, and the City of Oakland, California, Acting by and through Its Board of Port Commissioners, for Wholesale Electricity Supply and Related Services at the Metropolitan Oakland International Airport and at the Former FISCO Facilities, dated December 28, 2000. Idaho Power Company requests an effective date of June 10, 2001.

Comment date: May 1, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. PJM Interconnection, L.L.C.

[Docket No. ER01–1776–000]

Take notice that on April 11, 2001 PJM Interconnection, L.L.C. (PJM), tendered for filing an executed interconnection service agreement between PJM and PEI Power Corporation, and three executed interim interconnection service agreements between PJM and Exelon Corporation and Conectiv Mid-Merit Inc.

PJM requests a waiver of the Commission's 60-day notice requirement to permit the effective dates agreed to by the parties.

Copies of this filing were served upon each of the parties to the agreements the state regulatory commissions within the PJM control area.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Monroe Power Company

[Docket No. ER01–1777–000]

Take notice that on April 11, 2001, Monroe Power Company (MPC) tendered for filing an executed Service Agreement with AQUILA Energy Marketing Corporation under the provisions of MPC's Market-Based Rates Tariff, FERC Electric Tariff No. 1.

MPC is requesting an effective date of April 1, 2001 for this agreement.

Copies of the filing were served upon the North Carolina Utilities Commission, the South Carolina Public Service Commission and the Georgia Public Service Commission.

Comment date: May 2, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Commonwealth Electric Company

[Docket No. ER01–1782–000]

Take notice that on April 2, 2001, Commonwealth Electric Company (Commonwealth) tendered for filing proposed changes to its Open Access Transmission Tariff (OATT) to include a Standard Form of Interconnection Agreements (Interconnection Agreement).

The Interconnection Agreement will govern the rights and responsibilities of Commonwealth and new generators when generators seek to add new generation to Commonwealth's transmission system in compliance with Order No. 614.

Comment date: April 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of these filings are on file with the Commission and are available for public inspection. This filing may also be viewed on the Internet at *http://www.ferc.fed.us/ online/rims.htm* (call 202–208–2222 for assistance). Comments, protests, and interventions may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm*.

David P. Boergers,

Secretary.

[FR Doc. 01–9754 Filed 4–19–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6617–3]

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 9, 2001. Through April 13, 2001. Pursuant to 40 CFR 1506.9

EIS No. 010120, DRAFT EIS, FHW, TX, President George Bush Turnpike (PGBT) Segment IV, Improvement from Interstate Highway 35E to Interstate Highway 635, Funding and COE Section 404 Permit, Dallas County, TX, Comment Period Ends: June 4, 2001, Contact: Patrick Bauer (512) 536–5950.

EIS No. 010121, FINAL EIS, AFS, MT, Mill-Key-Wey Project, Proposed Timber Harvesting, Ecosystem Burning, Road Construction and Reconstruction, Implementation, Lolo National Forest, Superior Ranger District, Mineral County, MT, Wait Period Ends: May 21, 2001, Contact: Cindy Enstrom (406) 822–3928.

EIS No. 010122, FINAL EIS, AFS, SD, Jasper Fires Value Recovery Area Project, Implementation, Revised Forest Plan for the Black Hills National Forest, Hell Canyon and Mystic Ranger District, Custer and Pennington Counties, SD, Wait Period Ends: May 21, 2001, Contact: Alice Allen (605) 673–4853.

EIS No. 010123, DRAFT SUPPLEMENT, FHW, WI, US–12 Highway Corridor Project, Improvement from IH90/94 at Lake Delton south to Ski Hi Road, Updated Information, Funding and COE Section 404 Permit, Sauk County, WI, Comment Period Ends: June 4, 2001, Contact: Johnny Gerbiltz (608) 829–7510.

EIS No. 010124, FINAL EIS, AFS, CA, Ansel Adams, John Muir, Dinkey Lakes and Monarch Wildernesses, Proposed New Management Direction, Amending the Land and Resource Management Plans for the Inyo, Sierra and Sequoia National Forests, Implementation, Inyo, Madera, Mono and Fresno Counties, CA, Wait Period Ends: May 21, 2001, Contact: Mary Beth Hennessy (760) 873–2448.

EIS No. 010125, DRAFT EIS, AFS, MT, Cave Gulch Post-Fire Salvage Sale, Harvesting Dead or Dying Trees, Implementation, Helena National Forest, Big Belts Mountain, Lewis and Clark Counties, MT, Comment Period Ends: June 4, 2001, Contact: Jerry Meyer (406) 449–5201.

EIS No. 010126, FINAL EIS, FHW, MO, New Mississippi River Crossing, Relocated I–70 and I–64 Connector, Funding, COE Section 404 and 10 Permits and NPDES Permit, St. Louis County, MO, Wait Period Ends: May 21, 2001, Contact: Ronald C. Marshall (217) 492–4640.

Amended Notices

EIS No. 010034, DRAFT SUPPLEMENT, FAA, UT, Cal Black Memorial Airport Project, New and Updated Information for the Replacing of Halls

Crossing Airport, within the boundary of Glen Canyon National Recreation, Halls Crossing, San Juan Counties, UT, Comment Period Ends: April 30, 2001, Contact: Dennis Ossenkop (206) 227–2611. Revision of FR Notice Published on 02/09/2001: CEQ Review Period Ending 03/30/2001 has been Extended to 04/30/2001.

Dated: April 17, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–9865 Filed 4–19–01; 8:45 am]

BILLING CODE 6560–50–U

ENVIRONMENTAL PROTECTION AGENCY

[ER–FRL–6617–4]

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 the **Federal Register** dated April 14, 2000 (65 FR 20157).

Draft EISs

ERP No. D–AFS–J65329–MT

Rating EC2, Maudlow—Toston Post-Fire Salvage Sale, Harvesting Burnt Timber, Implementation, Helena National Forest, Townsend Ranger District, Broadway County, MT.

Summary: The EPA expressed concerns about he limited range of alternatives analysis, the cumulative effects analysis, and the lack of information on project hydrologic/aquatics monitoring. The FEIS should address these issues and the needed mitigation measures.

ERP No. D–BLM–G70005–NM Rating LO,

Sierra and Otero Counties Resource Management Plan Amendment and Federal Fluid Minerals Leasing and Development, Implementation, Sierra and Otero Counties, NM.

Summary: EPA expressed lack of objections to the selection of the preferred alternative; however, EPA suggested that the final EIS include information on the pre-drilling analysis to be conducted before receiving permit approval as described in the application to drill (APD).

Final EISs

ERP No. F–BLM–K67051–NV, Marigold Mine Expansion Project, Implementation, COE Section 404 Permit, Special-Use-Permit, Humboldt County, NV.

Summary: EPA is pleased that mercury air emissions will be significantly lower than those estimated in the DEIS and that the preferred alternative reduces surface disturbance, including direct impacts to Trout Creek. However, EPA continues to express concerns that impacts to air water quality and mitigation measures remain unclear; and that the bond for closure and post-closure activities is not included in the FEIS for public review and that the project should additional control technology to reduce mercury emissions.

ERP No. F–COE–G11035–00, Programmatic—Fort Bliss Mission and Real Property Master Plan, Revised Land Use and Enhance Management of the Land, Airspace and Infrastructure, El Pasco County, TX and Dona Ana and Otero Counties, NM.

Summary: EPA has reviewed the FEIS and has no further comments to offer.

ERP No. F–COE–K40242–CA, Adoption—CA—125 South Route Location, Adoption and Construction, between CA–905 on Otay Mesa to CA–54 in Spring Valley, Funding and COE Section 404 Permit, San Diego County, CA.

Summary: The Army Corps of Engineers announced its intent to adopt the Federal Highway Administration's Final EIS for the project in connection with a Clean Water Act Section 404 permit application currently pending with the Corps. EPA believes it is incumbent upon the Corps to address the serious inadequacies identified by EPA in FHWA's FEIS, especially in providing an analysis of the potential environmental impacts associated with full build-out of the proposed arterial facilities and any projects that could not proceed ''but for'' the construction of State Route 125 South. As noted in EPA's comment letter to FHWA on its FEIS, EPA believes that the FEIS is fundamentally flawed in several major respects and thus does not provide full public disclosure under NEPA. To ensure that agencies and the public have an opportunity to consider the full range of the project's impacts (including indirect and cumulative impacts), EPA strongly recommends that the Corps circulate for public review and comment the Environmental Assessment (EA) being prepared in connection with the proposed Clean Water Act Section 404 permit action now pending with the Corps.

ERP No. F–UAF–G11039–TX, Brooks City Base Project, To Improve Mission Effectiveness and Reduce Cost of Quality Installation Support, Implementation, Brooks Air Force Base, Bexar County, TX.

Summary: EPA review of the FEIS finds that the document adequately responded to the our comments offered on the Draft Statement. EPA has no other comments to offer.

Dated: April 17, 2001.

Joseph C. Montgomery,

Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 01–9866 Filed 4–19–01; 8:45 am]

BILLING CODE 6560–50–U

FEDERAL COMMUNICATIONS COMMISSION

[Report No. AUC–39–B (Auction No. 39); DA 01–746]

Auction of Licenses for the VHF Public Coast and Location and Monitoring Services Spectrum Scheduled for June 6, 2001

AGENCY: Federal Communications Commission.

ACTION: Notice.

SUMMARY: This document announces the procedures and minimum opening bids for the upcoming auction of 16 VHF Public Coast licenses and 241 multilateration Location and Monitoring Services licenses scheduled for June 6, 2001.

DATES: Auction No. 39 is scheduled for June 6, 2001.

FOR FURTHER INFORMATION CONTACT: Kenneth Burnley, Legal Branch or Lyle Ishida, Auctions Operations Branch (202) 418–0660; Linda Sanderson, Auction Operations Branch at (717) 338–2888. Keith Fickner, Policy and Rules Branch at (202) 418–7308 or Kim Kleppinger, Licensing and Technical Analysis Branch at (717) 338–2666. Meribeth McCarrick, Media Contact at (202) 418–0654.

SUPPLEMENTARY INFORMATION: This is a summary of a Public Notice released March 26, 2001. The complete text of this Notice, including Attachments A through I, is available for inspection and copying during normal business hours in the FCC Reference Center (Room CY–A257) 445 12th Street, SW., Washington, DC. It may also be purchased from the Commission's copy contractor, International Transcription Services, Inc. (ITS, Inc.) 1231 20th

Street, NW., Washington, DC 20036, (202) 857–3800. It is also available on the Commission's web site at *http://www.fcc.gov.*

Attachment A—Licenses to be Auctioned
Attachment B—FCC Auction Seminar Registration Form
Attachment C—Electronic Filing and Review of the FCC Form 17
Attachment D—Guidelines for Completion of FCC Form 175 and Exhibits
Attachment E—Instructions for FCC Remittance Advice (FCC Form 159)
Attachment F—FCC Bidding Preference/Remote Software Order Form
Attachment G—Exponential Smoothing Formula and Calculation
Attachment H—Accessing the FCC Network to File FCC Form 175
Attachment I—Summary of Documents Addressing the Anti-Collusion Rules

I. General Information

A. Introduction

1. By Public Notice, DA 01–746 released March 26, 2001 (''*Auction No. 39 Public Notice*'') the Wireless Telecommunications Bureau (''Bureau'') announces the procedures and minimum opening bids for the upcoming auction of VHF Public Coast and Location and Monitoring Service (''LMS'') spectrum (Auction No. 39) scheduled for June 6, 2001. On February 23, 2001, in accordance with the Balanced Budget Act of 1997, the Bureau released a Public Notice seeking comment on reserve prices or minimum opening bids and the procedures to be used in Auction No. 39. The Bureau received one comment and one reply comment in response to the *Auction No. 39 Comment Public Notice,* 66 FR 13531 (March 6, 2001).

i. Background of Proceeding

2. Auction No. 39 will be the second auction each for VHF Public Coast and LMS spectrum. The initial VHF Public Coast licenses were awarded in Auction No. 20, which ended on December 14, 1998. The initial LMS licenses were awarded in Auction No. 21, which ended on March 5, 1999.

a. *VHF Public Coast.*

3. In July 1998, the Commission restructured the licensing framework that governs VHF Public Coast stations. Pursuant to the *Public Coast Third Report and Order,* 63 FR 40059 (July 27, 1998), site-specific licensing has been replaced with a geographic-based system. Service and operational requirements for VHF Public Coast Stations are contained in Part 80 of the Commission's Rules.

b. *LMS.*

4. In 1995, the Commission established rules governing the licensing of the LMS in the 902–928 MHz frequency band. LMS refers to advanced radio technologies designed to support the nation's transportation infrastructure and to facilitate the growth of Intelligent Transportation Systems. The Commission created a new subpart M in part 90 of the Commission's rules for Transportation Infrastructure Radio Services, which includes LMS and like services. Additional information can be found in section I.A.1 of the *Auction No. 39 Public Notice.*

ii. Licenses To Be Auctioned

5. The licenses available in this auction consist of the following licenses that remained unsold in Auctions No. 20 and No. 21.

a. *VHF Public Coast Licenses.*

6. Sixteen licenses will be available in geographic areas known as VHF Public Coast Areas (VPCs). There are two categories of VPCs: maritime VPCs and inland VPCs. All of the VHF Public Coast licenses to be offered in Auction No. 39 are inland VPC licenses. Inland VPCs are identical to the Commerce Department's Economic Areas, no part of which is within 100 miles of a major waterway. Each VPC license has seven 25 kHz channel pairs, adding up to 350 kHz.

Inland VPCs	Channel pairs (total kHz available)
Inland Border VPCs: VPCs 10, 11	24, 26, 27, 28, 85, 86, 87 (350 kHz).
Inland Non-Border VPCs:	
VPCs 12–15, 23, 26, 38	24, 26, 27, 28, 85, 86, 87 (350 kHz).
VPCs 16, 18, 19, 20, 21, 22, 40	24, 26, 27, 28, 84, 86, 87 (350 kHz).

b. *LMS Licenses.*

7. Three blocks of spectrum are allocated for LMS systems:

(i) Block A—904.000–909.750 MHz and 927.750–928.000 MHz.

(ii) Block B—919.750–921.750 MHz and 927.500–927.750 MHz.

(iii) Block C—921.750–927.250 MHz and 927.250–927.500 MHz.

8. A geographic licensing area is comprised of each of these spectrum blocks. LMS spectrum is licensed in 176 Economic Areas (EAs). In Auction No. 39, 241 LMS licenses will be available: 117 licenses will be auctioned in Block A, 61 licenses will be auctioned in Block B, and 63 licenses will be auctioned in Block C.

9. A list of licenses available in Auction No. 39 is included in Attachment A of the Public Notice.

B. Rules and Disclaimers

i. Relevant Authority

a. *VHF Public Coast.*

10. Prospective bidders must familiarize themselves thoroughly with the Commission's rules relating to the VHF Public Coast Service, contained in title 47, part 80 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in title 47, part 1 of the Code of Federal Regulations.

11. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, ''Terms'') contained in this public notice; the *Auction No. 39 Comment Public Notice;* the *Public Coast Third Report and Order; Public Coast Second Report and Order,* 62 FR 37533 (July 14, 1997); and part 1, subpart Q, of the Commission's rules concerning competitive bidding proceedings.

b. *LMS.*

12. Prospective bidders must familiarize themselves thoroughly with the Commission's rules relating to the Location and Monitoring Service, contained in title 47, part 90 of the Code of Federal Regulations, and those relating to application and auction procedures, contained in title 47, part 1 of the Code of Federal Regulations.

13. Prospective bidders must also be thoroughly familiar with the procedures, terms and conditions (collectively, ''Terms'') contained in this public notice; the *Auction No. 39 Comment Public Notice;* the *LMS Second Report and Order;* 63 FR 40659 (July 30, 1998), *Memorandum Opinion and Order and Further Notice of Proposed Rule Making;* 62 FR 52078 (October 6, 1997), part 90, subpart M of the Commission's rules concerning Transportation Infrastructure Radio Service; subpart X of the Commission's rules concerning Competitive Bidding Procedures; and part 1, subpart Q of the Commission's rules concerning Competitive Bidding Proceedings.

14. The terms contained in the Commission's rules, relevant orders,

and public notices are not negotiable. The Commission may amend or supplement the information contained in our public notices at any time, and will issue public notices to convey any new or supplemental information to bidders. It is the responsibility of all prospective bidders to remain current with all Commission rules and with all, public notices and pronouncements, including orders on delegated authority or by the Commission relevant to one or more of the licenses or otherwise pertaining to this auction. Copies of most Commission documents, including public notices, can be retrieved from the FCC Internet node via anonymous ftp at ftp://www.fcc.gov or the FCC Auctions World Wide Web site at *http://www.fcc.gov/wtb/auctions.* Additionally, documents may be obtained for a fee, by calling the Commission's copy contractor, International Transcription Service, Inc. (''ITS''), at (202) 314–3070. When ordering documents from ITS, please provide the appropriate FCC number (for example, FCC 98–151 for the *Public Coast Third Report and Order,* and FCC 98–157 for the *LMS Second Report and Order*). *See also* Due Diligence section, *infra.*

ii. Prohibition of Collusion

15. To ensure the competitiveness of the auction process, the Commission's rules prohibit applicants for the same geographic license area from communicating with each other during the auction about bids, bidding strategies, or settlements. This prohibition begins at the short-form application filing deadline and ends at the down payment deadline after the auction. Bidders competing for licenses in the same geographic license areas are encouraged not to use the same individual as an authorized bidder. A violation of the anti-collusion rule could occur if an individual acts as the authorized bidder for two or more competing applicants, and conveys information concerning the substance of bids or bidding strategies between the bidders he or she is authorized to represent in the auction. Also, if the authorized bidders are different individuals employed by the same organization (*e.g.,* law firm or consulting firm), a violation could similarly occur. In such a case, at a minimum, applicants should certify on their applications that precautionary steps have been taken to prevent communication between authorized bidders and that applicants and their bidding agents will comply with the anti-collusion rule.

16. However, the Bureau cautions that merely filing a certifying statement as part of an application will not outweigh specific evidence that collusive behavior has occurred, nor will it preclude the initiation of an investigation when warranted. In Auction No. 39, for example, the rule would apply to any VHF Public Coast applicants bidding for the same VPC, and to any LMS applicants bidding for the same EA. Therefore, applicants that apply to bid for any license in a VPC or EA would be precluded from communicating after filing the FCC Form 175 short-form application with any other applicant for a license in the same VPC or EA. However, applicants may enter into bidding agreements *before* filing their FCC Form 175, as long as they disclose the existence of the agreement(s) in their FCC Form 175. If parties agree in principle on all material terms prior to the short-form filing deadline, those parties must be identified on the short-form application under § 1.2105(c) of the Commission's rules, even if the agreement has not been reduced to writing. If the parties have not agreed in principle by the filing deadline, an applicant would not include the names of those parties on its application, and may not continue negotiations with other applicants for the same geographic license areas. By signing their FCC Form 175 short-form applications, applicants are certifying their compliance with § 1.2105(c). In addition, § 1.65 of the Commission's rules requires an applicant to *maintain* the accuracy and completeness of information furnished in its pending application and to notify the Commission within 30 days of any substantial change that may be of decisional significance to that application. Thus, § 1.65 requires an auction applicant to notify the Commission of any violation of the anti-collusion rules immediately upon learning of such violation.

17. A summary listing of documents from the Commission and the Bureau addressing the application of the anti-collusion rules may be found in Attachment I of the Public Notice.

iii. Due Diligence

18. The FCC makes no representations or warranties about the use of this spectrum for particular services. Applicants should be aware that an FCC auction represents an opportunity to become an FCC licensee in this service, subject to certain conditions and regulations. An FCC auction does not constitute an endorsement by the FCC of any particular services, technologies or products, nor does an FCC license constitute a guarantee of business success. Applicants should perform their individual due diligence before proceeding as they would with any new business venture.

a. *VHF Public Coast.*

19. Potential bidders are reminded that there are a number of incumbent VHF Public Coast Station licensees and Private Land Mobile Radio (PLMR) licensees already operating in the 156–162 MHz band. Such incumbents must be protected from harmful interference by VHF Public Coast Station geographic area licensees in accordance with the Commission's rules. These limitations may restrict the ability of such VPC geographic area licensees to use certain portions of the electromagnetic spectrum or provide service to certain areas in their geographic license areas.

20. In addition, potential bidders seeking licenses for geographic areas that are near the Canadian border should be aware of agreements between the United States and Canada that affect the assignment and use of VHF frequencies in certain parts of inland border VPCs. Potential bidders are solely responsible for investigating and evaluating the degree to which these matters may affect spectrum availability in areas where they seek inland border VPC licenses.

21. Potential bidders may obtain information regarding incumbent VHF Public Coast licensees through the Bureau's licensing databases on the World Wide Web at *http://www.fcc.gov/wtb.* In particular, information can be searched online by selecting ''Databases'' and then ''Search the Wireless Databases Online'' (*http://gullfoss2.fcc.gov/cgi-bin/ws.exe/genmen/index.hts)*, or by selecting ''Download the WTB Databases'' (*http://www.fcc.gov/wtb/databases.html*). Information on previously auctioned licenses can be obtained at *http://www.fcc.gov/wtb/uls.*

b. *LMS.*

22. Potential bidders are reminded that LMS operates in the 902–928 MHz frequency band. This band is allocated for primary use by Federal Government radio location systems. Next, in order of priority, are Industrial, Scientific and Medical devices. Federal Government fixed and mobile and LMS systems are secondary to these uses. The remaining uses of the 902–928 MHz band include licensed amateur radio operations and unlicensed equipment under part 15 of the Commission's rules, both of which are secondary to all other uses of the band. Part 15 low power devices include, but are not limited to, those used for automatic meter reading, inventory control, package tracking and

shipping control, alarm services, local area networks, internet access, and cordless telephones. The amateur radio service is used by technically inclined private citizens to engage in self-training, information exchange, and radio experimentation. In the *LMS Report and Order,* 60 FR 15248 (March 23, 1995), the Commission recognized the important contribution to the public provided by part 15 technologies and amateur radio operators and sought to develop a band plan that would maximize the ability of these services to coexist with LMS systems.

23. The Commission adopted the *LMS Report and Order* with an eye toward minimizing potential interference within and among the various users of the 902–928 MHz band. The Commission's band plan accordingly permits secondary operations across the entire band by users of unlicensed part 15 devices and amateur licensees. At the same time, the band plan separates non-multilateration from multilateration LMS systems in all but one subband so as to avert interference. The *LMS Report and Order* also established limitations on LMS systems' interconnection with the public switched network and set forth a number of technical requirements intended to ensure successful coexistence of all the services authorized to operate in the band.

24. Potential bidders may obtain information about LMS licenses through the Bureau's licensing databases on the World Wide Web at *http://www.fcc.gov/wtb/uls.*.

25. Potential bidders should also be aware that certain applications (including those for modification), petitions for rulemaking, waiver requests, requests for special temporary authority (''STA''), petitions to deny, petitions for reconsideration, and applications for review may be pending before the Commission that relate to particular incumbent multilateration LMS licensees.

26. Potential bidders should direct questions regarding the search capabilities to the FCC Technical Support hotline at (202) 414–1250 (voice) or (202) 414–1255 (TTY) or via e-mail at *ulscomm@fcc.gov.* The hotline is available to assist with questions Monday through Friday, from 7 a.m. to 10 p.m. ET, Saturday, 8 a.m. to 7 p.m. ET, and Sunday, 12 noon to 6 p.m. ET. In order to provide better service to the public, *all calls to the hotline are recorded.* The Commission makes no representations or guarantees regarding the accuracy or completeness of information in its databases or any third party databases, including, for example, court docketing systems.

27. Further, potential bidders are strongly encouraged to physically inspect any sites located in, or near, the geographic area for which they plan to bid.

28. Finally, potential bidders are strongly encouraged to conduct their own research prior to Auction No. 39 in order to determine the existence of pending proceedings that might affect their decisions regarding participation in the auction. Participants in Auction No. 39 are strongly encouraged to continue such research during the auction.

iv. Bidder Alerts

29. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license, and not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency. Prospective bidders are reminded that submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

30. Information about deceptive telemarketing investment schemes is available from the FTC at (202) 326–2222 and from the SEC at (202) 942–7040. Complaints about specific deceptive telemarketing investment schemes should be directed to the FTC, the SEC, or the National Fraud Information Center at (800) 876–7060. Consumers who have concerns about specific proposals regarding Auction No. 39 may also call the FCC Consumer Center at (888) CALL–FCC ((888) 225–5322).

v. National Environmental Policy Act (''NEPA'') Requirements

1. Licensees must comply with the Commission's rules regarding the National Environmental Policy Act (NEPA). For more detailed information, please refer to section I.B.5 of the *Auction No. 39 Public Notice.*

C. Auction Specifics

i. Auction Date

32. The auction will begin on Wednesday, June 6, 2001. The initial schedule for bidding will be announced by public notice at least one week before the start of the auction. Unless otherwise announced, bidding on all licenses will be conducted on each business day until bidding has stopped on all licenses.

ii. Auction Title

33. Auction No. 39—VHF Public Coast and Location and Monitoring Service

iii. Bidding Methodology

34. The bidding methodology for Auction No. 39 will be simultaneous multiple round bidding. Bidding will be permitted only from remote locations, either electronically (by computer) or telephonically.

iv. Pre-Auction Dates and Deadlines

35. The following are important events and deadlines related to Auction No. 39:

Auction Seminar—April 24, 2001
Short-Form Application (FCC FORM 175)—May 4, 2001; 6 p.m. ET
Upfront Payments (via wire transfer)—May 18, 2001; 6 p.m. ET
Orders for Remote Bidding Software—May 21, 2001; 6 p.m. ET
Mock Auction—June 4, 2001
Auction Begins—June 6, 2001

v. Requirements For Participation

36. Those wishing to participate in the auction must:

- Submit a short-form application (FCC Form 175) electronically by 6 p.m. ET, May 4, 2001.
- Submit a sufficient upfront payment and a FCC Remittance Advice Form (FCC Form 159) by 6 p.m. ET, May 18, 2001.
- Comply with all provisions outlined in this public notice.

iv. General Contact Information

37. The following is a list of general contact information relating to Auction No. 39:

General Auction Information—General Auction Questions; Seminar Registration; Orders for Remote Bidding Software; FCC Auctions Hotline; (888) 225–5322, Press Option #2, or direct (717) 338–2888, Hours of service: 8 a.m.–5:30 p.m. ET
Auction Legal Information—Auctions and Industry Analysis Division—Auction Rules, Policies, Regulations—Legal Branch (202) 418–0660
Licensing Information—Rules, Policies, Regulations; Licensing Issues; Due Diligence; Incumbency Issues; Public Coast—Public Safety and Private Wireless Division—(202) 418–0680; LMS—Commercial Wireless Division—(202) 418–0620
Technical Support—Electronic Filing Assistance; Software Downloading; FCC Auctions Technical Support Hotline, (202) 414–1250 (Voice), (202) 414–1255 (TTY), Hours of service: Monday through Friday 7 a.m. to 10

p.m. ET, Saturday, 8 a.m. to 7 p.m. ET, Sunday, 12 noon to 6 p.m. ET

Payment Information—Wire Transfers; Refunds; FCC Autions Accounting Branch, (202) 418–1995, (202) 418-2843 (Fax)

Telephonic Bidding—Will be furnished only to qualified bidders

FCC Copy Contractor—Additional Copies of Commission Documents, International Transcription Services, Inc., 445 12th Street, SW Room CY–B400, Washington, DC 20554, (202) 314–3070

Press Information, FCC Forms—Meribeth McCarrick (202) 418–0654 (800) 418–3676 (outside Washington, DC), (202) 418–3676 (in the Washington Area) http://www.fcc.gov/formpage.html

FCC Internet Sites—

http://www.fcc.gov
ftp://ftp.fcc.goc
http://www/fcc/gov/wtb/auctions

II. Short-Form (FCC Form 175) Application Requirements

38. Guidelines for completion of the short-form application (FCC Form 175) are set forth in Attachment D to the public notice. The short-form application seeks the applicant's name and address, legal classification, status, small and very small business bidding credit eligibility, identification of the license(s) sought, the authorized bidders and contact persons. All applicants must certify on their FCC Form 175 applications under penalty of perjury that they are legally, technically, financially and otherwise qualified to hold a license and, as discussed in section II.D., that they are not in default on any payment for Commission licenses (including down payments) or delinquent on any non-tax debt owed to any Federal agency.

A. License Selection

39. Progeny suggests that the Commission allow bidders to select all of the available LMS licenses without selecting all available VHF Public Coast licenses. This would be accomplished on the FCC Form 175 through the use of two separate boxes that would allow bidders to select all LMS licenses offered in the auction, or all VHF Public Coast licenses offered in the auction. Progeny also suggests that, because some bidders may desire to bid on both sets of licenses, the Commission should permit bidders to specify both ''ALL'' boxes. Progeny contends that otherwise the Commission would be creating collusion problems that would not otherwise exist in a normal one-service auction. We agree and will adopt mechanisms consistent with these proposals for Auction No. 39.

B. Ownership Disclosure Requirements (FCC Form 175 Exhibit A)

40. All applicants must comply with the uniform part 1 ownership disclosure standards and provide information required by §§ 1.2105 and 1.2112 of the Commission's rules. Specifically, in completing the FCC Form 175, applicants will be required to file an Exhibit A providing a full and complete statement of the ownership of the bidding entity. The ownership disclosure standards for the short-form are set forth in § 1.2112 of the Commission's rules.

C. Consortia And Joint Bidding Arrangements (FCC Form 175 Exhibit B)

41. Applicants will be required to identify on their short-form applications any parties with whom they have entered into any consortium arrangements, joint ventures, partnerships or other agreements or understandings which relate in any way to the licenses being auctioned, including any agreements relating to post-auction market structure. *See* 47 CFR 1.2105(a)(2)(viii) and 1.2105(c)(1). Applicants will also be required to certify on their short-form applications that they have not entered into any explicit or implicit agreements, arrangements or understandings of any kind with any parties, other than those identified, regarding the amount of their bids, bidding strategies, or the particular licenses on which they will or will not bid. *See* 47 CFR 1.2105(a)(2)(ix). As discussed, if an applicant has had discussions, but has not reached a joint bidding agreement by the short-form deadline, it would not include the names of parties to the discussions on its applications and may not continue discussions with applicants for the same geographic license area(s) after the deadline. Where applicants have entered into consortia or joint bidding arrangements, applicants must submit an Exhibit B to the FCC Form 175.

42. A party holding a non-controlling, attributable interest in one applicant will be permitted to acquire an ownership interest in, form a consortium with, or enter into a joint bidding arrangement with other applicants for licenses in the same geographic license area provided that (i) the attributable interest holder certifies that it has not and will not communicate with any party concerning the bids or bidding strategies of more than one of the applicants in which it holds an attributable interest, or with which it has formed a consortium or entered into a joint bidding arrangement; and (ii) the arrangements do not result in a change in control of any of the applicants. While the anti-collusion rules do not prohibit non-auction related business negotiations among auction applicants, bidders are reminded that certain discussions or exchanges could touch upon impermissible subject matters because they may convey pricing information and bidding strategies.

D. Eligibility

i. Bidding Credit Eligibility (FCC Form 175 Exhibit C)

43. Bidding credits are available to small and very small businesses, or consortia thereof, as defined in 47 CFR 80.1252(b)(1)(2) and (5) for VHF Public Coast, and 47 CFR 90.1103(b)(1)(2) for LMS. A bidding credit represents the amount by which a bidder's winning bids are discounted. The size of the bidding credit depends on the average annual gross revenues for the preceding three years of the bidder, together with its affiliates and controlling interests of the bidder and its affiliates:

- A bidder with average annual gross revenues of not more than $15 million for the preceding three years receives a 25 percent discount on its winning bids for VHF Public Coast and LMS licenses;
- A bidder with average annual gross revenues of not more than $3 million for the preceding three years receives a 35 percent discount on its winning bids for VHF Public Coast and LMS licenses.

44. Bidding credits are not cumulative; qualifying applicants receive either the 25 percent or the 35 percent bidding credit, but not both.

ii. Tribal Land Bidding Credit

45. To encourage the growth of wireless services in federally recognized tribal lands the Commission has implemented a tribal land bidding credit. *See* section V.C of the *Auction No. 39 Public Notice*.

iii. Applicability of Part 1 Attribution Rules

a. *Controlling Interest Standard.*

46. On August 14, 2000, the Commission released the *Part 1 Fifth Report and Order*, 65 FR 52323 (August 29, 2000), in which the Commission, *inter alia,* adopted a ''controlling interest'' standard for attributing to auction applicants the gross revenues of their investors and affiliates in determining small business eligibility for future auctions. The Commission observed that the rule modifications adopted in the various Part 1 orders would result in discrepancies and/or

redundancies between certain of the new Part 1 rules and existing service-specific rules, and the Commission delegated to the Bureau the authority to make conforming edits to the Code of Federal Regulations (CFR) consistent with the rules adopted in the Part 1 proceeding. Part 1 rules that supersede inconsistent service-specific rules will control in Auction No. 39. *Accordingly, the ''controlling interest'' standard as set forth will be in effect for Auction No. 39, even if conforming edits to the CFR are not made prior to the auction.*

b. *Control.*

47. The term ''control'' includes both *de facto* and *de jure* control of the applicant. Typically, *ownership of at least 50.1 percent of an entity's voting stock evidences de jure control. De facto* control is determined on a case-by-case basis. The following are some common indicia of control:

- the entity constitutes or appoints more than 50 percent of the board of directors or management committee;
- the entity has authority to appoint, promote, demote, and fire senior executives that control the day-to-day activities of the licensee; or
- the entity plays an integral role in management decisions.

c. *Attribution for Small and Very Small Business Eligibility.*

48. In determining which entities qualify as small or very small businesses, the Commission will consider the gross revenues of the applicant, its controlling interest holders, the affiliates of the applicant, and their controlling interest holders. The Commission does not impose specific equity requirements on controlling interest holders. Once principals or entities with a controlling interest are determined, only the revenues of those principals or entities, the applicant and their affiliates will be counted in determining small business eligibility.

49. A consortium of small or very small businesses is a ''conglomerate organization formed as a joint venture between or among mutually independent business firms,'' each of which *individually* must satisfy the definition of small or very small business in § 80.1252(b) or § 90.1103(b) of the Commission's rules. Thus, each consortium member must disclose its gross revenues along with those of its affiliates, controlling interests, and controlling interests' affiliates. We note that although the gross revenues of the consortium members will not be aggregated for purposes of determining eligibility for small or very small business credits, this information must be provided to ensure that each individual consortium member qualifies for any bidding credit awarded to the consortium.

iv. Application Showing

50. Applicants should note that they will be required to file supporting documentation to their FCC Form 175 short-form applications to establish that they satisfy the eligibility requirements to qualify as small or very small businesses (or consortia of small or very small businesses) for this auction.

51. Applicants should further note that submission of an FCC Form 175 application constitutes a representation by the certifying official that he or she is an authorized representative of the applicant, has read the form's instructions and certifications, and that the contents of the application and its attachments are true and correct. Submission of a false certification to the Commission may result in penalties, including monetary forfeitures, license forfeitures, ineligibility to participate in future auctions, and/or criminal prosecution.

52. Entities applying to bid as small or very small businesses (or consortia of small or very small businesses) will be required to disclose on Exhibit C to their FCC Form 175 short-form applications, *separately and in the aggregate,* the gross revenues for the preceding three years of each of the following: (i) the applicant, (ii) the applicant's affiliates, (iii) the applicant's controlling interest holders, and (iv) the affiliates of the applicant's controlling interest holders. Certification that the average annual gross revenues for the preceding three years do not exceed the applicable limit is not sufficient. A statement of the total gross revenues for the preceding three years is also insufficient. The applicant must provide separately for itself, its affiliates, its controlling interest holders, and their affiliates a schedule of gross revenues for *each* of the preceding three years, as well as a statement of total average gross revenues for the three-year period. If the applicant is applying as a consortium of very small or small businesses, this information must be provided for each consortium member.

E. Provisions Regarding Defaulters and Former Defaulters (FCC Form 175 Exhibit D)

53. Each applicant must certify on its FCC Form 175 application that it is not in default on any Commission licenses and that it is not delinquent on any non-tax debt owed to any Federal agency. In addition, each applicant must attach to its FCC Form 175 application a statement made under penalty of perjury indicating whether or not the applicant has ever been in default on any Commission licenses or has ever been delinquent on any non-tax debt owed to any federal agency. Applicants must include this statement as Exhibit D of the FCC Form 175. If any of an applicant's controlling interests holders or their affiliates, as defined by § 1.2110 of the Commission's rules (as recently amended in the *Part 1 Fifth Report and Order*) have ever been in default on any Commission license or have ever been delinquent on any non-tax debt owed to any Federal agency, the applicant must include such information as part of the same attached statement. Prospective bidders are reminded that the statement must be made under penalty of perjury and, further, submission of a false certification to the Commission is a serious matter that may result in severe penalties, including monetary forfeitures, license revocations, exclusion from participation in future auctions, and/or criminal prosecution.

54. ''Former defaulters''—*i.e.,* applicants, including their attributable interest holders, that in the past have defaulted on any Commission licenses or been delinquent on any non-tax debt owed to any Federal agency, but that have since remedied all such defaults and cured all of their outstanding non-tax delinquencies—are eligible to bid in Auction No. 39, provided that they are otherwise qualified. However, as discussed in section III.D.3 of the *Auction No. 39 Public Notice,* former defaulters are required to pay upfront payments that are fifty percent more than the normal upfront payment amounts.

F. Unjust Enrichment Payments

55. Auction No. 39 bidders should also note that unjust enrichment provisions apply to winning bidders that use bidding credits and subsequently assign or transfer control of their licenses to an entity not qualifying for the same level of bidding credit.

G. Installment Payments

56. Installment payment plans will not be available in Auction No. 39.

H. Other Information (FCC Form 175 Exhibits E and F)

57. Applicants owned by minorities or women, as defined in 47 CFR 1.2110(c)(3), may attach an exhibit (Exhibit E) regarding this status. This applicant status information is collected for statistical purposes only and assists the Commission in monitoring the participation of ''designated entities'' in its auctions. Applicants wishing to submit additional information may do

so on Exhibit F (Miscellaneous Information) to the FCC Form 175.

I. Minor Modifications to Short-Form Applications (FCC Form 175)

58. After the short-form filing deadline (May 4, 2001), applicants may make only minor changes to their FCC Form 175 applications. Applicants will not be permitted to make major modifications to their applications (*e.g.,* change their license selections or proposed service areas, change the certifying official or change control of the applicant or change bidding credits). *See* 47 CFR 1.2105. Permissible minor changes include, for example, deletion and addition of authorized bidders (to a maximum of three) and revision of exhibits. Applicants should make these changes on-line, and submit a letter to Louis Sigalos, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW, Suite 4–A668 Washington, DC 20554, briefly summarizing the changes. Questions about other changes should be directed to Kenneth Burnley of the Auctions and Industry Analysis Division at (202) 418–0660.

J. Maintaining Current Information in Short-Form Applications (FCC Form 175)

59. Applicants have an obligation under 47 CFR 1.65, to maintain the completeness and accuracy of information in their short-form applications. Amendments reporting substantial changes of possible decisional significance in information contained in FCC Form 175 applications, as defined by 47 CFR 1.2105(b)(2), will not be accepted and may in some instances result in the dismissal of the FCC Form 175 application.

III. Pre-Auction Procedures

A. Auction Seminar

60. On Tuesday, April 24, 2001, the FCC will sponsor a free seminar for Auction No. 39 at the Federal Communications Commission, located at 445 12th Street, SW, Washington, DC. The seminar will provide attendees with information about pre-auction procedures, conduct of the auction, FCC remote bidding software, and the VHF Public Coast and LMS spectrum and auction rules. The seminar will also provide an opportunity for prospective bidders to ask questions of FCC staff.

61. To register, complete the registration form attached to the *Auction No. 39 Public Notice* as Attachment B and submit it by Friday, April 20, 2001. Registrations are accepted on a first-come, first-served basis.

B. Short-Form Application (FCC Form 175)—Due May 4, 2001

62. In order to be eligible to bid in this auction, applicants must first submit a FCC Form 175 application. This application must be submitted electronically and received at the Commission no later than 6 p.m. ET on May 4, 2001. Late applications will not be accepted.

63. There is no application fee required when filing an FCC Form 175. However, to be eligible to bid, an applicant must submit an upfront payment. *See* section III.D of the *Auction No. 39 Public Notice.*

i. Electronic Filing

64. Applicants must file their FCC Form 175 applications electronically. Applications may generally be filed at any time beginning at noon on April 24, 2001, until 6 p.m. ET on May 4, 2001. Applicants are strongly encouraged to file early and are responsible for allowing adequate time for filing their applications. Applicants may update or amend their electronic applications multiple times during the filing window until the May 4, 2001 deadline.

65. Applicants must press the ''SUBMIT Application'' button on the ''Submission'' page of the electronic form to successfully submit their FCC Forms 175. Any form that is not submitted will not be reviewed by the FCC. Information about accessing the FCC Form 175 is included in Attachment C. Technical support is available at (202) 414–1250 (voice) or (202) 414–1255 (text telephone (TTY)); the hours of service Monday through Friday, from 7 a.m. to 10 p.m. ET, Saturday, 8 a.m. to 7 p.m. ET, and Sunday, 12 noon to 6 p.m. ET. In order to provide better service to the public, *all calls to the hotline are recorded.* You can also use the Form 175 ''Support'' feature to obtain contact information.

ii. Completion of the FCC Form 175

66. Applicants should carefully review 47 CFR 1.2105, and must complete all items on the FCC Form 175. Instructions for completing the FCC Form 175 are in Attachment D of the public notice. Applicants are encouraged to begin preparing the required attachments for FCC Form 175 prior to submitting the form. Attachments C and D to the public notice provide information on the required attachments and appropriate formats.

iii. Electronic Review of FCC Form 175

67. The FCC Form 175 electronic Search feature may be used to locate and print applicants' FCC Form 175 information. Applicants may also view other applicants' completed FCC Form 175s after the filing deadline has passed and the FCC has issued a public notice explaining the status of the applications. For this reason, it is important that applicants do not include their Taxpayer Identification Numbers (TINs) on any exhibits to their FCC Form 175 applications. There is no fee for accessing this system. *See* Attachment C of the *Auction No. 39 Public Notice* for details on accessing the review system.

C. Application Processing and Minor Corrections

68. After the deadline for filing the FCC Form 175 applications has passed, the FCC will process all timely submitted applications to determine which are acceptable for filing, and subsequently will issue a public notice identifying: (i) Those applications accepted for filing (including FCC account numbers and the licenses for which they applied); (ii) those applications rejected; and (iii) those applications which have minor defects that may be corrected, and the deadline for filing such corrected applications. As described more fully in the Commission's rules, after the May 4, 2001, short-form filing deadline, applicants may make only minor corrections to their FCC Form 175 applications.

D. Upfront Payments—Due May 18, 2001

69. In order to be eligible to bid in the auction, applicants must submit an upfront payment accompanied by an FCC Remittance Advice Form (FCC Form 159). After completing the FCC Form 175, filers will have access to an electronic version of the FCC Form 159 (Revised 2/00) that can be printed and faxed to Mellon Bank in Pittsburgh, PA. All upfront payments must be received at Mellon Bank by 6 p.m. ET on May 18, 2001.

Please note that:

- All payments must be made in U.S. dollars.
- All payments must be made by wire transfer.
- Upfront payments for Auction No. 39 go to a lockbox number different from the lockboxes used in previous FCC auctions, and different from the lockbox number to be used for post-auction payments.
- Failure to deliver the upfront payment by the May 18, 2001, deadline

will result in dismissal of the application and disqualification from participation in the auction.

i. Making Auction Payments by Wire Transfer

70. Wire transfer payments must be received by 6 p.m. ET on May 18, 2001. To avoid untimely payments, applicants should discuss arrangements (including bank closing schedules) with their banker several days before they plan to make the wire transfer, and allow sufficient time for the transfer to be initiated and completed before the deadline. Applicants will need the following information:

ABA Routing Number: 043000261
Receiving Bank: Mellon Pittsburgh
BNF: FCC/AC 910–0171
OBI Field: (Skip one space between each information item)
''Auctionpay''
Taxpayer Identification No.: (same as FCC Form 159, block 12)
Payment Type Code (enter ''A39U'')
FCC Code 1 (same as FCC Form 159, block 24A: ''39'')
Payer Name (same as FCC Form 159, block 2)
Lockbox No. # 358430

Note: The BNF and Lockbox number are specific to the upfront payments for this auction; do not use BNF or Lockbox numbers from previous auctions.

71. Applicants must fax a completed FCC Form 159 (Revised 2/00) to Mellon Bank at (412) 209–6045 at least one hour before placing the order for the wire transfer (but on the same business day). On the cover sheet of the fax, write ''Wire Transfer—Auction Payment for Auction Event No. 39.'' Bidders should confirm timely receipt of their upfront payment at Mellon Bank by contacting their sending financial institution.

ii. FCC Form 159

72. A completed FCC Remittance Advice Form (FCC Form 159, Revised 2/00) must be faxed to Mellon Bank in order to accompany each upfront payment. Proper completion of FCC Form 159 (Revised 2/00) is critical to ensuring correct credit of upfront payments. Detailed instructions for completion of FCC Form 159 are included in Attachment E to the public notice. An electronic version of the FCC Form 159 is available after filing the FCC Form 175. The FCC Form 159 can be completed electronically, but must be filed with Mellon Bank via facsimile.

iii. Amount of Upfront Payment

73. In the *Auction No. 39 Comment Public Notice,* the Bureau proposed upfront payments for Auction No. 39 using the following formula:

- *VHF Public Coast:* Inland VPC Licenses: $.0075 * MHz * Pops (the result rounded up to the nearest hundred for results less than $10,000) with a minimum upfront payment of $2,500 per license.
- *LMS:*

Block A: $0.0004 * MHz * Pops (the result rounded up to the nearest hundred for results less than $10,000) with a minimum upfront payment of $1,000 per license.
Block B: $0.0005 * MHz * Pops (the result rounded up to the nearest hundred for results less than $10,000) with a minimum upfront payment of $1,000 per license.
Block C: $0.0005 * MHz * Pops (the results rounded up to the nearest hundred for results less than $10,000 and to the nearest thousand for results greater than $10,000) with a minimum upfront payment of $1,000 per license.

74. Only one commenter addressed whether the Bureau should adopt its proposed formulae for calculating upfront payments for VHF Public Coast and LMS. Havens contends that the proposed formulae for calculating upfront payments for LMS is reasonable given the shared nature, encumbrances, issues and formative stage of LMS. In addition, Havens contends that proposed upfront payments for VHF Public Coast licenses should not exceed 50 percent of the initial upfront payments in the first VHF Public Coast auction, *i.e.,* Auction No. 20. Havens contends that the markets that remain are worth less than one half the value of those sold in Auction No. 20.

75. We adopt our proposed formulae for calculating upfront payments for VHF Public Coast and LMS. Upon review of prices for licenses awarded in the previous VHF Public Coast and LMS auctions, we find that the proposed upfront payments are appropriate when compared with the final prices of awarded licenses and bids received prior to the highest bids which were subsequently withdrawn (*e.g.,* second highest bids). For more detailed information, please refer to section III.D.3 of the *Auction No. 39 Public Notice.*

iv. Applicant's Wire Transfer Information for Purposes of Refunds for Upfront Payments

76. The Commission will use wire transfers for all Auction No. 39 refunds. To ensure that refunds of upfront payments are processed in an expeditious manner, the Commission is requesting that all pertinent information as listed be supplied to the FCC. Applicants can provide the information electronically during the initial short-form filing window after the form has been submitted. Wire Transfer Instructions can also be manually faxed to the FCC, Financial Operations Center, Auctions Accounting Group, ATTN: Tim Dates or Gail Glasser, at (202) 418–2843 by May 4, 2001. The refund will be returned to the payer of record as identified on the FCC Form 159, unless otherwise indicated by such payer. For additional information, please call (202) 418–1995.

Name of Bank
ABA Number
Contact and Phone Number
Account Number to Credit
Name of Account Holder
Correspondent Bank (if applicable)
ABA Number
Account Number

(Applicants should also note that implementation of the Debt Collection Improvement Act of 1996 requires the FCC to obtain a Taxpayer Identification Number (TIN) before it can disburse refunds.)

Eligibility for refunds is discussed in Part V.E.

D. Auction Registration

77. Approximately ten days before the auction, the FCC will issue a public notice announcing all qualified bidders for the auction. Qualified bidders are those applicants whose FCC Form 175 applications have been accepted for filing and have timely submitted upfront payments sufficient to make them eligible to bid on at least one of the licenses for which they applied.

78. All qualified bidders are automatically registered for the auction. Registration materials will be distributed prior to the auction by two separate overnight mailings, each containing a portion of the confidential identification codes required to place bids. These mailings will be sent only to the contact person at the contact address listed in the FCC Form 175.

79. Applicants that do not receive both registration mailings will not be able to submit bids. Therefore, any qualified applicant that has not received both mailings by noon on Friday, June 1, 2001, should contact the Auctions Hotline at (717) 338–2888. Receipt of both registration mailings is critical to participating in the auction and each applicant is responsible for ensuring it has received all of the registration material.

80. Qualified bidders should note that lost login codes, passwords or bidder identification numbers can be replaced only by appearing *in person* at the FCC

Auction Headquarters located at 445 12th St., SW, Washington, DC 20554. Only an authorized representative or certifying official, as designated on an applicant's FCC Form 175, may appear in person with two forms of identification (one of which must be a photo identification) in order to receive replacement codes. Qualified bidders requiring replacement codes must call technical support prior to arriving at the FCC to arrange preparation of new codes.

E. Remote Electronic Bidding Software

81. Qualified bidders are allowed to bid electronically or telephonically. If choosing to bid electronically, each bidder must purchase their own copy of the remote electronic bidding software. Electronic bids will only be accepted from those applicants purchasing the software. However, the software may be copied by the applicant for use by its authorized bidders at different locations. The price of the FCC's remote bidding software is $175.00 and must be ordered by Monday, May 21, 2001. For security purposes, the software is only mailed to the contact person at the contact address listed on the FCC Form 175. Please note that auction software is tailored to a specific auction, so software from prior auctions will not work for Auction No. 39. If bidding telephonically, the telephonic bidding phone number will be supplied in each Federal Express mailing containing the confidential login codes. Qualified bidders that do not purchase the software may only bid telephonically. To indicate your bidding preference, a FCC Bidding Preference/Remote Software Order Form can be accessed when submitting the FCC Form 175. Bidders should print this form, complete it, and fax it to (717) 338–2850. A manual copy of this form is also included as Attachment F in the public notice.

F. Mock Auction

82. All qualified bidders will be eligible to participate in a mock auction on Monday, June 4, 2001. Details will be announced by public notice.

IV. Auction Event

83. The first round of bidding for Auction No. 39 will begin on Wednesday, June 6, 2001. The initial bidding schedule will be announced in a public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction.

A. Auction Structure

i. Simultaneous Multiple Round Auction

84. In the *Auction No. 39 Comment Public Notice,* we proposed to award all licenses in Auction No. 39 in a single, simultaneous multiple-round auction. We received no comment on this issue. Therefore, we conclude that it is operationally feasible and appropriate to auction the Public Coast and LMS licenses through a single, simultaneous multiple-round auction. Unless otherwise announced, bids will be accepted on all licenses in each round of the auction.

ii. Maximum Eligibility and Activity Rules

85. In the *Auction No. 39 Comment Public Notice,* we proposed that the amount of the upfront payment submitted by a bidder would determine the initial maximum eligibility (as measured in bidding units) for each bidder. We received no comments on this issue.

86. For Auction No. 39 we will adopt this proposal. The amount of the upfront payment submitted by a bidder determines the initial maximum eligibility (in bidding units) for each bidder. Note again that upfront payments are not attributed to specific licenses, but instead will be translated into bidding units to define a bidder's initial maximum eligibility. The total upfront payment defines the maximum number of bidding units on which the applicant will be permitted to bid and hold high bids.

87. In order to ensure that the auction closes within a reasonable period of time, an activity rule requires bidders to bid actively throughout the auction, rather than wait until the end before participating. Bidders are required to be active on a specific percentage of their maximum eligibility during each round of the auction.

88. A bidder's activity level in a round is the sum of the bidding units associated with licenses on which the bidder is active. A bidder is considered active on a license in the current round if it is either the high bidder at the end of the previous bidding round and does not withdraw the high bid in the current round, or if it submits an acceptable bid in the current round (*see* ''Minimum Accepted Bids'' in part IV.B.(3)). The minimum required activity level is expressed as a percentage of the bidder's maximum bidding eligibility, and increases by stage as the auction progresses. Because these procedures have proven successful in maintaining the pace of previous auctions as set forth under ''Auction Stages'' in section IV.A.(4) and ''Stage Transitions'' in section IV.A.(5) of the *Auction No. 39 Public Notice,* we adopt them for Auction No. 39.

iii. Activity Rule Waivers and Reducing Eligibility

89. In the *Auction No. 39 Comment Public Notice,* we proposed that each bidder in the auction would be provided five activity rule waivers that may be used in any round during the course of the auction. We received no comment on this issue.

90. Based upon our experience in previous auctions, we adopt our proposal that each bidder be provided five activity rule waivers that may be used in any round during the course of the auction.

iv. Auction Stages

91. In the *Auction No. 39 Comment Public Notice,* we proposed to divide the auction in two stages and employ an activity rule. We further proposed that, in each round of Stage One, a bidder desiring to maintain its current eligibility would be required to be active on licenses encompassing at least 80 percent of its current bidding eligibility. In each round of Stage Two, a bidder desiring to maintain its current eligibility would be required to be active on at least 98 percent of its current bidding eligibility. We received no comment on this issue.

92. We conclude that the auction will be composed of two stages, which are each defined by an increasing activity rule. We will adopt our proposals for the activity rules. Listed are the activity levels for each stage of the auction. The FCC reserves the discretion to further alter the activity percentages before and/or during the auction.

Stage One: In each round of Stage One, a bidder desiring to maintain its current eligibility will be required to be active on licenses that represent at least 80 percent of its current bidding eligibility in each bidding round. Failure to maintain the required activity level will result in a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). During Stage One, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by five-fourths (5/4).

Stage Two: In each round of Stage Two, a bidder desiring to maintain its current eligibility is required to be active on 98 percent of its current bidding eligibility. Failure to maintain the required activity level will result in

a reduction in the bidder's bidding eligibility in the next round of bidding (unless an activity rule waiver is used). In this final stage, reduced eligibility for the next round will be calculated by multiplying the sum of bidding units of the bidder's standing high bids and valid bids during the current round by ten-ninths (50/49).

Caution: Since activity requirements increase in each auction stage, bidders must carefully check their current activity during the bidding period of the first round following a stage transition. This is especially critical for bidders that have standing high bids and do not plan to submit new bids. In past auctions, some bidders have inadvertently lost bidding eligibility or used an activity rule waiver because they did not re-verify their activity status at stage transitions. Bidders may check their activity against the required minimum activity level by using the bidding software's bidding module.

Because the foregoing procedures have proven successful in maintaining proper pace in previous auctions, we adopt them for Auction No. 39.

v. Stage Transitions

93. In the *Auction No. 39 Comment Public Notice,* we proposed that the auction would generally advance to the next stage (Stage Two) when the auction activity level, as measured by the percentage of bidding units receiving new high bids, is approximately 30 percent or below for three consecutive rounds of bidding. However, we further proposed that the Bureau would retain the discretion to change stages unilaterally by announcement during the auction. We received no comments on this subject.

94. We adopt our proposal. Thus, the auction will start in Stage One. Under the FCC's general guidelines, the auction will start in Stage One and it will advance to the next stage (Stage Two) when, in each of three consecutive rounds of bidding, the high bid has increased on approximately 30 percent or less of the licenses being auctioned (as measured in bidding units). However, the Bureau will retain the discretion to regulate the pace of the auction by announcement. This determination will be based on a variety of measures of bidder activity, including, but not limited to, the auction activity level, the percentages of licenses (as measured in bidding units) on which there are new bids, the number of new bids, and the percentage increase in revenue.

vi. Auction Stopping Rules

95. For Auction No. 39, the Bureau proposed to employ a simultaneous stopping rule. Under this rule, bidding will remain open on all licenses until bidding stops on every license. The auction will close for all licenses when one round passes during which no bidder submits a new acceptable bid on any license, applies a proactive waiver, or withdraws a previous high bid. After the first such round, bidding closes simultaneously on all licenses.

96. The Bureau also proposed a modified version of the simultaneous stopping rule. This modified version will close the auction for all licenses after the first round in which no bidder submits a proactive waiver, a withdrawal, or a new bid on any license on which it is not the standing high bidder. Thus, absent any other bidding activity, a bidder placing a new bid on a license for which it is the standing high bidder will not keep the auction open under this modified stopping rule.

97. The Bureau further proposed retaining the discretion to keep an auction open even if no new acceptable bids or proactive waivers are submitted and no previous high bids are withdrawn in a round. In this event, the effect will be the same as if a bidder had submitted a proactive waiver. Thus, the activity rule will apply as usual, and a bidder with insufficient activity will either lose bidding eligibility or use an activity rule waiver (if it has any left).

98. In addition, we proposed that the Bureau reserve the right to declare that the auction will end after a specified number of additional rounds (''special stopping rule''). If the Bureau invokes this special stopping rule, it will accept bids in the final round(s) only for licenses on which the high bid increased in at least one of the preceding specified number of rounds. We proposed to exercise this option only in circumstances such as where the auction is proceeding very slowly, where there is minimal overall bidding activity or where it appears likely that the auction will not close within a reasonable period of time. Before exercising this option, the Bureau is likely to attempt to increase the pace of the auction by, for example, moving the auction into the next stage (where bidders will be required to maintain a higher level of bidding activity), increasing the number of bidding rounds per day, and/or adjusting the amount of the minimum bid increments for the licenses. We received no comment on this issue.

99. Thus, we adopt all of the proposals concerning the auction stopping rules. Auction No. 39 will begin under the simultaneous stopping rule, and the Bureau will retain the discretion to invoke the other versions of the stopping rule. We believe that these stopping rules are most appropriate for Auction No. 39.

vii. Auction Delay, Suspension, or Cancellation

100. In the *Auction No. 39 Comment Public Notice,* we proposed that, by public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding. We received no comment on this issue. Because this approach has proven effective in resolving exigent circumstances in previous auctions, we will adopt our proposed auction cancellation rules. By public notice or by announcement during the auction, the Bureau may delay, suspend, or cancel the auction in the event of natural disaster, technical obstacle, evidence of an auction security breach, unlawful bidding activity, administrative or weather necessity, or for any other reason that affects the fair and competitive conduct of competitive bidding.

B. Bidding Procedures

i. Round Structure

101. The initial bidding schedule will be announced in the public notice listing the qualified bidders, which is released approximately 10 days before the start of the auction. This public notice will be included in the registration mailings. The round structure for each bidding round contains a single bidding round followed by the release of the round results. Multiple bidding rounds may be conducted in a given day. Details regarding round results formats and locations will also be included in the public notice.

102. The FCC has discretion to change the bidding schedule in order to foster an auction pace that reasonably balances speed with the bidders' need to study round results and adjust their bidding strategies. The FCC may increase or decrease the amount of time for the bidding rounds and review periods, or the number of rounds per day, depending upon the bidding activity level and other factors.

ii. Reserve Price or Minimum Opening Bid

103. In the *Auction No. 39 Comment Public Notice,* the Bureau proposed to establish minimum opening bids for Auction No. 39 and to retain discretion

to lower the minimum opening bids. Specifically, for Auction No. 39, the Bureau proposed the following formula for minimum opening bids:

• *VHF Public Coast:* Inland VPC Licenses: $.011 * MHz * Pops (the result rounded up to the nearest hundred for results less than $10,000) with a minimum of no less than $2,500 per license.

• *LMS:* Block A: $0.0004 * MHz * Pops (the result rounded up to the nearest hundred for results less than $10,000) with a minimum of no less than $1,000 per license.

Block B: $0.0005 * MHz * Pops (the result rounded up to the nearest hundred for results less than $10,000) with a minimum of no less than $1,000 per license.

Block C: $0.0005 * MHz * Pops (the result rounded up to the nearest hundred for results less than $10,000 and to the nearest thousand for results greater than $10,000) with a minimum of no less than $1,000 per license.

104. In the alternative, the Bureau sought comment on whether, consistent with the Balanced Budget Act, the public interest would be served by having no minimum opening bid or reserve price.

105. Commenters were divided on whether the Bureau should adopt its proposed formulae for calculating minimum opening bids for LMS. Havens contends that the proposed formulae for calculating minimum opening bids for LMS is reasonable given the shared nature, encumbrances, issues and formative stage of LMS. Progeny contends that the Commission should lower its minimum opening bids. Progeny contends that, since this auction is a second auction and contains many smaller or rural markets that would be of little interest to new LMS entrants, the Commission should therefore err on the side of underestimating demand for this spectrum.

106. One commenter addressed the proposed formulae for calculating minimum opening bids for VHF Public Coast. Havens contends that the proposed formulae for calculating minimum opening bids for VHF Public Coast should be reduced such that they do not exceed fifty percent of the minimum opening bids in the first auction for VHF Public Coast licenses, *i.e.,* Auction No. 20. Havens contends that the markets that remain are worth less than half the price and contain smaller and less densely populated markets than those markets offered in Auction No. 20.

107. We will adopt minimum opening bids for Auction No. 39, which are reducible at the discretion of the Bureau. We reiterate that upon review of prices for licenses awarded in the previous VHF Public Coast and LMS auctions, we find that the proposed minimum opening bids are appropriate when compared with the final prices of awarded licenses and bids received prior to the highest bids which were subsequently withdrawn (*e.g.,* second highest bids). Congress has enacted a presumption that unless the Commission determines otherwise, minimum opening bids or reserve prices are in the public interest.

108. As a final safeguard against unduly high pricing, minimum opening bids are reducible at the discretion of the Bureau. This will allow the Bureau flexibility to adjust the minimum opening bids if circumstances warrant. We emphasize, however, that such discretion will be exercised, if at all, sparingly and early in the auction, *i.e.,* before bidders lose all waivers and begin to lose substantial eligibility. During the course of the auction, the Bureau will not entertain any bidder requests to reduce the minimum opening bid on specific licenses.

iii. Bid Increments and Minimum Accepted Bids

109. In the *Auction No. 39 Comment Public Notice,* we proposed to use a smoothing methodology to calculate minimum bid increments. We further proposed to retain the discretion to change the minimum bid increment if circumstances so dictate. We received no comment on this issue.

110. We will adopt our proposal for a smoothing formula. The smoothing methodology is designed to vary the increment for a given license between a maximum and minimum value based on the bidding activity on that license. This methodology allows the increments to be tailored to the activity level of a license, decreasing the time it takes for active licenses to reach their final value. The formula used to calculate this increment is included as Attachment G of the *Auction No. 39 Public Notice.*

111. We adopt our proposal of initially setting the weighing factor at 0.5, the minimum percentage increment at 0.1 (10 percent of the license value), and the maximum at 0.2 (20 percent of the license value). The Bureau retains the discretion to change the minimum bid increment if it determines that circumstance so dictate. The Bureau will do so by announcement in the Automated Auction System. Under its discretion, the Bureau may also implement an absolute dollar floor for the bid increment to further facilitate a timely close of the auction. The Bureau may also use its discretion to adjust the minimum bid increment without prior notice if circumstances warrant.

iv. High Bids

112. Each bid will be date- and time-stamped when it is entered into the FCC computer system. In the event of tied high bids (identical gross bid amounts) for a license during a round, the earliest of the tied bids will be the standing high bid at the end of the round. The bidding software allows bidders to make multiple submissions in a round. As each bid is individually date- and time-stamped according to when it was submitted, bids submitted by a bidder earlier in a round will have an earlier date and time stamp than bids submitted later in a round.

v. Bidding

113. During a bidding round, a bidder may submit bids for as many licenses as it wishes (subject to its eligibility), withdraw high bids from previous bidding rounds, remove bids placed in the same bidding round, or permanently reduce eligibility. Bidders also have the option of making multiple submissions and withdrawals in each bidding round. If a bidder submits multiple bids for a single license in the same round, the system takes the last bid entered as that bidder's bid for the round, and the date- and time-stamp of that bid reflects the latest time the bid was submitted.

114. Please note that all bidding will take place remotely either through the automated bidding software or by telephonic bidding. (Telephonic bid assistants are required to use a script when entering bids placed by telephone. Telephonic bidders are therefore reminded to allow sufficient time to bid by placing their calls well in advance of the close of a round. Normally, four to five minutes are necessary to complete a bid submission.) There will be no on-site bidding during Auction No. 39.

115. A bidder's ability to bid on specific licenses in the first round of the auction is determined by three factors: (i) the licenses applied for on FCC Form 175, (ii) eligibility restrictions on those licenses, and (iii) the upfront payment amount deposited. The bid submission screens will be tailored for each bidder to include only those licenses for which the bidder applied on its FCC Form 175. A bidder also has the option to further tailor its bid submission screens to call up specified groups of licenses.

116. The bidding software requires each bidder to login to the FCC auction system during the bidding round using the FCC account number, bidder identification number, and the confidential security codes provided in

the registration materials. Bidders are strongly encouraged to download and print bid confirmations *after* they submit their bids.

117. The bid entry screen of the Automated Auction System software for Auction No. 39 allows bidders to place multiple increment bids. Specifically, high bids may be increased from one to nine bid increments. A single bid increment is defined as the difference between the standing high bid and the minimum acceptable bid for a license. The bidding software will display the bid increment for each license.

118. To place a bid on a license, the bidder must increase the standing high bid by one to nine times the bid increment. This is done by entering a whole number between 1 and 9 in the bid increment multiplier (Bid Mult) field in the software. This value will determine the amount of the bid (Amount Bid) by multiplying the bid increment multiplier by the bid increment and adding the result to the high bid amount according to the following formula: Amount Bid = High Bid + (Bid Mult * Bid Increment).

119. Thus, bidders may place a bid that exceeds the standing high bid by between one and nine times the bid increment. For example, to bid the minimum acceptable bid, which is equal to one bid increment, a bidder will enter ''1'' in the bid increment multiplier column and press submit.

120. For any license on which the FCC is designated as the high bidder (*i.e.,* a license that has not yet received a bid in the auction or where the high bid was withdrawn and a new bid has not yet been placed), bidders will be limited to bidding only the minimum acceptable bid. In both of these cases no increment exists for the licenses, and bidders should enter ''1'' in the Bid Mult field. Note that in this case, any whole number between 1 and 9 entered in the multiplier column will result in a bid value at the minimum acceptable bid amount. Finally, bidders are cautioned in entering numbers in the Bid Mult field because, as explained in the following section, a high bidder that withdraws its standing high bid from a previous round, even if mistakenly or erroneously made, is subject to bid withdrawal payments.

vi. Bid Removal and Bid Withdrawal

121. In the *Auction No. 39 Comment Public Notice,* we proposed bid removal and bid withdrawal rules. With respect to bid withdrawals, we proposed limiting each bidder to withdrawals in no more than two rounds during the course of the auction. The two rounds in which withdrawals are utilized, we proposed, would be at the bidder's discretion.

122. The Bureau will limit the number of rounds in which bidders may place withdrawals to two rounds. These rounds will be at the bidder's discretion and there will be no limit on the number of bids that may be withdrawn in either of these rounds. Withdrawals during the auction will still be subject to the bid withdrawal payments specified in 47 CFR 1.2104(g). Bidders should note that abuse of the Commission's bid withdrawal procedures could result in the denial of the ability to bid on a market. If a high bid is withdrawn, the license will be offered in the next round at the second highest bid price, which may be less than, or equal to, in the case of tie bids, the amount of the withdrawn bid, without any bid increment. The Commission will serve as a ''place holder'' on the license until a new acceptable bid is submitted on that license.

123. *Procedures.* Before the close of a bidding round, a bidder has the option of removing any bids placed in that round. By using the ''remove bid'' function in the software, a bidder may effectively ''unsubmit'' any bid placed within that round. A bidder removing a bid placed in the same round is not subject to withdrawal payments. Removing a bid will affect a bidder's activity for the round in which it is removed, *i.e.,* a bid that is subsequently removed does not count toward the bidder's activity requirement. This procedure, about which we received no comments, will enhance bidder flexibility during the auction. Therefore, we will adopt these procedures for Auction No. 39.

124. Once a round closes, a bidder may no longer remove a bid. However, in later rounds, a bidder may withdraw standing high bids from previous rounds using the ''withdraw bid'' function (assuming that the bidder has not exhausted its withdrawal allowance). A high bidder that withdraws its standing high bid from a previous round during the auction is subject to the bid withdrawal payments specified in 47 CFR 1.2104(g).

125. *Calculation.* Generally, the Commission imposes payments on bidders that withdraw high bids during the course of an auction. If a bidder withdraws its bid and there is no higher bid in the same or subsequent auction(s), the bidder that withdrew its bid is responsible for the difference between its withdrawn bid and the net high bid in the same or subsequent auction(s). In the case of multiple bid withdrawals on a single license, within the same or subsequent auctions(s), the payment for each bid withdrawal will be calculated based on the sequence of bid withdrawals and the amounts withdrawn. No withdrawal payment will be assessed for a withdrawn bid if either the subsequent winning bid or any of the intervening subsequent withdrawn bids, in either the same or subsequent auctions(s), equals or exceeds that withdrawn bid. Thus, a bidder that withdraws a bid will not be responsible for any withdrawal payments if there is a subsequent higher bid in the same or subsequent auction(s). This policy allows bidder to most efficiently allocate their resources as well as to evaluate their bidding strategies and business plans during an auction while, at the same time, maintaining the integrity of the auction process. The Bureau retains the discretion to scrutinize multiple bid withdrawals on a single license for evidence of anti-competitive strategic behavior and take appropriate action when deemed necessary.

126. In the *Part 1 Fifth Report and Order,* the Commission modified § 1.2104(g)(1) of the rules regarding assessments of interim bid withdrawal payments. As amended, § 1.2104(g)(1) provides that in instances in which bids have been withdrawn on a license that is not won in the same auction, the Commission will assess an interim withdrawal payment equal to 3 percent of the amount of the bid withdrawals. The 3 percent interim payment will be applied toward any final bid withdrawal payment that will be assessed at the close of the subsequent auction of the license. Assessing an interim bid withdrawal payment ensures that the Commission receives a minimal withdrawal payment pending assessment of any final withdrawal payment. The *Part 1 Fifth Report and Order* provides specific examples showing application of the bid withdrawal payment rule.

vii. Round Results

127. Bids placed during a round will not be published until the conclusion of that bidding period. After a round closes, the Commission will compile reports of all bids placed, bids withdrawn, current high bids, new minimum accepted bids, and bidder eligibility status (bidding eligibility and activity rule waivers), and post the reports for public access. Reports reflecting bidders' identities and bidder identification numbers for Auction No. 39 will be available before and during the auction. Thus, bidders will know in advance of this auction the identities of

the bidders against which they are bidding.

viii. Auction Announcements

128. The FCC will use auction announcements to announce items such as schedule changes and stage transitions. All FCC auction announcements will be available on the FCC remote electronic bidding system, as well as on the Internet.

ix. Maintaining the Accuracy of FCC Form 175 Information

129. As noted in Part II.I., after the short-form filing deadline, applicants may make only minor changes to their FCC Form 175 applications. For example, permissible minor changes include deletion and addition of authorized bidders (to a maximum of three) and certain revision of exhibits. Filers must make these changes on-line, and submit a letter summarizing the changes to: Louis Sigalos, Deputy Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–A668, Washington, DC 20554.

130. A separate copy of the letter should be mailed to Kenneth Burnley, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau, Federal Communications Commission, 445 12th Street, SW., Room 4–B524, Washington, DC 20554. Questions about other changes should be directed to Kenneth Burnley at (202) 418–0660.

V. Post-Auction Procedures

A. Down Payments and Withdrawn Bid Payments

131. After bidding has ended, the Commission will issue a public notice declaring the auction closed, identifying the winning bids and bidders for each license, and listing withdrawn bid payments due.

132. Within ten business days after release of the auction closing notice, each winning bidder must submit sufficient funds (in addition to its upfront payment) to bring its total amount of money on deposit with the Government to 20 percent of its net winning bids (actual bids less any applicable small and very small business bidding credits). *See* 47 CFR 1.2107(b). In addition, by the same deadline all bidders must pay any withdrawn bid amounts due under 47 CFR 1.2104(g), as discussed in ''Bid Removal and Bid Withdrawal,'' section IV.B(6) of the *Auction No. 39 Comment Public Notice.*

B. Long-Form Application

133. Within ten business days after release of the auction closing notice, winning bidders must electronically submit a properly completed long-form application and required exhibits for each license won through Auction No. 39. Winning bidders that are small or very small businesses must include an exhibit demonstrating their eligibility for small and very small business bidding credits. *See* 47 CFR 1.2112(b). Further filing instructions will be provided to auction winners at the close of the auction.

C. Tribal Land Bidding Credit

134. A winning bidder that intends to use its license(s) to deploy facilities and provide services to federally-recognized tribal lands that are unserved by any telecommunications carrier or that have a telephone service penetration rate equal to or below 70 percent is eligible to receive a tribal land bidding credit as set forth in 47 CFR 1.2107 and 1.2110(e). A tribal land bidding credit is in addition to, and separate from, any other bidding credit for which a winning bidder may qualify.

135. Unlike other bidding credits that are requested prior to the auction, a winning bidder applies for the tribal land bidding credit *after* winning the auction when it files its long-form application (FCC Form 601). When filing the long-form application, the winning bidder will be required to advise the Commission whether it intends to seek a tribal land bidding credit, for each market won in the auction, by checking the designated box(es). After stating its intent to seek a tribal land bidding credit, the applicant will have 90 days from the close of the long-form filing window to amend its application to select the specific tribal lands to be served and provide the required tribal government certifications. Licensees receiving a tribal land bidding credit are subject to specific performance criteria as set forth in 47 CFR 1.2110(e).

136. For additional information on the tribal land bidding credit, including how the amount of the credit is calculated, *see* Extending Wireless Telecommunications Services to Tribal Lands, *Report and Order and Further Notice of Proposed Rule Making,* FCC 00–209 released June 30, 2000; 65 FR 47349 (August 2, 2000), Public Notice DA 00–2219, released September 28, 2000, entitled Wireless Telecommunications Bureau Announces Availability of Bidding Credits For Providing Wireless Services to Qualifying Tribal Lands, 15 FCC Rcd 18354; Public Notice DA 00–2836, released December 14, 2000, entitled Wireless Telecommunications Bureau Releases Additional Information Regarding the Procedures for Obtaining a Tribal Lands Bidding Credit and List of Tribal Lands, 15 FCC Rcd 24838; Public Notice DA 01–613, released March 8, 2001, entitled Wireless Telecommunications Bureau Announces Enhancements to the Universal Licensing System to Help Winning Bidders of FCC Auctions File for Tribal Land Bidding Credits and *http://www.fcc.gov/wtb/auctions* and click on *Information on Tribal Land Bidding Credits.*

D. Default and Disqualification

137. Any high bidder that defaults or is disqualified after the close of the auction (*i.e.,* fails to remit the required down payment within the prescribed period of time, fails to submit a timely long-form application, fails to make full payment, or is otherwise disqualified) will be subject to the payments described in 47 CFR 1.2104(g)(2). In such event the Commission may re-auction the license or offer it to the next highest bidder (in descending order) at their final bid. *See* 47 CFR 1.2109(b) and (c). In addition, if a default or disqualification involves gross misconduct, misrepresentation, or bad faith by an applicant, the Commission may declare the applicant and its principals ineligible to bid in future auctions, and may take any other action that it deems necessary, including institution of proceedings to revoke any existing licenses held by the applicant. *See* 47 CFR 1.2109(d).

E. Refund of Remaining Upfront Payment Balance

138. All applicants that submitted upfront payments but were not winning bidders for a license in Auction No. 39 may be entitled to a refund of their remaining upfront payment balance after the conclusion of the auction. The refund will be returned to the payer of record as identified on the FCC Form 159, unless otherwise indicated by such payer. No refund will be made unless there are excess funds on deposit from that applicant after any applicable bid withdrawal payments have been paid.

139. Qualified bidders that have exhausted all of their activity rule waivers, have no remaining bidding eligibility, and have not withdrawn a high bid during the auction must submit a written refund request. If you have completed the refund instructions electronically, then only a written request for the refund is necessary. If not, the request must also include wire

transfer instructions and a Taxpayer Identification Number (TIN). Send refund request to: Federal Communications Commission, Financial Operations Center, Auctions Accounting Group, Shirley Hanberry, 445 12th Street, SW, Room 1–A824, Washington, DC 20554.

140. Bidders are encouraged to file their refund information electronically using the refund information portion of the FCC Form 175, but bidders can also fax their information to the Auctions Accounting Group at (202) 418–2843. Once the information has been approved, a refund will be sent to the party identified in the refund information.

Note: Refund processing generally takes up to two weeks to complete. Bidders with questions about refunds should contact Tim Dates or Gail Glasser at (202) 418–1995.

Federal Communications Commission.

Magaret Wiener,

Chief, Auctions and Industry Analysis Division, Wireless Telecommunications Bureau.

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FEDERAL EMERGENCY MANAGEMENT AGENCY

Agency Information Collection Activities: Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Federal Emergency Management Agency, 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 continuing information collection. In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3506(c)(2)(A)), this notice seeks comments concerning the National Fire Academy Executive Fire Officer Program Application Form.

SUPPLEMENTARY INFORMATION: Public Law 93–498, Fire Prevention and Control Act of 1974, as amended (The Act), created the National Fire Academy (NFA) to advance the professional development of fire service personnel and allied professionals. The Act provides the conduct of courses and programs of training and education, to train fire services personnel with skills and knowledge that may be useful to advance their ability to prevent and control fires, including tactics and command of firefighting for fire chiefs, commanders, and administration and management of fire services.

Collection of Information

Title: National Fire Academy Executive Fire Officer Program Application For Admission.

Type of Information Collection: Extension of a currently approved collection.

OMB Number: 3067–0194.

Form Number(s): FEMA Form 95–22, National Fire Academy Executive Officer Program Application for Admission.

Abstract: The National Fire Academy Executive Fire Officer Program Application for Admission (FEMA Form 95–22) is used by respondents who are senior level (executive) fire officers to apply into the National Fire Academy's Executive Fire Officer Program. FEMA uses the application form for effective screening/selection of applicants/students.

Affected Public: State, Local or Tribal Government; Individual or Households.

FEMA Form(s): 95–22, National Fire Academy Executive Officer Program Application for Admission.

Number of Respondents: 300.

Frequency of Response: On Occasion.

Hours Per Response: 1 hour.

Estimated Total Annual Burden Hours: 300 hours.

Estimated Cost: $7,311. total cost to respondents. $1,686. total cost to the government.

Comments: Written comments are solicited to: (a) Evaluate whether the proposed data collection is necessary for the proper performance of the agency, including whether the information shall have practical utility; (b) 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; (c) enhance the quality, utility, and clarity of the information to be collected; and (d) minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses. Comments should be received within 60 days of the date of this notice.

ADDRESSES: Interested persons should submit written comments to Muriel B. Anderson, Chief, Records Management Branch, Program Services Division, Operations Support Directorate, Federal Emergency Management Agency, 500 C Street, SW, Room 316, Washington, DC 20472.

FOR FURTHER INFORMATION CONTACT: Contact Ms. Anderson at telephone number (202) 646–2625. Facsimile number (202) 646–3524 or by email *muriel.anderson@fema.gov* for copies of the proposed collection of information.

Dated: April 12, 2001.

Reginald Trujillo,

Director, Program Services Division, Operations Support Directorate.

[FR Doc. 01–9841 Filed 4–19–01; 8:45 am]

BILLING CODE 6718–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY:

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for Comment on Information Collection Proposal

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before June 19, 2001.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or mailed electronically to regs.comments@federalreserve.gov. Comments addressed to Ms. Johnson may be delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mailroom and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Mary M. West, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Capria Mitchell (202) 872–4984, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Discontinuation of the Following Report

Report title: Annual Survey of Eligible Bankers Acceptances.

Agency form number: FR 2006.

OMB control number: 7100–0055.

Frequency: Annual.

Reporters: U.S. commercial banks, U.S. branches and agencies of foreign banks, and Edge and agreement corporations with significant issuance of U.S dollar-denominated acceptances.

Annual reporting hours: 27 hours.

Estimated average hours per response: 0.65 hours.

Number of respondents: 41.

Small businesses are not affected.

General description of report: The Board's Legal Division has previously determined that the FR 2006 is authorized by law (12 U.S.C. 248(a), 625, and 3105(b)) and is voluntary. Individual respondent data are regarded as confidential under the Freedom of Information Act (5 U.S.C. 522(b)(4)).

Abstract: This voluntary survey provides detailed information on eligible U.S. dollar acceptances that are payable in the United States. The data have been used at the Board in constructing the monetary and credit aggregates, in constructing the domestic nonfinancial debt aggregate monitored by the Federal Open Market Committee (FOMC), and in calculating short- and intermediate-term business credit.

Current actions: The Federal Reserve proposes to discontinue the FR 2006 report. The usefulness of the report has declined in recent years due to three factors: (1) In December 1998 the Board stopped calculating L, the monetary aggregate that contained bankers acceptances (BAs); (2) Board staff has replaced the FR 2006 with the Consolidated Reports of Condition and Income as the source of BAs for calculating the debt aggregate; and (3) The relatively small size of the BA market at present has called into question the need for this survey. As a result, Board staff feels that estimates of BAs derived from the Call Report can be used in calculating short- and intermediate-term business credit.

Board of Governors of the Federal Reserve System, April 16, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–9798 Filed 4–19–01; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Board of Governors of the Federal Reserve System.

SUMMARY:

Background

On June 15, 1984, the Office of Management and Budget (OMB) delegated to the Board of Governors of the Federal Reserve System (Board) its approval authority under the Paperwork Reduction Act, as per 5 CFR 1320.16, to approve of and assign OMB control numbers to collection of information requests and requirements conducted or sponsored by the Board under conditions set forth in 5 CFR 1320 Appendix A.1. Board-approved collections of information are incorporated into the official OMB inventory of currently approved collections of information. Copies of the OMB 83–Is and supporting statements and approved collection of information instruments are placed into OMB's public docket files. The Federal Reserve may not conduct or sponsor, and the respondent is not required to respond to, an information collection that has been extended, revised, or implemented on or after October 1, 1995, unless it displays a currently valid OMB control number.

Request for Comment on Information Collection Proposal

The following information collections, which are being handled under this delegated authority, have received initial Board approval and are hereby published for comment. At the end of the comment period, the proposed information collections, along with an analysis of comments and recommendations received, will be submitted to the Board for final approval under OMB delegated authority. Comments are invited on the following:

a. Whether the proposed collection of information is necessary for the proper performance of the Federal Reserve's functions; including whether the information has practical utility;

b. The accuracy of the Federal Reserve's estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

c. Ways to enhance the quality, utility, and clarity of the information to be collected; and

d. Ways to minimize the burden of information collection on respondents,

including through the use of automated collection techniques or other forms of information technology.

DATES: Comments must be submitted on or before June 19, 2001.

ADDRESSES: Comments, which should refer to the OMB control number or agency form number, should be addressed to Jennifer J. Johnson, Secretary, Board of Governors of the Federal Reserve System, 20th and C Streets, NW., Washington, DC 20551, or mailed electronically to regs.comments@federalreserve.gov. Comments addressed to Ms. Johnson may be delivered to the Board's mailroom between 8:45 a.m. and 5:15 p.m., and to the security control room outside of those hours. Both the mailroom and the security control room are accessible from the courtyard entrance on 20th Street between Constitution Avenue and C Street, NW. Comments received may be inspected in room M–P–500 between 9 a.m. and 5 p.m., except as provided in section 261.14 of the Board's Rules Regarding Availability of Information, 12 CFR 261.14(a).

A copy of the comments may also be submitted to the OMB desk officer for the Board: Alexander T. Hunt, Office of Information and Regulatory Affairs, Office of Management and Budget, New Executive Office Building, Room 3208, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: A copy of the proposed form and instructions, the Paperwork Reduction Act Submission (OMB 83–I), supporting statement, and other documents that will be placed into OMB's public docket files once approved may be requested from the agency clearance officer, whose name appears below. Mary M. West, Federal Reserve Board Clearance Officer (202–452–3829), Division of Research and Statistics, Board of Governors of the Federal Reserve System, Washington, DC 20551. Telecommunications Device for the Deaf (TDD) users may contact Capria Mitchell (202) 872–4984, Board of Governors of the Federal Reserve System, Washington, DC 20551.

Proposal To Approve Under OMB Delegated Authority the Extension for Three Years, With Revision, of the Following Reports

1. *Report title:* The Condition Reports for Foreign Subsidiaries of U.S. Banking Organizations.

Agency form number: FR 2314 a, b, and c.

OMB control number: 7100–0073.

Frequency: Quarterly and annually.

Reporters: Foreign subsidiaries of U.S. state member banks, bank holding companies, and Edge or agreement corporations.

Annual reporting hours: 8,222 hours.

Estimated average hours per response: 1.5 to 10.5 hours.

Number of respondents: 1,665.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 324, 602, 625, and 1844(c)) data are exempt from disclosure pursuant to Sections (b)(4) and (b)(8) of the Freedom of Information Act (5 U.S.C. 552(b)(4) and (8)).

Abstract: The FR 2314 reports are mandatory and most are collected annually as of December 31 from foreign subsidiaries of U.S. state member banks, bank holding companies, and Edge or agreement corporations. For subsidiaries with significant asset size or volume of off-balance-sheet activity the FR 2314a is collected quarterly instead of annually. The information collected in these reports is essentially the equivalent to the information reported on the Consolidated Reports of Condition and Income that commercial banks file. The FR 2314 is a set of three graduated reports. The FR 2314a collects balance sheet information with accompanying memorandum items and twelve supporting schedules. The FR 2314b collects balance sheet information and only two supporting schedules. The FR 2314c is a one-page report that collects information on total assets, equity capital, net income, and off-balance-sheet items.

Current Actions: The Federal Reserve proposes to make applicable revisions to the FR 2314 as of June 30, 2001, consistent to the changes, eliminations and reductions in detail to the Consolidated Reports of Condition and Income (Call Report) (new FFIEC 031; OMB No. 7100–0036) effective March 31, 2001.

2. *Report title:* The Consolidated Report of Condition and Income for Edge and Agreement Corporations.

Agency form number: FR 2886b.

OMB control number: 7100–0086.

Frequency: Quarterly.

Reporters: Banking Edge corporations and investment (nonbanking) Edge corporations.

Annual reporting hours: 3,566 hours.

Estimated average hours per response: 14.7 hours, banking corporations, 8.5 hours, investment corporations.

Number of respondents: 30 banking corporations; 53 investment corporations.

Small businesses are not affected.

General description of report: This information collection is mandatory (12 U.S.C. 602 and 625) and is given confidential treatment (5 U.S.C. 552(b)(4)).

Abstract: This report is filed quarterly by banking Edge corporations and investment (nonbanking) Edge corporations. This report comprises a balance sheet, income statement, and ten supporting schedules, and it parallels the Consolidated Reports of Condition and Income that commercial banks file. Except for examination reports, it provides the only financial data available for these corporations. The Federal Reserve uses the data collected on the FR 2886b to supervise Edge corporations, identify present and potential problems, and monitor and develop a better understanding of activities within the industry. Most Edge corporations are wholly owned by U.S. banks and are consolidated into the financial statements of their parent organizations.

Current Actions: The Federal Reserve proposes to make applicable revisions to the FR 2886b as of June 30, 2001, consistent to the changes, eliminations and reductions in detail to the Reports of Condition and Income (Call Report) (new FFIEC 031; OMB No. 7100–0036) effective March 31, 2001.

Request for specific comment on the following: The Federal Reserve proposes to eliminate the confidential treatment for the following portions of this report: for respondents engaged in banking, Schedule G—Income and Expenses, Schedule H—Changes in Capital and Reserve Accounts, and items 1, 4 and memorandum item 1 of Schedule F—Past Due and Nonaccrual Loans, Leases, and Other Assets, for items past due 30 to 89 days, total past due and nonaccrual, and restructured; for respondents not engaged in banking, Schedule RC—Balance Sheet, Schedule G—Income and Expenses, Schedule H—Changes in Capital and Reserve Accounts, items 1, 4 and memorandum item 1 of Schedule F—Past Due and Nonaccrual Loans, Leases, and Other Assets, for items past due 30 to 89 days, total past due and nonaccrual, and restructured, and Schedule K—Off-Balance-Sheet Items, beginning with amounts reported as of June 30, 2001. Thus the Federal Reserve proposes that for banking Edge corporations, only information collected on Schedule E—Claims on and Liabilities to Related Organizations and Schedule L—Branch Schedule of Selected Items, Non-Consolidated, would continue to be regarded as confidential. For respondents not engaged in banking, only information collected on Schedule E would continue to be regarded as confidential.

An important public policy issue for the Federal Reserve has been how to use market discipline to complement

supervisory resources. Market discipline relies on market participants having information about the risks and financial condition of banking-related organizations. Disclosure that increases transparency should lead to more accurate market assessments of risk and value. This, in turn, should result in more effective market discipline on respondents.

The proposed disclosure of information previously held as confidential is consistent with the existing or proposed treatment afforded to similar information collected on the commercial bank Call Report. Retaining the confidentiality status for Schedule E and Schedule L is consistent to the existing treatment afforded to similar information collected on the Report of Assets and Liabilities of U.S. Branches and Agencies of Foreign Banks (FFIEC 002), and the Foreign Branch Report of Condition (FFIEC 030).

Board of Governors of the Federal Reserve System, April 16, 2001.

Jennifer J. Johnson,

Secretary of the Board.

[FR Doc. 01–9799 Filed 4–19–01; 8:45 am]

BILLING CODE 6210–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Agency Information Collection Activities: Submission for OMB Review; Comment Request

The Department of Health and Human Services, Office of the Secretary publishes a list of information collections it has submitted to the Office of Management and Budget (OMB) for clearance in compliance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35) and 5 CFR 1320.5. The following are those information collections recently submitted to OMB.

1. *Research Misconduct: An Inquiry into Etiology and Stigma*—NEW—The Office of Research Integrity (ORI) in the Public Health Service is responsible for developing strategies to prevent research misconduct and improve research integrity. The purpose of the proposed survey is to study research misconduct. The survey will contribute to a better understanding of scientific misconduct, its causes, it effects on the careers of those found guilty of such misconduct and will possibly identify preventative and control measures. Respondents: Individuals; Number of Respondents: 30; Average Burden per Response: 2 hours; Total Burden: 60 hours.

OMB Desk Officer: Allison Herron Eydt.

Copies of the information collection packages listed above can be obtained by calling the OS Reports Clearance Officer on (202) 690–6207. Written comments and recommendations for the proposed information collection should be sent directly to the OMB desk officer designated above at the following address: Human Resources and Housing Branch, Office of Management and Budget, New Executive Office Building, Room 10235, 725 17th Street, NW., Washington, DC 20503.

Comments may also be sent to Cynthia Agens Bauer, OS Reports Clearance Officer, Room 503H, Humphrey Building, 200 Independence Avenue SW., Washington, DC 20201. Written comments should be received within 30 days of this notice.

Dated: April 12, 2001.

Kerry Weems,

Acting Deputy Assistant Secretary, Budget.

[FR Doc. 01–9853 Filed 4–19–01; 8:45 am]

BILLING CODE 4150–31–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Privacy Act of 1974: Revisions to Existing System of Records

AGENCY: Child Care Subsidy Program, Office of the Assistant Secretary for Management and Budget, Offices of the Secretary, HHS.

ACTION: Notice of revision to an existing system of records.

SUMMARY: In accordance with the requirements of the Privacy Act, the Department of Health and Human Services (HHS) is publishing a notice of the revision of an existing system of records, 09–90–0200, Child Care Subsidy Program. The revised system will collect family income data from employees in the Health Resources and Services Administration, as well as the Food and Drug Administration (FDA), the Program Support Center (PSC), the Office of the Secretary (OS), the Administration on Aging (AoA), and the Substance Abuse and Mental Health Services Administration (SAMHSA) who are already covered by this system, for the purpose of determining their eligibility for child care subsidies, and the amounts of the subsidies. It also will collect information from the employees' child care provider(s) for verification purposes, e.g., that the provider is licensed. Collection of data will be by subsidy application forms submitted by employees.

DATES: This revision does not revise the routine uses for this system. This amendment will be effective without further notice on the day of its publication unless comments are received which would result in a contrary determination.

FOR FURTHER INFORMATION CONTACT: Child Care Subsidy Program Administrator, Office of Human Resources, Office of the Assistant Secretary for Management and Budget, U.S. Department of Health and Human Services, Room 536–E, 200 Independence Ave., SW., Washington, DC 20201. The telephone number is 202–690–6191.

SUPPLEMENTARY INFORMATION: The current Notice of System of Records covered only employees of OS, AoA, and SAMHSA, FDA and the PSC. Since that time, HRSA has established a child care subsidy program for its employees. This amendment expands coverage of the Child Care Subsidy Program Records to include employees in HRSA who are eligible for this program. The notice is published below in its entirety, as amended.

Dated: April 5, 2001.

Evelyn M. White,

Deputy Assistant Secretary for Human Resources.

09–90–0200

SYSTEM NAME:

Child Care Subsidy Program Records (HHS).

SYSTEM CLASSIFICATION:

None.

SYSTEM LOCATION:

Records are located throughout HHS in offices of agency child care program administrators and in offices of contract employees engaged to administer the subsidy programs. Since there are several sites around the country, contact the appropriate System Manager listed in Appendix A for more details about specific locations.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

The individuals in the system are employees of the Administration on Aging (AoA), Office of the Secretary (OS), Substance Abuse and Mental Health Services Administration (SAMHSA), Food and Drug Administration (FDA), Program Support Center (PSC) and Health Resources and Services Administration (HRSA) in the Department of Health and Human Services (HHS), who voluntarily apply for child care subsidies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Application forms for a child care subsidy contain personal information, including employee's (parent) name, Social Security Number, grade, home phone number, home address, total income, number of dependent children, and number of children on whose behalf the parent is applying for a subsidy, information on any tuition assistance received from State/County/local child care subsidy, and information on child care providers used, including their name, address, provider license number, and State where license issued, tuition cost, provider tax identification number, and copies of Internal Revenue Form 1040 for verification purposes.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Section 1(a)(3) of Public Law 106–554 (Consolidated Appropriations Act) and Executive Order 9397 (November 22, 1943).

PURPOSE(S):

To establish and verify HHS employee's eligibility for child care subsidies in order for HHS to provide monetary assistance to its employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSE OF SUCH USE:

1. Disclosure may be made to a Member of Congress or to congressional staff member in response to a request for assistance from the Member by the individual of record.

2. The Department of Health and Human Services (HHS) may disclose information from this system of records to the Department of Justice, or to a court or other tribunal, when (a) HHS, or any component thereof; or (b) any HHS employee in his or her official capacity; or (c) any HHS employee in his or her individual capacity where the Department of Justice (or HHS, where it is authorized to do so) has agreed to represent the employee; or (d) the United States or any agency thereof where HHS determines that the litigation is likely to affect HHS or any of its components, is a party to litigation, and HHS determines that the use of such records by the Department of Justice, court or other tribunal is relevant and necessary to the litigation and would help in the effective representation of the governmental party, provided, however, that in each case HHS determines that such disclosure is compatible with the purpose for which the records were collected.

3. HHS intends to disclose information from this system to an expert, consultant, or contractor (including employees of the contractor) of HHS if necessary to further the implementation and operation of this program.

4. Disclosure may be made to a Federal, State, or local agency responsible for investigating, prosecuting, enforcing, or implementing a statute, rule, regulation, or order, where the Department of Health and Human Services is made aware of a violation or potential violation of civil or criminal law or regulation.

5. Disclosure may be made to the Office of Personnel Management or the General Accounting Office when the information is required for evaluation of the subsidy program.

Policies and Practices for Storing, Retrieving, Accessing, Retaining, and Disposing of Records in the System:

STORAGE:

Information may be collected on paper or electronically and may be stored as paper forms or on computers.

RETRIEVABILITY:

The records are retrieved by name and may also be cross-referenced to Social Security Number.

Safeguards:

—Authorized Users: Only HHS personnel working on this project and personnel employed by HHS contractors to work on this project are authorized users as designated by the system manager.

—Physical Safeguards: Records are stored in lockable metal file cabinets or security rooms.

—Procedural Safeguards: Contractors who maintain records in this system are instructed to make no further disclosure of the records, except as authorized by the system manager and permitted by the Privacy Act. Privacy Act requirements are specifically included in contracts.

—Technical Safeguards: Electronic records are protected by use of passwords.

—Implementation Guidelines: HHS Chapter 45–13 of the General Administration Manual, ''Safeguarding Records Contained in Systems of Records and the HHS Automated Information Systems Security Program Handbook, Information Resources Management Manual.''

Retention and Disposal

Disposition of records is according to the National Archives and Records Administration (NARA) guidelines.

System Manager(s) and Address(es)

The records of individuals applying for and receiving child care subsidies are managed by System Managers at the various HHS sites listed in Appendix A.

Notification Procedures

Individuals may submit a request a request with a notarized signature on whether the system contains records about them to the local System Manager.

Record Access Procedures

Request from individuals for access to their records should be addressed to the local System Manager. Requesters should also reasonably specify the record contents being sought. Individuals may also request an accounting of disclosures of their records, if any.

Contesting Record Procedures

Contact the official at the address specified under Notification Procedures above and reasonably identify the record, specify the information being contested, and state the corrective action sought, with supporting information to show how the record is inaccurate, incomplete, untimely, or irrelevant.

Record Source Categories

Information is provided by HHS employees who apply for child care subsidies. Furnishing of the information is voluntary.

Systems Exempted From Certain Provisions of the Act

None.

Appendix A

1. For employees of the Office of the Secretary and the Administration on Aging, nationwide, contact: Child Care Subsidy Program Coordinator, PSC Work/Life Center, Room 1250, 330 C Street, SW., Washington, DC 20201.

2. For employees of the Substance Abuse and Mental Health Services Administration, contact: Director, Division of Human Resources Management, Office of Program Services, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857.

3. For employees of the Food and Drug Administration, nationwide, contact: Child Care Subsidy Program Coordinator, Office of Human Resources and Management Services, Food and Drug Administration—HFA–410, 5600 Fishers Lane, Rockville, Maryland 20857.

4. For employees of the Program Support Center, contact: Work & Family Coordinator, Program Support Center, Room 1250, 330 C Street SW., Washington, DC 20201.

5. For employees of the Health Resources and Services Administration, nationwide, contact: Child Care Subsidy Program

Coordinator, Health Resources and Services Administration, 5600 Fishers Lane, Room 13–25, Rockville, MD 200857.

[FR Doc. 01–9852 Filed 4–19–01; 8:45 am]

BILLING CODE 4150–24–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01058]

Notice of Availability of Funds; Information System To Reduce Medical Errors

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a grant program with Fletcher Allen Health Care of Burlington, Vermont, to design and implement a state-of-the-art information system to reduce medical errors. This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Diseases. For additional information on ''Healthy People 2010'' visit the internet site: *http://www.health.gov/healthypeople.*

The purpose of the program is to develop and demonstrate clinical information systems to prevent medical errors and improve the quality of healthcare. Integration of information systems will directly attack the issue of medical errors, which can proliferate as patients and data are handed off from one delivery system to another.

B. Eligible Applicants

Assistance will be provided only to Fletcher Allen Health Care of Burlington, Vermont. No other applications are solicited. Eligibility is limited to Fletcher Allen Health Care because fiscal year 2001 Federal appropriations specifically directs CDC to award this applicant funds to design and implement a state-of-the-art information system to reduce medical errors.

The House of Representatives Conference Report, accompanying the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 2000 (H.R. 4577, 106th Cong. (2000)), recognized the Fletcher Allen Health Care's unique qualifications for carrying out the activities specified in this grant (H.R. Rep. 106–1033 2000).

Note: Title 2 of the United States Code, chapter 26, section 1611 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 $253,000 is available in FY 2001 to fund the award. It is expected that the award will begin on or about August 1, 2001, and will be made for a 12-month budget period within a project period of one year. The funding estimate may change.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities.

1. Develop an information system that includes patient, clinical, encounter, laboratory, and pharmacy data.
2. Configure the information system so that it serves the needs of physicians and other healthcare providers.
3. Expand the information system to support best practice algorithms, clinical trials, outcome studies, and continuous quality improvement protocols.
4. Publish results of project.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. The application will be evaluated on the criteria listed, so it is important to follow them specifically in laying out the program plan. The narrative should be no more than 25 double-spaced pages, printed on one side, with one-inch margins, and unreduced font.

F. Submission and Deadline

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/. . . Forms, or in the application kit.

On or before June 1, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

G. Evaluation Criteria

The application will be evaluated against the following criteria by an independent review group appointed by CDC:

1. Background/Need (20 points)

The extent to which the applicant demonstrates a strong understanding of information systems. The extent to which the applicant illustrates the need for this grant program. The extent to which the applicant presents a clear goal for this grant that is consistent with the described need.

2. Capacity (30 points)

The extent to which the applicant demonstrates that it has the expertise, facilities, and other resources necessary to accomplish the program requirements, including curricula vitae of key personnel and letters of support from any participating organizations/institutions.

3. Operational Plan (40 points)

The extent to which the applicant presents clear, time-phased objectives that are consistent with the stated program goal and a detailed operational plan outlining specific activities that are likely to achieve the objectives. The extent to which the plan clearly outlines the responsibilities of each of the key personnel.

4. Evaluation Plan (10 points)

The extent to which the applicant presents a plan for monitoring progress toward the stated goals and objectives.

5. Budget (not scored)

The extent to which the applicant presents a detailed budget with a line-item justification and any other information to demonstrate that the request for assistance is consistent with the purpose and objectives of this grant program.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with the original plus two copies of

1. progress report (semi-annual);
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 301(a) and 317(k)(2) of the Public Health Service Act [42 U.S.C. Sections 241(a) and 247b(k)(2)], 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.''

To obtain additional information, contact: Merlin Williams, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, M/S K75, Atlanta, GA 30341–4146, Telephone: (770) 488–2765), Email address: Mwilliams@cdc.gov.

For program technical assistance, contact: Steve Solomon, M.D., National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, NE., M/S A–07, Atlanta, GA 30333, Telephone: (404) 639–6476, Facsimile: (404) 639–6483, Email address: SSolomon@cdc.gov.

Dated: April 16, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–9811 Filed 4–19–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01056]

Sigmoidoscopy and Error Reduction; 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 grant program with the Institute for Clinical Evaluation (ICE) to conduct a project to improve the quality of care in flexible sigmoidoscopy. This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Diseases. For additional information on ''Healthy People 2010'' visit the internet site: *http://www.health.gov/healthypeople.*

The purpose of the program is to improve the quality of care and reduce the error rate in patients undergoing sigmoidoscopy by improving the skills of the operator.

The objective of the program is to increase the number and geographic distribution of the flexible sigmoidoscopy simulators to (1) support testing for the credential, (2) allow continued research on the use of the simulation, and (3) offer trainees the opportunity to learn the manual skills associated with the procedure.

B. Eligible Applicants

Assistance will be provided only to ICE. No other applications are solicited. Eligibility is limited to ICE because fiscal year 2001 Federal appropriations specifically directs CDC to award this applicant funds to conduct a project to improve the quality of care in flexible sigmoidoscopy.

ICE is uniquely qualified to conduct the activities under this program because they are the only independent, non-profit organization offering a credential in flexible sigmoidoscopy to all relevant providers of the service. ICE combines expertise in medicine and psychometrics with years of experience in the development and administration of certification programs as well as knowledge and capability in the development of high quality evaluation devices and assessment systems for the health care professions.

The House of Representatives Conference Report accompanying the Departments of Labor, Health and Human Services, and Education and Related Agencies Appropriation Bill, 2000 (H.R. 4577, 106th Cong. (2000)), recognized ICE's unique qualifications for carrying out the activities in this grant (H.R. Rep. 106–1033, 2000).

Note: Title 2 of the United States Code, Chapter 26, Section 1611 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 $211,000 is available in FY 2001 to fund the award. It is expected that the award will begin on or about August 1, 2001, and will be made for a 12-month budget period within a project period of one year. The funding estimate may change.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the following activities.

1. Increase the number of and geographic distribution of the flexible sigmoidoscopy simulators.
2. Conduct simulator testing.
3. Demonstrate that the flexible sigmoidoscopy credential and performance on the simulation reduces medical errors and improves the quality of care.
4. Demonstrate whether the simulation alone can replace the cognitive examination or whether the cognitive examination could be administered on the same computer as the simulation.
5. Locate the simulators in training programs, providing access thereby to candidates for the credential and subjects for the research.
6. Make the simulators available to the training programs for educational purposes.
7. Publish the results of the program demonstrations.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. The application should describe ICE's ability to address the purpose and required activities of this announcement. The application will be evaluated on the criteria listed, so it is important to follow them specifically in laying out the program plan. The narrative should be no more than 25 double-spaced pages, printed on one side, with one-inch margins, and unreduced font.

F. Submission and Deadline

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 . . . Forms, or in the application kit.

On or before June 1, 2001, submit the application to the Grants management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

G. Evaluation Criteria

The application will be evaluated against the following criteria by an independent review group appointed by CDC:

1. Background/Need (20 points)

The extent to which the applicant demonstrates a strong understanding of the use of flexible sigmoidoscopy simulators. The extent to which the applicant illustrates the need for this grant program. The extent to which the applicant presents a clear goal for this

grant that is consistent with the described need.

2. Capacity (30 points)

The extent to which the applicant demonstrates that it has the expertise, facilities, and other resources necessary to accomplish the program requirements, including curricula vitae of key personnel and letters of support from any participating organizations/institutions.

3. Operational Plan (40 points)

a. The extent to which the applicant presents clear, time-phased objectives that are consistent with the stated program goal and a detailed operational plan outlining specific activities that are likely to achieve the objective. The extent to which the plan clearly outlines the responsibilities of each of the key personnel. (35 points)

b. The degree to which the applicant has met the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes: (1) The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation; (2) The proposed justification when representation is limited or absent; (3) A statement as to whether the design of the study is adequate to measure differences when warranted; and (4) A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits. (5 points)

4. Evaluation Plan (10 points)

The extent to which the applicant presents a plan for monitoring progress toward the stated goals and objectives.

5. Budget (not scored)

The extent to which the applicant presents a detailed budget with a line-item justification and any other information to demonstrate that the request for assistance is consistent with the purpose and objectives of this grant program.

6. Human Subjects (Not scored)

Does the application adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects?

H. Other Requirements

Technical Reporting Requirements

Provide CDC with the original plus two copies of

1. progress report (semi-annual);
2. financial status report, no more than 90 days after the end of the budget period; and
3. final financial and performance reports, no more than 90 days after the end of the project period.

Send all reports to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I in the application kit.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–15 Proof of Non-Profit Status

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 301(a) and 317(k)(2) of the Public Health Service Act (42 U.S.C. sections 241(a) and 247b(k)(2)), 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.''

To obtain additional information, contact: Merlin Williams, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, M/S K–75, Atlanta, GA 30341–4146, Telephone: (770) 488–2765, Email address: mqw6@cdc.gov

For program technical assistance, contact: Steve Solomon, M.D., National Center for Infectious Diseases, Centers for Disease Control and Prevention (CDC), 1600 Clifton Road, N.E., M/S A–07, Atlanta, GA 30333, Telephone: (404) 639–6476, Facsimile: (404) 639–6483, Email address: SSolomon@cdc.gov

Dated: April 16, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–9810 Filed 4–19–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Comment Request

Proposed Projects

Title: Developmental Disabilities State Plan.

OMB No. 0980–0162.

Description: A Plan developed by the State Council on Developmental Disabilities is required by federal statute. Each State Council on Developmental Disabilities must develop the plan, provide for public comments in the State, provide for approval by the State's Governor, and finally submit the plan on a five year basis. On an annual basis, the Council must review the plan and make any amendments. The State Plan will be used (1) by the Council as a planning document; (2) by the citizenry of the State as a mechanism for commenting on the plans of the Council; and (3) by the Department as a stewardship tool, for ensuring compliance with the Developmental Disabilities Assistant and Bill of Rights Act and as one basis for providing technical assistance (e.g., during site visits).

Respondents: State and Tribal Governments.

ANNUAL BURDEN ESTIMATES

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
State Plan on Developmental Disabilities	55	1	80	4,400

ANNUAL BURDEN ESTIMATES—Continued

Instrument	Number of respondents	Number of responses per respondent	Average burden hours per response	Total burden hours
Estimated Total Annual Burden Hours:				4,400

In compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Administration for Children Families is soliciting public comment on the specific aspects of the information collection described above. Copies of the proposed collection of information can be obtained and comments may be forwarded by writing to the Administration for Children and Families, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer. All requests should be identified by the title of the information collection.

The Department specifically requests comments 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) 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 within 60 days of this publication.

Dated: April 16, 2001.

Bob Sargis,

Reports Clearance Officer.

[FR Doc. 01–9744 Filed 4–19–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10038]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection;

Title of Information Collection: Survey of Medicaid Home and Community-Based Services Waiver and Personal Care Option Recipients for the Multi-Site Study of Medicaid Home and Community-Based Services—Mental Retardation/Developmental Disabilities (MR/DD);

Form No.: HCFA–10038 (OMB# 0938–New);

Use: The purpose of this collection is to request OMB authorization to collect information to be used in a study based on participants in Medicaid home and community-based services programs. Information collected will pertain to a description of the person, information regarding service use, unmet need for HCBS, quality of life, satisfaction with services, general health and functional status, care management and consumer direction. These data will be combined with secondary data (the Medicaid Statistical Information System) on utilization of health care services to analyze the coordination of care; utilization; outcomes; and cost of providing services. Although this study will address programs serving individuals with mental retardation or a developmental disability (MR/DD) and programs serving aged and younger adults with disabilities (A/D), this OMB clearance request covers only the survey data collection for the MR/DD population. The A/D population survey is being cleared separately;

Frequency: Other: One-time only;

Affected Public: Individuals or Households, Federal Government, and State, Local, or Tribal Government;

Number of Respondents: 6,300;

Total Annual Responses: 6,300;

Total Annual Hours: 2,415.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, HCFA–10038, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 11, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9777 Filed 4–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10014]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the

following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a Previously Approved Collection; *Title of Information Collection:* Informatics, Telemedicine, and Education Demonstration Project; *Form No.:* HCFA–10014 (OMB# 0938–0806); *Use:* Section 4207 of the Balanced Budget Act of 1997 mandated HCFA to conduct a demonstration project to evaluate the effectiveness of advanced computer and telecommunications technology (''telemedicine'') to manage the care of people with diabetes; *Frequency:* Semi-annually; *Affected Public:* Business or other for-profit and Individuals or Households; *Number of Respondents:* 5,550; *Total Annual Responses:* 10,043; *Total Annual Hours:* 19,999.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Melissa Musotto, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 11, 2001.

John P. Burke III,

Reports Clearance Officer, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9783 Filed 4–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10036]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New Collection;

Title of Information Collection: Request to Use Inpatient Rehabilitation Assessment Instrument and Data Set for PPS for Inpatient Rehabilitation Facilities: Implementation Phase and Supporting Regulations in 42 CFR, Parts 412 and 413;

Form No.: HCFA–10036 (OMB# 0938–NEW);

Use: This is a request to use a modification of an instrument currently in use by the majority of inpatient rehabilitation facilities for the implementation phase of the prospective payment system. Use of this instrument will enable HCFA to implement a classification and payment system for the legislatively mandated inpatient rehabilitation hospital and exempt units prospective payment system.;

Frequency: On occasion;

Affected Public: Business or other for-profit, and Not-for-profit institutions;

Number of Respondents: 359,000;

Total Annual Responses: 359,000;

Total Annual Hours: 269,250.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 60 days of this notice directly to the HCFA Paperwork Clearance Officer designated at the following address: HCFA, Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards, Attention: Dawn Willinghan, HCFA–10036, Room N2–14–26, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

Dated: April 11, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9814 Filed 4–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–215]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration, HHS.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Extension of a currently approved collection; *Title of*

Information Collection: Information Collection Requirements Referenced in 42 CFR 424.57: Additional DMEPOS Supplier Standards; *Form No.:* HCFA–R–215 (OMB# 0938–0717); *Use:* The respondents for these information collection requirements are suppliers of durable medical equipment, prosthetics, orthotics and supplies (DMEPOS). HCFA requires a current copy of a DMEPOS supplier's surety bond and, upon request, documentation that the DMEPOS supplier has both advised beneficiaries that they may either rent or purchase inexpensive or routinely purchased equipment and discussed the purchase option for capped rental equipment. Both of these criteria are necessary to determine if the supplier has met these supplier standards.; *Frequency:* Annually, On occasion; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 65,400; *Total Annual Responses:* 21,800; *Total Annual Hours:* 272,863.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at http://www.hcfa.gov/regs/prdact95.htm, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 4, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Information Technology Investment Management Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9778 Filed 4–19–01; 8:45 am]

BILLING CODE 4120–03–U

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–10019]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: New collection; *Title of Information Collection:* Durable Medical Equipment and Prosthetics, Orthotics, and Supplies (DMEPOS) Supplier survey; *Form No.:* HCFA–10019 (OMB# 0938–NEW); *Use:* This survey is necessary to collect access, quality, and financial performance information from suppliers of durable medical equipment. These key elements of the evaluation cannot be thoroughly evaluated without a supplier survey. The information will be presented to HCFA and to Congress, who will use the results to determine whether the demonstration should be extended to other sites; *Frequency:* Once; *Affected Public:* Business or other for-profit; *Number of Respondents:* 340; *Total Annual Responses:* 340; *Total Annual Hours:* 620.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to Paperwork@hcfa.gov, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 4, 2001.

John P. Burke, III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9779 Filed 4–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–131]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Health Care Financing Administration.

In compliance with the requirement of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Health Care Financing Administration (HCFA), Department of Health and Human Services, is publishing the following summary of proposed collections for public comment. Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (1) The necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Type of Information Collection Request: Revision of a currently approved collection; *Title of Information Collection:* Advance Beneficiary Notice and Supporting Regulations in 42 CFR 411.404, 411.406, and 411.408; *Form No.:* HCFA–R–131 (OMB# 0938–0566); *Use:* Physicians, practitioners, suppliers, and providers furnishing Part A or Part B items or services may bill a patient for items or services denied by Medicare as not reasonable and necessary, under Medicare program standards, if they inform the patient, before furnishing the items or services, that Medicare is likely to deny payment for the items or services and the patient, after being so informed, agrees to pay for the items or services; *Frequency:* On occasion; *Affected Public:* Individuals or households, Business or other for-profit, Not-for-profit institutions; *Number of*

Respondents: 980,742; *Total Annual Responses:* 18,823,150; *Total Annual Hours:* 1,568,596.

To obtain copies of the supporting statement and any related forms for the proposed paperwork collections referenced above, access HCFA's Web Site address at *http://www.hcfa.gov/regs/prdact95.htm*, or E-mail your request, including your address, phone number, OMB number, and HCFA document identifier, to *Paperwork@hcfa.gov*, or call the Reports Clearance Office on (410) 786–1326. Written comments and recommendations for the proposed information collections must be mailed within 30 days of this notice directly to the OMB desk officer: OMB Human Resources and Housing Branch, Attention: Wendy Taylor, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 5, 2001.

John P. Burke III,

HCFA Reports Clearance Officer, HCFA Office of Information Services, Security and Standards Group, Division of HCFA Enterprise Standards.

[FR Doc. 01–9780 Filed 4–19–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Submission for OMB Review; Comment Request

Periodically, the Substance Abuse and Mental Health Services Administration (SAMHSA) will publish a list of information collection requests under OMB review, in compliance with the Paperwork Reduction Act (44 U.S.C. chapter 35). To request a copy of these documents, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Providers Survey for the Primary Care Research in Substance Abuse and Mental Health Services for the Elderly Cooperative Agreement Program—(New)—The Center for Mental Health Services (CMHS) of the Substance Abuse and Mental Health Services Administration (SAMHSA), in collaboration with the Center for Substance Abuse Prevention (CSAP) and the Center for Substance Abuse Treatment (CSAT), the Department of Veterans Affairs (VA), the Health Care Financing Administration (HCFA), and the Health Resources and Services Administration (HRSA), plans to conduct a survey of the service providers in the Aging, Mental Health/Substance Abuse and Primary Care Program. The purpose of this program is to assess alternative models of delivering and financing mental health and/or substance abuse services for older adults through primary health care. We hope to identify differences in outcomes between models referring to specialty mental health/substance abuse (MH/SA) services outside the primary care setting (Referral Model) and those providing such services within the primary care setting itself (Integrated Model).

SAMHSA is funding the Coordinating Center at the Harvard Medical School and six Study Sites, three of which are also HRSA Community Health Centers and receive additional service enhancement funding from HRSA. Furthermore, the VA is funding a Coordinating Center at the Miami VAMC and another five VA Study Sites, following the same protocol, making a total of 11 Study Sites, in 8 States throughout the country. In the intervention, over 50,000 individuals over age 65 are expected to be screened in primary care settings for mental health and substance abuse problems; those in need will receive treatment in either the referral model or the integrated model.

Specifically, the primary purpose of the Aging, MH/SA and Primary Care Program is to specify the conditions under which integrated and referral models are most effective in terms of access, adherence, consumer outcomes, and system outcomes. The multi-site study will focus on the impact of the treatment models on older adults with depression, anxiety, alcoholism, and alcohol abuse with other drugs, and combinations of the above disorders. It highlights prevention, early identification, early intervention, and brief treatment components of service models; it incorporates a consumer-oriented approach throughout all phases of the study, and cultural competence in all study instruments and methods for a variety of ethnic older populations. This study will seek to expand our knowledge, using the most rigorous available scientific methods available, by measuring the relative effectiveness of service models.

In this context, this study intends to evaluate the role of the providers in the treatment of these older adults with MH/SA disorders, both the Primary Care Providers (PCPs) and MH/SA Providers. Therefore, it will use a questionnaire called a Providers Survey to survey both PCPs and MH/SA Providers to determine their perceptions, attitudes and beliefs about providing these services to older adults under the two service delivery models.

Analysis of this information will assist SAMHSA in documenting communication patterns with, attitudes towards, and perceptions of older adult participants in the study, permitting some understanding of the provider-older adult interactions. In addition, there may be important differences between the integrated and referral service delivery models in the interaction between the PCP and MH/SA Providers. These two sets of interactions may, in turn, have a direct effect or moderating effect on the effectiveness of the service delivery models. Outside, formal comparison groups are not needed, as the main comparisons will be made of the integrated and referral models within each study site.

The 11 Study Sites expect to survey approximately 312 providers for this study, including 158 PCPs and 154 MH/SA Providers. The chart below summarizes complete burden for this project.

Respondent type	Number of respondents	Responses/ respondent	Average burden/ response (hours)	Annual burden (hours)
Primary Care Providers	158	1	0.133	21
Mental Health/Substance Abuse Providers	154	1	0.133	20
Total	312	.....	.....	41

Written comments and recommendations concerning the proposed information collection should be sent within 30 days of this notice to: Stuart Shapiro, Human Resources and Housing Branch, Office of Management

and Budget, New Executive Office Building, Room 10235, Washington, D.C. 20503.

Dated: April 16, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–9813 Filed 4–19–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4644–N–16]

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 20, 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 13, 2001.

John D. Garrity,

Director, Office of Special Needs Assistance Programs.

[FR Doc. 01–9680 Filed 4–19–01; 8:45 am]

BILLING CODE 4210–29–M

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4669–N–01]

Federally Mandated Exclusions From Income

AGENCY: Office of the Secretary, HUD.

ACTION: Notice.

SUMMARY: HUD's regulations provide that HUD will periodically publish a **Federal Register** Notice listing the amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. This Notice updates the list of exclusions last published on August 3, 1993.

DATES: *Effective Date for payments by the Indian Claims Commission*: October 10, 1978.

Effective Date for allowances, earnings and payments to AmeriCorps participants: October 1, 1993.

Effective Date for the first $2000 of income received by individual Indians derived from interests in trust or restricted lands: January 1, 1994.

Effective Date for spina bifida payments: October 1, 1997.

Effective Date for victim crime compensation under the Victims of Crime Act: October 1, 1999.

Effective Date for payments received under programs funded in whole or in part under the Workforce Investment Act: August 7, 1998.

FOR FURTHER INFORMATION CONTACT: For the Rent Supplement (section 215), section 236, and section 8 programs administered under 24 CFR parts 880, 881, and 883 through 886: Willie Spearmon, Director, Office of Housing Assistance and Grant Administration, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 6138, Washington, DC 20410; telephone (202) 708–3000.

For the Section 8 project-based programs administered under 24 CFR part 882 (Rental Certificates, Moderate Rehabilitation) and under part 887 (Rental Vouchers), and the Public Housing Programs: Patricia Arnaudo, Senior Program Manager, Office of Public and Assisted Housing Delivery, Department of Housing and Urban Development, 451 Seventh Street, SW., Room 4224, Washington, DC 20410, telephone: (202) 708–0744, or the Public and Indian Housing Resource Center at 1–800–955–2232. (With the exception of the telephone number for the PIH Resource Center, these are not toll-free numbers.) Persons with hearing or speech impairments may access these numbers via TTY by calling the Federal Information Relay Service at 1–800–877–8339.

PLEASE NOTE: Any member of the public who becomes aware of any other Federal statute that requires any other benefit to be excluded from consideration as income in these programs should submit information about the statute and the benefit program to one of the persons listed as contacts above or to the Rules Docket Clerk, room 10276. Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410.

SUPPLEMENTARY INFORMATION:

This Notice

HUD's regulation at 24 CFR 5.609(c)(17) provides that HUD will periodically publish a **Federal Register** Notice listing the amounts specifically excluded by any other Federal statute from consideration as income for purposes of determining eligibility or benefits. This Notice updates the list of exclusions last published on August 3, 1993 (58 FR 41287).

Under several HUD programs (Rent Supplement under part 215; Mortgage Insurance and Interest Reduction Payment for Rental Projects under part 236; section 8 Housing Assistance programs; the Public Housing programs), the definition of income does not include amounts of other benefits specifically exempted by the Federal law. This notice reports that the following are not to be considered as income for purposes of the programs mentioned above: (1) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation; (2) allowances, earnings and payments to individuals participating in AmeriCorps; (3) the first $2,000 of income received by individual Indians derived from interests in trusts or restricted lands; (4) any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran; (5) any amount of crime victim compensation that the applicant (under the Victims of Crime Act) receives through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant; and (6) payments received under programs funded in whole or in part under the Workforce Investment Act of 1998.

Background

Under certain HUD subsidized housing programs, annual income is a

factor in determining eligibility and level of benefits. Annual income is broadly defined as the anticipated total income from all sources received by every family member. Traditionally, HUD excludes certain types of benefits from applicants' and participants' annual income. In addition, under 24 CFR 5.609(c)(17), the definition of annual income excludes amounts specifically excluded by any other Federal statute from consideration for purposes of determining eligibility for or level of benefits to be received under the HUD programs in question. HUD programs other than those specifically listed in this notice may be affected by changes in the definition of annual income. This is because some programs, for example, the sections 202 and 811 Capital Advance Programs, reference 24 CFR 5.609 for their definition of income.

Public Law 95–433, approved October 10, 1978, excludes payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation. The law provides:

> Any part of any judgment funds referred to in the first section of this Act 25 U.S.C. 609c-1 that may be distributed per capita to, or held in trust for the benefit of, the members of a tribe, including minor's shares shall not be subject to Federal or State income tax, and the per capita payment shall not be considered as income or resources when determining the extent of eligibility for assistance under the Social Security Act, or any other Federal or federally assisted program.

The effective date of this provision is October 10, 1978. This exclusion is added to the list as paragraph (xv).

Section 177 of the National and Community Service Act of 1990, as amended by the National and Community Trust Act of 1993 provides:

> Allowances, earnings, and payments to individuals participating in programs that receive assistance under this subchapter [42 U.S.C. 12511 *et seq.*] shall not be considered to be income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 *et seq.*).

The effective date of this provision is October 1, 1993. This provision, which excludes amounts paid to AmeriCorps participants, is added to the list as paragraph (xvi).

Paragraph (viii) is revised to clarify that the interest and investment income, up to $2000, accrued on funds held in trust or restricted land shall not be considered as income and it adds a new provision. Section 13736 of the Budget Reconciliation Act of 1993 (Pub. L. 103–66) (25 U.S.C. 1408), approved August 10, 1993 provides that:

> [I]nterest of individual Indians in trust or restricted lands shall not be considered a resource, and up to $2000 per year of income received by individual Indians that is derived from such interests shall not be considered income, in determining eligibility for assistance under the Social Security Act (42 U.S.C. 301 *et seq.*) or any other Federal or federally assisted program.

The effective date of this provision is January 1, 1994. This exclusion is added to the list as part of paragraph (viii).

Section 1805 of the VA, HUD Appropriations Act of 1997 (Pub.L. 104–204; 38 U.S.C. 1805), approved October 1, 1997, provides:

> Notwithstanding any other provision of law, the allowance paid to a child under this section not be considered income or resources in determining eligibility for or the amount of benefits under any Federal or federally assisted program. Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran is excluded from income.

The effective date of this provision is October 1, 1997. This exclusion is added to the list as paragraph (xvii).

> Section 10602(c) of the Victims of Crime Act (42 U.S.C. 10602) provides: Notwithstanding any other law, for the purpose of any maximum allowed income eligibility requirement in any Federal, State, or local government program using Federal funds that provides medical or other assistance (or payment or reimbursement of the cost of such assistance) that becomes necessary to an applicant for such assistance in full or in part because of the commission of a crime against the applicant, as determined by the Director, any amount of crime victim compensation that the applicant receives through a crime victim compensation program under this section shall not be included in the income of the applicant until the total amount of assistance that the applicant receives from all such programs is sufficient to fully compensate the applicant for losses suffered as a result of the crime.

The effective date of this provision is October 1, 1999. This exclusion is added to the list as paragraph (xviii).

Section 181 of the Workforce Investment Act of 1998 (Pub. L. 105–220), approved August 7, 1998, provides that:

> Allowances, earnings and payments to individuals participating in programs under this title shall not be considered as income for the purposes of determining eligibility for and the amount of income transfer and in-kind aid furnished under any Federal or federally assisted program based on need, other than as provided under the Social Security Act (42 U.S.C. 301 *et seq.*). The effective date of this provision is August 7, 1998.

This exclusion is added to the list as paragraph (xix).

Updated List of Federally Mandated Exclusions From Income

The following updated list of federally mandated exclusions supersedes that notice published on August 3, 1993. The following list of program benefits is the comprehensive list of benefits that currently qualify for the income exclusion stated in 24 CFR 5.609(c)(17) :

(i) The value of the allotment provided to an eligible household under the Food Stamp Act of 1977 (7 U.S.C. 2017(b));

(ii) Payments to Volunteers under the Domestic Volunteer Services Act of 1973 (42 U.S.C. 5044(g), 5058);

(iii) Payments received under the Alaska Native Claims Settlement Act (43 U.S.C. 1626(c));

(iv) Income derived from certain submarginal land of the United States that is held in trust for certain Indian tribes (25 U.S.C. 459e);

(v) Payments or allowances made under the Department of Health and Human Services' Low-Income Home Energy Assistance Program (42 U.S.C. 8624(f));

(vi) Payments received under programs funded in whole or in part under the Job Training Partnership Act (29 U.S.C. 1552(b); (effective July 1, 2000, references to Job Training Partnership Act shall be deemed to refer to the corresponding provision of the Workforce Investment Act of 1998 (29 U.S.C. 2931);

(vii) Income derived from the disposition of funds to the Grand River Band of Ottawa Indians (Pub. L. 94–540, 90 Stat. 2503–04);

(viii) The first $2000 of per capita shares received from judgment funds awarded by the Indian Claims Commission or the U.S. Claims Court, the interests of individual Indians in trust or restricted lands, including the first $2000 per year of income received by individual Indians from funds derived from interests held in such trust or restricted lands (25 U.S.C. 1407–1408);

(ix) Amounts of scholarships funded under title IV of the Higher Education Act of 1965, including awards under Federal work-study program or under the Bureau of Indian Affairs student assistance programs (20 U.S.C. 1087uu);

(x) Payments received from programs funded under Title V of the Older

Americans Act of 1985 (42 U.S.C. 3056(f));

(xi) Payments received on or after January 1, 1989, from the Agent Orange Settlement Fund or any other fund

established pursuant to the settlement in *In Re Agent*-product liability litigation, M.D.L. No. 381 (E.D.N.Y.);

(xii) Payments received under the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721);

(xiii) The value of any child care provided or arranged (or any amount received as payment for such care or reimbursement for costs incurred for such care) under the Child Care and Development Block Grant Act of 1990 (42 U.S.C. 9858q);

(xiv) Earned income tax credit (EITC) refund payments received on or after January 1, 1991 (26 U.S.C. 32(j));

(xv) Payments by the Indian Claims Commission to the Confederated Tribes and Bands of Yakima Indian Nation or the Apache Tribe of Mescalero Reservation (Pub. L. 95–433);

(xvi) Allowances, earnings and payments to AmeriCorps participants under the National and Community Service Act of 1990 (42 U.S.C. 12637(d));

(xvii) Any allowance paid under the provisions of 38 U.S.C. 1805 to a child suffering from spina bifida who is the child of a Vietnam veteran (38 U.S.C. 1805);

(xviii) Any amount of crime victim compensation (under the Victims of Crime Act) received through crime victim assistance (or payment or reimbursement of the cost of such assistance) as determined under the Victims of Crime Act because of the commission of a crime against the applicant under the Victims of Crime Act (42 U.S.C. 10602); and

(xix) Allowances, earnings and payments to individuals participating in programs under the Workforce Investment Act of 1998 (29 U.S.C. 2931).

Dated: April 12, 2001.

Mel Martinez,

Secretary.

[FR Doc. 01–9746 Filed 4–19–01; 8:45 am]

BILLING CODE 4210–33–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

Notice of Intent To Prepare a Joint Environmental Impact Statement/ Environmental Impact Report for the Invasive Spartina Project

AGENCY: Fish and Wildlife Service, Interior (Lead Agency).

ACTION: Notice of intent.

SUMMARY: The Fish and Wildlife Service (Service) and the California State Coastal Conservancy (Conservancy) are preparing a programmatic Environmental Impact Statement/ Environmental Impact Report (EIS/R) on implementation of a regional eradication and/or control program for nonnative, invasive *Spartina*, a perennial cordgrass, in the San Francisco Bay Estuary. The EIS/R is intended to provide National Environmental Policy Act (NEPA) and California Environmental Quality Act (CEQA) compliance for the overall Invasive Spartina Project, including identification of all necessary permits and approvals from lead agencies and supporting environmental documentation for other necessary local, State, and Federal permits. The EIS/R would also provide supporting documentation for future grant applications to obtain funding necessary to implement certain elements of the overall project.

DATES: A public scoping meeting to solicit comment on possible alternatives for the eradication and/or control on nonnative, invasive *Spartina* in the San Francisco Bay Estuary will be held on April 24th, 2001 at the Office of the Association of Bay Area Governments, Joseph P. Bork Metro Center, 101 8th Street (8th & Oak Streets), Oakland, California, 94607 at 7 p.m. to 9 p.m. Written comments are encouraged and should be received on or before June 4, 2001.

ADDRESSES: Information or comments related to the NEPA process should be submitted to Wayne White, Field Supervisor, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California 95825. Written comments may also be sent by facsimile to (916) 414–6713. All comments, including names and addresses, will become part of the administrative record and may be released.

FOR FURTHER INFORMATION CONTACT: Questions regarding the NEPA process, including scoping, may be directed to Ms. Marla Macoubrie, U.S. Fish and Wildlife Service, Sacramento Fish and Wildlife Office, 2800 Cottage Way, W–2605, Sacramento, California 95825 (telephone (916) 414–6600). For questions concerning the CEQA process, please contact Ms. Maxene Spellman, California State Coastal Conservancy, 1330 Broadway, 11th Floor, Oakland, California, 94612 (telephone (510) 286–0332).

SUPPLEMENTARY INFORMATION:

Project Description

This EIS/R will evaluate the environmental effects of adopting and implementing a regional program, the Invasive Spartina Project, being established to eradicate and/or control invasive species of *Spartina* in the San Francisco Bay Estuary. This programmatic document may be supplemented in the future by project-specific CEQA/NEPA documents at up to four pilot project sites. These project-level studies would allow for consideration of techniques specifically tailored for conditions at each site.

The primary goal of the Invasive Spartina Project is to eradicate and/or control invasive *Spartina* in the tidal marshlands and intertidal mudflats along margins of the San Francisco Bay, an area providing habitat for several Federal and State listed species. These efforts will be regionally coordinated with other resource and wildlife agencies in order to minimize disturbance to sensitive habitats and species.

It is estimated that eradication of *S. alterniflora* could provide restoration and possible preservation of up to 40,000 acres of tidal wetlands and up to 29,000 acres of intertidal mud flats. Three other nonnative, introduced species of *Spartina (S. anglica, S. densiflora,* and *S. patens*) would be targeted by this project along margins of the San Francisco Bay.

An ongoing project in Washington State provides preliminary information to this effort on six methods to control and/or eradicate invasive *Spartina.* These methods, listed below, will be evaluated in the EIS/R. Any alternative in the EIS/R process may consider one or more of the following control methods in conjunction with habitat type or setting and geographic location:

- Covering *Spartina* with fabric and/ or plastic materials to prevent photosynthesis;
- Mowing *Spartina* with mowers or ''weed-eaters'' and/or mowing and burying with sediments;
- Physical removal of *Spartina* seedlings and plants by digging, pulling, pushing or seedhead clipping;
- Chemical control of *Spartina* with registered herbicide (Rodeo) or experimentally permitted herbicides (Sonar, Arsenal) and surfactants using ground application (backpack, truck, airboat, hovercraft, all terrain vehicles) or aerial application;
- Temporary diking of wetlands;
- Prescribed burns; and
- Combinations of the above methods (such as mowing and herbicide application).

The EIS/R will evaluate individual and cumulative impacts of alternatives based on the above control methods, as well as the no project/no action alternative, in accordance with NEPA and CEQA. Additional methods may be

added following the public scoping process. The alternatives will be developed in coordination with the Service, the California Department of Fish and Game (DFG), the Conservancy (Invasive Spartina Project team), and private landowners with populations of nonnative *Spartina* on their properties.

The following actions and approvals are anticipated to be necessary to implement *Spartina* eradication and/or control efforts that might be established as a result of completion of this EIS/R process:

- U.S. Army Corps of Engineers permit(s) for Section 10 of the Rivers and Harbor Act and Section 404 of the Federal Clean Water Act;
- Federal and State Endangered Species Act consultations;
- California State Coastal Conservancy Plan approval;
- California Department of Transportation (Caltrans) Encroachment permit(s);
- DFG Streambed Alteration Agreement(s), Section 1601 of the DFG Code;
- California State Regional Water Quality Control Board 401 Certification(s) and/or Discharge permit(s);
- California State Bay Area Air Quality Management District permit(s);
- Certified Unified Program Agency permit(s) (CUPA Fire Department coordination);
- San Francisco Bay Conservation and Development Commission permit(s); and
- Local agency approval of specific implementation of projects.

Project Location

The geographic scope of the Invasive Spartina Project includes intertidal zones of 10 Bay Area counties bordering and including the San Francisco Bay. Seven of these counties have known populations of nonnative, invasive *Spartina*, including Contra Costa, Alameda, Santa Clara, San Mateo, San Francisco, Marin and Solano counties. The remaining three counties, Napa, Sacramento and Sonoma, do not currently have known populations and are being monitored.

Distribution of invasive *Spartina* is generally greatest in the Central and South San Francisco Bays with the North Bay and far reaches of the South Bay being the least infested. The largest infestations of *S. alterniflora* currently exist at four general sites within the Central and South Bays. These sites include the Hayward Regional Shoreline, Old Alameda Creek, the Alameda Flood Control Channel, and in San Bruno, just north of the San Francisco International Airport. Populations at these locations exceed 100 net acres of *S. alterniflora.* Populations between 10 and 100 net acres occur along the Oakland and Alameda Shoreline, San Leandro Bay, the Don Edwards National Wildlife Refuge, Greco Island, and Bair Island. Small scattered populations occur at Richmond, Emeryville, Coyote Creek, Stevens Creek, Coyote Point vicinity, Candlestick Cove, Yosemite Channel, Richardson Bay, along the Eastshore State Park shoreline, Guadalupe Slough, Palo Alto Baylands, Corte Madera, and San Rafael. The greatest infestation of *S. densiflora* exists along the length of Corte Madera Creek in Marin County. Populations of *S. densiflora* have also become established in San Rafael, Point Pinole, and in Burlingame. *Spartina anglica* is found only at Creekside Park in Marin County and *S. patens* is found only in Benecia and at Tolay Creek.

Potential Effects of Alternative Control Methodologies

The direct effects of physical and mechanical eradication/control measures may include disruption of soil/sediment, potentially resulting in erosion, increased water turbidity, and related adverse effects on aquatic biota. These measures also may have the potential to cause accidental mortality of non-target species, including sensitive species such as the California clapper rail (*Rallus longirostris obsoletus*), California black rail (*Laterallus jamaicensis*), salt marsh harvest mouse (*Reithrodontomys raviventris*), and others. In addition, by possibly disrupting the soil/sediment, these measures could facilitate subsequent colonization by nonnative *Spartina* or other invasive species.

Any possible chemical measures (herbicides) have the potential to kill non-target plant species such as native salt marsh plants, eelgrass, and algae. This could result in adverse indirect impacts to the salt marsh community in general, including sensitive species such as the California clapper rail, California black rail, salt marsh harvest mouse, and others. Loss of eelgrass and other marine flora, if occurring as a result of these measures, could provide for the loss of nursery and feeding habitat for many species of fish and invertebrates, including sensitive species such as the winter-run chinook salmon (*Oncorhynchus tshawytscha*), coho salmon (*Oncorhynchus kisutch*), steelhead (*Oncorhynchus mykiss*), and others. These areas also provide foraging habitat for many marine bird species, including the California least tern (*Sterna antillarum*). The toxicity to animals from herbicides under consideration is generally considered to be low. However, the environmental analysis will evaluate this toxicity, as well as the persistence and transport of these herbicides and their potential toxic effects away from the application site.

Spartina eradication and/or control also has the potential to change existing sediment accretion (shoaling) and erosion patterns, possibly affecting hydrodynamic patterns (currents, circulation, and waves). This could potentially degrade water quality (turbidity, flushing) as well as any associated biological communities (eelgrass, kelp beds, or marshes).

Scoping Process

The EIS/R will be prepared in compliance with NEPA and the Council on Environmental Quality NEPA Regulations, contained in 40 CFR parts 1500–1508; and with CEQA, Public Resources Code Sec 21000 et. seq., and the CEQA Guidelines, as amended. Because requirements for NEPA and CEQA are somewhat different, the document must be prepared to comply with whichever requirements are more stringent. The Service will be the lead agency for the NEPA process and the Conservancy will be the lead agency for the CEQA process. In accordance with both CEQA and NEPA, these lead agencies have the responsibility for the scope, content, and legal adequacy of the document. Therefore, all aspects of the EIS/R scope and process will be fully coordinated between the two agencies.

The draft EIS/R will incorporate public concerns associated with the project alternatives identified in the scoping process and will be distributed for at least a 45-day public review and comment period. During this time, both written and verbal comments will be solicited on the adequacy of the document. The final EIS/R will address the comments received on the draft EIS/R during public review and will be made available to all commenters on the draft EIS/R and anyone requesting a copy during the 45-day public review period. The final EIS/R shall (1) provide a full and fair discussion of the proposed action's significant environmental impacts, and (2) inform the decision-makers and the public of the reasonable measures and alternatives that would avoid or minimize adverse impacts or enhance the quality of the human environment.

The final step in the Federal EIS process is preparation of a Record of Decision (ROD), a concise summary of the decision(s) made by the Service. The

ROD can be published immediately after the final EIS comment period has ended. The final step in the State EIR process is certification of the EIR which includes preparation of a Mitigation Monitoring and Reporting Plan and adoption of its findings should the project be approved. A certified EIR indicates the following: (1) The environmental document has been completed in compliance with CEQA; (2) the decision-making body of the lead agency reviewed and considered the final EIR prior to approving the project; and (3) the final EIR reflects the lead agency's independent judgement and analysis.

This notice is provided pursuant to regulations for implementing the National Environmental Policy Act of 1969 (40 CFR 1506.6).

Dated: April 12, 2001.

Steve Thompson,

Acting Manager, California/Nevada Operations Office.

[FR Doc. 01–9702 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–55–P

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Federal Geographic Data Committee (FGDC); Public Review of the Address Data Content Standard

ACTION: Notice; request for comments.

SUMMARY: The FGDC is conducting a public review of the draft Address Data Content Standard. An interagency team under the FGDC Subcommittee on Cultural & Demographic Data developed this draft standard over several years and the FGDC Coordination Group comprised of representatives from Federal agencies approved releasing this standard for public review. The FGDC invites software vendors and data users and producers in public and private sectors to comment on this standard to ensure that the standard meets their needs.

Comments that address specific issues/changes/additions may result in revisions to the draft NSDI Address Data Content Standard. After comments have been evaluated, participants will receive notification of how their comments were addressed. After formal endorsement of the standard by the FGDC, the standard and a summary analysis of the changes will be made available to the public.

DATES: Comments must be received on or before June 22, 2001.

ADDRESSES: The draft standard may be downloaded via Internet address *http://www.fgdc.gov/standards/status/sub2__4.html*

Request for printed copies of the standard should be addressed to ''Address Data Content Standard,'' FGDC Secretariat (attn: Julie Binder Maitra), U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192 or facsimile 703–648–5755 or Internet at *jmaitra@usgs.gov.*

Reviewer's comments may be sent to FGDC via Internet mail to gdc-address@*www.fgdc.gov.* Reviewer's comments may also be sent to the FGDC Secretariat at the above postal address. Please send one hardcopy version of the comments and a softcopy version on 3.5-inch diskette in Microsoft Word or Rich Text Format. All reviewers are strongly urged to use the template for sending comments that may be downloaded from Internet address *http://www.fgdc.gov/standards/directives/dir2d.html*

SUPPLEMENTARY INFORMATION: Following is information about the draft Address Data Content Standard, submitted by the FGDC Subcommittee on Cultural and Demographic Data (SCDD):

Addresses are widely used by many organizations. Addresses reference and uniquely identify particular points of interest, are used to access and deliver information to specific locations, and can serve as the basis for aggregating data by location.

Many organizations maintain address lists or have databases and datasets that contain addresses. Organizations typically have detailed specifications about the structure of their address information but documentation about the content of the address information is limited. Knowledge of both structure and content is required to successfully share information.

The purpose of this standard is to facilitate the sharing of address information. The Address Data Content Standard (the Standard) accomplishes this by providing a method for documenting the content of address information and simplifies the documentation process by recognizing some commonly used discrete units of address information.

Objective: The objective of the Standard is to provide a method for documenting the content of address information. The Standard is a Federal Geographic Data Committee (FGDC) data usability standard. Data usability standards describe how to express the applicability or essence of a dataset or data element and include data quality, assessment, accuracy, and reporting or documentation standards.

The Standard additionally standardizes some commonly used discrete units of address information, referred to as ''descriptive elements''. It provides standardized terms and their definitions to alleviate inconsistencies in the use of the descriptive elements and to simplify the documentation process.

Scope: The Standard establishes the requirements for documenting the content of addresses.

The Standard is applicable to addresses that reference and uniquely identify particular points of interest. The standard is applicable to the following address types: geographic, mailing, or physical. It specifically excludes electronic addresses.

The Standard is applicable to shared addresses. The Standard does not require addresses be shared and does not provide guidelines for determining whether addresses can be shared. Some organizations cannot share addresses or some part of address information due to requirements for confidentiality and security. However, the principles of the Standard can be extended to all addresses, including addresses maintained within an organization that are not shared.

Applicability: Data producers or maintainers shall comply with the requirements of the Standard when they share their address information with data users.

The Standard places no requirement on internal organization use of address data.

Dated: April 11, 2001.

Karen Siderelis,

Geographic Information Officer.

[FR Doc. 01–9768 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Federal Geographic Data Committee (FGDC); Public Review of the NSDI Framework Transportation Identification Standard

ACTION: Notice; request for comments.

SUMMARY: The FGDC is conducting a public review of the draft NSDI Framework Transportation Identification Standard. An interagency team under the FGDC Ground Transportation Subcommittee developed this draft standard over several years and the FGDC Coordination Group comprised of representatives from Federal agencies approved releasing this standard for

public review. The FGDC invites software vendors and data users and producers in public and private sectors to comment on this standard to ensure that the standard meets their needs.

Comments that address specific issues/changes/additions may result in revisions to the draft NSDI Framework Transportation Identification Standard. After comments have been evaluated, participants will receive notification of how their comments were addressed. After formal endorsement of the standard by the FGDC, the standard and a summary analysis of the changes will be made available to the public.

DATES: Comments must be received on or before July 20, 2001.

ADDRESSES: The draft standard may be downloaded via Internet address *http://www.fgdc.gov/standards/status/sub5_7.html*

Request for printed copies of the standard should be addressed to ''NSDI Framework Transportation Identification Standard,'' FGDC Secretariat (attn: Julie Binder Maitra), U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192 or facsimile 703–648–5755 or Internet at *jmaitra@usgs.gov.*

Reviewer's comments may be sent to FGDC via Internet mail to gdc-transportation@*www.fgdc.gov.* Reviewer's comments may also be sent to the FGDC Secretariat at the above address. Please send one hardcopy version of the comments and a softcopy version on 3.5-inch diskette in Microsoft Word or Rich Text Format. All reviewers are strongly urged to use the template for sending comments that may be downloaded from Internet address *http://www.fgdc.gov/standards/directives/dir2d.html*

SUPPLEMENTARY INFORMATION: Following is information about the draft NSDI Framework Transportation Identification Standard, submitted by the FGDC Ground Transportation Subcommittee:

The proposed standard specifies methods for identifying linear geospatial features that can be implemented within existing data structures. The standard defines a transportation segment independent of cartographic representation, scale, network topology, and attributes that can change over time. The standard relates multiple cartographic and topological network database representations to uniquely identified transportation segments in the real world, and provides the domain for transferring application attributes across linear referencing and cartographic systems.

The model consists of a set of one-dimensional Framework Transportation Segments (FTSeg) that have zero-dimensional Framework Transportation Reference Points (FTRP) at their termini. FTRP and FTSeg are highly stable, unambiguously identified, and recoverable in the field. The standard specifies a mandatory set of attributes for each FTSeg and mandatory attributes for each FTRP.

The standard specifies a format for a unique identification code to be assigned to each FTSeg and each FTRP. It also specifies a process for assigning, modifying and recording FTRP and FTSeg identification codes, and proposes a national registry for their identification. Establishment of stable transportation segment identifies will facilitate the exchange of information, e.g., improved geospatial coordinates, feature attributes like road names, controls to various linear referencing methods mile points, or low and high address values, between databases.

This proposed standard has widespread applicability for public sector and commercial database developers and data users. It will facilitate data exchange among different users by providing well-defined common reference segments tied to the physical transportation feature, rather than to any cartographic or network abstraction of that feature. It will allow users to create customized topological networks from the reference segments without modifying the properties of the reference segments themselves, and to make transactional updates to framework transportation databases.

There has been no standard approach for documenting the relationship between a digitized transportation segment and the physical transportation feature that it represents. There has been no national standard for identifying, segmenting, or representing transportation segments in digital geospatial databases. Consequently, the exchange of attribute information between two different transportation databases representing the same geographic area is difficult, time consuming, and error prone.

Dated: April 11, 2001.

Karen Siderelis,

Geographic Information Officer.

[FR Doc. 01–9769 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

U.S. Geological Survey

Federal Geographic Data Committee (FGDC); Public Review of the U.S. National Grid Standard

ACTION: Notice; request for comments.

SUMMARY: The FGDC is conducting a public review of the draft U.S. National Grid standard. An interorganizational team sponsored by the FGDC Standards Working Group developed this draft standard over several years and the FGDC Coordination Group comprised of representatives from Federal agencies approved releasing this standard for public review. The FGDC invites software vendors and data users and producers in public and private sectors to comment on this standard to ensure that the standard meets their needs.

Comments that address specific issues/changes/additions may result in revisions to the draft U.S. National Grid Standard. After comments have been evaluated, participants will receive notification of how their comments were addressed. After formal endorsement of the standard by the FGDC, the standard and a summary analysis of the changes will be made available to the public.

DATES: Comments must be received on or before June 22, 2001.

ADDRESSES: The draft standard may be downloaded via Internet address *http://www.fgdc.gov/standards/status/usng.html/.*

Request for printed copies of the standard should be addressed to ''U.S. National Grid Standard,'' FGDC Secretariat (attn: Julie Binder Maitra), U.S. Geological Survey, 590 National Center, 12201 Sunrise Valley Drive, Reston, Virginia 20192 or facsimile 703–648–5755 or Internet at *jmaitra@usgs.gov.*

Reviewer's comments may be sent to FGDC via Internet mail to gdc-usgrid@*www.fgdc.gov.* Reviewer's comments may also be sent to the FGDC Secretariat at the above postal address. Please send one hardcopy version of the comments and a softcopy version on 3.5-inch diskette in Microsoft Word or Rich Text Format. All reviewers are strongly urged to use the template for sending comments that may be downloaded from Internet address *http://www.fgdc.gov/standards/directives/dir2d.html.*

SUPPLEMENTARY INFORMATION: Following is information about the draft U.S. National Grid, submitted by the FGDC Standards Working Group:

Objective: The objective of this standard is to create a more favorable environment for developing location-based services within the United States and to increase the interoperability of location services appliances with traditional printed map products by establishing a nationally consistent grid reference system as the preferred grid for National Spatial Data Infrastructure (NSDI) applications.

There are a number of coordinate reference systems that can be used either in location service appliances or on printed maps for the purpose of establishing a location. Within automated location service appliances, the conversion of coordinates based on one well-defined reference system to coordinates based on another can be both automatic and transparent to the user. These devices can support multiple coordinate reference systems with little difficulty. However, it is not easy for users to work in multiple reference systems and to convert between systems without the aid of location service appliances, calculators, or conversion tables. Furthermore, it is difficult for users to accurately determine a location coordinate from paper maps when spherical coordinate reference systems, like latitude and longitude, are used because they do not appear square on the flat map. As a consequence paper maps created for the general public frequently have a square reference grid that overlays the non-rectangular coordinate reference system. It is computationally difficult, labor intensive, and time consuming to convert the reference grid coordinate obtained from one printed map to another printed map with a different grid even when both grid reference systems are well defined. It can be impossible when proprietary grids are used. This situation greatly limits the ability of users to use location service devices with traditional printed maps. Subsequently, location based services in this country have been limited to totally digital environments, restricting the number of users and uses and retarding the development of the location based service industry.

This standard seeks to improve the current situation by identifying a single nationally consistent, humanly facile grid reference system as the preferred U.S. National Grid (USNG) and promoting its use within the NSDI.

Scope: This standard defines a preferred U.S. National Grid (USNG) for large and medium-scale mapping applications; for this standard, large and medium-scale shall be defined as from approximately 1:5000 to 1:1,000,000 applications. It defines how to present UTM coordinates at various levels of precision. It specifies the use of those coordinates with the grid system defined by the Military Grid Reference System (MGRS). Additionally, it addresses specific presentation issues such as grid spacing. The UTM coordinate representation, the MGRS grid, and the specific grid presentation requirements together define the USNG. This standard is a process standard as defined by the FGDC Standards Reference Model. Specifically, it is a presentation process standard.

Applicability: This standard is for use in the acquisition or production, either directly or indirectly through contracts and partnerships, of printed maps and the acquisition, either directly or indirectly, of location service appliances. The USNG addresses the geospatial coordinate, user interface of products and services designed as interoperable components of the NSDI. This standard applies to printed maps that are to be used in conjunction with location service appliances and to location service appliances that are to be used in conjunction with printed map products.

This standard is not applicable to the collection of geospatial data, either remote sensed data collection or field surveys. This standard is not applicable to the internal data storage structure of any GIS or location service appliance or to the transfer of coordinates between databases or appliances.

Use of USNG grid coordinates may be useful or even desirable within some systems or enterprises. The decision to use USNG grid coordinates or some other coordinate system internal to geographic information systems or location service appliances is left to the discretion of the system developer as long as the user interface provides for USNG grid coordinate readout as one option.

The USNG is not applicable to surveying. This standard does not attempt to replace the State Plane Coordinate Systems (SPCS) established by the National Geodetic Survey specifically for field surveying. The SPCS is specifically designed to meet the requirements of surveyors and engineers in determining location and boundaries and most states mandate its use by law especially for cadastral surveys. The USNG does not address those needs. SPCS coordinates can be readily converted to USNG grid coordinates for subsequent use within the NSDI.

The USNG is interoperable with the MGRS. This will be of critical importance to safety of life during times of disaster relief operations.

Dated: April 11, 2001.

Karen Siderelis,

Geographic Information Officer.

[FR Doc. 01–9770 Filed 4–14–01; 8:45 am]

BILLING CODE 4310–Y7–M

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact Between the Chitimacha Tribe of Louisiana and the State of Louisiana, which was executed on March 6, 2001.

DATES: This action is effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: April 6, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–9801 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of amendment to an approved Tribal-State Compact.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988, Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Deputy Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated

authority, has approved Amendment VIII to the Confederated Tribes of the Warm Springs Reservation of Oregon and the State of Oregon Gaming Compact, which was executed on January 30, 2001.

DATES: This action is effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: March 16, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–9802 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Indian Gaming

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of approved Tribal-State Compact extension.

SUMMARY: Pursuant to section 11 of the Indian Gaming Regulatory Act of 1988 (IGRA), Pub. L. 100–497, 25 U.S.C. 2710, the Secretary of the Interior shall publish, in the **Federal Register**, notice of approved Tribal-State Compacts for the purpose of engaging in Class III gaming activities on Indian lands. The Assistant Secretary—Indian Affairs, Department of the Interior, through his delegated authority, has approved the Tribal-State Compact Extension Between the Tunica-Biloxi Tribe of Louisiana and the State of Louisiana, which was executed on March 23, 2001.

DATES: This action is effective April 20, 2001.

FOR FURTHER INFORMATION CONTACT: George T. Skibine, Director, Office of Indian Gaming Management, Bureau of Indian Affairs, Washington, DC 20240, (202) 219–4066.

Dated: March 30, 2001.

James H. McDivitt,

Deputy Assistant Secretary—Indian Affairs (Management).

[FR Doc. 01–9800 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–02–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[UT–030–1430–ES; UTU–79248, UTU–79249]

Notice of Realty Action; Recreation and Public Purposes Act Classification and Application for Conveyance; Utah

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice.

SUMMARY: The following public land in Garfield County, Utah, has been Congressionally directed under section 201(d) of Public Law 105–355 as amended, to be conveyed to Garfield County School District and/or Tropic, Utah, in accordance with the provisions of section 1 of the Act of June 14, 1926, as amended, 43 U.S.C. 869 *et seq.*, commonly known as the Recreation and Public Purposes (R&PP) Act, and examined and classified as suitable for conveyance under the R&PP Act:

Salt Lake Meridian

T. 37 S., R. 3 W.
Section 3, lots 2 and 3, SE¼NW¼, S½NE¼
The area described contains 198.16 acres.

FOR FURTHER INFORMATION CONTACT: Darrell ''Butch'' Olsen, Realty Specialist, Bureau of Land Management, P.O. Box 225, Escalante, Utah 84726, 435–826–5611.

SUPPLEMENTARY INFORMATION: The purpose of the classification and application for conveyance of this land is for Garfield County School District to use 24.90 acres for development of a multi-use educational/recreational complex, and for the town of Tropic to use the remaining 173.26 acres for development of a cultural/natural history museum, interpretive trail network, equestrian park and golf course.

1. The patents when issued will contain reservations to the United States for ditches, canals and all minerals, and will be subject to all valid existing rights and reservations.

2. Upon publication of this notice in the **Federal Register**, the above described land will be segregated from all forms of appropriation under the public land laws, including the general mining laws, except for recreation and public purposes and leasing under the mineral leasing laws.

Dated: April 7, 2001.

Marietta Eaton,

Acting Monument Manager.

[FR Doc. 01–9774 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–84–P

DEPARTMENT OF THE INTERIOR

National Park Service

Rock Creek National Park; Draft Environmental Assessment for Fort Reno Athletic Field Construction and Renovation at Fort Reno Park, Washington, DC

ACTION: Notice of availability of environmental assessment.

SUMMARY: Pursuant to the Council of Environmental Quality regulations and National Park Service policy, this notice announces the availability of a draft environmental assessment (EA) for Athletic Field Construction and Renovation at Fort Reno Park in Washington, DC.

DATES: There will be a 30-day public review for comment on this document. Comments on the draft EA should be received on or before May 21, 2001.

ADDRESSES: Comments on the EA should be submitted to: Adrienne Coleman, Superintendent, Rock Creek National Park, 3545 Williamsburg Lane NW., Washington, DC 20008. Copies of the EA will be available at the following locations: Klingle Mansion, Rock Creek Park Headquarters, 3545 Williamsburg Lane, NW., Washington, DC 20008; Tenley-Friendship Branch Library, 4450 Wisconsin Ave., NW., Washington, DC, 20016; and Rock Creek Nature Center, 5001 Glover Road, NW., Washington, DC.

FOR FURTHER INFORMATION CONTACT: Adrienne Coleman, Superintendent, Rock Creek National Park, 3545 Williamsburg Lane, NW., Washington, DC 20008; phone number (202) 282–1063. A limited number of copies of the draft EA are available on request.

SUPPLEMENTARY INFORMATION: The EA on the proposed athletic field construction and renovation at Fort Reno Park describes the proposed design concepts for the proposed work, and analyzes pertinent environmental, archeological, cultural and park use impacts of its establishment and construction and possible mitigation measures for the identified impacts.

The Draft Environmental Assessment analyzes (4) alternatives for the proposed athletic field construction and renovation at Fort Reno Park located in Rock Creek National Park. The first Alternative is no-action, the second is improving the existing soccer/baseball field and provides for an additional soccer/baseball field to the east of the existing field. Alternative (3) improves the existing soccer/baseball field and provides construction of a combination

soccer/baseball field on the west side of the park, between Belt Road and the Reno Reservoir. The fourth alternative would improve the existing soccer/baseball field and maximizes the potential usage of the Park for organized sports activities by providing both of the proposed east and west located athletic fields proposed in Alternatives two and three.

The action alternatives would potentially involve a Phase Two archeological study of the area to preserve archeological resources. The cost of the study is estimated at $75,000.

The Draft Environmental Assessment evaluates the environmental and cultural consequences of the alternatives on visitor experience, archeological and historical resources, impacts on local communities, landowners, and natural ecosystems.

Dated: April 3, 2001.

Adrienne Coleman,

Superintendent, Rock Creek National Park.

[FR Doc. 01–9757 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–M

DEPARTMENT OF THE INTERIOR

National Park Service

Intent to Prepare An Environmental Impact Statement for the Alagnak Wild River Management Plan, Alaska

AGENCY: National Park Service, Interior.

ACTION: Notice of Intent to prepare an environmental impact statement for the Alagnak Wild River Management Plan, Alaska.

SUMMARY: Under the provisions of the 1969 National Environmental Policy Act, the National Park Service is preparing an environmental impact statement (EIS) for the Alagnak Wild River Management Plan. The Alaska National Interest Lands Conservation Act of December 2, 1980, designated the Alagnak River (including the Nonvianuk River) from the outlets at Kukaklek and Nonvianuk Lakes to the west boundary of township 13 south, range 43 west, Seward Meridian, as a wild river under the provisions of the 1968 National Wild and Scenic Rivers Act. The Wild and Scenic River Act directs the administering agency (National Park Service) to manage components of the system in such a manner as to protect and enhance the values for which the river was designated, while providing for public recreation and resource uses that do not adversely impact or degrade those values.

A braided navigable river, the Alagnak drains from lakes of unusually high elevation for the area, resulting in a corridor that runs from alpine habitats, through tundra and boreal forest systems, to the coast. A diversity and abundance of wildlife along with a rich cultural heritage is found within the river corridor, thus making the area important to Alaska Natives, as well as to subsistence and recreational users.

The purpose of a new Alagnak Wild River Management Plan is to provide comprehensive management direction over the next 15–20 years to protect and enhance the values for which the Alagnak Wild River was designated. This new management plan will replace the 1983 Alagnak Wild River Management Plan and amend the 1986 General Management Plan for Katmai National Park and Preserve (1986 GMP). A new management plan is needed because both the 1983 River Management Plan and the 1986 GMP are based on outdated assumptions about the levels and types of use on the river and related management and development approaches. Furthermore, neither the 1983 River Management Plan nor the 1986 GMP adequately describes strategies for resource protection and management, long-term monitoring, and management along a river corridor with a complex pattern of land ownership.

During the ensuing planning process, a reasonable range of alternatives will be developed and analyzed in the river management plan and EIS, including no-action and an agency preferred alternative. A preliminary list of planning issues that the alternatives need to address has been identified and includes:

- How can the important natural and cultural resources best be protected and enhanced, while providing for continued use of the river by present and future generations?
- What level and type of use is appropriate and consistent with the purpose for which the river was designated under the Wild and Scenic Rivers Act?
- What facilities are necessary to meet the goals of the river management plan and appropriate to the wild river classification?

In the agency-preferred alternative and other action alternatives, some of the above issues will be addressed by the development and allocation of specific management zones along the Alagnak Wild River. The use of zones will enable the National Park Service to provide a range of quality user experiences and resource conditions consistent with the mandates of the Wild and Scenic Rivers Act.

Public scoping for the Alagnak Wild River Management Plan and EIS begins with this Notice of Intent. The National Park Service requests input from federal and state agencies, Native groups, local governments, private organizations, recreational and subsistence users, local landowners, members of the community, and the general public. Further information on this planning process will be made available to the public in April 2001 through the distribution of a newsletter, the development of a Web page, and public open houses and meetings. Specific dates, times, and locations of scoping sessions will be announced in area newspapers, via radio announcements, and on community bulletin boards. Preliminary alternatives will be developed based on the issues identified and comments gathered. The public will be provided with an opportunity to comment on the preliminary alternatives before they are incorporated into the draft EIS.

The draft EIS is anticipated to be available for public review in spring 2002. The anticipated release of the final EIS/Alagnak Wild River Management Plan is winter 2002/03.

Those interested in submitting additional planning issues or providing input to this initial phase of developing the Alagnak Wild River Management Plan and EIS are invited to do so by sending such comments to the point of contact identified below.

FOR FURTHER INFORMATION CONTACT: Jane Bacchieri, Alagnak Wild River Project Coordinator, Katmai National Park & Preserve, PO Box 7, King Salmon, AK 99613. (907) 246–2148. (907) 246–4286 Fax. *jane_bacchieri@nps.gov*

SUPPLEMENTARY INFORMATION: The Alagnak Wild River Project Coordinator should receive comments no later than 90 days from the publication of this Notice of Intent.

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

individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety.

Ralph Tingey,

Acting Regional Director.

[FR Doc. 01–9758 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Boston African American National Historic Site, Suffolk County, MA; Notice of Intent To Prepare an Environmental Impact Statement and Notice of Public Meetings

In accordance with the National Environmental Policy Act of 1969 (Pub. L. 91–109 section 102(c)), the National Park Service (NPS) is preparing an Environmental Impact Statement (EIS) for the General Management Plan for Boston African American National Historic Site (NHS), located in the city of Boston, Suffolk County, Massachusetts. The purpose of the EIS is to assess the impacts of alternative management strategies that will be described in the General Management Plan for Boston African American NHS. A range of alternatives will be formulated for natural and cultural resource protection, visitor use and interpretation, facilities development, and operations.

The NPS will hold a series of public meetings in the spring and summer of 2001 which will provide an opportunity for public input into the scoping for the GMP/EIS. The date, time, and location of these meetings will be announced through local media as they will be held at various places in the Boston area. The purpose of these meetings is to obtain both written and verbal comments concerning the future direction and development of Boston African American NHS. Those persons who wish to comment verbally or in writing should contact Kenneth Heidelberg, Site Manager, Boston African American National Historic Site, 14 Beacon Street, Suite 506, Boston, MA 02108 (617) 742–5415 or Ruth Raphael, Park Planner, Boston National Historical Park, Charlestown Navy Yard, Boston, Massachusetts 02129–4543, (617) 242–5691. The draft GMP/EIS is expected to be completed and available for public review in Summer 2002. After public and interagency review of the draft document comments will be considered, and a final EIS will be prepared, followed by a Record of Decision.

Dated: March 22, 2001.

Peter Steele,

Superintendent, Boston National Historical Park.

[FR Doc. 01–9818 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Death Valley National Park Advisory Commission; Notice of Meeting

Notice is hereby given in accordance with the Federal Advisory Commission Act that a meeting of the Death Valley National Park Advisory Commission will be held May 22 and 23, 2001 at the Furnace Creek Inn within Death Valley National Park.

The main agenda will include:

- Updates on wilderness boundaries;
- Water monitoring;
- Grapevine DCP
- Resources update
- Update on EIS for Travertine/Texas Springs
- Appropriate field trips within Death Valley National Park.

The Advisory Commission was established by Pub. L. 03–433 to provide for the advice on development and implementation of the General Management Plan.

Members of the Commission are Janice Allen, Michael Dorame, Mark Ellis, Pauline Esteves, Stanley Haye, Sue Hickman, Cal Jepson, Joan Lolmaugh, Gary O'Connor, Alan Peckham, Michael Prather, Wayne Schulz, and Gilbert Zimmerman.

This meeting is open to the public.

James T. Reynolds,

Superintendent, Death Valley National Park.

[FR Doc. 01–9761 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Subsistence Resource Commission Meeting

AGENCY: National Park Service, Interior.

ACTION: Announcement of Subsistence Resource Commission meeting.

SUMMARY: The Superintendent of Denali National Park and Preserve and the Chairperson of the Denali Subsistence Resource Commission announce a forthcoming meeting of the Subsistence Resource Commission for Denali National Park and Preserve. The following agenda items will be discussed:

(1) Call to order.
(2) Roll call—Confirm Quorum.
(3) Welcome and introductions.
(4) Approval of last meeting minutes.
(5) Additions and corrections to agenda.
(6) Business:
(a) Denali Backcountry Management Plan
(b) Updates on Federal Subsistence Management Program
(c) NPS Reports and Briefing Session
(7) SRC Work Session/Develop Recommendations
(8) Public and other agency comments.
(9) Set time and place of next SRC meeting.
(10) Adjournment.

DATES: The meeting will begin at 9 a.m. on Monday, April 30th, 2001, and conclude around 5 p.m.

Location: The meeting will be held at the McKinley Village Community Center, McKinley Village, Alaska.

FOR FURTHER INFORMATION CONTACT: Hollis Twitchell, Subsistence and Cultural Branch, PO Box 9, Denali Park, Alaska 99755, Phone (907) 683–9544 or (907) 456–0595.

SUPPLEMENTARY INFORMATION: The Subsistence Resource Commissions are authorized under Title VIII, section 808, of the Alaska National Interest Lands Conservation Act, Pub. L. 96–487, and operates in accordance with the provisions of the Federal Advisory Committees Act. Note that under the Freedom of Information Act (FOIA), transcripts of any person giving public comments may be made available under a FOIA request.

Ralph Tingey,

Acting Regional Director.

[FR Doc. 01–9759 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notice on NHL Boundaries

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specified boundary was identified at the time of designation and therefore are without a clear delineation of the property involved.

In accordance with the National Historic Landmark program regulations 36 CFR part 65, the National Park Service notifies owners, public officials and other interested parties and gives them an opportunity to comment on the proposed boundary documentation.

The 60-day comment period on the National Historic Landmark listed below has ended and the boundary documentation has been approved. Copies of the documentation of the landmark and its boundaries, including maps, may be obtained from the National Register of Historic Places, National Park Service, 1849 C Street, NW, Suite NC 400, Washington, DC 20240, Attention: Sarah Pope (phone: 202–343–9546; e-mail: *sarah__pope@nps.gov*).

Wounded Knee National Historic Landmark, Wounded Knee, Shannon County, South Dakota. Designated a Landmark on December 21, 1965.

Carol D. Shull,

Chief of the National Historic Landmarks Survey and Keeper of the National Register, National Register, History and Education.

[FR Doc. 01–9819 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

National Register of Historic Places; Notice on NHL Boundaries

The National Park Service has been working to establish boundaries for all National Historic Landmarks for which no specified boundary was identified at the time of designation and therefore are without a clear delineation of the property involved.

In accordance with the National Historic Landmark program regulations 36 CFR part 65, the National Park Service notifies owners, public officials and other interested parties and gives them an opportunity to comment on the proposed boundary documentation.

Comments on the proposed documentation for the National Historic Landmark listed below and the boundaries it defines will be received for 60 days from the date of this notice. Please address comments to Carol D. Shull, Chief of the National Historic Landmarks Survey and Keeper of the National Register of Historic Places, National Register, History and Education, National Park Service, 1849 C Street, NW., Suite NC 400, Washington, DC 20240, Attention: Sarah Pope (phone: 202–343–9534; e-mail: *sarah__pope@nps.gov*). Copies of the documentation, including maps, may be obtained from that same office.

Grant-Kohrs Ranch National Historic Landmark, Deer Lodge, Powell County, South Dakota. Designated a Landmark on December 19, 1960.

Carol D. Shull,

Chief of the National Historic Landmarks Survey and Keeper of the National Register of Historic Places, National Register, History and Education.

[FR Doc. 01–9820 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–P

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 April 7, 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 May 7, 2001.

Carol D. Shull,

Keeper of the National Register of Historic Places.

Arizona

Maricopa County

Smurthwaite House, (Nineteenth-Century Residential Buildings in Phoenix MPS), 317 W. Jefferson, Phoenix, 01000479

Arkansas

Cleveland County

Rison Cities Service Station, (Arkansas Highway History and Architecture MPS), 308 Main St., Rison, 01000486

Dallas County

Marathon Oil Service Station, (Arkansas Highway History and Architecture MPS), E. Second and Spring St., Fordyce, 01000484

Hot Spring County

Couchwood Historic District, 301 Couchwood Rd., Hot Springs, 01000487

Independence County

Lee's Chapel Church and Masonic Hall, 8 mi. E on Sandtown Rd., Cushman, 01000482

Jefferson County

Arkansas Louisiana Gas Company Building, 116 West 6th, Pine Bluff, 01000480

Johnson County

McConnell, Edward Taylor, House, 302 S. Fulton St., Clarksville, 01000485

Yell County

Cotton, Thomas James, House, 405 S. Third St., Dardanelle, 01000483

California

Sacramento County

Sacramento Masonic Temple, 1131 J St., Sacramento, 01000488

San Francisco County

Hale Brothers Department Store (Boundary Increase), 36 Fifth St., 423–27 and 429 Stevenson St., San Francisco, 01000490

Colorado

Larimer County

Preston Farm, 4605 S. Ziegler Rd., Fort Collins, 01000489

Georgia

Paulding County

Hiram Colored School, W of GA 92 bet. jct. of Fitzgerald and Ragsdale Sts., Hiram, 01000494

Thomas County

Stevens Street Historic District, Along Stevens St., 1 blk. NW of Thomas County Courthouse, Thomasville, 01000500

Louisiana

Assumption Parish

St. Anne Catholic Church, 417 St. Joseph St., Napoleonville, 01000492

Ouachita Parish

First United Methodist Church, 101 N. 2nd St., West Monroe, 01000491

Massachusetts

Bristol County

Holmes School Historic District, Hoppin Hill Ave. at Holmes Rd., North Attleborough, 01000499

Mississippi

Warren County

Loosa Yokena Archeological Site, Address Restricted, Kimberly, 01000481

New Jersey

Middlesex County

Metuchen Borough Hall, 500 Main St., Metuchen, 01000503

North Dakota

Cass County

1916 Buffalo High School, 303 Pearl St. N, Buffalo, 01000501

Oregon

Clackamas County

River Mill Hydroelectric Project, Over Clackamas River, Estacada, 01000497

Clatsop County

Sky Lyft, 702 "D" St., Gearhart, 01000496

Deschutes County

Hope—Van Allen House, 352 NW Drake Rd., Bend, 01000495

Gilliam County

Condon Commercial Historic District (Boundary Increase), 122 N. Oregon St., Condon, 01000493

Malheur County

Hart, Moses and Mary, Stone House and Ranch Complex, 1 mi. W of Post Office on Bully Creek County Rd., Westfall, 01000498

Pennsylvania

Montgomery County

Normandy Farmstead, 1411 Morris Rd., Blue Bell, Whitpain Township, 01000502

Northampton County

Zeta Psi Fraternity House, 49 S. College Dr., Easton, 01000506

Tennessee

Knox County

McMillan, Alexander, House, (Knoxville and Knox County MPS), 7703 Strawberry Plains Pike, Knoxville, 01000504

Washington

Island County

Cama Beach Resort, 1880 SW Camano Dr., Camano Island, 01000505

[FR Doc. 01–9821 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Agate Fossil Beds National Monument, Harrison, NE

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Agate Fossil Beds National Monument, Harrison, NE.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed assessment and inventory of the human remains was made by National Park Service professional staff in consultation with the representatives of the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington.

At some time before 1909, human remains representing one individual were discovered by former lighthouse keeper H. F. Argyle, near Rocky Point on Vancouver Island, British Columbia. The human remains were subsequently acquired by J.E. Standley, a curio dealer in Seattle, WA, who sold them to James Cook of the Agate Springs Ranch, NE. The human remains consist of a single cranium. The flattened forehead is indicative of a particular type of cradle commonly used by tribes in the Pacific Northwest. Non-destructive analysis of the remains indicates that they are Native American, probably a male in his early 50s. No individual was identified. A projectile point was inserted into a ''wound'' in the cranium, apparently post-mortem, and is not considered to be an associated funerary object.

This skull was a prominent feature of James Cook's and his son's collection of Indian and fossil artifacts that they maintained at the Agate Springs Ranch until giving it to the National Park Service in 1965. The skull was remembered by many ranch visitors, and was featured in an article in the November/December 1911 issue of Records of the Past.

In 1995, based on documentary materials, Dr. Daniel L. Boxberger, professor of anthropology, Western Washington University, Bellingham, concluded that the skull was culturally affiliated with the localized Canadian group of the Klallam tribe (Beecher Bay Nation) that currently lives in the Rocky Point area of Vancouver Island. The Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington has requested that the skull be repatriated to them on behalf of their relatives from Beecher Band Nation. Historically, there were no boundaries between Klallam people living in what are now the United States and Canada across the Strait of Juan de Fuca. Many of the Beecher Bay members are very closely related to the Lower Elwha Community families, and they are culturally interconnected.

Based on the above-mentioned information, the superintendent of Agate Fossil Beds National Monument has determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. The superintendent of Agate Fossil Beds National Monument also has determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington.

This notice has been sent to officials of the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Superintendent Ruthann Knudson, Agate Fossil Beds National Monument, 301 River Road, Harrison, NE 69346-2734, telephone (308) 668-2211, fax (308) 668-2318, e-mail ruthann_knudson@nps.gov, no later than May 21, 2001. Repatriation of the human remains to the Lower Elwha Tribal Community of the Lower Elwha Reservation, Washington may begin after that date if no additional claimants come forward.

Dated: March 22, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–9753 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the American Museum of Natural History, New York, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible

for the determinations within this notice.

A detailed assessment of the human remains was made by American Museum of Natural History professional staff in consultation with representatives of the Seneca-Cayuga Tribe of Oklahoma, the Seneca Nation of New York, and the Tonawanda Band of Seneca Indians of New York.

In 1907, human remains representing a minimum of three individuals were collected by Alanson B. Skinner, as part of a museum expedition, from Gandougarae, East Bloomfield, Ontario County, NY. No known individuals were identified. No associated funerary objects are present.

These individuals have been identified as Native American based on American Museum of Natural History documentation that refers to the site and its inhabitants as ''Seneca.'' According to both museum documentation and scholarly literature, the Gandougarae site was a post-contact village occupied until 1671. Apparently this village was also called St. Michel. The manner of interment is consistent with post-contact Seneca practices of inhumation (in clan cemeteries).

Based on the above-mentioned information, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of a minimum of three individuals of Native American ancestry. Also, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Seneca-Cayuga Tribe of Oklahoma, the Seneca Nation of New York, and the Tonawanda Band of Seneca Indians of New York.

This notice has been sent to officials of the Seneca-Cayuga Tribe of Oklahoma, the Seneca Nation of New York, and the Tonawanda Band of Seneca Indians of New York. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Martha Graham, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024-5192, telephone (212) 769-5846, before May 21, 2001. Repatriation of the human remains to the Seneca-Cayuga Tribe of Oklahoma, the Seneca Nation of New York, and the Tonawanda Band of Seneca Indians of New York may begin after that date if no additional claimants come forward.

Dated: March 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–9762 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the American Museum of Natural History, New York, NY

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the American Museum of Natural History, New York, NY.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by American Museum of Natural History professional staff in consultation with representatives of the St. Regis Band of Mohawk Indians of New York.

Prior to 1924, Professor Felix Von Luschan acquired human remains representing a minimum of three individuals from an unknown locale. The American Museum of Natural History has no information on the circumstances of Professor Von Luschan's acquisition of these remains. Mr. Felix Warburg purchased these remains from Professor Von Luschan and, in 1924, donated them to the American Museum of Natural History. No known individuals were identified. No associated funerary objects are present.

These individuals have been identified as Native American based on American Museum of Natural History documentation that refers to the remains as ''Mohawk.''

Based on the above-mentioned information, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of a minimum of three individuals of Native American ancestry. Also, officials of the American Museum of Natural History have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the St. Regis Band of Mohawk Indians of New York.

This notice has been sent to officials of the St. Regis Band of Mohawk Indians of New York. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Martha Graham, Director of Cultural Resources, American Museum of Natural History, Central Park West at 79th Street, New York, NY 10024–5192, telephone (212) 769–5846, before May 21, 2001. Repatriation of the human remains to the St. Regis Band of Mohawk Indians of New York may begin after that date if no additional claimants come forward.

Dated: March 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–9763 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Badlands National Park, SD

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Badlands National Park, Interior, SD.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and

associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed inventory and assessment of the human remains has been made by professional staff of the National Park Service in consultation with representatives of the Arapaho Tribe of the Wind River Reservation; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Cheyenne Tribe; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota.

In November 1958, human remains representing one individual were discovered eroding out of a cut bank on park property. Evidence of a hearth was noticed adjacent to where the remains were discovered. A partial skull with five intact maxillary teeth and a fragmentary vertebra were removed by the park's chief ranger and formally accessioned into the park's museum collection on June 28, 1959. The rest of the remains were left in place.

The skull exhibits retreating zygomatics, a canine fossa, lack of keeling, and rapid occlusal attrition, all traits common in American Indian populations. Though the oval window is also visible, the remains are most likely Native American. This individual was probably between 16-22 years old at the time of death, based on the eruptions of the third molars, molar root development, dental attrition, and basilar suture closure. The orbital margin, mastoid process, nuchal area, and tooth size indicate that the individual may have been male. No known individual was identified. No associated funerary objects are present.

Human occupation of the Badlands National Park area is believed to date back approximately 11,000 years. The archeological record and oral traditions indicate that the Arikara people camped in the secluded valleys of Badlands National Park year round. Eroding out of the stream banks today are the rocks and charcoal of their campfires. About 150 years ago, the Great Sioux Nation displaced many of the other tribes from the northern prairie.

Based on the above mentioned information, the superintendent of Badlands National Park has determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of one individual of Native American ancestry. The superintendent of Badlands National Park also has determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Cheyenne Tribe; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota.

This notice has been sent to officials of the Arapaho Tribe of the Wind River Reservation; Blackfeet Tribe of the Blackfeet Indian Reservation of Montana; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Crow Tribe of Montana; Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Cheyenne Tribe; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact William R. Supernaugh, Superintendent, Badlands National Park, P.O. Box 6, Route 240, Interior, SD 57750, telephone (605) 433-5280, before. Repatriation of the human remains to the Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Devils Lake Sioux Tribe of the Devils Lake Sioux Reservation, North Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Cheyenne Tribe; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Standing Rock Sioux Tribe of North & South Dakota; and Yankton Sioux Tribe of South Dakota may begin after that date if no additional claimants come forward.

Dated: March 27, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–9751 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the U.S. Department of the Interior, National Park Service, Cape Cod National Seashore, South Wellfleet, MA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of the inventory of human remains and associated funerary objects in the possession of the U.S. Department of the Interior, National Park Service, Cape Cod National Seashore, South Wellfleet, MA.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the National Park Service unit that has control or possession of these Native American human remains and associated funerary objects. The Assistant Director, Cultural Resources Stewardship and Partnerships is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by National Park Service professional staff in consultation with the Wampanoag Confederation, whose membership consists of the Federally-recognized Wampanoag Tribe of Gay Head

(Aquinnah), and the non-Federally-recognized Assonet Band of the Wampanoag Nation and the Mashpee Wampanoag Indian Tribal Council.

In 1981, human remains representing one individual were recovered during a legally authorized National Park Service archeological survey in the area of the Salt Pond, located within park boundaries in Eastham, MA. No known individual was identified. No associated funerary objects are present. A Jack's Reef corner-notched point found at the survey site, along with radiocarbon samples from nearby test pits, indicate that the human remains are dated to the Middle Woodland period (A.D. 100–1000)

On July 13, 1983, human remains representing one individual were collected by visitors to the park from an eroding dune area on Griffin Island in Wellfleet, MA. No known individual was identified. No associated funerary objects are present. On the basis of the state of preservation of the remains as well as material from other archeological survey sites in the immediate area, these remains are dated to the Middle to Late Woodland period (A.D. 500.0–1600). Archeological evidence indicates a continuity of occupation during the Middle and Late Woodland to the Historic period. Historical documentation indicates that the Nauset people occupied the outer Cape Cod area in the early 1600s. Some descendants of the Nausets are believed to have been absorbed by the Wampanoag people in the 1700s.

Based on the above-mentioned information, the Cape Cod National Seashore superintendent has determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of two individuals of Native American ancestry. The Cape Cod National Seashore superintendent also has determined that, pursuant to 25 U.S.C. 3001 (2), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Wampanoag Confederation, whose membership consists of the Federally-recognized Wampanoag Tribe of Gay Head (Aquinnah), and the non-Federally-recognized Assonet Band of the Wampanoag Nation and the Mashpee Wampanoag Indian Tribal Council.

This notice has been sent to officials of the Wampanoag Tribe of Gay Head (Aquinnah), Assonet Band of the Wampanoag Nation, and Mashpee Wampanoag Indian Tribal Council. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Maria Burks, Superintendent, Cape Cod National Seashore, 99 Marconi Site Road, South Wellfleet, MA 02667, telephone (508) 349-3785, before May 21, 2001. Repatriation of the human remains to the Wampanoag Confederation, whose membership consists of the Federally-recognized Wampanoag Tribe of Gay Head (Aquinnah), and the non-Federally-recognized Assonet Band of the Wampanoag Nation and the Mashpee Wampanoag Indian Tribal Council, may begin after that date if no additional claimants come forward.

Dated: March 22, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–9752 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Nevada State Museum, Carson City, NV

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given in accordance with provisions of the Native American Graves Protection and Repatriation Act (NAGPRA), 43 CFR 10.9, of the completion of an inventory of human remains and associated funerary objects in the possession of the Nevada State Museum, Carson City, NV.

This notice is published as part of the National Park Service's administrative responsibilities under NAGPRA, 43 CFR 10.2(c). The determinations within this notice are the sole responsibility of the museum, institution, or Federal agency that has control of these Native American human remains and associated funerary objects. The National Park Service is not responsible for the determinations within this notice.

A detailed assessment of the human remains was made by Nevada State Museum professional staff in consultation with Leland Bliss, chairman of the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada.

In the early 1900s, human remains representing one individual were removed from the vicinity of Lovelock, NV, by John T. Reid. These remains were donated to the Nevada Historical Society after Mr. Reid's death by his brother, Paul Reid, in 1941. The Nevada Historical Society is an agency within the Nevada State Division of Museums and History. No known individual was identified. The seven associated funerary objects are a rifle barrel, a metal pipe, cloth, shoes, a mammal bone, and wood fragments.

Osteological evidence indicates that these human remains represent a Native American. The dental patterns are characteristic of post-1840s diet. The presence of a rifle and Euro-American clothing also date the remains to the post-1840s. The location where the human remains were found is within the known historic territory of the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada. Both tribal oral history and historical evidence document that this group has occupied the Lovelock area since before the 1840s.

In the early 1900s, human remains representing one individual were removed from the vicinity of Lovelock, NV, by John T. Reid. These remains were donated to the Nevada Historical Society after Mr. Reid's death by his brother, Paul Reid, in 1941. No known individual was identified. No associated funerary objects are present.

Morphological evidence indicates that this individual is a Native American. The teeth exhibit caries, a condition common in post-contact Native American remains, which are rare in prehistoric individuals from western Nevada. The location where the human remains were found is within the known historic territory of the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada. Both tribal oral history and historical evidence document that this group have occupied the Lovelock area since before the 1840s.

In the early 1900s, human remains representing one individual were removed from the vicinity of Lovelock, NV, by John T. Reid. These remains were donated to the Nevada Historical Society after Mr. Reid's death by his brother, Paul Reid, in 1941. No known individual was identified. No associated funerary objects are present.

Osteological evidence indicates that these human remains are Native American. A piece of glass found in the vicinity of the remains tentatively dates the remains to a post-1840s time period. The location where the human remains were found is within the known historic territory of the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada. Both tribal oral history and historical evidence document that this group has occupied the Lovelock area since before the 1840s.

Based on morphological evidence, these human remains are determined to be Native American. Dental characteristics and objects from the vicinity of the burials provisionally date the remains to a post-1840s context. The locations of all of the burials are within the known historic territory of the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada. Tribal oral history and historic records document the presence of this group in this region of Nevada prior to Euro-American contact.

Based on the above-mentioned information, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of three individuals of Native American ancestry. Officials of the Nevada State Museum also have determined that, pursuant to 43 CFR 10.2(d)(2), the seven objects listed above are reasonably believed to have been placed with or near individual human remains at the time of death or later as part of the death rite or ceremony. Lastly, officials of the Nevada State Museum have determined that, pursuant to 43 CFR 10.2(e), there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and associated funerary objects and the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada.

This notice has been sent to officials of the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Dr. Alanah Woody, Nevada Division of Museums and History NAGPRA Coordinator, 600 North Carson Street, Carson City, NV 89701, telephone (775) 687–4810, extension 229, before May 21, 2001. Repatriation of the human remains and associated funerary objects to the Lovelock Paiute Tribe of the Lovelock Indian Colony, Nevada may begin after that date if no additional claimants come forward.

Dated: March 30, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–9822 Filed 4–19–01; 8:45 am]

BILLING CODE 4310–70–F

INTERNATIONAL TRADE COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: United States International Trade Commission.

TIME AND DATE: April 25, 2001 at 11 a.m.

PLACE: Room 101, 500 E Street S.W., Washington, DC 20436, Telephone: (202) 205–2000.

STATUS: Open to the public.

Matters To Be Considered

1. Agenda for future meeting: none.
2. Minutes.
3. Ratification List.
4. Inv. No. 731–TA–924 (Preliminary) (Mussels from Canada)—briefing and vote. (The Commission is currently scheduled to transmit its determination to the Secretary of Commerce on April 26, 2001; Commissioners' opinions are currently scheduled to be transmitted to the Secretary of Commerce on May 3, 2001.)
5. Inv. No. 731–TA–706 (Review) (Canned Pineapple Fruit from Thailand)—briefing and vote. (The Commission is currently scheduled to transmit its determination and Commissioners' opinions to the Secretary of Commerce on May 8, 2001.)
6. Outstanding action jackets: none.

In accordance with Commission policy, subject matter listed above, not disposed of at the scheduled meeting, may be carried over to the agenda of the following meeting.

Issued: April 17, 2001.

By Order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–10009 Filed 4–18–01; 3:38 pm]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Amendments to Consent Decree

Under 28 CFR 50.7, notice is hereby given that on March 29, 2001, amendments to the Consent Decree filed in *United States* v. *Marine Shale Processors, Inc.,* Civ. No. CV90–1240, were lodged with the United States District Court for the Western District of Louisiana. The original Consent Decree was filed on February 19, 1998, and was modified by an Order of the Court dated February 23, 1999.

In this action against Marine Shale Processors, Inc., (''MSP'') the United States sought to recover civil penalties and enjoin violations of the Resource Conservation and Recovery Act (''RCRA''), 42 U.S.C. 6901 *et seq.*, the Clean Water Act, 33 U.S.C. 1251 *et seq.*, and the Clean Air Act, 42 U.S.C. 7413. The United States also sought relief under the Comprehensive Environmental Response, Compensation, and Liability Act (''CERCLA''), 42 U.S.C. 9604, 9606, and 9607. MSP operated a facility in Morgan City, Louisiana that treated hazardous waste by combustion.

These amendments extend the deadline by which a new company, GTX, Inc. must purchase the assets and liabilities of MSP to September 11, 2001. The amendments also extend the ''Continuing Election'' provision of the Consent Decree. Section V of the original Consent Decree provided that GTX may make a ''Continuing Election'' that an Order vacating the Consent Decree not issue ''within ten (10) days after the eighteen months from entry of the Consent Decree'' if GTX has not obtained the ''Necessary Permits'' by that date. The amendments to Section V provide that the ''Continuing Election'' deadline will run prior to sixty days after the ''Final Effective Date,'' as defined in the Consent Decree in Section I.

The Department of Justice will receive for a period of thirty (30) days from the date of this publication comments relating to the Consent Decree. Comments should be addressed to the Assistant Attorney General of the Environment and Natural Resources Division, Department of Justice, Washington, DC 20530, and should refer to *United States* v. *Marine Shale Processors, Inc.,* D.J. Ref. 90–11–2–204C.

The consent decree amendments may be examined at the Office of the United States Attorney, Hale Boggs Federal Building, 501 Magazine Street, New Orleans, LA 70130, at U.S. EPA Region VI, 1445 Ross Avenue Dallas, TX 75202–2733, and at the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. A copy of the consent decree amendments may be obtained by mail from the Consent Decree Library, PO Box 7611, U.S. Department of Justice, Washington, DC 20044–7611. In requesting a copy, please enclose a check in the amount of $1.00 (25 cents per page reproduction cost) payable to the Consent Decree Library.

Thomas A. Mariani, Jr.,

Assistant Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 01–9767 Filed 4–19–01; 8:45 am]

BILLING CODE 4410–15–M

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—Internet Streaming Media Alliance, Inc.

Notice is hereby given that, on March 8, 2001, pursuant to section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), Internet Streaming Media Alliance, Inc. has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances. Pursuant to section 6(b) of the Act, the identities of the parties are Philips Digital Networks, Sunnyvale, CA; International Business Machines (''IBM''), Cambridge, MA; Tivoli Systems, Inc., Cambridge, MA; Cisco Systems, Inc., San Jose, CA; Apple, Cupertino, CA; Kasenna, Inc., Mountain View, CA; and Sun Microsystems, Inc., Palo Alto, CA.

The nature and objectives of the venture are to engage in activities consistent with and in furtherance of its Specific Purposes (''Specific Purposes''). The Specific Purposes for which the Alliance is formed are: (i) To promote the growth and development of streaming rich media (video, audio and associated data) over the Internet; (ii) to promote the growth and development of the industry related to Streaming Rich Media over the Internet; (iii) to define, establish, revise, and support specification(s) (''Specifications'') that contribute to the development of interoperable, efficient, end-to-end solutions that promote or facilitate Streaming Rich Media over the Internet as well as over private networks, and to foster the voluntary and rapid adoption of the Specifications by developers of related products and services; (iv) to provide a forum whereby interested parties may meet to approve Specifications and to suggest revisions and enhancements to Specifications; to make appropriate submissions to established agencies and bodies with the purpose of ratifying all or part of the Specifications as an international standard; and to provide a forum whereby users may meet with developers and providers of Streaming Rich Media products and services to identify requirements for interoperability and general usability; (v) to educate the business and consumer communities as to the value of products and services based on or related to the Specifications through public statements, publications, trade shows demonstrations, seminar sponsorships, and other programs established by the Alliance, and to thereby promote market demand for products based on or related to the Specifications; (vi) to protect the needs of consumers and increase competition among vendors by supporting the voluntary creation and implementation of uniform, industry-standard conformance or compliance test procedures and process which assure the interoperability of products and services based on or related to the Specifications; (vii) to maintain relationships and liaison with educational institutions, government research institutes, other technology consortia, and other organizations that support and contribute to the development of specifications and standards for Streaming Rich Media over the Internet; (viii) to foster competition in the development of new products and services based on or related to the Specifications, in conformance with all applicable antitrust laws and regulations; and (ix) to do anything reasonably necessary to achieve or promote these Specific Purposes.

In furtherance of the above stated Specific Purposes, the Alliance may, among other things, engage in theoretical analysis; experimentation; systematic study; research; development; testing; the extension of investigative findings or theory of a scientific or technical nature into practical application; the collection, exchange and analysis of research or production information; and any combination of the foregoing.

Constance K. Robinson,

Director of Operations, Antitrust Division.

[FR Doc. 01–9766 Filed 4–19–01; 8:45 am]

BILLING CODE 4410–11–M

DEPARTMENT OF LABOR

Employment and Training Administration

Senior Community Service Employment Program; Notice of Town Hall Meetings on the 2000 Amendments to the Older Americans Act

AGENCY: Employment and Training Administration, Labor.

ACTION: Notice of town hall meetings.

SUMMARY: The Department of Labor is giving notice of the fifth and final in a series of Town Hall Meetings to provide interested individuals an opportunity to comment on the Department of Labor's approach to the implementation of changes to the Senior Community Service Employment Program (SCSEP), which were occasioned by the revisions to title V of the Older Americans Act (OAA) by the Older Americans Act Amendments of 2000 (Pub. L. 106–501) (November 13, 2000). We have held Town Hall Meetings in various locations throughout the country, in order to facilitate the participation of interested individuals. Town Hall Meetings have been held in Atlanta, Georgia, 66 FR 6678 (January 22, 2001), Washington, DC and New Orleans, Louisiana, 66 FR 10919 (February 20, 2001), and in Pasadena, California, 66 FR 16068 (March 23, 2001).

DATES: The Town Hall Meeting being announced in this Notice will be held on Tuesday, May 15, 2001, from 10 a.m. to 12 p.m. in Kansas City, Missouri. The meeting will be held as a pre-conference activity in conjunction with the 2001 Heartland Conference.

ADDRESSES: The Town Hall Meeting will be held in the Washington Park 2 Room (on the Lower Level) at the Westin Crown Center Hotel, One Pershing Road, Kansas City, Missouri.

FOR FURTHER INFORMATION CONTACT: Mr. Erich W. (''Ric'') Larisch, Division of Older Workers' Program, U.S. Department of Labor, 200 Constitution Avenue, NW., Room N4644, Washington, DC 20210, Telephone: (202) 693–3742 (voice), TTY (202) 693–2871 (these are not toll-free numbers).

SUPPLEMENTARY INFORMATION: The purpose of the Town Hall Meeting is to provide each interested individual with an opportunity to comment on the Department of Labor's approach to the implementation of changes to the SCSEP occasioned by the revisions to title V of the Older Americans Act (OAA) by the Older Americans Act Amendments of 2000 (Pub. L. 106–501) (November 13, 2000). Each attendee is welcome to offer comments on a variety of subjects, including: (1) Issues and concerns that should be addressed in regulations; (2) issues and concerns that should be addressed in policy guidance; (3) suggestions and comments on the overall implementation plan, such as consultation strategies; (4) specific suggestions on the approach that should be taken in implementing any or all of the new title V provisions; and (5) suggestions on revisions that should be

made to the existing title V regulations, which were published in the **Federal Register** on Wednesday, May 17, 1995 (20 CFR part 641).

Public Participation

All interested parties are invited to attend the Town Hall Meeting. Persons wishing to make statements or presentations at the Town Hall Meeting should limit oral statements to 5 minutes, but extended written statements may be submitted for the record within 30 days after the Town Hall meeting date. Written statements may also be submitted without presenting oral statements. Individuals may submit written comments to the Employment and Training Administration, Division of Older Worker Programs, 200 Constitution Avenue, NW., Room N4644, Washington, DC 20210, Attention: Mr. Erich W. (''Ric'') Larisch.

Minutes of all Town Hall Meetings and summaries of other documents will be available to the public on the SCSEP website *http://www.wdsc.org/owprog.* Any written comments on the minutes should be directed to Mr. Erich W. (''Ric'') Larisch, as shown above.

Individuals with disabilities who are planning to attend one of the Town Hall Meeting should contact Ms. Karen Davis of the Department of Labor, Employment and Training Administration, Division of Older Worker Programs at (202) 693–3761 (this is not a toll-free number), if special accommodations are needed.

Signed at Washington DC, this 13th day of April, 2001.

Raymond J. Uhalde,

Deputy Assistant Secretary of Labor.

[FR Doc. 01–9837 Filed 4–19–01; 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 decision, 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 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 page 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.

Withdrawn General Wage Determination Decisions

This is to advise all interested parties that the Department of Labor is withdrawing, from the date of this notice, General Wage Determination Nos. WV010001 and WV010005 dated March 2, 2001. See WV010002.

Contracts for which bids have been opened shall not be affected by this notice. Also, consistent with 29 CFR 1.6(c)(2)(i)(A), when the opening of bids is less than ten (10) days from the date of this notice, this action shall be effective unless the agency finds that there is insufficient time to notify bidders of the change and the finding is documented in the contract file.

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

Massachusetts:
MA010007 (Mar. 02, 2001)
MA010009 (Mar. 02, 2001)
MA010012 (Mar. 02, 2001)
MA010013 (Mar. 02, 2001)

New York:
NY010012 (Mar. 02, 2001)
NY010020 (Mar. 02, 2001)

Rhode Island:
RI010001 (Mar. 02, 2001)
RI010002 (Mar. 02, 2001)

Volume II

District of Columbia:
DC010001 (Mar. 02, 2001)
DC010003 (Mar. 02, 2001)

Maryland:
MD010001 (Mar. 02, 2001)
MD010009 (Mar. 02, 2001)
MD010011 (Mar. 02, 2001)
MD010012 (Mar. 02, 2001)
MD010021 (Mar. 02, 2001)
MD010034 (Mar. 02, 2001)
MD010035 (Mar. 02, 2001)

MD010036 (Mar. 02, 2001)
MD010037 (Mar. 02, 2001)
MD010046 (Mar. 02, 2001)
MD010048 (Mar. 02, 2001)
MD010054 (Mar. 02, 2001)
MD010056 (Mar. 02, 2001)
MD010057 (Mar. 02, 2001)
MD010058 (Mar. 02, 2001)
Virginia:
VA010008 (Mar. 02, 2001)
VA010025 (Mar. 02, 2001)
VA010048 (Mar. 02, 2001)
VA010053 (Mar. 02, 2001)
VA010058 (Mar. 02, 2001)
VA010078 (Mar. 02, 2001)
VA010079 (Mar. 02, 2001)
VA010092 (Mar. 02, 2001)
VA010099 (Mar. 02, 2001)
West Virginia: WV010002 (Mar. 02, 2001)

Volume III

None.

Volume IV

Michigan:
MI010051 (Mar. 02, 2001)
MI010052 (Mar. 02, 2001)
MI010062 (Mar. 02, 2001)
MI010063 (Mar. 02, 2001)
MI010064 (Mar. 02, 2001)
MI010065 (Mar. 02, 2001)
MI010066 (Mar. 02, 2001)
MI010067 (Mar. 02, 2001)
MI010068 (Mar. 02, 2001)
MI010069 (Mar. 02, 2001)
MI010070 (Mar. 02, 2001)
MI010071 (Mar. 02, 2001)
MI010072 (Mar. 02, 2001)
MI010073 (Mar. 02, 2001)
MI010074 (Mar. 02, 2001)
MI010075 (Mar. 02, 2001)

Volume V

Arkansas: AR010003 (Mar. 02, 2001)
Texas:
TX010018 (Mar. 02, 2001)
TX010100 (Mar. 02, 2001)
TX010114 (Mar. 02, 2001)

Volume VI

Alaska:
AK010001 (Mar. 02, 2001)
AK010003 (Mar. 02, 2001)
AK010006 (Mar. 02, 2001)
Colorado:
CO010002 (Mar. 02, 2001)
CO010003 (Mar. 02, 2001)
CO010004 (Mar. 02, 2001)
CO010005 (Mar. 02, 2001)
CO010006 (Mar. 02, 2001)
CO010008 (Mar. 02, 2001)
CO010010 (Mar. 02, 2001)
CO010011 (Mar. 02, 2001)
Idaho:
ID010013 (Mar. 02, 2001)
ID010014 (Mar. 02, 2001)
Oregon: OR010001 (Mar. 02, 2001)
Washington:
WA010002 (Mar. 02, 2001)
WA010003 (Mar. 02, 2001)
WA010008 (Mar. 02, 2001)
WA010011 (Mar. 02, 2001)
WA010013 (Mar. 02, 2001)
Wyoming:
WYO10004 (Mar. 02, 2001)
WY010005 (Mar. 02, 2001)
WY010006 (Mar. 02, 2001)
WY010007 (Mar. 02, 2001)
WY010008 (Mar. 02, 2001)
WY010023 (Mar. 02, 2001)

Volume VII

None.

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.

Hard-copy subscriptions may be purchased from: Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402, (202) 512–1800.

When ordering hard-copy subscription(s), be sure to specify the State(s) of interest, since subscriptions may be ordered for any or all of the six separate volumes, arranged by State. Subscriptions include an annual edition (issued in January or February) which includes all current general wage determinations for the States covered by each volume. Throughout the remainder of the year, regular weekly updates will be distributed to subscribers.

Signed at Washington, D.C. this 12th day of April 2001.

Carl J. Poleskey,

Chief, Branch of Construction Wage Determinations.

[FR Doc. 01–9576 Filed 4–19–01; 8:45 am]

BILLING CODE 4510–27–M

NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

[Notice 01–047]

NASA Advisory Council (NAC), Space Science Advisory Committee (SScAC), Astrobiology Task Force; Meeting

AGENCY: National Aeronautics and Space Administration.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, Pub. L. 92–463, as amended, the National Aeronautics and Space Administration announces a meeting of the NASA Advisory Council, Space Science Advisory Committee, Astrobiology Task Force.

DATES: Monday, April 30, 2001, 8:15 a.m. to 5:30 p.m.; Tuesday, May 1, 2001, 8:15 a.m. to 2:30 p.m.

ADDRESSES: National Aeronautics and Space Administration, 300 E Street, SW, Conference Room 3H46, Washington, DC 20546.

FOR FURTHER INFORMATION CONTACT: Carl Pilcher, Code S, National Aeronautics and Space Administration, Washington, DC 20546, (202) 358–2150.

SUPPLEMENTARY INFORMATION: The meeting will be open to the public up to the capacity of the room. The agenda for the meeting is as follows:

—Perspectives on Biology at National Aerospace and Space Administration
—Astrobiology in Space Science
—Astrobiology at Mars
—Life in Extreme Environments at National Aeronautics and Space Administration and National Science Foundation

It is imperative that the meeting be held on these dates to accommodate the scheduling priorities of the key participants. Visitors will be requested to sign a visitor's register.

April 11, 2001.

Beth M. McCormick,

Advisory Committee Management Officer, National Aeronautics and Space Administration.

[FR Doc. 01–9823 Filed 4–17–01; 8:45 am]

BILLING CODE 7510–01–P

NATIONAL COMMUNICATIONS SYSTEM

National Security Telecommunications Advisory Committee

AGENCY: National Communications System (NCS).

ACTION: Notice of Meeting.

SUMMARY: A meeting of the President's National Security Telecommunications

Advisory Committee will be held on Wednesday. June 6, 2001, from 9 a.m. to 11:30 a.m. The Business Session will be held at the Department of State, Washington, D.C. The agenda is as follows:

- Call to Order/Welcoming Remarks.
- Briefings from three perspectives: National, Department of Defense, and industry, on national security challenges resulting from changing technology and dependence upon privately operated infrastructures.
- National Communications System Manager's Report.
- Industry Executive Subcommittee Report.
- Adjournment.

Due to the potential requirement to discuss classified information in conjunction with the issues listed above, the meeting will be closed to the public in the interest of National Defense.

FOR FURTHER INFORMATION CONTACT: Telephone (703) 607–6215 or write the manager, National Communications System, 701 South Court House Road, Arlington, VA 22204–2198.

Frank McClelland,

Federal Register Liaison Officer, Technology and Programs Division (N2), National Communications System.

[FR Doc. 01–9854 Filed 4–19–01; 8:45 am]

BILLING CODE 5001–08–M

NATIONAL COMMUNICATIONS SYSTEM

Telecommunications Service Priority System Oversight Committee

AGENCY: National Communications System (NCS).

ACTION: Notice of meeting.

A meeting of the Telecommunications Service Priority (TSP) System Oversight Committee will convene Tuesday, May 8, 2001 from 9 a.m. to 12 p.m. The meeting will be held at 701 South Court House Road, Arlington, VA in the NCS conference room on the 2nd floor.

- TSP Program Update
- Report on TSP Working Group Activities
- Review of TSP OC Membership

Anyone interested in attending or presenting additional information to the Committee, please contact Ms. Deborah Bea, Office of Priority Telecommunications, (703) 607–4933.

Frank McClelland,

Federal Register Liaison Officer, National Communications System.

[FR Doc. 01–9815 Filed 4–19–01; 8:45 am]

BILLING CODE 5001–08–M

THE NATIONAL FOUNDATION OF THE ARTS AND THE HUMANITIES

Meetings of Humanities Panel

AGENCY: The National Endowment for the Humanities.

ACTION: Notice of meetings.

SUMMARY: Pursuant to the provisions of the Federal Advisory Committee Act (Public Law 92–463, as amended), notice is hereby given that the following meetings of the Humanities Panel will be held at the Old Post Office, 1100 Pennsylvania Avenue, NW., Washington, D.C. 20506

FOR FURTHER INFORMATION CONTACT: Laura S. Nelson, Advisory Committee Management Officer, National Endowment for the Humanities, Washington, DC 20506; telephone (202) 606–8322. Hearing-impaired individuals are advised that information on this matter may be obtained by contacting the Endowment's TDD terminal on (202) 606–8282.

SUPPLEMENTARY INFORMATION: The proposed meetings are for the purpose of panel review, discussion, evaluation and recommendation on applications for financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including discussion of information given in confidence to the agency by the grant applicants. Because the proposed meetings will consider information that is likely to disclose trade secrets and commercial or financial information obtained from a person and privileged or confidential and/or information of a personal nature the disclosure of which would constitute a clearly unwarranted invasion of personal privacy, pursuant to authority granted me by the Chairman's Delegation of Authority to Close Advisory Committee meetings, dated July 19, 1993, I have determined that these meetings will be closed to the public pursuant to subsections (c) (4), and (6) of section 552b of Title 5, United States Code.

1. *Date:* May 1, 2001.
Time: 9 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers, submitted to the Division of Education Programs at the March 1, 2001 deadline.

2. *Date:* May 3, 2001.
Time: 9 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Summer Seminars and Institutes for College and University Teachers, submitted to the Division of Education Programs at the March 1, 2001 deadline.

3. *Date:* May 4, 2001.
Time: 9 a.m. to 5 p.m.
Room: 415.
Program: This meeting will review applications for Summer Seminars and Institutes for School Teachers, submitted to the Division of Education Programs at the March 1, 2001 deadline.

4. *Date:* May 21, 2001.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Education Development and Demonstration in Humanities Focus Grants, submitted to the division of Education Programs at the April 15, 2001 deadline.

5. *Date:* May 23, 2001.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Education Development and Demonstration in Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2001 deadline.

6. *Date:* May 25, 2001.
Time: 8:30 a.m. to 5 p.m.
Room: 315.
Program: This meeting will review applications for Education Development and Demonstration in Humanities Focus Grants, submitted to the Division of Education Programs at the April 15, 2001 deadline.

Laura S. Nelson,

Advisory Committee Management Officer.

[FR Doc. 01–9869 Filed 4–19–01; 8:45 am]

BILLING CODE 7536–01–M

NATIONAL SCIENCE FOUNDATION

Special Emphasis Panel in Advanced Computational Infrastructure and 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 Computational Infrastructure and Research (#1185).

Date/Time: May 3, 2001, 8:30 a.m.–5 p.m. and May 4, 2001, 8:30–2 p.m.

Place: Hyatt Reston, 1800 Presidents Street, Reston, VA.

Type of Meeting: Closed.

Contact Person: Dr. Richard Hilderbrandt, Program Director, Advanced Computational Infrastructure Program, Suite 1122, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230, (703) 306–1963.

Purpose of Meeting: To provide recommendations and advice concerning

Distributed Terascale Facility (DTF) Proposals submitted to NSF for financial support.

Agenda: To review and evaluate Proposals in the Advanced Computational Infrastructure 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 are 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 17, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9849 Filed 4–19–01; 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 (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Special Emphasis Panel in Civil and Mechanical Systems (1205).

Date/Time: April 26–27, 2001, 8:30 a.m. to 5 p.m.

Place: NSF, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Priscilla P. Nelson, Division of Civil and Mechanical Systems, National Science Foundation, 4201 Wilson Blvd., 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 proposals as a 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 (4) and (6) of 5 U.S.C. 552b(c), of 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 17, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9848 Filed 4–19–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Engineering; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended) the National Science Foundation announces the following meeting.

Name: Advisory Committee for Engineering (#1170).

Date/Time: May 9, 2001/8:30 a.m.–5:30 p.m. May 10, 2001/8:30 a.m.–1 p.m.

Place: National Science Foundation, 4201 Wilson Boulevard, Arlington, VA Room 1235.

Type of Meeting: Open.

Contact Person: Dr. Elbert L. Marsh, Deputy Assistant Director for Engineering, National Science Foundation, Suite 505, 4201 Wilson Boulevard, Arlington, VA 22230; Telephone: (703) 292–4609. If you are attending the meeting and need access to the NSF building, please contact Maxine Byrd at 703–292–4601 or at *mybrd@nsf.gov* so that your name can be added to the building access list.

Minutes: May be obtained from the contact person listed above.

Purpose of Meeting: To provide advice, recommendations and counsel on major goals and policies pertaining to Engineering programs and activities.

Agenda: The principal focus of the forthcoming meeting will be on strategic issues, both for the Directorate and the Foundation as a whole.

Dated: April 17, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9851 Filed 4–19–01; 8:45 am]

BILLING CODE 7555–01–M

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Small Business Industrial Innovation; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Public Law 92–463, as amended), the National Science Foundation announces the following meeting:

Name: Advisory Committee for Small Business Industrial Innovation (61).

Date/Time: May 7–8, 2001, 8:30 a.m.–5:30 p.m.

Place: Room 580, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA.

Type of Meeting: Closed.

Contact Person: Dr. Joseph Hennessey, Acting Director, Industrial Innovation, (703) 292–8330, National Science Foundation, 4201 Wilson Boulevard, Arlington, VA 22230.

Purpose of Meeting: To carry out Committee of Visitors (COV) review, including programs evaluation, GPRA assessments, and access to privileged materials.

Agenda: To review the integrity and efficiency of the merit review processes and effectiveness of the programs and quality of the results of the program in the form of outputs and outcomes over time, and to evaluate the results in terms of outputs and outcomes of the program investments, as well as observations and conclusions made during the immediately preceding three fiscal years of the Small Business Innovation Research (SBIR)/Small Business Technology Transfer (STTR) 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 that are exempt under 5 U.S.C. 522b(c), (4) and (6) of the Government in the Sunshine Act.

Dated: April 17, 2001.

Susanne Bolton,

Committee Management Officer.

[FR Doc. 01–9850 Filed 4–19–01; 8:45 am]

BILLING CODE 7555–01–M

NUCLEAR REGULATORY COMMISSION

Agency Information Collection Activities: Submission for the Office of Management and Budget (OMB) Review; Comment Request

AGENCY: Nuclear Regulatory Commission (NRC).

ACTION: Notice of the OMB review of information collection and solicitation of public comment.

SUMMARY: The NRC has recently submitted to OMB for review the following proposal for the collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35).

1. *Type of submission, new, revision, or extension:* Revision.

2. *The title of the information collection:* 10 CFR Part 4, ''Nondiscrimination in Federally Assisted Commission Programs.''

3. *The form number if applicable:* None.

4. *How often the collection is required:* Occasionally.

5. *Who is required or asked to report:* Recipients of Federal Financial Assistance (Agreement States) provided by the NRC.

6. *An estimate of the number of responses:* 128.

7. *The number of annual respondents:* Approximately 32.

8. *An estimate of the total number of hours needed annually to complete the requirement or request:* 352 hours (96

hours reporting and 256 hours recordkeeping) or approximately 3 hours per response.

9. *An indication of whether section 3507(d), Pub. L. 104–13 applies:* Not applicable.

10. *Abstract:* Recipients of NRC financial assistance provide data to demonstrate assurance to NRC that they are in compliance with nondiscrimination regulations and policies.

A copy of the final supporting statement may be viewed free of charge at the NRC Public Document Room, One White Flint North, 11555 Rockville Pike, Room O–1F23, Rockville, MD 20852. OMB clearance requests are available at the NRC worldwide web site: *http://www.nrc.gov/NRC/PUBLIC/OMB/index.html.* The document will be available on the NRC home page site for 60 days after the signature date of this notice.

Comments and questions should be directed to the OMB reviewer listed below by June 19, 2001. Comments received after this date will be considered if it is practical to do so, but assurance of consideration cannot be given to comments received after this date.

OMB Reviewer: Amy Farrell, Office of Information and Regulatory Affairs (3150–0053), NEOB–10202, Office of Management and Budget, Washington, DC 20503.

Comments can also be submitted by telephone at (202) 395–7318.

The NRC Clearance Officer is Brenda Jo. Shelton, 301–415–7233.

Dated at Rockville, Maryland, this 12th day of April 2001.

For the Nuclear Regulatory Commission.

Brenda Jo. Shelton,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–9728 Filed 4–19–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–73]

General Electric Company, Nuclear Test Reactor; 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. R–33, issued to the General Electric Company (the licensee or GE) for operation of the General Electric Nuclear Test Reactor (NTR or the facility) located in Sunol, California.

Environmental Assessment

Identification of the Proposed Action

The proposed action would renew the license for the NTR for 20 years from the date of issuance of the license amendment. The proposed action is in accordance with the licensee's application for amendment dated September 30, 1997, as supplemented on June 18, 1999, August 23, 1999, June 1, 2000, and October 5, 2000. The licensee submitted an Environmental Report for license renewal.

Need for the Proposed Action

The proposed action is needed to allow continued operation of the NTR beyond the current term of the license in order to continue research and development using neutrons for experimental purposes.

Environmental Impact of the Proposed Action

The NTR is in Building 105 within the approximately 1600 acre (6.4 square kilometers) Vallecitos Nuclear Center (VNC) near Pleasanton, California. GE owns the VNC site for nuclear research and development. GE normally leases about 1500 acres (6.1 km^2) of the site for grazing and for cattle feed crops. The land surrounding the site is primarily used for agriculture and cattle raising. Building 105 has laboratories, offices and workshops and is surrounded by similar facilities in the immediate area.

On October 24, 1957, the U.S. Atomic Energy Commission (AEC) issued Construction Permit No. CPRR–19, to GE. This permit authorized GE to construct the NTR at its VNC site in Southern Alameda County, California. On October 31, 1957, the AEC issued Facility Operating License No. R–33, authorizing GE to operate the reactor at steady-state power levels up to 30 kW(t). The reactor first reached criticality on November 15, 1957. On July 22, 1969, the license was amended authorizing GE to operate the reactor at steady-state power levels not in excess of 100 kW(t), and renewing the license. The facility license was renewed again on December 28, 1984, with an expiration date of October 31, 1997. The licensee applied for renewal on September 30, 1997, and, in accordance with 10 CFR 2.109, the license remains in effect. At each renewal, the facility description, organization and safety evaluation were updated. The reactor has operated about 139 megawatt-days for the first 39 years since initial licensing (Safety Analysis Report (SAR) section 4.4.1). Facility modifications have been minor. The licensee has not indicated any plans to change the design or usage significantly. The radioactive releases from the NTR have been well within regulatory limits of 10 CFR Part 20. The facility typically has 1 liter per year of radioactive liquid waste (SAR section 11.1.1.2) that is due to sampling. This liquid waste is transferred to monitored tanks. Solid radioactive releases are estimated to be less than 3 cubic feet or 0.085 cubic meters per year (SAR section 11.1.1.3). The radioactive content of this waste is measured in the millicurie or 10^8 becquerels range. Solid waste is transferred to separate State and NRC licenses held by the GE. Liquid and solid radioactive material has been transferred and disposed of in accordance with the requirements of the licensee's byproduct license. Any necessary releases will be similarly treated. Currently, the licensee has no plans to change any operating or radioactive release practices or characteristics of the reactor during the license renewal period.

The NRC concludes that conditions are not expected to change and that the radiological effects of the continued operation will continue to be minimal. The radiological exposures for facility operations have been and are expected to remain within regulatory limits.

The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types of any effluents that may be released off site, and there is no significant increase to occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential non radiological impacts, the proposed action does not involve any historic sites. It does not affect non radiological facility effluents and has no other environmental impact. Therefore, there are no significant non radiological environmental impacts associated with the proposed action.

In addition, the environmental impact associated with operation of research reactors has been generically evaluated by the staff and is discussed in the attached generic evaluation. This evaluation concludes that no significant environmental impact is associated with the operation of research reactors licensed to operate at power levels up to and including 2 megawatts thermal. The NRC staff has determined that this generic evaluation is applicable to operation of the NTR and that there are no special or unique features that would preclude reliance on the generic evaluation.

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). If the NRC denied license renewal, NTR operations would stop and decommissioning would be required with no significant benefit to the environment. The environmental impacts of the proposed action and alternative are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the safety analysis and evaluation for operating license renewal in 1984 and the ''Environmental Assessment for the General Electric Company—Nuclear Test Reactor License No. R–33, Docket No. 50–73,'' dated November 9, 1984.

Agencies and Persons Contacted

On October 24 and 27, 2000, the staff consulted with the California Department of Health Official, Steve Hsu, regarding the environmental impact of the proposed action. The State official had no comment.

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 September 30, 1997, as supplemented on June 18, 1999, August 23, 1999, June 1, 2000, and October 5, 2000. 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 also 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 13th day of April, 2001.

For the Nuclear Regulatory Commission.

Ledyard B. Marsh,

Chief, Events Assessment, Generic Communications, and Non-Power Reactors Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

Environmental Considerations Regarding the Licensing of Research Reactors and Critical Facilities

Introduction

This discussion deals with research reactors and critical facilities which are designed to operate at low power levels, 2 MWt and lower, and are used primarily for basic research in neutron physics, neutron radiography, isotope production, experiments associated with nuclear engineering, training and as a part of a nuclear physics curriculum. Operation of such facilities will generally not exceed a 5-day week, 8-hour day, or about 2000 hours per year. Such reactors are located adjacent to technical service support facilities with convenient access for students and faculty.

Sited most frequently on the campuses of large universities, the reactors are usually housed in already existing structures, appropriately modified, or placed in new buildings that are designed and constructed to blend in with existing facilities. However, the environmental considerations discussed herein are not limited to those which are part of universities.

Facility

There are no exterior conduits, pipelines, electrical or mechanical structures or transmission lines attached to or adjacent to the facility other than for utility services, which are similar to those required in other similar facilities, specifically laboratories. Heat dissipation is generally accomplished by use of a cooling tower located on the roof of the building. These cooling towers typically are on the order of $10' \times 10' \times 10'$ and are comparable to cooling towers associated with the air-conditioning systems of large office buildings.

Make-up for the cooling system is readily available and usually obtained from the local water supply. Radioactive gaseous effluents are limited to Ar–41 and the release of radioactive liquid effluents can be carefully monitored and controlled. Liquid wastes are collected in storage tanks to allow for decay and monitoring prior to dilution and release to the sanitary sewer system. Solid radioactive wastes are packaged and shipped offsite for storage at NRC-approved sites. The transportation of such waste is done in accordance with existing NRC–DOT regulations in approved shipping containers.

Chemical and sanitary waste systems are similar to those existing at other similar laboratories and buildings.

Environmental Effects of Site Preparation and Facility Construction

Construction of such facilities invariably occurs in areas that have already been disturbed by other building construction and, in some cases, solely within an already existing building. Therefore, construction would not be expected to have any significant effect on the terrain, vegetation, wildlife or nearby waters or aquatic life. The societal, economic and aesthetic impacts of construction would be no greater than those associated with the construction of a large office building or similar research facility.

Environmental Effects of Facility Operation

Release of thermal effluents from a reactor of less than 2 MWt will not have a significant effect on the environment. This small amount of waste heat is generally rejected to the atmosphere by means of small cooling towers. Extensive drift and/or fog will not occur at this low power level.

Release of routine gaseous effluents can be limited to Ar–41, which is generated by neutron activation of air. Even this will be kept as low as practicable by using gases other than air for supporting experiments. Yearly doses to unrestricted areas will be at or below established guidelines in 10 CFR Part 20 limits. Routine releases of radioactive liquid effluents can be carefully monitored and controlled in a manner that will ensure compliance with current standards. Solid radioactive wastes will be shipped to an authorized disposal site in approved containers. These wastes should not require more than a few shipping containers a year.

Based on experience with other research reactors, specifically TRIGA reactors operating in the 1 to 2 MWt range, the annual release of gaseous and liquid effluents to unrestricted areas should be less than 30 curies and 0.01 curies, respectively.

No release of potentially harmful chemical substances will occur during normal operation. Small amounts of chemicals and/or high-solid content water may be released from the facility through the sanitary sewer during periodic blowdown of the cooling tower or from laboratory experiments.

Other potential effects of the facility, such as aesthetics, noise, societal or impact on local flora and fauna are expected to be too small to measure.

Environmental Effects of Accidents

Accidents ranging from the failure of experiments up to the largest core damage and fission product release considered possible result in doses that are less than 10 CFR Part 20 guidelines and are considered negligible with respect to the environment.

Unavoidable Effects of Facility Construction and Operation

The unavoidable effects of construction and operation involve the materials used in construction that cannot be recovered and the fissionable material used in the reactor. No adverse impact on the environment is expected from either of these unavoidable effects.

Alternatives to Construction and Operation of the Facility

To accomplish the objectives associated with research reactors, there are no suitable alternatives. Some of these objectives are training of students in the operation of reactors, production of radioisotopes, and use of neutron and gamma ray beams to conduct experiments.

Long-Term Effects of Facility Construction and Operation

The long-term effects of research facilities are considered to be beneficial as a result of the contribution to scientific knowledge and training. Because of the relatively small amount of capital resources involved and the small impact on the environment, very little irreversible and irretrievable commitment is associated with such facilities.

Costs and Benefits of Facility Alternatives

The costs are on the order of several millions of dollars with very little environmental impact. The benefits include, but are not limited to, some combination of the following: conduct of activation analyses, conduct of neutron radiography, training of operating personnel, and education of students. Some of these activities could be conducted using particle accelerators or radioactive sources which would be more costly and less efficient. There is no reasonable alternative to a nuclear research reactor for conducting this spectrum of activities.

Conclusion

The staff concludes that there will be no significant environmental impact associated with the licensing of research reactors or critical facilities designed to operate at power levels of 2 MWt or lower and that no environmental impact statements are required to be written for the issuance of construction permits or operating licenses for such facilities.

[FR Doc. 01–9825 Filed 4–19–01; 8:45 am]

BILLING CODE 7590–01–P

RAILROAD RETIREMENT BOARD

Proposed Collection; Comment Request

SUMMARY: In accordance with the requirement of Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 which provides opportunity for public comment on new or revised data collections, the Railroad Retirement Board (RRB) will publish periodic summaries of proposed data collections.

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

Title and purpose of information collection: Appeal Under the Railroad Retirement and Railroad Unemployment Insurance Act; OMB 3220–0007. Under Section 7(b)(3) of the Railroad Retirement Act (RRA), and section 5(c) of the Railroad Unemployment Insurance Act (RUIA) any person aggrieved by a decision on his or her application for an annuity or benefit under that Act has the right to appeal to the RRB. This right is prescribed in 20 CFR 260 and 20 CFR 320. The notification letter sent to the individual at the time of the original action on the application informs the applicant of such right. When an individual protests a decision, the concerned bureau reviews the entire file and any additional evidence submitted and sends the applicant a letter explaining the basis of the determination. The applicant is then notified that if he or she wishes to protest further, they can appeal to the RRB's Bureau of Hearings and Appeals. The procedure pertaining to the filing of such an appeal is prescribed in 20 CFR 260.5 and 260.9 and 20 CFR 320.12 and 320.38.

The form prescribed by the RRB for filing an appeal under the RRA or RUIA is form HA–1, Appeal Under the Railroad Retirement Act or Railroad Unemployment Insurance Act. The form asks the applicant to furnish the basis for the appeal and what additional evidence, if any, is to be submitted. Completion is voluntary, however if the information is not provided the RRB cannot process the appeal.

The RRB proposes no changes to Form HA–1. The completion time for the HA–1 is estimated at 20 minutes per response. The RRB estimates that approximately 1,000 Form HA–1's are completed annually.

FOR FURTHER INFORMATION CONTACT: To request more information or to obtain a copy of the information collection justification, forms, and/or supporting material, please call the RRB Clearance Office at (312) 751–3363. Comments regarding the information collection should be addressed to Ronald J. Hodapp, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–2092. Written comments should be received within 60 days of this notice.

Chuck Mierzwa,

Clearance Officer.

[FR Doc. 01–9816 Filed 4–19–01; 8:45 am]

BILLING CODE 7905–01–M

SECURITIES AND EXCHANGE COMMISSION

[Extension: Rule 17a–4; SEC File No. 270–198; OMB Control No. 3235–0279]

Submission for OMB Review; 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'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 17a–4, Records to be Preserved by Certain Exchange Members, Brokers and Dealers, requires approximately 7,525 active, registered exchange members, brokers and dealers (''broker-dealers'') to preserve for prescribed periods of time certain records required to be made by Rule 17a–3 and other Commission rules, and other kinds of records which firms make or receive in the ordinary course of business. Rule 17a–4 also permits broker-dealers to employ, under certain conditions, electronic storage media to maintain these required records. The records required to be maintained under Rule 17a–4 are used by examiners and other representatives of the Commission to determine whether broker-dealers are in compliance with, and to enforce their compliance with, the Commission's rules.

The staff estimates that the average number of hours necessary for each broker-dealer to comply with Rule 17a–4 is 250 hours annually.[1] Thus, the total burden for broker-dealers is 1,881,250 hours annually. The staff believes that compliance personnel would be charged with ensuring compliance with Commission regulation, including Rule 17a–4. The staff estimates that the hourly salary of a compliance manager is $82.50 per hour.[2] Based upon these

[1] In a previous submission, the burden was estimated to be 1 hour per broker-dealer per day, with an additional 15 minutes per broker-dealer per year relating to electronic storage technology. The 60-day notice, which appeared in the **Federal Register**, utilized that previously used estimate to calculate the hourly burden. Upon further consideration, this estimate has been decreased to 1 hour per broker-dealer per day because the staff believes that advances in technology and increased efficiencies allow broker-dealers that use electronic storage technologies to spend less time on record retention and compliance with Rule 17a–4.

[2] Securities Industry Association, Management and Professional Earnings, Table 051 (Compliance

Continued

numbers, the total cost of compliance for 7,525 respondents is $155,203,125 per year.[3]

General comments regarding the estimated burden hours should be directed to the following persons: (i) Deck Officer for the Securities and Exchange Commission, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 3208, New Executive Office Building, Washington, DC 20503; and (ii) Michael E. Bartell, Associate Executive Director, Office of Information Technology, Securities and Exchange Commission, 450 Fifth Street, NW. Washington, DC 20549. Comments must be submitted to OMB within thirty days of this notice.

Dated: April 13, 2001.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9842 Filed 4–19–01; 8:45 am]

BILLING CODE 8010–01–M

Manager) + 35% overhead (based on end-of-year 1998) figures.

[3] (1 hour per day x 250 days x 7,525 active, registered broker-dealer respondents) = 1,881,250 total hours per year. (1,881,250 hours x $82.50 per hour) = $155,203,125 per year.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44184; File No. SR–OCC–99–12]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Adjustments to Index Options

April 16, 2001.

On November 2, 1999, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–OCC–99–12) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on July 17, 2002.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

The rule change provides for the substitution of a successor index for an underlying index. Because substitution of a successor index for an underlying index may require changes to the terms of outstanding options, the rule change explicitly grants OCC the authority to make adjustments to such terms as necessary to reflect the substitution. While OCC believes such substitution and adjustment are already implicitly provided for under the provisions of OCC's By-Laws at Article XVII, Section 4 (''Unavailability or Inaccuracy of Current Index Value''), OCC seeks to clarify its authority through the rule change.

New paragraph (d) of Article XVII, Section 3 provides that a successor index may be substituted for an underlying index in the event that the underlying index's publication is discontinued, when the underlying index is replaced with another index, or when an index's composition or method of calculation has so materially changed that it is deemed to be a different index. As in the case of other adjustments, the determination to substitute a successor index and the selection of the index will be made by an adjustment panel. The successor index is to be an index which is deemed to be reasonably comparable to the index for which it substitutes.

Article XVII, Section 3, paragraph (c), which is applicable to adjustments to index options generally, is amended to provide for adjustments as necessary to accommodate a successor index. In addition paragraph (c) is amended to expand the rule in other respects to cover a broader range of potential changes in the calculation of index values and to give added flexibility to OCC in making appropriate adjustments to reflect such changes.

These amendments grant OCC the authority to adjust outstanding options in the event that an exchange increases or decreases the index multiplier for any index option contract or in the event that any change in the method of calculation of an underlying index creates a discontinuity or change in the level of the index that does not reflect a change in the prices or values of the index's constituent securities. Such a change would occur, for example, if the value of an index were reset from 10,000 to 1,000, which would create a discontinuity that would affect all outstanding options.

Changes to Article 1, Section 1 and to Article XVII, Section 1, both definitional sections, are designed to clarify and conform the terminology to usage as it has developed since the index options provisions were originally drafted.

II. Discussion

Section 17A(b)(3)(F)[3] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. For the reasons set forth below, the Commission believes that OCC's proposed rule change is consistent with OCC's obligations under the Act.

The rule change allows OCC to substitute a successor index for an underlying index when the underlying index is no longer viable for use. The rule change also enables OCC to adjust outstanding options in the event that an exchange increases or decreases the index multiplier for any index option contract or in the event that any change in the method of calculation of an underlying index creates a discontinuity or change in the level of the index that does not reflect a change in the prices or values of the index's constituent securities. The rule change refines and amplifies existing OCC rules that have proven effective in promoting the prompt and accurate clearance and settlement of securities transactions and in safeguarding securities and funds. Therefore, the Commission finds that the rule change is consistent with OCC's obligation to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–99–12) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[4]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9844 Filed 4–19–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 43022, (July 11, 2000), 65 FR 44089.

[3] 15 U.S.C. 78q–1(b)(3)(F).

[4] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 35–27379]

Filings Under the Public Utility Holding Company Act of 1935, as Amended (''Act'')

April 13, 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 8, 2001, to the Secretary, Securities and Exchange Commission, Washington, DC 20549–0609, and serve a copy on the relevant applicant(s) and/or declarant(s) at the address(es) specified below. Proof of service (by affidavit or, in the case of an attorney at law, by certificate) should be filed with the request. Any request for hearing should identify specifically the issues of facts or law that are disputed. A person who so requests will be notified of any hearing, if ordered, and will receive a copy of any notice or order issued in the matter. After May 8, 2001, the application(s) and/or declaration(s), as filed or as amended, may be granted and/or permitted to become effective.

Maine Yankee Atomic Power Company (70–9715)

Maine Yankee Atomic Power Company (''Maine Yankee'' or ''Applicant''), 321 Old Ferry Road, Wiscasset, Maine 04578, an indirect subsidiary company of Energy East Corporation (''Energy East''), National Grid Group Plc (''National Grid''), National Grid USA and Northeast Utilities (''NU''), all registered public utility holding companies, has filed with this Commission a declaration under section 12(c) of the Act and rules 42, 46, and 54 under the Act.

Maine Yankee proposes to redeem from its stockholders 99% of its presently outstanding Common Stock.

Maine Yankee operated as a pressurized water nuclear-powered electric generating plant in Wiscasset, Maine (the ''Plant'') from 1972 to 1997. In 1997, the Plant was permanently removed from service. The Plant is currently being dismantled and decommissioned.

The following sponsoring utility companies of Maine Yankee are subsidiaries of registered public utility holding companies and own Common Stock of Maine Yankee in the percentages shown in the parenthetical following the name of the utility: (1) Central Maine Power Company (38%), an Energy East subsidiary; (2) New England Power Company (24%), a subsidiary of National Grid and National Grid USA; (3) The Connecticut Light and Power Company (12%), a NU subsidiary; (4) Public Service Company of New Hampshire (5%), a NU subsidiary; and (5) Western Massachusetts Electric Company (3%), a NU subsidiary.[1]

Specifically, Main Yankee proposes to redeem *pro rata* from its stockholders all but 5,000 shares of its presently outstanding Common Stock, on the condition that the requirements set forth in section 8 of the capital stock provisions of Main Yankee's Articles of Incorporation—which are set forth in Exhibit A to the Articles of Amendment—are satisfied prior to each such redemption (''Redemption Requirements'').[2] Maine Yankee intends to accomplish this redemption in one or more steps over the next eight years, with all redemptions completed by October 31, 2008.[3]

The redemption price per share of Common Stock for each redemption shall be equal to the amount obtained by dividing (1) the sum of the aggregate par value of the Common Stock then outstanding plus the capital surplus, including without limitation other paid-in capital (less any deficit in earned surplus) immediately prior to the redemption by (2) the number of shares of Common Stock outstanding immediately prior to the redemption. As of December 31, 2000, Applicant states that the sum determined in accordance with clause (1) is $66,218,585 and the number of shares determined in accordance with clause (2) is 500,000. Therefore, the redemption price would be $132.437 per share. After all redemptions are completed, Maine Yankee will maintain minimal equity until it ultimately prepares to liquidate and wrap up its affairs.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9760 Filed 4–19–01; 8:45 am]

BILLING CODE 8010–01–M

[1] Bangor Hydro-Electric Company, Maine Public Service Company, Cambridge Electric Light Company and Central Vermont Public Service Corporation are the remaining sponsoring utilities of Maine Yankee and own the remainder of the Common Stock in various amounts.

[2] The Redemption Requirements are as follows: (a) The common stock equity of Maine Yankee, reduced by the total amount to be paid for the redemption, shall not be less than thirty percent of its total capitalization, (b) no redemption shall reduce the number of shares of Common Stock outstanding to less than 5,000 shares, and (c) so long as any shares of Maine Yankee's Cumulative Preferred Stock are outstanding, no redemption shall be made unless (i) all dividends payable on all outstanding shares of its Cumulative Preferred Stock on the next succeeding quarterly dividend payment date have been paid in full or declared and set apart for payment and (ii) all mandatory sinking or purchase fund payments on its Cumulative Preferred Stock through the last preceding mandatory redemption or purchase date have been made or funds therefore set apart for payment. In addition, if prior to the time of a redemption Maine Yankee was required to take into consideration its earned surplus in determining the permissibility of issuing Cumulative Preferred Stock under Section 10 of the capital stock provisions of its Articles of Incorporation, then the redemption of the Common Stock cannot reduce the Common Stock Equity to an amount less than the amount payable on the involuntary liquidation of Maine Yankee with respect to all of its outstanding shares of Cumulative Preferred Stock and its other stock on parity with the Cumulative Preferred Stock.

[3] As a single purpose utility corporation, Maine Yankee's economic life was primarily keyed to the operating licensed life (October 21, 2008) of its plant.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44183; File No. SR–OCC–99–14]

Self-Regulatory Organizations; The Options Clearing Corporation; Order Granting Approval of a Proposed Rule Change Relating to Price Used in Calculating Premium Margin

April 16, 2001.

On October 26, 1999, The Options Clearing Corporation (''OCC'') filed with the Securities and Exchange Commission (''Commission'') a proposed rule change (File No. SR–OCC–99–14) pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'').[1] Notice of the proposal was published in the **Federal Register** on July 17, 2000.[2] No comment letters were received. For the reasons discussed below, the Commission is granting approval of the proposed rule change.

I. Description

OCC proposes to amend Rule 601 (relating to margining of equity options) and Rule 602 (relating to margining of

[1] 15 U.S.C. 78s(b)(1).

[2] Securities Exchange Act Release No. 43023 (July 11, 2000), 65 FR 44088.

non-equity options) to set marking prices [3] at the last sale price, adjusted to the highest bid if the last sale price is below the highest bid or adjusted to the lowest offer if the last sale price is above the lowest offer. The purpose of the proposed rule change is twofold. First, OCC believes that the proposed change results in a more accurate assessment of risk and therefore a more appropriate margin requirement. Second, OCC believes that the proposed rule change will provide consistency with the marking practices of clearing members, the majority of whom are believed to use the method currently proposed.

II. Discussion

Section 17A(b)(3)(F) [4] of the Act requires that the rules of a clearing agency be designed to promote the prompt and accurate clearance and settlement of securities transactions and to assure the safeguarding of securities and funds which are in the custody or control of the clearing agency or for which it is responsible. For the reasons set forth below, the Commission believes that OCC's proposed rule change is consistent with OCC's obligations under the Act.

The proposed amendments to Rule 601 and Rule 602 to set marking prices at the last sale price, adjusted to the highest bid if the last sale price is below the highest bid or adjusted to the lowest offer if the last sale price is above the lowest offer should result in a more accurate assessment of risk and a more appropriate margin requirement thus further assuring the safeguarding of securities and funds within OCC's control. In addition the proposed rule change should provide consistency with the marking practices of clearing members, the majority of whom are believed to use the method currently proposed. This should further promote more prompt and accurate clearance and settlement of securities transactions for OCC and its members.

III. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change is consistent with the requirements of the Act and in particular Section 17A of the Act and the rules and regulations thereunder.

It is Therefore Ordered, pursuant to section 19(b)(2) of the Act, that the proposed rule change (File No. SR–OCC–99–14) be and hereby is approved.

For the Commission by the Division of Market Regulation, pursuant to delegated authority.[5]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–9843 Filed 4–19–01; 8:45 am]

BILLING CODE 8010–01–M

[3] OCC Rule 601(b)(6) defines marking price when used on any business day with respect to the security underlying any stock option, BOUND or stock loan or borrow position, as the closing price for such underlying security on the primary market for such underlying security during the preceding trading day or, if such underlying security was not traded in the primary market, the highest reported asked quotation for such underlying security at or about the close of trading on such day.

[4] 15 U.S.C. 78q–1(b)(3)(F).

[5] 17 CFR 200.30–3(a)(12).

DEPARTMENT OF STATE

[Public Notice No. 3606]

Secretary of State's Advisory Committee on Private International Law: Study Group on Arbitration and Other Forms of ADR; Meeting Notice

There will be a public meeting of a study group of the Secretary of State's Advisory Committee on Private International Law on Saturday, April 28, 2001, to consider a draft UNCITRAL Model Law on Conciliation. The meeting will be held from 12:30 p.m. to 2:30 p.m. in the Alexandria room of the Marriott Crystal Gateway Hotel, 1700 Jefferson Davis Highway, Arlington, Virginia.

The purpose of the Study Group meeting is to assist the Department of State prepare the U.S. position for the upcoming session of the UNCITRAL Working Group on Arbitration. The UNCITRAL Working Group is meeting May 21–June 1 in New York.

The study group meeting will consider a draft of the Model Law on Conciliation (Doc. A/CN.9/WG.II/WP.113/Add.1) prepared by the UNCITRAL Secretariat based on the discussion of the Working Group at its last meeting in November 2000. A report of the November session of the Working Group is also available (Doc. A/CN.9/485). Persons interested in the work of the study group or in attending April 28 meeting in Virginia may request copies of the documents from Ms. Rosie Gonzales by fax at 202–776–8482, by telephone at 202–776–8420 (you may leave your request, name, telephone number, email, or mailing address on the answering machine), or by email at <gonzaler@ms.state.gov>. Email is the quickest and most efficient way to transmit the documents.

The study group meeting is open to the public up to the capacity of the meeting room. Any person who is unable to attend, but wishes to have his or her views considered, may send comments to Ms. Gonzales at the above fax number or email address, or may address them to the Assistant Legal Adviser for Private International Law (L/PIL), Suite 203, South Building, 2430 E Street, NW., Washington, DC 20037–2851.

Jeffrey D. Kovar,

Assistant Legal Adviser for Private International Law, Department of State.

[FR Doc. 01–9994 Filed 4–18–01; 2:39 pm]

BILLING CODE 4710–08–P

TENNESSEE VALLEY AUTHORITY

Paperwork Reduction Act of 1995, as Amended by Pub. L. 104–13; Proposed Collection; Comment Request

AGENCY: Tennessee Valley Authority.

ACTION: Proposed collection; comment request.

SUMMARY: The proposed information collection described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended). The Tennessee Valley Authority is soliciting public comments on this proposed collection as provided by 5 CFR Section 1320.8(d)(1). Requests for information, including copies of the information collection proposed and supporting documentation, should be directed to the Agency Clearance Officer: Wilma H. McCauley, Tennessee Valley Authority, 1101 Market Street (EB 5B), Chattanooga, Tennessee 37402–2801; (423) 751–2523.

Comments should be sent to the Agency Clearance Officer no later than June 19, 2001.

SUPPLEMENTARY INFORMATION:

Type of Request: Regular submission, proposal to extend without revision a currently approved collection of information (OMB control number 3316–0096).

Title of Information Collection: Customer Input Card for TVA Recreation Areas.

Frequency of Use: On occasion.

Type of Affected Public: Individuals or households.

Small Business or Organizations Affected: No.

Estimated Number of Annual Responses: 452.

Estimated Total Annual Burden Hours: 50.

Estimated Average Burden Hours Per Response: 5 minutes.

Need For and Use of Information: This information collection asks visitors to selected TVA public use areas to provide feedback on the condition of the

facilities they used and the services they received. The information collected will be used to evaluate current maintenance, facility, and service practices and policies and to identify new opportunities for improvements.

Jacklyn J. Stephenson,

Senior Manager, Enterprise Operations Information Services.

[FR Doc. 01–9817 Filed 4–19–01; 8:45 am]

BILLING CODE 8120–08–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

Environmental Impact Statement; Maricopa County, Arizona

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice of intent.

SUMMARY: The FHWA is issuing this notice to advise the public that an individual impact statement will be prepared for a proposed highway project within Maricopa County, Arizona.

FOR FURTHER INFORMATION CONTACT: Kenneth H. Davis, District Engineer, Federal Highway Administration, 234 North Central Avenue, Suite 330, Phoenix, AZ 85004, telephone (602) 379–3646.

SUPPLEMENTARY INFORMATION: The FHWA, in cooperation with the Arizona Department of Transportation (ADOT), will prepare an environmental impact statement (EIS) to study the proposed South Mountain Corridor in Maricopa County, Arizona. The proposed project will involve construction of a new multilane freeway in the metropolitan Phoenix area extending approximately 25 miles from I–10 west of Phoenix to I–10 southeast of Phoenix to form a southwest loop. The proposed project will evaluate potential impacts to mountain preserve land, residential and commercial development, Tribal lands, cultural resources, historic roads and canals, Endangered Species, jurisdictional water of the U.S., air and noise quality, and hazardous waste.

Improvements to the corridor are considered necessary to provide for the existing and projected traffic demand. A full range of reasonable alternatives will be considered including (1) taking no action; (2) using alternate travel modes; (3) limited access parkway; (4) major urban arterial with transportation system management improvements; and (5) a freeway.

A Final State Environmental Assessment was completed for the South Mountain Corridor. At that time, a recommended alternative was selected and an accompanying Design Concept Report was completed in September 1988. Due to the elapsed time and changed conditions that have occurred since completion of these documents, new studies are required.

Letters describing the proposed action and soliciting comments will be sent to appropriate Federal, State and local agencies including the Environmental Protection Agency, U.S. Army Corps of Engineers, Bureau of Indian Affairs, Bureau of Land Management, U.S. Fish and Wildlife Service, Arizona State Land Department, Arizona Game & Fish Department, City of Phoenix, Town of Laveen, City of Avondale, and the Gila River Indian Tribe. Letters will also be sent to interested parties including, the Ahwatukee Foothills Village Planning Committee, Laveen Village Planning Committee and Estrella Village Planning Committee.

A series of public meetings will be held in the communities within the proposed study area. In addition, a public hearing will be held. Public notice will be given advising of the time and place of the meetings and hearing. A formal scoping meeting is planned between Federal, State, city and Tribal stakeholders.

To insure that the full range of issues related to this proposed action are addressed and all significant issues identified, comments, and suggestions are invited from all interested parties. Comments or questions concerning this proposed action and the EIS should be directed to the FHWA at the address provided above.

(Catalog of Federal Domestic Assistance Program Number 20.205, Highway Planning and Construction. The regulations implementing Executive Order 12372 regarding intergovernmental consultation on Federal programs and activities apply to this program.)

Kenneth H. Davis,

District Engineer, Phoenix.

[FR Doc. 01–9782 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–22–M

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

[Docket No. FMCSA–97–2341]

Parts and Accessories Necessary for Safe Operation; Manufactured Home Tires

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), DOT.

ACTION: Notice of intent to deny petitions for rulemaking; request for comments.

SUMMARY: The FMCSA announces its intent to deny petitions for rulemaking from the Manufactured Housing Institute (MHI) and Multinational Legal Services, PLLC (Multinational) concerning overloading of tires used for the transportation of manufactured homes. Currently, these tires may be loaded up to 18 percent over the load rating marked on the sidewall of the tires, or in the absence of such a marking, 18 percent above the load rating specified in publications of certain organizations specializing in tires. The termination date of the rule allowing 18-percent overloading of these tires was originally set for November 20, 2000, but was delayed until December 31, 2001, to provide the agency time to complete its review of the MHI's petition to allow 18 percent overloading on a permanent basis. The agency has now completed its review of the MHI's data and believes that there should be no further delay in the termination date. The agency has also completed its analysis of Multinational's petition to rescind the final rule which delayed the termination date until December 31, 2001, and determined on a preliminary basis that the petition should be denied. Denial of both petitions would result in transporters of manufactured homes being prohibited from operating such units on overloaded tires on or after January 1, 2002.

DATES: We must receive your comments by May 21, 2001. We will consider comments received after the comment closing date to the extent practicable.

ADDRESSES: You can mail, fax, hand deliver or electronically submit written comments to the U.S. Department of Transportation, Docket Management Facility, Room PL–401, 400 Seventh Street, SW., Washington, DC 20590–0001, FAX (202) 493–2251, on-line at *http://dmses.dot.gov/submit.* You must include the docket number that appears in the heading of this document in your comment. You can examine and copy all comments at the above address from 9 a.m. to 5 p.m., e.t. Monday through Friday, except Federal holidays. If you want us to notify you that we received you comments, please include a self-addressed, stamped envelope or postcard.

FOR FURTHER INFORMATION CONTACT: Mr. Larry W. Minor, Office of Bus and Truck Standards and Operations, MC–PSV, (202) 366–4009, Federal Motor Carrier Safety Administration, 400 Seventh

Street, SW., Washington, D.C. 20590–0001.

SUPPLEMENTARY INFORMATION:

Background

On February 18, 1998, the Federal Highway Administration (FHWA) and the Department of Housing and Urban Development (HUD) jointly published a final rule amending, respectively, the Federal Motor Carrier Safety Regulations (FMCSRs) and an interpretation of the Manufactured Home Construction and Safety Standards (see 63 FR 8330). The FHWA and HUD actions reduced the amount of tire overloading allowed (at the time up to 50 percent above the tire manufacturer's load rating) on tires used to transport manufactured homes. As a result of the rulemaking, the maximum amount of loading on a manufactured home tire was reduced so that it cannot exceed the tire manufacturer's load rating by more than 18 percent. Manufactured homes transported on tires overloaded by 9 percent or more may not be operated at speeds exceeding 80 kilometers per hour (km/hr)(50 mph). The final rule allowed 18-percent overloading for a two-year period. The two-year period began on November 16, 1998, the effective date of the final rule, and was scheduled to end on November 20, 2000.

In publishing the final rule and interpretative bulletin, the agencies indicated there was sufficient data to support the premise that overloading tires may be potentially unsafe. The agencies also indicated that unless both of them were persuaded by the end of the two-year period that 18-percent overloading did not pose a risk to the traveling public, or have an adverse impact on safety or the ability of motor carriers to transport manufactured homes, any overloading of tires beyond their design capacity would be prohibited.

MHI Petition for Rulemaking

On August 7, 2000, the MHI filed a petition for rulemaking with the FMCSA and HUD to initiate a joint rulemaking to amend the agencies' rules concerning manufactured home tires to enable the manufactured home industry to continue to exceed the tire manufacturer's load rating by up to 18 percent, indefinitely. The MHI requested that: (1) The FMCSA amend 49 CFR 393.75(g); and (2) HUD revise Interpretative Bulletin J–1–76 to 24 CFR part 3260. MHI recognized that it would be difficult, if not impossible, for the FMCSA and HUD to act on the petition and, if granted, complete the rulemaking before November 20, 2000. Therefore, the MHI also petitioned the FMCSA and HUD to provide interim regulatory relief from the November 20, 2000, deadline until the agencies acted on the petition for rulemaking. A copy of the MHI's petition for rulemaking and request for an exemption are included in the docket referenced at the top of this document.

The MHI indicated that during the first 18 months of the two-year period for 18-percent overloading, it sponsored studies of the safety risk associated with tire overloading. This work included a study of the movement of manufactured homes under actual operating conditions and a survey of principal manufacturers, transporters and suppliers. The study involved observing and recording the results of 503 shipments of manufactured homes during a 12-month period from June 1999 through June 2000. The MHI believes the results of the study demonstrate that tire performance improved when the industry operated under the 18-percent overloading rule.

The MHI indicated that of the 3,708 tires used on the 503 manufactured home sections transported, there were 81 tire failures (a 2.2 percent tire failure rate). The MHI believes that only a fraction of these failures were attributable, in whole or in part, to the tires being overloaded. Of the 81 tires that failed, 62 (76.5 percent) were used tires, indicating that repeated usage of tires may be more of a factor in the tire failure rate than overloading. The MHI believes the 2.2 percent tire failure rate represents a significant improvement given the estimated eight percent tire failure rate the FHWA and HUD presented in the April 23, 1996, notice of proposed rulemaking (61 FR 18014). None of the 81 tire failures resulted in an accident causing damage to a manufactured home, other property, or personal injury. The 81 tire failures occurred on 61 of the 503 sections transported. The MHI stated:

> The dramatic decrease in tire failures attributable, in whole or in part, to tire overloading beyond tire load ratings and the total absence of any accidents resulting in damage to the manufactured home, other property, or personal injury, based upon a representative sampling of manufactured homes transported throughout the country, demonstrates the lack of any safety risk associated with the permanent removal of the November 20, 2000 ''sunset'' date for the 118% Rule.

FMCSA and HUD Preliminary Responses to the MHI Petition

On November 21, 2000, the FMCSA published a final rule delaying the termination date of the rule allowing overloading of manufactured home tires (65 FR 70218). The FMCSA indicated that it had met with officials from HUD to discuss the MHI's request. Both agencies believed that MHI's petition and its supporting documentation warranted a thorough review, but because relevant staff were otherwise committed, neither was able to complete such an analysis before November 20, 2000, the termination date established by the 1998 final rule. On November 21, 2000, HUD amended Interpretative Bulletin J–1–76 to remove a paragraph that referenced the November 20, 2000, termination date.

Multinational Petition to Rescind November 21, 2000, Regulatory Actions

On January 16, 2001, Multinational filed a petition with the FMCSA and HUD requesting that the FMCSA and HUD rescind their actions relating to overloading of manufactured home tires. A copy of Multinational's petition is included in the docket referenced at the beginning of this document. Multinational argued that the FMCSA and HUD actions delaying the termination date are contrary to both Federal law and the public interest. Multinational believes that the FMCSA violated 5 U.S.C. 553(b) by publishing the final rule without prior notice and request for public comment. Multinational believes the agencies could have requested public comment when the MHI submitted its preliminary data on July 7, 2000. Multinational argues that the ''good cause'' exception to the requirement for requesting public comment prior to issuing a final rule should not apply in this case.

In addition, Multinational believes the delay in the termination date was issued in violation of the National Technology Transfer and Advancement Act of 1995 (Pub. L. 104–113, 110 Stat. 775) which requires that Federal agencies use standards established by voluntary consensus standards organizations unless the adoption of the voluntary standards would be impractical or inconsistent with law.

Multinational argues that delaying the termination date is contrary to the public interest.

FMCSA Analysis of the Petitions

The FMCSA has reviewed the MHI's and Multinational's petitions and believes that both should be denied.

MHI Petition

The MHI's petition requesting that 18 percent overloading be allowed on a permanent basis is not supported by the data submitted. The MHI provided detailed data (on-the-road performance data which included the amount of tire

loading) on 53 shipments of manufactured homes. However, data from industry indicates that in 1999, the manufactured housing industry shipped 122,926 single-section and 225,745 multi-section homes for a total of 582,498 sections transported. Therefore, any inferences made from the data would be based on a sample size of approximately 0.0091 percent [100 × (53/582,498)] of all shipments transported in 1999. The agency believes this sample size is entirely too small to make any valid judgment about the on-the-road performance of tires overloaded by 18 percent.

Although information was collected on 503 shipments of manufactured home sections, individual wheel weights were measured on only 53 of these shipments. The information gathered from the remaining 450 trips is important for looking at the overall tire failure rate but not for examining the percentage of tire failures attributable in whole, or in part, to tire overloading.

Another factor complicating the analysis of tire failures is that both the number of tires overloaded, and the amount of overloading on those tires, varies from trip to trip. Not all manufactured home tires are overloaded by 18 percent on every trip. Because of the variability in the amount of overloading per tire and the number of tires that are typically overloaded on a given shipment, it is extremely difficult to draw inferences on the performance of overloaded tires. This is especially the case when an extremely small sample size is involved.

Despite the inadequacy of the MHI data for some kinds of analysis, one figure is hard to ignore: tire failures occurred on 12 percent of the trips involving sections of manufactured housing (61 of 503). Although the incidence of tire failure seems to have declined since overloading was limited to 18 percent in 1998, the fact that 12 percent of the trips examined by the MHI were still marred by tire failure—for whatever reason—is not reassuring. This is a far higher number than other segments of the motor carrier industry experience. The manufactured housing industry may not have been involved in any recent fatalities or property-damage accidents, but with a tire-failure rate that high one cannot be optimistic about the future. Even if a tire failure does not send the affected combination out of control, tire fragments can cause other vehicles to swerve, perhaps triggering a secondary accident. When units of manufactured housing are stopped for tire replacement, other vehicles will usually slow down to look, increasing the risk of rear-end accidents in the traffic stream. Finally, because drivers typically orient themselves by following other cars or trucks, drivers who are fatigued or distracted sometimes fail to distinguish between moving vehicles and parked vehicles, with disastrous consequences. While the FMCSA cannot identify the exact role of tire overloading in the failure rate experienced by the manufactured housing industry, we have concluded that this rate is too high and that the agency should take what actions it can to lower the rate. We have therefore decided to end the allowance of overloaded tires on manufactured housing.

The FMCSA requests comments on the adequacy of the sample size used by the MHI in its data collection, and on the analysis and interpretation of that data. The agency also requests comments on its own analysis and conclusions.

Multinational Petition

The FMCSA does not consider its actions to be in violation of the Administrative Procedure Act or the National Technology Transfer and Advancement Act of 1995. Furthermore, our actions were not contrary to the public interest.

The FMCSA was not required to place the information it received from the MHI in the docket until it issued its November 21, 2000, final rule. Doing so earlier would not have served as a request for public comment, or provided information about the agency's evaluation of the petition, or accelerated the agency's analysis of the MHI data. The period from August 7 to November 20, 2000, was not long enough to allow the agency, occupied with a wide variety of prior commitments, to prepare a notice that discussed the issues in meaningful detail, review the public comments submitted, and issue a final decision. Therefore, the agency stands by its previous determination that notice and comment were impracticable.

The FMCSA believes notice and comment were unnecessary because the November 21, 2000, delay in the termination date did not change the substance of 49 CFR 393.75(g). The agency relied on its expertise in transportation safety to delay the termination date until December 31, 2001. The agency is not aware of any accidents (as defined in 49 CFR 390.5) involving manufactured homes prior to the 1998 final rule, or subsequent to the publication of that rule. The agency believes the data presented by the MHI is an acceptable indicator that the overall tire failure rate decreased after tire overloading was reduced from 50 percent to 18 percent. The MHI's estimate of a decrease in the overall tire failure rate justified the conclusion that the level of safety had improved (in terms of reducing the potential for an accident attributable to tire failure) since the publication of the February 18, 1998, final rule. The only uncertainty was whether the level of safety was comparable to, or better than, what would be expected if all overloading of manufactured tires were prohibited. The postponement of the termination date did not increase the safety risks to the traveling public. The actions of the agency were not contrary to public interest.

With regard to the Multinational's other point, neither the National Technology Transfer and Advancement Act of 1995, nor the Office of Management and Budget's Circular No. A–119, which provides executive direction to Federal agencies in implementing the statutory requirements, is applicable to the debate about overloading manufactured home tires. The FMCSA's did not establish a government-unique standard for the design of manufactured home tires, or a government-unique standard concerning the use of such tires. Furthermore, the agency's actions did not ignore a private-sector ''consensus standard'' as defined in OMB's Circular No. A–119.

The FMCSA has carefully reviewed the Tire and Rim Association, Inc.'s ''Year Book'' to determine whether the publication could be construed as a consensus standard establishing guidelines that differ from the agency's final rule. The ''Year Book'' states:

> The purposes of the Tire and Rim Association, Inc., include the establishment and promulgation of interchangeability standards for tires, rims and allied parts for the guidance of manufacturers of such products, designers and manufacturers of motor vehicles, aircraft and other wheeled vehicles and equipment, and governmental and other regulatory bodies.
>
> The Tire and Rim Association, Inc., has no responsibility or involvement with respect to the utility or performance of any tire, rim or allied part which may be manufactured in conformity to such standards.

The Tire and Rim Association publication provides information on interchangeability standards for tires and rims—the ability to replace components, parts, or equipment of one manufacturer with those of another, without losing function or suitability. Furthermore, the organization disclaimed all responsibility or involvement with respect to the use or performance of any tire. Therefore, the Tire and Rim Association's ''Year Book''

is not a consensus standard applicable to overloaded manufactured home tires. The FMCSA's actions have not undermined or compromised the interchangeability standards of the Tire and Rim Association. The tire overloading rule relates solely to the manner in which motor carriers use manufactured home tires, an issue that association never attempted to address. The FMCSA has not violated the NTTA.

With regard to Multinational's concerns about the public interest, the FMCSA worked with HUD to require the manufactured housing industry to alter its practice of overloading tires by up to 50 percent above the tire manufacturer's load rating. The agencies have reduced the amount of overloading to 18 percent presently, and through the denial of the MHI's petition, transporters of manufactured homes would be prohibited from overloading tires. Transporters of manufactured homes would be required to adhere to the same standards as anyone else subject to the Federal Motor Carrier Safety Regulations. The delay in the termination date does not, in and of itself, change the substance of 49 CFR 393.75(g).

Through this notice the agency is making clear its preliminary intention not to grant the MHI's petition to allow 18 percent overloading on a permanent basis. The agency intends to bring to an end the industry practice of transporting manufactured homes on overloaded tires, albeit approximately 13 months later than originally planned. The agency does not believe the delay in the termination date is contrary to the public interest because the level of safety provided by the November 21, 2000, final rule is no different than the level of safety provided prior to the delay.

Request for Comments

The FMCSA requests comments from all interested parties concerning overloading of tires used in the transportation of manufactured homes. The agency encourages commenters to discuss any of the specific issues mentioned above and any other issues the commenters believe may be relevant. Depending on the comments received, the agency will issue a notice denying the MHI's and Multinational's petitions.

Issued on: April 16, 2001.

Julie Anna Cirillo,

Acting Deputy Administrator.

[FR Doc. 01–9867 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–EX–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2001–9446]

Notice of Request for Approval of a New Collection

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve the following new information collection: 49 CFR Part 611 Major Capital Investment Projects.

DATES: Comments must be submitted before June 19, 2001.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the United States Department of Transportation, Central Dockets Office, PL–401, 400 Seventh Street, SW., Washington, DC 20590. All comments received will be available for examination at the above address from 10 a.m. to 5 p.m., e.t., Monday through Friday, except federal holidays. Those desiring notification of receipt of comments must include a self-addressed, stamped postcard/envelope.

FOR FURTHER INFORMATION CONTACT: Mr. John Day, Office of Budget and Policy, (202) 366–1671.

SUPPLEMENTARY INFORMATION: Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) The necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: 49 CFR Part 611 Major Capital Investment Projects.

Background: On June 9, 1998, the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178) was enacted. Section 3009(e)(5) of TEA–21 requires FTA to issue regulations on the manner in which candidate projects for capital investment grants and loans for new fixed guideway systems and extensions to existing systems (''new starts'') will be evaluated and rated for purposes of the FTA Capital Investment Grants and Loans program for new starts under 49 USC Section 5309.

The Notice of Proposed Rulemaking (NPRM) for this regulation was issued on April 7, 1999, (64 FR 17062). The docket was open for public comment through July 6, 1999, though late-filed comments were accepted through July 19, 1999. Comments were received from a total of 41 individuals and organizations. During the comment period, FTA held three additional public outreach workshops to solicit comments on the proposed rule: one in Toronto, Ontario, on May 24, 1999, in conjunction with the 1999 American Public Transit Association's Commuter Rail/Rapid Transit Conference; one in Oakland, California, on June 3, 1999; and one in Washington, D.C., on June 8, 1999. Notes from these workshops have been placed in the docket for this rule (Docket No. FTA–99–5474–48).

The Final Rule was issued on December 7, 2000, (65 FR 76864) noting that a separate burden analysis would be published for public comment and that FTA would seek a control number from the Office of Management and Budget (OMB) authorizing FTA to collect the required information. This notice serves that purpose.

It is important to note that while the new starts project evaluation and rating regulation is new, the requirements for project evaluation and data collection for the new starts program are not. FTA's requirement to evaluate proposed new starts against a prescribed set of statutory criteria is longstanding. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) established in law a set of criteria that proposed projects had to meet in order to be eligible for federal funding. The requirement for summary project ratings has been in place since 1998.

In general, the information used by FTA for new starts project evaluation and rating purposes should arise as a part of the normal planning process. Prior to this Rule, FTA collected project evaluation information from project sponsors under a Paperwork Reduction Act request (OMB No. 2132–0529) approved under the joint FTA/FHWA planning regulations. However, as the project evaluation criteria have expanded under TEA–21, it has become apparent that some information required under this Rule may be beyond the scope of ordinary planning activities. Further, while FTA has long required the reporting of information for project evaluations, there has never been a regulatory requirement until TEA–21. Finally, this Rule adds a new

requirement for before-and-after data collection for purposes of Government Performance and Results Act reporting as a condition of obtaining a Full Funding Grant Agreement (FFGA). Therefore, FTA is submitting a separate Paperwork Reduction Act request.

It is also important to note that since this is a new regulatory requirement, the burden estimates include all data collection efforts required by this Rule, regardless of whether or not the same data would have been required under the previous, policy statement-driven process. Thus, the total burden estimate includes items that would have been required whether this regulation had been issued or not. These estimates were also provided in the preamble to the Final Rule dated December 7, 2000.

Respondents: State and local government.

Estimated Annual Burden on Respondents: 487 hours for each of the 97 respondents.

Estimated Total Annual Burden: 47,200 hours.

Frequency: Annual.

Issued: April 13, 2001.

Dorrie Y. Aldrich,

Associate Administrator for Administration.

[FR Doc. 01–9743 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–57–U

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA 2001–9430; Notice 1]

Bajaj Auto, Ltd.; Receipt of Application for Temporary Exemption From Federal Motor Vehicle Safety Standard No. 123

Bajaj Auto, Ltd., an Indian corporation, through Rex Products, Inc. of South San Francisco, CA, dba Bajaj USA, has applied for a temporary exemption of two years from a requirement of S5.2.1 (Table 1) of Federal Motor Vehicle Safety Standard No. 123 *Motorcycle Controls and Displays.* The basis of the request is that ''compliance with the standard would prevent the manufacturer from selling a motor vehicle with an overall safety level at least equal to the overall safety level of nonexempt vehicles,'' 49 U.S.C. 30113(b)(3)(B)(iv).

We are publishing this notice of receipt of an application in accordance with the requirements of 49 U.S.C. 30113(b)(2). This action does not represent any judgment of the agency on the merits of the application.

Bajaj has applied on behalf of its Saffire motor scooters (''scooters'') with automatic clutches. The scooters are defined as ''motorcycles'' for purposes of compliance with the Federal motor vehicle safety standards. According to Bajaj, the Saffire has a 90cc engine and a top speed of 60 km/h.

If a motorcycle is produced with rear wheel brakes, S5.2.1 of Standard No. 123 requires that the brakes be operable through the right foot control, though the left handlebar is permissible for motor driven cycles (Item 11, Table 1). Bajaj would like to use the left handlebar for the rear brake control for the scooters. Standard No. 123 specifies the left handlebar as the location for the manual clutch or integrated clutch and gear change, but there is no clutch on the automatic scooters.

Bajaj argues that the overall level of safety of the scooters equals or exceeds that of a motorcycle that complies with the brake control location requirement of Standard No. 123. Although ''it is true that the human foot can apply much more force than can the hand, the foot is much less sensitive to travel distance. With the lever/cable operated brake system used on the Saffire, there is more than enough brake actuation force available to the hand of even the smallest rider.''

Bajaj intends to begin sales in the United States ''for market testing purposes during the 2001 sales year'' and would like to include the Saffire in its product line; without an exemption it would be unable to do so.

Bajaj anticipates sales of not more than 2500 scooters a year while an exemption is in effect. It believes that an exemption would be in the public interest and consistent with the objectives of traffic safety because it is intended for low-speed urban use, in ''congested traffic conditions,'' and ''has been tested by long use in India and the rest of the world.'' The petitioner states that ''neither consumer groups nor governmental authorities have raised any safety concerns as a result of this design.'' The scooter provides ''environmentally clean and fuel efficient * * * urban transportation.'' Specifically, ''the exhaust, crankcase, and evaporative emissions of the motor scooter's very small engine have been demonstrated to be lower than alternative means of transportation such as large motorcycles.'' If the exemption is granted, ''the American consumer will be provided with a broader range of choice of low-cost, efficient, transportation.''

Interested persons are invited to submit comments on the application described above. Comments should refer to the docket number and the notice number, and be submitted to: Docket Management, Room PL–401, 400 Seventh Street, SW, Washington, DC 20590. It is requested but not required that 10 copies be submitted.

All comments received before the close of business on the comment closing date indicated below will be considered, and will be available for examination in the docket at the above address both before and after that date. The Docket Room is open from 10 a.m. until 5 p.m. To the extent possible, comments filed after the closing date will also be considered.

Notice of final action on the application will be published in the **Federal Register** pursuant to the authority indicated below.

Comment closing date: May 21, 2001.

(49 U.S.C. 30113; delegations of authority at 49 CFR 1.50. and 501.8)

Issued on April 17, 2001.

Stephen R. Kratzke,

Associate Administrator for Safety Performance Standards.

[FR Doc. 01–9840 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–33 (Sub–No. 177X)]

Union Pacific Railroad Company—Abandonment Exemption—in Davis County, UT

Union Pacific Railroad Company (UP) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments and Discontinuances of Service and Trackage Rights* to abandon a 1.082-mile line of railroad over the Syracuse Industrial Lead from milepost 1.10 to milepost 2.182 near Clearfield, Davis County, UT. The line traverses United States Postal Service Zip Code 84015.

UP has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic moving over the line; (3) no formal complaint filed by a user of rail service on the line (or by a state or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Surface Transportation Board (Board) or with any U.S. District Court or has been decided in favor of complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental reports), 49 CFR 1105.8 (historic reports), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment and discontinuance shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10502(d) must be filed. Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on May 22, 2001, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,[1] formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),[2] and trail use/rail banking requests under 49 CFR 1152.29 must be filed by April 30, 2001. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by May 10, 2001, with: Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423.

A copy of any petition filed with the Board should be sent to applicant's representative: James P. Gatlin, General Attorney, Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

If the verified notice contains false or misleading information, the exemption is void *ab initio.*

UP has filed an environmental report which addresses the effects, if any, of the abandonment and discontinuance on the environment and historic resources. SEA will issue an environmental assessment (EA) by April 27, 2001. Interested persons may obtain a copy of the EA by writing to SEA (Room 500, Surface Transportation Board, Washington, DC 20423) or by calling SEA, at (202) 565–1545. Comments on environmental and historic preservation matters must be filed within 15 days after the EA becomes available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Pursuant to the provisions of 49 CFR 1152.29(e)(2), UP shall file a notice of consummation with the Board to signify that it has exercised the authority granted and fully abandoned its line. If consummation has not been effected by UP's filing of a notice of consummation by April 20, 2002, and there are no legal or regulatory barriers to consummation, the authority to abandon will automatically expire.

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: April 10, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–9500 Filed 4–19–01; 8:45 am]

BILLING CODE 4915–00–P

[1] The Board will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Board's Section of Environmental Analysis (SEA) in its independent investigation) cannot be made before the exemption's effective date. *See Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Board may take appropriate action before the exemption's effective date.

[2] Each offer of financial assistance must be accompanied by the filing fee, which currently is set at $1000. *See* 49 CFR 1002.2(f)(25).

DEPARTMENT OF TRANSPORTATION

Bureau of Transportation Statistics

Agency Information Collection; Activity Under OMB Review; Airline Service Quality Performance—Part 234

AGENCY: Bureau of Transportation Statistics (BTS), DOT.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995, Public Law 104–13, the Bureau of Transportation Statistics invites the general public, industry and other governmental parties to comment on the continuing need for and usefulness of DOT requiring large certificated air carriers to file ''On-Time Flight Performance Reports'' and ''Mishandled-Baggage Reports'' pursuant to 14 CFR 234.4 and 234.6. These reports are used to monitor the quality of air service that major air carriers are providing the flying public.

DATES: Written comments should be submitted by June 19, 2001.

ADDRESSES: Comments should be directed to: Office of Airline Information, K–25, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590–0001, FAX NO. 366–3383 or EMAIL *bernard.stankus@bts.gov.*

COMMENTS: Comments should identify the OMB # 2138–0041. Persons wishing the Department to acknowledge receipt of their comments must submit with those comments a self-addressed stamped postcard on which the following statement is made: Comments on OMB # 2138–0041. The postcard will be date/time stamped and returned.

FOR FURTHER INFORMATION CONTACT: Bernie Stankus, Office of Airline Information, K–25, Room 4125, Bureau of Transportation Statistics, 400 Seventh Street, SW., Washington, DC 20590–0001, (202) 366–4387.

SUPPLEMENTARY INFORMATION:

OMB Approval No.: 2138–004123.

Title: Airline Service Quality Performance—Part 234.

Form No.: BTS Form 234.

Type of Review: Extension of a currently approved collection.

Respondents: Large certificated air carriers that account for at least 1 percent of the domestic scheduled passenger revenues.

Number of Respondents: 11.

Total Burden Per Response: 20 hours.

Total Annual Burden: 2,640 hours.

Needs and Uses:

Consumer Information

Part 234 gives air travelers information concerning their chances of on-time flights and the rate of mishandled baggage by the eleven largest scheduled domestic passenger carriers.

Reducing and Identifying Traffic Delays

The Federal Aviation Administration uses part 234 data to pinpoint and analyze air traffic delays. Wheels-up and wheels-down times are used in conjunction with departure and arrival times to show the extent of ground delays. Actual elapsed flight time, wheels-down minus wheels-up time, is compared to scheduled elapsed flight time to identify airborne delays. The reporting of aircraft tail number allows the FAA to track an aircraft through the air network, which enables the FAA to study the ripple effects of delays at hub airports. The data can be analyzed for airport design changes, new equipment purchases, the planning of new runways or airports based on current and projected airport delays, and traffic levels.

Donald W. Bright,

Assistant Director, Airline Information.

[FR Doc. 01–9742 Filed 4–19–01; 8:45 am]

BILLING CODE 4910–FE–P

DEPARTMENT OF THE TREASURY

Submission for OMB Review; Comment Request

April 13, 2001.

The Department of Treasury has submitted the following public information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Copies of the submission(s) may be obtained by

calling the Treasury Bureau Clearance Officer listed. Comments regarding this information collection should be addressed to the OMB reviewer listed and to the Treasury Department Clearance Officer, Department of the Treasury, Room 2110, 1425 New York Avenue, NW., Washington, DC 20220.

DATES: Written comments should be received on or before May 21, 2001 to be assured of consideration.

Internal Revenue Service (IRS)

OMB Number: 1545–1578.

Regulation Project Number: REG–106542–98 NPRM, Revenue Procedure 98–13.

Type of Review: Extension.

Title: Election to Treat Trust as Part of an Estate.

Description: REG–106542–98 and Revenue Procedure 98–13 relate to an election to have certain revocable trusts treated and taxed as part of an estate, and provides the procedures and requirements for making the section 645 election.

Respondents: Individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Burden Hours Per Respondents: 30 minutes.

Frequency of Response: Other (Once).

Estimated Total Reporting Burden: 5,000 hours.

Clearance Officer: Garrick Shear, Internal Revenue Service, Room 5244, 1111 Constitution Avenue, NW., Washington, DC 20224.

OMB Reviewer: Alexander T. Hunt (202) 395–7860, Office of Management and Budget, Room 10202, New Executive Office Building, Washington, DC 20503.

Mary A. Able,

Departmental Reports Management Officer.

[FR Doc. 01–9863 Filed 4–19–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[Delegation Order No. 183 (Rev. 8)]

Delegation of Authority

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Delegation of authority.

SUMMARY: Extension of Time for Making Certain Elections. The text of the delegation order appears below.

FOR FURTHER INFORMATION CONTACT: Sharon Horn, Office of Associate Chief Counsel (Corporate), Sharon.Y.Horn@m1.irscounsel.treas.gov; (202) 622-7700 (Not a toll-free call); Frank Inserra, Office of Associate Chief Counsel (General Legal Services), Francis.C.Inserra@m1.irscounsel.treas.gov, (202) 283–7900 (not a toll-free call), 1111 Constitution Avenue, NW., Washington, DC 20024.

Order Number 183 (Rev. 8)

Effective Date: April 20, 2001.

Extension of Time for Making Certain Elections

(1) *Authority:* To grant, for cases within their respective jurisdictions, a reasonable extension of the time fixed by regulations, or by a revenue ruling, a revenue procedure, a notice, or an announcement published in the Internal Revenue Bulletin, for the making of an election or application for relief in respect of tax under all subtitles of the Internal Revenue Code, except subtitles E, G, H, and I, subject to the requirements of 26 CFR 301.9100–1.

(2) *Delegated to:* Officials in the following offices:

Tax Exempt and Government Entities:
- Directors of Employee Plans, Exempt Organizations, and Government Entities; Directors, EP and EO Rulings and Agreements; Manager, EO Technical; Manager, EO Technical Guidance and Quality Assurance; Manager, EP Technical; Manager, EP Technical Guidance and Quality Assurance; Manager, EP Voluntary Compliance; Manager, EO Projects/Voluntary Compliance; GE Directors of Federal, State and Local Governments, Indian Tribal Governments, and Tax Exempt Bonds; GE Managers of Outreach Planning and Review

Chief Counsel:
- Branch Chiefs and technical assistants (including Senior Technician Reviewers and equivalents) in the offices of Division Counsel/Associate Chief Counsel (Tax Exempt and Government Entities); Associate Chief Counsel (Corporate); Associate Chief Counsel (Financial Institutions and Products); Associate Chief Counsel (Income Tax and Accounting); Associate Chief Counsel (International); Associate Chief Counsel (Passthroughs and Special Industries); and Associate Chief Counsel (Procedure and Administration)

(3) *Redelegation:* This authority may not be redelegated.

(4) *Authority:* To grant for IRC 505(c) and 508 matters, a reasonable extension of time fixed by regulations for making an election or application for relief in respect of tax under Subtitle A of the Code, subject to the requirements of 26 CFR 301.9100–1.

(5) *Delegated to:* Group Managers in the following Tax Exempt/Government Entities offices: Employee Plans; Exempt Organizations; Federal, State & Local Governments; Indian Tribal Governments; and Tax Exempt Bonds.

(6) *Redelegation:* This authority may not be redelegated.

(7) *Authority:* To grant for IRC 408A(d)(6) matters, a reasonable extension of time fixed by regulations for making an election or application for relief in respect of tax under Subtitle A of the Code, subject to the requirements of 26 CFR 301.9100–1.

(8) *Delegated to:* Group Managers authorized to issue letter rulings in EP Rulings and Agreements Technical of the Tax Exempt and Government Entities Division.

(9) *Redelegation:* This authority may not be redelegated.

(10) *Source of Authority:* 26 CFR 301.9100–1; Treasury Order 150–10.

(11) To the extent that the authority previously exercised consistent with this order may require ratification; it is hereby approved and ratified. This order supersedes Delegation Order No. 183 (Rev. 7), effective August 23, 1996 (as amended).

Dated: March 24, 2001.

Bob Wenzel,

Deputy Commissioner, Internal Revenue Service.

[FR Doc. 01–9524 Filed 4–19–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0249]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved

collection, and allow 60 days for public comment in response to the notice. This notice solicits comments for information needed to determine whether a loan default is insoluble or whether an obligor has reasonable prospects for curing the default.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 19, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0249'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Loan Service Report, VA Form 26–6808.

OMB Control Number: 2900–0249.

Type of Review: Extension of a currently approved collection.

Abstract: VA Form 26–6808 is completed by Loan Service Representatives during the course of personal contacts with delinquent obligors. The information documented on the form is necessary for VA to determine whether a loan default is insoluble or whether the obligor has reasonable prospects for curing the default and maintaining the mortgage obligation in the future.

Affected Public: Individuals or households.

Estimated Annual Burden: 27,083 hours.

Estimated Average Burden Per Respondent: 25 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 65,000.

Dated: March 23, 2001.

By direction of the Secretary.

Donald L. Neilson,

Director, Information Management Service.

[FR Doc. 01–9785 Filed 4–19–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0133]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine the individual(s) who may be entitled to accrued benefits of deceased beneficiaries.

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 19, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW., Washington, DC 20420 or e-mail comments to *irmnkess@vba.va.gov.* Please refer to ''OMB Control No. 2900–0133'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to Section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Amounts on Deposit for Deceased Veteran, VA Form 21–6898.

OMB Control Number: 2900–0133.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to gather the necessary information to determine the individual(s) who may be entitled to accrued benefits of deceased beneficiaries.

Affected Public: Individuals or households.

Estimated Annual Burden: 175 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 700.

Dated: March 27, 2001.

By direction of the Secretary:

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–9786 Filed 4–19–01; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0011]

Proposed Information Collection Activity: Proposed Collection; Comment Request

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: The Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the

proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice. This notice solicits comments on the information needed to determine an applicant's eligibility for reinstatement of insurance and/or Total Disability Income Provision (TDIP).

DATES: Written comments and recommendations on the proposed collection of information should be received on or before June 19, 2001.

ADDRESSES: Submit written comments on the collection of information to Nancy J. Kessinger, Veterans Benefits Administration (20S52), Department of Veterans Affairs, 810 Vermont Avenue, NW, Washington, DC 20420 or e-mail irmnkess@vba.va.gov. Please refer to ''OMB Control No. 2900–0011'' in any correspondence.

FOR FURTHER INFORMATION CONTACT: Nancy J. Kessinger at (202) 273–7079 or FAX (202) 275–5947.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995 (Public Law 104–13; 44 U.S.C., 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) Whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Application for Reinstatement, VA Form 29–352.

OMB Control Number: 2900–0011.

Type of Review: Extension of a currently approved collection.

Abstract: The form is used to apply for reinstatement of insurance and/or TDIP that has lapsed for more than six months. The information is used to establish eligibility of the applicant for the purpose of reinstatement.

Affected Public: Individuals or households.

Estimated Annual Burden: 500 hours.

Estimated Average Burden Per Respondent: 15 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 1,500.

Dated: March 30, 2001.

By Direction of the Secretary.

Barbara H. Epps,

Management Analyst, Information Management Service.

[FR Doc. 01–9787 Filed 4–19–01; 8:45 am]

BILLING CODE 8320–01–P

Federal Register

Friday,
April 20, 2001

Part II

Department of Agriculture

Cooperative State Research, Education, and Extension Service

Request for Proposals: Fund for Rural America, FY 2001; Notice

DEPARTMENT OF AGRICULTURE

Cooperative State Research, Education, and Extension Service

Request for Proposals: Fund for Rural America, FY 2001

AGENCY: Cooperative State Research, Education, and Extension Service, USDA.

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 Fund for Rural America (FFRA) for fiscal year (FY) 2001 to support competitively awarded research, extension and education grants addressing key issues that contribute to economic diversification and sustainable development in rural areas. The amount available for support of this program in FY 2001 is approximately $9,500,000.

This notice sets out the objectives for these projects, the eligibility criteria for projects and applicants, the application procedures, and the set of instructions needed to apply for an FFRA grant.

By this notice, CSREES additionally solicits stakeholder input from any interested party regarding the FY 2001 FFRA Request for Proposals (RFP) for use in development of any future RFPs for this program.

DATES: Proposals must be received on or before 5:00 p.m., June 19, 2001. Proposals received after this date will not be considered for funding. Comments regarding this RFP are invited for 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: Fund for Rural America; c/o Proposal Services Unit; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; Room 1307, Waterfront Centre; 800 9th Street, SW., Washington, DC 20024, telephone: 202–205–0241.

Proposals sent via the U.S. Postal Service must be sent to the following address: Fund for Rural America; 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 stakeholder comments should be submitted by mail to: Policy and Program Liaison Staff; Office of Extramural Programs; Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2299; 1400 Independence Avenue, SW., Washington, DC 20250–2299; or via e-mail to: RFP–OEP@reeusda.gov. (This e-mail address is intended only for receiving comments regarding this RFP and not for requesting information or forms.) In your comments, please state that you are responding to the FY 2001 FFRA RFP.

FOR FURTHER INFORMATION CONTACT: Dr. Phillip Schwab, Program Co-Director FFRA, telephone: 202–720–4423, e-mail: pschwab@reeusda.gov, or Dr. Elizabeth Tuckermanty, Co-Director FFRA, telephone: 202–205–0241, e-mail: etuckermanty@reeusda.gov, Cooperative State Research, Education, and Extension Service; U.S. Department of Agriculture; STOP 2241; 1400 Independence Avenue, SW., Washington, DC 20250–2241; telephone: 202–205–0241, e-mail: etuckermanty@reeusda.gov.

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Stakeholder Input

CSREES is requesting comments regarding the Fund for Rural America FY 2001 RFP from any interested party. In your comments, please include the name of the program and the fiscal year RFP to which you are responding. These comments will be considered in the development of the next RFP for the program. Such comments will be used 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). Comments should be submitted as provided in the **ADDRESSES** portion of this notice.

Catalog of Federal Domestic Assistance

The Catalog of Federal Domestic Assistance (CFDA) number for this program is 10.224.

Part I. General Information

A. Legislative Authority

The Fund for Rural America, authorized under section 793 of the Federal Agriculture Improvement and Reform Act of 1996 (FAIR Act) (7 U.S.C. 2204(f)), is established as an account in the Treasury of the United States. The Agricultural Research, Extension, and Education Reform Act of 1998 amended the FAIR Act to provide $60 million on October 1 in each FY until FY 2003 for rural development activities and a competitive grant program for research, education, and extension activities. Not less than one-third of the funds will be available for research, education, and extension activities, one-third will be available for the Department's rural development activities, and one-third will be allocated between the rural development and research activities according to the Secretary's discretion. Section 722 of the FY 2001 Agriculture Appropriations Act (Pub. L. 106–387) allowed for the expenditure of $30 million of FY 2000 funds for the FY 2001 FFRA. Of these available funds, the Secretary of Agriculture has determined that $10 million (prior to reductions for administrative costs) will be available for competitive grants for research, education and extension activities in FY 2001.

Grants are to be awarded on the basis of merit, quality, and relevance to advancing the purposes of federally supported agricultural research, extension, and education provided in section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977, as amended (7 U.S.C. 3101). Section 1402 identifies the following purposes:

(1) enhance the competitiveness of the United States agriculture and food industry in an increasingly competitive world environment;

(2) increase the long-term productivity of the United States

agriculture and food industry while maintaining and enhancing the natural resource base on which rural America and the United States agricultural economy depend;

(3) develop new uses and new products for agricultural commodities, such as alternative fuels, and develop new crops;

(4) support agricultural research and extension to promote economic opportunity in rural communities and to meet the increasing demand for information and technology transfer throughout the United States agriculture industry;

(5) improve risk management in the United States agriculture industry;

(6) improve the safe production and processing of, and adding of value to, United States food and fiber resources using methods that maintain the balance between yield and environmental soundness;

(7) support higher education in agriculture to give the next generation of Americans the knowledge, technology, and applications necessary to enhance the competitiveness of United States agriculture; and

(8) maintain an adequate, nutritious, and safe supply of food to meet human nutritional needs and requirements.''

Section 793(c)(2)(A) of the FAIR Act authorizes the Secretary to use FFRA for competitive research, education, and extension grants to:

(i) increase international competitiveness, efficiency, and farm profitability;

(ii) reduce economic and health risks;

(iii) conserve and enhance natural resources;

(iv) develop new crops, new crop uses, and new agricultural applications of biotechnology;

(v) enhance animal agricultural resources;

(vi) preserve plant and animal germplasm;

(vii) increase economic opportunities in farming and rural communities; and

(viii) expand locally-owned, value-added processing.

B. Purpose, Priorities and Fund Availability

Congress established FFRA in 1996 to develop, adapt, and apply science-based knowledge to the expected challenges faced by American farmers and rural communities as reforms to Federal farm programs were enacted such as commodity program deficiency payments phase outs. FFRA was first administered in 1997 and funded grants which focused on (1) international agricultural competitiveness, (2) environmental stewardship, and (3) improved quality of life in rural areas.

In 1998, the Initiative for Future Agriculture and Food Systems (IFAFS) was established to address critical emerging issues in production agriculture including priority mission areas relating to agricultural genomics and biotechnology, food safety and human nutrition, new uses, farm profitability, and natural resources management. CSREES will administer the FY 2001 FFRA and IFAFS programs in a coordinated manner, with the FFRA emphasizing knowledge that contributes to economic diversification and sustainable development in rural areas, and IFAFS focusing on efficiency, use, and consequences of agricultural production. Thus, this RFP solicits research, education and extension to address two of the statutory purposes of FFRA: increase economic opportunities in farming and rural communities and expand locally-owned value-added processing.

There is no commitment by USDA to fund any particular proposal or to make a specific number of awards. Approximately $9,500,000 is available in FY 2001 to award standard grants of up to a total of $600,000 over four years in the following priority areas: (1) Rural Community Innovation; and (2) Harnessing Demographic Change to Increase Rural Opportunity.

Not less than 15 percent of the funds awarded under this program will be used for grants to smaller institutions as defined in section I. C.

C. General Definitions

For this program, the following definitions apply:

(1) *Administrator* means the Administrator of CSREES and any other officer or employee of the Department to whom the authority involved is delegated.

(2) *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.

(3) *Authorized organizational representative* means the president or chief executive officer of the applicant organization, or the official designated by the president or chief executive officer of the applicant organization, who has the authority to commit the resources of the organization.

(4) *Budget period* means the interval of time (usually 12 months) into which the project period is divided for budgetary and reporting purposes.

(5) *Cash contributions* means the applicant's cash outlay, including the outlay of money contributed to the applicant by non-Federal third parties.

(6) *Department* or *USDA* means the United States Department of Agriculture.

(7) *Grant* means the award by the Secretary of funds to a grantee to assist in meeting the costs of conducting, for the benefit of the public, an identified project which is intended to further the program purpose as identified in this RFP.

(8) *Grantee* means the organization designated in the award document as the responsible legal entity receiving the award.

(9) *In-kind contributions* means non-cash contributions of property or services provided by the grantee or non-Federal third parties, including real property, equipment, supplies and other expendable property, directly benefitting and specifically identifiable to a funded project or program.

(10) *Matching* means that portion of allowable project costs not borne by the Federal Government, including the value of in-kind contributions.

(11) *Peer review panel* means a group of persons qualified by training and experience in particular fields to give expert advice on the merit of grant applications in such fields.

(12) *Private research organization* means any non-governmental corporation, partnership, proprietorship, trust, or other organization with an established and demonstrated capacity to perform research or technology transfer which (1) either (A) conducts any systematic study directed toward new or fuller knowledge and understanding of the subject studied or (B) systematically relates or applies the findings of research or scientific experimentation to the application of new approaches to problem solving, technologies, or management practices; and (2) has facilities, qualified personnel, independent funding, and prior projects and accomplishments in research or technology transfer.

(13) *Project director* means the individual designated by the grantee in the grant application and approved by the Secretary who is responsible for the direction and management of the project.

(14) *Prior approval* means written approval evidencing prior consent by an authorized departmental officer.

(15) *Project* means the particular activity within the program scope supported by a grant award.

(16) *Project period* means the period, as stated in the award document during which Federal sponsorship begins and ends.

(17) *Secretary* means the Secretary of Agriculture and any other officer or employee of the Department to whom the authority involved may be delegated.

(18) *Smaller institution* means a college or university or a research foundation maintained by a college or university that ranks in the lower one-third of such colleges, universities, or foundations on the basis of Federal research funds received (excepting monies received under the FFRA).

D. Eligibility

Proposals may be submitted by Federal research agencies, national laboratories, colleges and universities and research foundations maintained by a college or university, and private research organizations. National laboratories include Federal laboratories that are government-owned contractor-operated or government-owned government-operated. If the applicant is a private organization, documentation must be submitted evidencing that the private organization has an established and demonstrated capacity to perform research or technology transfer. Documentary evidence shall provide specific information regarding relevant staff or organizational experience, including publications, credentials, and past or current projects. A programmatic decision on the eligibility status of the private organization will be made based on the information submitted.

E. Matching Funds Requirement

A grant awarded for applied research that is commodity-specific and that is not of national scope must be matched by the recipient with equal funds from a non-Federal source. The matching requirement may be satisfied through cash and in-kind contributions for allowable costs incurred by the recipient or subrecipient.

F. Types of Proposals

In FY 2001, all projects must be submitted as New Proposals. A new proposal is a project proposal that has not been previously submitted to the FFRA Program. All new proposals will be reviewed competitively using the selection process and evaluation criteria described in Part IV. Review Process.

G. Restrictions on Use of Funds

FFRA 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. Purpose of the Program

Economically healthy rural communities are a key factor in maintaining the competitiveness of U.S. agriculture. The FFRA was, in part, designed to direct resources to the development of research, education and extension programs which can help rural communities and citizens improve their economic outlook and devise effective approaches to community and rural development. Dramatic demographic changes and recent innovations in agricultural practices and community development methods offer new challenges and opportunities. An aging population, the arrival of new immigrant populations, youth retention and workforce development are all having an impact on the rural economy. Rural communities need to understand these demographic forces and develop capacity to turn them into economic promise. Communities also must develop the capacity to translate on- and off-farm innovations into economic growth and community prosperity. Value-added processing, e-commerce, distance learning, niche markets and new industries can help rural communities share more fully in economic opportunities, especially where they are part of holistic approaches to community development. CSREES is offering a two part program with the expectation that the agency will award up to 15 grants not to exceed $600,000 each to form the long-term, multi-state networks and develop programs to address these critical issues facing rural America.

B. Approach

The FFRA will be available for cutting-edge research and technology development, extension and related outreach, and education projects which will result in breakthrough solutions to critical, well-defined problems. Projects will be awarded for short- and intermediate-term application of research and development through integration of research, extension and education activities. The FFRA program emphasizes the importance of systems-based, outcome-oriented approaches to problem solving. Projects should involve relevant stakeholders such as producers, entrepreneurs, environmentalists, community organizations, and non-governmental organizations, and should address issues of national, regional, or multi-state importance. Therefore, CSREES will give priority to projects that are designed and proposed by eligible recipients in collaboration with institutions, organizations and communities of interest. Strong partnerships will be critical to apply research, education and extension to address user needs and solve community-defined problems. In assessing proposals, priority will be given for systems-based, inter-disciplinary, integrated approaches that leverage prior research investments and include innovative collaborations and partnerships with the goal of improving the quality of life in rural America. The two FFRA program areas for FY 2001 are ''Rural Community Innovation'' and ''Harnessing Demographic Change to Increase Rural Opportunity''.

C. FY 2001 Program Areas

1. Rural Community Innovation (RCI)

This program area seeks research, education, and extension proposals that will help rural communities address existing and new problems in innovative ways. Proposals should focus on two broad areas: holistic systems-based community development and the connections between agriculture and community development. The goals are to generate and share new knowledge to assist rural communities to diversify their economies, develop and maintain profitable farms and businesses, build community leadership and decision-making capacity, and create new strategies for improving community services.

Applications are encouraged that will increase knowledge and build capacity for holistic community development by seeking to understand the ways different kinds of community assets are related including human, social, natural and financial capital, by applying a new generation of information technology and computer based tools to community planning, development, and decision-making, and by increasing the capacity for citizens in communities to lead the development process.

Applications are encouraged that will increase knowledge and build capacity about the connections between innovative, entrepreneurial agriculture and community development by understanding the relationships among farms, businesses, and community institutions, by understanding the community implications of moving to a bio-based economy, by furthering the linkages among value-added agriculture, the regional economy and local communities, and by including farmers in local and regional economic development planning. Applicants should demonstrate that the results of their work will expand economic opportunities in agriculture as well as opportunities in non-agricultural rural economic sectors.

Projects should contribute to new models of rural development and contribute to core understandings of factors that lead to rural and community

prosperity. Successful projects will work collaboratively with community-based partners in order to achieve specific outcomes relevant to those communities, such as resilient farms, businesses, and communities; but they must also contribute to larger understandings that can be used broadly to benefit all of rural America.

2. Harnessing Demographic Change to Increase Rural Opportunity (HDC)

This program area seeks proposals that incorporate elements of research, education and extension that will help communities understand the phenomena of demographic change in rural America, develop new knowledge to address these issues and educate rural citizens on how to adapt and capitalize on these changes.

Applications are expected to address at least one of the following areas: (a) The aging of rural America, including the development of service economies to serve an aging and retirement-oriented population, involving senior citizens in economic activities, and community planning programs to address housing, leadership and infrastructure issues affected by an aging population; (b) increased immigration to rural America and developing new immigrants as agents of economic vitality, assisting new immigrants to access basic financial, health and employment services, assisting rural communities to adjust to the cultural diversity resulting from the arrival of new immigrants and assisting new immigrant farmers with an understanding of the agricultural markets, risk management and environmental stewardship; and (c) improving youth retention and workforce development including the development of programs to prepare young people for new economy jobs, including e-business training, language skill development and health care education, citizenship and leadership development, and new farmer programs emphasizing new marketing opportunities, financial risk management and technological innovation.

A proposal should include specific and substantive evidence of the ability of the investigators to work within the target communities. This ability should include appropriate language skill ability, experience working with all collaborators, and long-standing and substantive links to the target community. Unique partnerships between rural and urban/suburban cooperators or international partners are also encouraged.

Part III. Preparation of a Proposal

A. Program Application Materials

Program application materials are available at the CSREES website (www.reeusda.gov/fra). If you do not have access to the CSREES 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 FY 2001 FFRA 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 RFP and application materials (orange book) for the FY 2001 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″ × 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 starting with the Project Description and including the 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) 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.

(b) Program to Which You Are Applying (Block 7) ''FFRA.''

(c) Program Area and Number (Block 8). Either ''RCI'' for Rural Community Innovation or ''HDC'' for Harnessing Demographic Change to Increase Rural Opportunity should be inserted in this block.

(d) Type of Award Request (Block 13). Check the block for ''new.''

(e) Principal Investigator(s)/Project Director(s) (PI/PD) (Block 15). The designation of excessive numbers of co-PI/PDs 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.

(f) 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.

(g) Other Possible Sponsors (Block 22). List the names or acronyms of all other public or private sponsors including other agencies within USDA and other CSREES programs to which 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.

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.

4. Project Summary

The proposal must contain a Project Summary of 250 words or less on a separate page placed immediately after the Table of Contents and not 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 FFRA goals. 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 including figures and tables, but excluding citations.

Each 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 or other past activities which substantiate 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 information pertinent to the proposed project should be included;

(b) *Relevance and significance*—The objectives' specific relationship to the FFRA goals and to the particular program area should be stated. Include a description of the significance of the activity and its value in improving rural communities through research, education and extension. 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) *Time Table*—Provide an expected time line for completing the project in the requested duration.

(e) *Collaborative Arrangements*—Identify collaborations and provide a full explanation of the nature of the collaborations.

(f) *Management Plan*—Explain how the project will be managed to ensure efficient administration of the grant and how activities will be integrated most effectively.

(g) *Evaluation and Monitoring of Project*—Provide a plan for assessing and evaluating 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.

6. References to Works Cited in the Project Description

All references cited should be complete, including titles and all co-authors, and should conform to an accepted bibliographic format.

7. Appendices to Project Description

Appendices to the Project Description are allowed if they are directly germane to the proposed project and are limited to a total of two of the following: reprints (papers that have been published) and preprints (manuscripts in press); preprints must be accompanied by a letter of acceptance from the publisher.

8. Key Personnel

All key personnel who are expected to be involved in the effort should be clearly identified. For each person the following should be included:

(1) The roles and responsibilities of each PI/PD should be described;

(2) An estimate of time commitment for each PI/PD; and

(3) 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. A chronological list of all relevant publications during the past four (4) years, including those in press, must be provided for each project member for which a curriculum vitae is provided. 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 bibliographies.

9. Conflict-of-Interest List

A Conflict-of-Interest List must be provided for all individuals identified as key personnel. 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, under the specific area or sub-area, must be informed of any additional conflicts-of-interest that arise after the proposal is submitted.

10. 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. If the need for consultant services is anticipated, the proposal budget narrative should provide a justification for the use of such services, a statement of work to be performed, a resume or curriculum vitae for each consultant, and rate of pay 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. A budget narrative for all budget categories where

funding is requested is also required. 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 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. In addition, required clauses from 7 CFR 3019.40 through 3019.48 (''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 by completing Form AD–1048.

11. Budget

(1) *Budget Form*—Prepare the budget, Form CSREES–55, in accordance with instructions provided. Budgets of up to a total of $600,000 over four years may be requested. Budgets should be commensurate with activities proposed. 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 paragraph (2) below.)

The following guidelines should be used in developing your proposal budget(s):

(A) *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 key 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.

(B) *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 (social security, retirement, etc.) 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.

(C) *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. Qualifying 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.

(D) *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.

(E) *Travel.* The type, destination and specific purpose of travel and its relationship to project objectives should be described briefly and justified. If foreign travel is proposed, the country to be visited, 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.

(F) *Publication Costs/Page Charges.* Include anticipated costs associated with print and electronic publications (preparing and publishing results including page charges, necessary illustrations, and the cost of a reasonable number of coverless reprints), websites and audio-visual materials that will be produced. Photocopying and printing brochures, etc., should be shown in Section (H), ''All Other Direct Costs'' of Form CSREES–55.

(G) *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.

(H) *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, 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.

(I) *Indirect Costs*—Section 1462 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3310) limits indirect costs for this program to 19 percent of total Federal funds provided under each award. Therefore, the recovery of indirect costs under this program may not exceed the lesser of the institution's official negotiated indirect cost rate or the equivalent of 19 percent of total Federal funds awarded. Another method of calculating the maximum allowable is 23.456 percent of the total direct costs. If no rate has been negotiated, a reasonable dollar amount (equivalent to or less than 19 percent of total Federal funds requested) in lieu of indirect costs may be requested, subject to approval by USDA.

(2) *Budget Narrative*—All budget categories for which support is requested, with the exception of Indirect Costs, must be individually listed (with costs) and justified on a separate sheet of paper and placed immediately behind the Budget Form.

(3) *Matching Funds*—Explanations of matching funds or lack thereof on commodity-specific projects also are to be included in the Budget Narrative. If an applicant concludes that matching funds are not required as specified in Part I. E., a justification should be included. CSREES will consider this justification when ascertaining final matching requirements. CSREES retains the right to make final determinations regarding matching requirements.

For those grants requiring matching funds as specified in Part I. E., proposals should include written verification of commitments of any matching support (including both cash and in-kind contributions) from third parties. Written verification means:

(a) For any third party cash contributions, a separate pledge agreement for each donation, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) the dollar amount of the cash donation; and (5) a statement that the donor will pay the cash contribution during the grant period; and

(b) For any third party in-kind contributions, a separate pledge agreement for each contribution, signed by the authorized organizational representatives of the donor organization and the applicant organization, which must include: (1) The name, address, and telephone number of the donor; (2) the name of the applicant organization; (3) the title of the project for which the donation is made; (4) a good faith estimate of the current fair market value of the third party in-kind contribution; and (5) a statement that the donor will make the contribution during the grant period.

The sources and amount of all matching support from outside the applicant institution should be summarized on a separate page and placed in the proposal immediately following the Budget Narrative. All pledge agreements must be placed in the proposal immediately following the summary of 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 Indian Tribal Governments; A–122, Cost Principles for Non-Profit Organizations; and for for-profit organizations, the cost principles in the Federal Acquisition Regulation at 48 CFR Subpart 31.2 (see 7 CFR 3015.194).

12. 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 the 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 CSREES. 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.

13. 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. *Recombinant DNA or RNA Research.* As stated in 7 CFR Part 3015.205 (b)(3), all key personnel identified in the proposal and all endorsing officials of the proposing organization are required to comply with the guidelines established by the National Institutes of Health entitled, ''Guidelines for Research Involving Recombinant DNA Molecules,'' as revised. If your project proposes to use recombinant DNA or RNA techniques, you must so indicate by checking the ''yes'' box in Block 19 of Form CSREES–661 (the Cover Page) and by completing Section A of Form CSREES–662. For applicable proposals recommended for funding, Institutional Biosafety Committee approval is required before CSREES funds will be released.

b. *Animal Care.* Responsibility for the humane care and treatment of live vertebrate animals used in any grant project supported with funds provided by CSREES rests with the performing organization. Where a project involves the use of living vertebrate animals for experimental purposes, all key project personnel identified in a proposal and all endorsing officials of the proposing organization are required to comply with the applicable provisions of the Animal Welfare Act of 1966 (7 U.S.C. 2131 *et seq.* and the regulations promulgated thereunder by the Secretary in 9 CFR Parts 1, 2, 3, and 4 pertaining to the care, handling, and treatment of these animals. If your project will involve these animals, you should check ''yes'' in block 20 of Form CSREES–661 and complete Section B of Form CSREES–662. In the event a project involving the use of live vertebrate animals results in a grant award, funds will be released only after the Institutional Animal Care and Use Committee has approved the project.

c. *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 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. The approval must have been received at most one year prior to the grant award.

14. Certifications

Note that by signing Form CSREES–661 the applicant is providing certifications required by 7 CFR Part 3017, 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.

15. Compliance With the National Environmental Policy Act (NEPA), Form CSREES–1234

As outlined in 7 CFR Part 3407 (the CSREES supplemental 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, 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(s) 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 on or before 5:00 P.M., June 19, 2001. 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: Fund for Rural America, c/o Proposal Services Unit, Cooperative State Research, Education, and Extension Service, U.S. Department of Agriculture, Room 1307, Waterfront Centre, 800 9th Street, SW., Washington, DC 20024, Telephone: 202–205–0241.

Proposals sent via the U.S. Postal Service must be sent to the following address: Fund for Rural America, 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, Telephone: 202–205–0241.

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.

E. Current Research Information System (CRIS)

For research projects CRIS Forms AD–416 and AD–417, will be requested if a proposal is identified for funding. In addition, grantees will be asked to submit annual CRIS progress reports.

Part IV. Review Process

A. General

Each proposal will be evaluated in a three-part process. First, each proposal will be screened to ensure that it falls within the scope of the request for proposals. Proposals that do not fall within the guidelines as stated in this RFP, including the Program Area Description, will be eliminated from competition and returned to the applicant. Second, proposals that meet these guidelines will be evaluated by a peer review panel which will provide written comments on and discuss each proposal prior to recommending applications for funding.

The peer review panel will be composed of persons who are uniquely qualified by training and experience in their respective fields to render expert advice on the merit, quality and relevance of the proposals. This training and experience includes academic training in research, education and extension as well as practical experience in community-related issues. Peer review panel members will be selected in such a way as to form a diverse group of individuals characterized by the following: (a) Academicians with relevant research, education or extension training and experience; (b) practitioners, including an appropriate mix of producers, entrepreneurs, consumers, community leaders, consultants, etc.); (c) a variety of organizational types (e.g., colleges, universities, industry, state and Federal agencies, private profit and non-profit organizations); (d) a variety of geographic locations; and (e) a broad gender, ethnic, racial, and age representation.

In addition to peer review, the National Agricultural Research, Extension, Education, and Economics Advisory Board will assess the relevance of projects recommended for funding toward achieving the programmatic goals of the FFRA.

B. Evaluation Factors

The review of applications submitted for funding consideration will consist of a technical evaluation conducted by CSREES using the competitive peer review process. The following evaluation factors will be applied. All evaluation factors will be weighted equally.

1. *Merit:* Scientific, technical, or educational merit: Well defined problem; clearly defined objectives; appropriateness of approach, (including selection of proper approach to address systems, multifaceted, or multidisciplinary problems); demonstrated integration of components (such as research, education and extension components); degree of feasibility; soundness and effectiveness of management plan.

2. *Quality:* Creativity and innovativeness in addressing problem and issues; selection of appropriate and qualified individuals to address problem; competence and experience of personnel; effective utilization of knowledge base in addressing problem; and potential to contribute solutions to stated problem.

3. *Relevance:* Proposal advances purposes for Federally supported research, education, and extension of Section 1402 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3101); potential to contribute to economic diversification and sustainable development of rural communities; identification and involvement of stakeholders; involvement of communities of interest and stakeholders in the identification of problems set forth in proposal; and partnership with those affected by the outcome.

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 2000 Higher Education Directory, published by Higher Education Publications, Inc., 6400 Arlington Boulevard, Suite 648, Falls Church, Virginia 22042. Phone: (703) 532–2305.

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 principal investigator(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.

C. Funding Mechanism

The mechanism by which grants may be awarded is a Standard grant. This is a funding mechanism whereby the Department agrees to support a specified level of effort for a predetermined time period without the announced intention of providing additional support at a future date.

D. 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 similar aspects of the project to expedite achievement of the project's approved goals. If the grantee or the PI/PD(s) is 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 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 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. Institutions of higher education and other non-profit institutions by regulation can receive only one extension for a period not to exceed 12 months, 7 CFR 3019.25(e)(2). 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 grant award.

E. 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, subpart A—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.

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, 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 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 supplemental regulations implementing the National Environmental Policy Act of 1969.

29 U.S.C. 794 (section 504, Rehabilitation Act of 1973) and 7 CFR Part 15b (USDA implementation of statute)—prohibiting discrimination based upon disability 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).

F. 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.

G. Regulatory Information

For the reasons set forth in the final Rule-related Notice to 7 CFR part 3015, subpart V (48 FR 29114, 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 (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, DC, this 13th day of April 2001.

Louise Ebaugh,

Acting Administrator, Cooperative State Research, Education, and Extension Service.

[FR Doc. 01–9745 Filed 4–19–01; 8:45 am]

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Federal Register

Friday,
April 20, 2001

Part III

Department of Housing and Urban Development

24 CFR Part 5

Temporary Assistance for Needy Families (TANF) Program; Conforming Changes to Annual Income Requirements for HUD's Public Housing and Section 8 Assistance Program; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 5

[Docket No. FR–4635–P–01]

RIN 2501–AC77

Temporary Assistance for Needy Families (TANF) Program; Conforming Changes to Annual Income Requirements for HUD's Public Housing and Section 8 Assistance Programs

AGENCY: Office of the Secretary, HUD.

ACTION: Proposed rule.

SUMMARY: This proposed rule would update and clarify HUD's annual income requirements for its public housing and Section 8 assistance programs. Specifically, the proposed rule would clarify that annual income includes payments under the Temporary Assistance for Needy Families (TANF) program, but only to the extent such payments qualify as ''assistance'' under the TANF program regulations issued by the Department of Health and Human Services and are not otherwise excluded under HUD's regulation. HUD believes that the proposed clarifications will make the annual income requirements easier to understand for both program participants and public housing agencies. The proposed changes would ensure greater conformity between HUD's annual income requirements and the TANF program regulations.

DATES: *Comments Due Date:* June 19, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposed rule to the Regulations Division, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. Facsimile (FAX) comments are not acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Patricia Arnaudo, Senior Programs Manager, Department of Housing and Urban Development, Office of Public and Indian Housing, 451 Seventh Street, SW., Room 4222, Washington, DC 20410; telephone (202) 708–0744 (this is not a toll-free telephone number). Persons with hearing or speech disabilities may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

A. HUD's Annual Income Requirements

HUD's regulations at 24 CFR part 5, subpart F establish requirements governing the determination of annual income of families who apply for, or receive assistance under, the Section 8 and public housing programs. The definition of ''annual income'' for these programs is located at § 5.609. The HUD regulations define ''annual income'' to mean all amounts, monetary or not, which:

- Go to, or on behalf of, the family head or spouse (even if temporarily absent) or to any other family member;
- Are anticipated to be received from a source outside the family during the upcoming 12 month period; and
- Are not excluded under § 5.609(c).

Paragraph (b) of § 5.609 provides several examples of amounts considered annual income, including ''welfare assistance'' payments (see § 5.609(b)(6)). Additionally, § 5.609(b)(6) provides rules for determining the amount of income when the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual costs of these items. The term ''welfare assistance'' is defined at § 5.603, which states the definitions of terms used throughout 24 CFR part 5, subpart F. Specifically, this term is defined to mean ''[w]elfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments.''

B. ''Assistance'' Under the Temporary Assistance for Needy Families (TANF) Program

HUD's definition of ''welfare assistance'' at § 5.603 includes assistance provided under the Temporary Assistance for Needy Families (TANF) program. The TANF program was established pursuant to the Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (Public Law 104–193, approved August 22, 1996) (PRWORA). This legislation enacted comprehensive reforms that changed the nation's welfare system dramatically. The PRWORA reforms placed a new focus on moving recipients into work and time limits on assistance. The TANF block grant program replaced the existing welfare program known as Aid to Families with Dependent Children (AFDC), which provided cash assistance to needy families on an entitlement basis. It also replaced the related programs known as the Job Opportunities and Basic Skills Training program (JOBS) and Emergency Assistance (EA).

The TANF program is administered by the U.S. Department of Health and Human Services (HHS), which has issued implementing regulations in parts 260 through 265 of title 45 of the Code of Federal Regulations. The HHS regulations were established by final rule published on April 12, 1999 (64 FR 17720). The HHS final rule followed publication of a November 20, 1997 proposed rule (62 FR 62124) and took into consideration the public comments received on the proposed rule. The final rule became effective on October 1, 1999.

The TANF program regulations define the term ''assistance'' at 45 CFR 260.31:

§ 260.31 What does the term ''assistance'' mean?

(a)(1) The term ''assistance'' includes cash, payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs (i.e., for food, clothing, shelter, utilities, household goods, personal care items, and general incidental expenses).

(2) It includes such benefits even when they are:

(i) Provided in the form of payments by a TANF agency, or other agency on its behalf, to individual recipients; and

(ii) Conditioned on participation in work experience or community service (or any other work activity under 261.30 of this chapter).

(3) Except where excluded under paragraph (b) of this section, it also includes supportive services such as transportation and child care provided to families who are not employed.

The regulation at 45 CFR 260.31(b) also specifies what types of benefits are not considered ''assistance'' for purposes of the TANF program:

(b) [The term ''assistance''] excludes:

(1) Nonrecurrent, short-term benefits that:

(i) Are designed to deal with a specific crisis situation or episode of need;

(ii) Are not intended to meet recurrent or ongoing needs; and

(iii) Will not extend beyond four months.

(2) Work subsidies (i.e., payments to employers or third parties to help cover the costs of employee wages, benefits, supervision, and training);

(3) Supportive services such as child care and transportation provided to families who are employed;

(4) Refundable earned income tax credits;

(5) Contributions to, and distributions from, Individual Development Accounts;

(6) Services such as counseling, case management, peer support, child care information and referral, transitional services, job retention, job advancement, and other employment-related services that do not provide basic income support; and

(7) Transportation benefits provided under a Job Access or Reverse Commute project, pursuant to section 404(k) of [the Social Security] Act, to an individual who is not otherwise receiving assistance.

II. This Proposed Rule

This proposed rule would make two changes designed to clarify the relationship between HUD's annual income requirements for its Section 8 and public housing programs, and the TANF program definition of ''assistance.'' First, the proposed rule would clarify that the term ''welfare assistance,'' for purposes of calculating annual income, includes TANF payments, but only to the extent such payments meet the definition of ''assistance'' under 45 CFR 260.31 and are not otherwise excluded under § 5.609(c).

The proposed rule would also make a clarifying amendment to the definition of ''welfare assistance'' at § 5.603. Specifically, the proposed rule would clarify that welfare assistance includes TANF ''assistance,'' as that term is defined by the HHS regulation at 45 CFR 260.31.

HUD believes that the proposed clarifications will make the annual income requirements easier to understand for program participants and public housing agencies. The proposed amendments will also ensure greater conformity between the annual income requirements and the TANF program regulations.

III. HUD Public Housing and Welfare Coordination Efforts

In May 2000, HUD issued Notice PIH 2000–11 providing guidance (including a model cooperation agreement) on the collaboration between public housing agencies (PHAs) and welfare (TANF) departments to implement the Quality Housing and Work Responsibility Act of 1998 (Title V of the Fiscal Year 1999 HUD Appropriations Act; Public Law 105–276, approved October 21, 1998) (QHWRA). This guidance was coordinated with HHS and sent to all HUD and HHS field offices, as well as to PHAs and TANF agencies. During 2000, HUD provided training for PHAs and public housing residents on QHWRA, which included Notice PIH 2000–11. HUD invites comments on the use of Notice PIH 2000–11, as well as on whether other guidance and training is needed to effectuate further public housing and welfare coordination.

IV. Findings and Certifications

Environmental Impact

A Finding of No Significant Impact with respect to the environment has been made in accordance with HUD regulations at 24 CFR part 50, which implement section 102(2)(C) of the National Environmental Policy Act of 1969 (42 U.S.C. 4223). The Finding of No Significant Impact is available for public inspection between the hours of 7:30 a.m. and 5:30 p.m. weekdays in the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW, Washington, DC.

Impact on Small Entities

The Secretary, in accordance with the Regulatory Flexibility Act, 5 U.S.C. 605(b), has reviewed and approved this rule and in so doing certifies that this rule would not have a significant economic impact on a substantial number of small entities. There are no anti-competitive discriminatory aspects of the rule with regard to small entities, and there are not any unusual procedures that would need to be complied with by small entities.

Notwithstanding HUD's determination that this rule will not have a significant economic effect on a substantial number of small entities, HUD specifically invites comments regarding any less burdensome alternatives to this rule that will meet HUD's objectives as described in this preamble.

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive Order. This proposed rule would not have federalism implications and would not impose substantial direct compliance costs on State and local governments or preempt State law within the meaning of the Executive Order.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This proposed rule would not impose any Federal mandates on any State, local, or tribal governments or the private sector within the meaning of Unfunded Mandates Reform Act of 1995.

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers for these programs are 14.850 and 14.871.

List of Subjects in 24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Drug abuse, Drug traffic control, Grant programs—housing and community development, Grant programs—Indians, Individuals with disabilities, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements.

Accordingly, for the reasons described in the preamble, HUD proposes to amend 24 CFR part 5 as follows:

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

1. The authority citation for 24 CFR part 5 continues to read as follows:

Authority: 42 U.S.C. 3535(d), unless otherwise noted.

Subpart F—Section 8 and Public Housing; Family Income and Family Payment; Occupancy Requirements for Section 8 Project-Based Assistance

2. The authority citation for subpart F continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437d, 1437f, 1437n, and 3535(d).

3. In § 5.603(b), revise the definition of *''Welfare assistance''* to read as follows:

§ 5.603 Definitions.

* * * * *

Welfare assistance. Welfare or other payments to families or individuals, based on need, that are made under programs funded, separately or jointly, by Federal, State or local governments (including assistance provided under the Temporary Assistance for Needy Families (TANF) program, as that term is defined under the implementing regulations issued by the Department of Health and Human Services at 45 CFR 260.31.)

* * * * *

4. Revise § 5.609(b)(6) to read as follows:

§ 5.609 Annual income.

* * * * *

(b) * * *

(6) Welfare assistance payments.

(i) Welfare assistance payments made under the Temporary Assistance for Needy Families (TANF) program are included in annual income only to the extent such payments:

(A) Qualify as assistance under the TANF program definition at 45 CFR 260.31; and

(B) Are not otherwise excluded under paragraph (c) of this section.

(ii) If the welfare assistance payment includes an amount specifically designated for shelter and utilities that is subject to adjustment by the welfare assistance agency in accordance with the actual cost of shelter and utilities, the amount of welfare assistance income to be included as income shall consist of:

(A) The amount of the allowance or grant exclusive of the amount specifically designated for shelter or utilities; plus

(B) The maximum amount that the welfare assistance agency could in fact allow the family for shelter and utilities. If the family's welfare assistance is ratably reduced from the standard of need by applying a percentage, the amount calculated under this paragraph shall be the amount resulting from one application of the percentage.

* * * * *

Dated: April 12, 2001.

Mel Martinez,

Secretary.

[FR Doc. 01–9888 Filed 4–19–01; 8:45 am]

BILLING CODE 4210–33–P

Federal Register

Friday,
April 20, 2001

Part IV

Department of Commerce

National Telecommunications and Information Administration

Public Telecommunications Facilities Program (FTFP); Notice

DEPARTMENT OF COMMERCE

National Telecommunications and Information Administration

[Docket Number: 000410097–1097–02]

RIN 0660–ZA11

Public Telecommunications Facilities Program (PTFP)

AGENCY: National Telecommunications and Information Administration, Commerce.

ACTION: Notice of applications received.

SUMMARY: The National Telecommunications and Information Administration (NTIA) previously announced the solicitation of grant applications for the Public Telecommunications Facilities Program (PTFP). This notice announces the list of applications received and notifies any interested party that it may file comments with the Agency supporting or opposing an application.

FOR FURTHER INFORMATION CONTACT: William Cooperman, Director, Public Telecommunications Facilities Program, telephone: (202) 482–5802; fax: (202) 482–2156. Information about the PTFP can also be obtained electronically via Internet. The PTFP Internet site can be accessed at *http://www.ntia.doc.gov.*

SUPPLEMENTARY INFORMATION: By **Federal Register** notice dated December 21, 2000 (65 FR 80710), the NTIA, within the Department of Commerce, announced that it was soliciting grant applications for the Public Telecommunications Facilities Program (PTFP). NTIA announced that the closing date for receipt of PTFP applications was 7 p.m. EST, February 15, 2001.

In all, the PTFP received 251 applications from 50 states and territories (including the District of Columbia). The total amount of funds requested by the applicants is $168 million. Requests for FY 2001 funds total $123 million with an additional $45 million requested during FY 2002–2003 as part of multi-year digital television applications.

Notice is hereby given that the PTFP received applications from the following organizations. The list includes all applications received. Identification of any application only indicates its receipt. It does not indicate that it has been accepted for review, has been determined to be eligible for funding, or that an application will receive an award. Further information about each application is available on the PTFP Internet site at *http://www.ntia.doc.gov.*

Any interested party may file comments with the Agency supporting or opposing an application and setting forth the grounds for support or opposition. PTFP will forward a copy of any opposing comments to the applicant. Comments must be sent to PTFP at the following address: NTIA/PTFP, Room 4625, 1401 Constitution Ave., NW., Washington, DC 20230.

The Agency will incorporate all comments from the public and any replies from the applicant in the applicant's official file.

Alaska
- File No. 01038—Kachemak Bay Broadcasting, Inc. (Homer)—Federal Request: $56,554
- File No. 01042—Alaska Public Telecomm. Inc. (Anchorage)—Federal Request: $719,498
- File No. 01074—University of Alaska-Fairbanks (Fairbanks)—Federal Request: $1,089,000
- File No. 01242—Koahnic Broadcast Corporation (Anchorage)—Federal Request: $309,722
- File No. 01244—Tanana Chiefs Conference, Inc. (Fairbanks)—Federal Request: $96,241

Arkansas
- File No. 01071—Arkansas Educational Television Comm. (Conway)—Federal Request: $3,646,246

American Samoa
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Bernadette McGuire-Rivera,

Associate Administrator, Office of Telecommunications and Information Applications.

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LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

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)

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