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FEDERAL HOUSING FINANCE BOARD

12 CFR Part 918

[No. 2001–06]

RIN 3069–AB05

Maintenance of Effort—Minimum Number of Annual Bank Board of Directors Meetings

AGENCY: Federal Housing Finance Board.

ACTION: Interim final rule.

SUMMARY: The Federal Housing Finance Board (Finance Board) is amending the maintenance of effort provision of its regulations to eliminate the three-year averaging requirement and to reduce the required minimum number of in-person board of directors meetings that a Federal Home Loan Bank (Bank) must hold annually to six meetings.

DATES: The interim final rule shall become effective on May 14, 2001. The Finance Board will accept written comments on the interim final rule on or before June 13, 2001.

ADDRESSES: Address written comments to Elaine L. Baker, Secretary to the Board, by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. Comments will be available for inspection at this address.

FOR FURTHER INFORMATION CONTACT: Scott L. Smith, Acting Director, at (202) 408–2991, Patricia L. Sweeney, Program Analyst, at (202) 408–2872, Office of Policy, Research, and Analysis; or Sharon B. Like, Senior Attorney-Advisor, at (202) 408–2930, Thomas Hearn, Senior Attorney-Advisor, at (202) 408–2976, Office of the General Counsel; or by regular mail at the Federal Housing Finance Board, 1777 F Street, NW., Washington, DC 20006. A telecommunications device for deaf persons (TDD) is available at (202) 408–2579.

SUPPLEMENTARY INFORMATION:

I. Statutory and Regulatory Background

The Gramm-Leach-Bliley Act (GLB Act) amended section 7(i) of the Federal Home Loan Bank Act (Bank Act) (12 U.S.C. 1427(i)) by imposing specific limits on annual compensation for the Chairperson, Vice Chairperson, and other members of a Bank's board of directors. *See* GLB Act, § 606(b), Pub. L. No. 106–102, 113 Stat. 1338 (Nov. 12, 1999). Because the new statutory limits generally would result in most directors receiving less compensation than allowed under the then existing Finance Board regulation, for safety and soundness reasons, the Finance Board included in its interim final rule implementing the new statutory limits a requirement that each Bank's board of directors continue to maintain its level of oversight of the management of the Bank (maintenance of effort standard). The interim final rule further required that, consistent with this maintenance of effort standard, each Bank's board of directors must hold no fewer in-person meetings in any year than it held on average over the immediately preceding three years (three-year averaging requirement). *See* 64 FR 71275 (Dec. 21, 1999).

In the **SUPPLEMENTARY INFORMATION** section of the final rule that finalized the interim final rule, the Finance Board recognized that a pure averaging requirement incorporates the vagaries of timing into the calculation of the minimum meetings requirement for a particular Bank. *See* 65 FR 13663, 13664 (March 14, 2000). For that reason, in order to reflect the operational reality at the Banks regarding the average number of meetings held over the preceding three years, the Finance Board revised the minimum meetings requirement in § 918.7(a) of the final rule to the lesser of: (1) nine; or (2) the three-year averaging requirement. *See id.* In addition, § 918.7(b) of the final rule clarified that a Bank could apply to the Finance Board for a waiver of the minimum meetings requirement pursuant to the procedures of 12 CFR part 907. *See* 12 CFR 918.7(b).

II. Analysis of Interim Final Rule

Since the maintenance of effort standard was adopted, the Finance Board has received several requests from Banks for waivers under § 918.7(b) to hold fewer annual in-person board of directors meetings than mandated by their three-year averaging requirement. Two Banks, in particular, have argued that they would be able to more efficiently and effectively conduct their business by holding only six annual in-person board meetings. The Banks indicated that they would be able to continue to maintain their level of oversight over the management of the Banks by conducting more business at fewer, but longer, board meetings, and/or placing greater reliance on board committees for the conduct of board business. The Banks noted that the three-year averaging requirement creates a standard that varies among the Banks. For example, one Bank, based on its three-year averaging requirement, already holds only six in-person board meetings annually.

Based on the experience with the minimum meetings requirement over the past year, the Finance Board is persuaded that the three-year averaging requirement should be eliminated from § 918.7(a)(2). In addition, based on the Banks' arguments that they can operate more efficiently and effectively, while continuing to maintain their level of oversight of the management of the Bank, with six annual in-person board meetings, the Finance Board is persuaded that it would be reasonable to reduce the minimum of nine meetings in § 918.7(a)(1) to six meetings.[1]

The Finance Board also surveyed the number of board of directors meetings held in 1999 by 12 bank holding companies with total assets ranging from $11.0 billion to $99.8 billion, four thrift institution holding companies with total assets ranging from $35 billion to $186.5 billion, and two housing Government-Sponsored Enterprises (GSEs)—the Federal National Mortgage Association (Fannie Mae) and the Federal Home Loan Mortgage Corporation (Freddie Mac)—with total assets of $575.2 billion and $386.7 billion, respectively. In 1999, the total assets of the 12 Banks ranged from $24.4 billion to $115.9 billion. The number of directors on the boards of the financial institution holding companies, Fannie Mae and Freddie Mac generally ranged from 14 to 18, which is

[1] Of course, a Bank's board may, in its discretion, continue to consider its three-year average, along with other factors, in determining it annual number of meetings, provided that number is no less than six.

comparable in size to the number of directors serving on the boards of the Banks. For only two of the bank holding companies, the board was comprised of 12 directors, and for a third bank holding company, the board was comprised of 21 directors. The number of board meetings for the bank holding companies ranged from 4 to 12, averaging 7.33 meetings in 1999. The number of board meetings for the thrift institution holding companies ranged from 4 to 9, averaging 7.00 meetings in 1999. Fannie Mae held 8 board meetings in 1999, and Freddie Mac held 5 board meetings in 1999.

In short, requiring at least six in-person Bank board of directors meetings in any year is within the range of the number of annual board meetings held by financial institution holding companies and other housing GSEs. Providing the boards of the Banks with greater discretion in determining the number of board meetings to hold annually also is consistent with the GLB Act's emphasis on devolving governance issues to the Banks.

Although the interim final rule reduces the minimum meetings requirement, § 918.7(a) still requires the board of directors of a Bank to continue to maintain its level of oversight of the management of the Bank, notwithstanding the limits on annual directors' compensation established by section 7(i) of the Bank Act. See 12 U.S.C. 1427(i). Therefore, if a Bank's board intends to hold fewer annual in-person board meetings than it has held in past years, it would be in the board's best interest to document how it will continue to meet the maintenance of effort standard and its fiduciary duties regarding the Bank's safety and soundness.

The interim final rule also removes the waiver provision of § 918.7(b), since the right to seek a waiver generally of Finance Board regulatory provisions is already provided for in 12 CFR part 907.

III. Regulatory Flexibility Act

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

IV. Notice and Public Participation

Because of the exigency of the Banks setting their schedules of board of directors meetings for 2001, the Finance Board finds for good cause that the notice and public comment procedure required by the Administrative Procedure Act is impracticable, unnecessary, or contrary to the public interest in this instance. See 5 U.S.C. 553(b)(B). The Finance Board welcomes written comments on this interim final rule.

V. Paperwork Reduction Act

This interim final rule does not contain any collections of information pursuant to the Paperwork Reduction Act of 1995. *See* 44 U.S.C. 601 *et seq.* Therefore, the Finance Board has not submitted any information to the Office of Management and Budget for review.

List of Subjects in 12 CFR Part 918

Federal home loan banks, Reporting and recordkeeping requirements, Wages.

Accordingly, the Finance Board hereby amends title 12, chapter IX, part 918, Code of Federal Regulations, as follows:

1. The authority citation for part 918 continues to read as follows:

Authority: 12 U.S.C. 1422b(a), and 1427.

2. Revise § 918.7 to read as follows:

§ 918.7 Maintenance of effort.

Notwithstanding the limits on annual directors' compensation established by section 7(i) of the Act, as amended, the board of directors of each Bank shall continue to maintain its level of oversight of the management of the Bank. In maintaining its level of oversight, the board of directors of a Bank shall hold at least six in-person meetings in any year.

Dated: May 2, 2001.

By the Board of Directors of the Federal Housing Finance Board.

Allan I. Mendelowitz,

Chairman.

[FR Doc. 01–11993 Filed 5–11–01; 8:45 am]

BILLING CODE 6725–01–P

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Part 744

[Docket No. 9704–28099–0127–10]

RIN 0694–AB60

Entity List: Revisions and Additions

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: The Export Administration Regulations (EAR) provide that the Bureau of Export Administration (BXA) may inform exporters, individually or through amendment to the EAR, that a license is required for exports or reexports to certain entities. The EAR contain a list of such entities called the Entity List. This rule adds to the Entity List twelve entities located in the People's Republic of China (PRC). This rule also modifies three Russian entity listings and one Chinese entity listing, and makes one correction to an Israeli entity.

EFFECTIVE DATE: This rule is effective May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Eileen M. Albanese, Office of Exporter Services, Bureau of Export Administration, Telephone: (202) 482–0436.

SUPPLEMENTARY INFORMATION:

Background

General Prohibition Five (§ 736.2(b)(5) of the EAR) prohibits exports and reexports to certain end-users or end-uses (described in part 744 of the EAR) without a license. In the form of Supplement No. 4 to part 744, BXA maintains an ''Entity List'' to provide notice informing the public of certain entities subject to such licensing requirements.

There are three levels of license requirements for the twelve entities added to the Entity List by this rule. A license will be required for the export or reexport of all items subject to the EAR having a classification other than EAR99 to the following two PRC entities: Baotou Guanghua Chemical Industrial Corporation and Xian Research Institute of Navigation Technology. A license will be required for the export or reexport of all items subject to the EAR to the following five PRC entities: 13 Institute, China Academy of Launch Vehicle Technology, (CALT), aka 713 Institute or Beijing Institute of Control Devices, PRC; Beijing Power Machinery Institute, PRC; Beijing University of Aeronautics and Astronautics (BUAA), PRC; First Department, China Academy of Launch Vehicle Technology, (CALT), PRC; and Xiangdong Machinery Factory, PRC. A license will be required for the export or reexport of all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits are ''999'' of the ECCN, *e.g.,* XX999 to the following five PRC entities: 35 Institute, aka Beijing Huahang Radio Measurements Research Institute; 33 Institute, aka Beijing Institute of Automatic Control Equipment; Southwest Research Institute of Electronics Technology, Chengdu; Northwestern Polytechnical University; and 54th Research Institute of China, aka Communication, Telemetry and Telecontrol Research Institute (CTI).

License applications to export or reexport these items to all but one of the

entities (the Baotou Guanghua Chemical Industrial Corporation, 202 Factory Baotou located in Inner Mongolia, PRC) will be reviewed based on the license review standards for missile end-uses found in section 744.3 of the Export Administration Regulations. Therefore, applications will be considered on a case-by-case basis to determine whether the export would make a material contribution to the proliferation of missiles. When an export or reexport is deemed to make a material contribution, the license will be denied.

License applications to export or reexport all items subject to the EAR having a classification other than EAR99 to Baotou Guanghua Chemical Industrial Corporation, 202 Factory Baotou, Inner Mongolia, PRC will be reviewed based on the license review criteria set out for nuclear end-uses found in section 744.2 of the Export Administration Regulations.

This rule also clarifies the location of the Russian entities ''All-Russian Scientific Research Institute of Technical Physics'', ''All-Union Scientific Research Institute of Experimental Physics'', and ''Ministry for Atomic Power of Russia'' by adding in parentheticals that ''Sarov'' is an alternate name for the city of Kremlev, *i.e.,* Kremlev (Sarov).

In addition, this rule adds an alternate name that is used by the Chinese Academy of Engineering Physics, Southwest Institute of Nuclear Physics and Chemistry. This institute is also known as the China Academy of Eng[ineering] Physics [CAEP]'s 902 Institute located in Mianyang, PRC.

On March 10, 2000, a rule was published that revised the license requirement section of Ben Gurion University on the Entity List. This rule adds the inadvertently omitted **Federal Register** citation of the March 10 revision to the **Federal Register** Citation column of the Israeli entity ''Ben Gurion University'.

Rulemaking Requirements

1. This final rule has been determined to be not significant for purposes of E.O. 12866.

2. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). These collections have been approved by the Office of Management and Budget under control number 0694–0088, ''Multi-Purpose Application,'' which carries a burden hour estimate of 40 minutes to prepare and submit electronically and 45 minutes to submit manually on form BXA–748P. Notwithstanding any other provision of law, no person is required to respond nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act, unless that collection of information displays a currently valid OMB Control Number.

3. This rule does not contain policies with Federalism implications sufficient to warrant preparation of a Federalism assessment under Executive Order 13132.

4. The provisions of the Administrative Procedure Act (5 U.S.C. 553) requiring notice of proposed rulemaking, the opportunity for public participation, and a delay in effective date, are inapplicable because this regulation involves a military and foreign affairs function of the United States (see 5 U.S.C. 553(a)(1)). Further, no other law requires that a notice of proposed rulemaking and an opportunity for public comment be given for this final rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under 5 U.S.C. 553 or by any other law, the analytical requirements of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) are not applicable.

Therefore, this regulation is issued in final form. Although there is no formal comment period, public comments on this regulation are welcome on a continuing basis. Comments should be submitted to Sharron Cook, Regulatory Policy Division, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Part 744

Exports, Foreign trade, Reporting and recordkeeping requirements.

Accordingly, part 744 of the Export Administration Regulations (15 CFR parts 730–799) is amended as follows:

1. The authority citation for 15 CFR part 744 is revised to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. 106–508; 50 U.S.C. 1701 *et seq.*; 22 U.S.C. 3201 *et seq.*; 42 U.S.C. 2139a; E.O. 12058, 43 FR 20947, 3 CFR, 1978 Comp., p. 179; E.O. 12851, 58 FR 33181, 3 CFR, 1993 Comp., p. 608; E.O. 12924, 59 FR 43437, 3 CFR, 1994 Comp., p. 917; E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13206 (66 FR 18397, April 9, 2001); Notice of November 9, 2000 (65 FR 68063, November 13, 2000).

PART 744—[AMENDED]

2. Supplement No. 4 to part 744 is amended as follows:

a. In the country ''Israel'' entry, in the entry for the Israeli entity ''Ben Gurion University, Israel'' in the ''**Federal Register** Citation'' column, revise the entry to read ''62 FR 4910, 2/3/97; 65 FR 12919, 3/10/00.'';

b. Amending the country ''China, People's Republic of'' entry by revising the entry for the Chinese entity ''Chinese Academy of Engineering Physics'' and amending the country ''Russia'' by revising the Russian entities ''All-Russian Scientific Research Institute of Technical Physics'', ''All-Union Scientific Research Institute of Experimental Physics'', and ''Ministry for Atomic Power of Russia'', to read as follows; and

c. Adding, in alphabetical order, the following entities for ''China, People's Republic of'', to read as follows:

Supplement No. 4 to Part 744—Entity List

Country and entity	License requirement	License review policy	Federal Register citation
* * *	* * *	* * *	
China, People's Republic of:			
13 Institute, China Academy of Launch Vehicle Technology, (CALT), aka 713 Institute or Beijing Institute of Control Devices.	For all items subject to the EAR.	See § 744.3(d) of this part	66 FR 24265, May 14, 2001.

Country and entity	License requirement	License review policy	Federal Register citation
33 Institute, aka Beijing Institute of Automatic Control Equipment.	For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are ''999'', e.g., XX999.	See § 744.3(d) of this part	66 FR 24266, May 14, 2001.
35 Institute, aka Beijing Huahang Radio Measurements Research Institute.	For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are ''999'', e.g., XX999.	See § 744.3(d) of this part	66 FR 24266, May 14, 2001.
54th Research Institute of China, aka Communication, Telemetry and Telecontrol Research Institute (CTI).	For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are ''999'', e.g., XX999.	See § 744.3(d) of this part	66 FR 24266, May 14, 2001.
Baotou Guanghua Chemical Industrial Corporation, 202 Factory Baotou, Inner Mongolia.	For all items subject to the EAR having a classification other than EAR99.	See § 744.2(d) of this part	66 FR 24266, May 14, 2001.
* *	* *	*	* *
Beijing Power Machinery Institute	For all items subject to the EAR.	See § 744.3(d) of this part	66 FR 24266, May 14, 2001.
Beijing University of Aeronautics and Astronautics (BUAA).	For all items subject to the EAR.	See § 744.3(d) of this part	66 FR 24266, May 14, 2001.
* *	* *	*	* *
Chinese Academy of Engineering Physics (aka Ninth Academy, including the Southwest Institutes of: Applied Electronics, Chemical Materials, Electronic Engineering, Explosives and Chemical Engineering, Environmental Testing, Fluid Physics, General Designing and Assembly, Machining Technology, Materials, Nuclear Physics and Chemistry (aka China Academy of Eng[ineering] Physics [CAEP]'s 902 Institute, Mianyang), Structural Mechanics; Research and Applications of Special Materials Factory; Southwest Computing Center (all of preceding located in or near Mianyang, Sichuan Province); Institute of Applied Physics and Computational Mathematics, Beijing; and High Power Laser Laboratory, Shanghai).	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97; 66 FR 24266, May 14, 2001.
* *	* *	*	* *
First Department, China Academy of Launch Vehicle Technology, (CALT).	For all items subject to the EAR.	See § 744.3(d) of this part	66 FR 24266, May 14, 2001.
* *	* *	*	* *
Northwestern Polytechnical University	For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are ''999'', e.g., XX999.	See § 744.3(d) of this part	66 FR 24266, May 14, 2001.

Country and entity	License requirement	License review policy	Federal Register citation
* *	* *	*	* *
Southwest Research Institute of Electronics Technology, Chengdu.	For all items subject to the EAR having a classification other than EAR99 or a classification where the third through fifth digits of the ECCN are ''999'', e.g., XX999.	See § 744.3(d) of this part	66 FR 24267, May 14, 2001.
* *	* *	*	* *
Xian Research Institute of Navigation Technology.	For all items subject to the EAR having a classification other than EAR99.	See § 744.3(d) of this part	66 FR 24267, May 14, 2001.
Xiangdong Machinery Factory	For all items subject to the EAR.	See § 744.3(d) of this part	66 FR 24267, May 14, 2001.
* *	* *	*	* *
Russia:			
All-Russian Scientific Research Institute of Technical Physics, (aka VNIITF, Chelyabinsk-70, All-Russian Research Institute of Technical Physics, ARITP, Russian Federal Nuclear Center) located in either Snezhinsk or Kremlev (Sarov).	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97; 66 FR 24267, May 14, 2001.
All-Union Scientific Research Institute of Experimental Physics, (aka VNIIEF, Arzamas-16, Russian Federal Nuclear Center, All Russian Research Institute of Experimental Physics, ARIEP, Khariton Institute) located in either Snezhinsk or Kremlev (Sarov).	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97; 66 FR 24267, May 14, 2001.
* *	* *	*	* *
Ministry for Atomic Power of Russia (any entities, institutes, or centers associated with) located in either Snezhinsk or Kremlev (Sarov).	For all items subject to the EAR.	Case-by-case basis	62 FR 35334, 6/30/97; 66 FR 24267, May 14, 2001.
* *	* *	*	* *

Dated: May 9, 2001.

Matthew S. Borman,

Deputy Assistant Secretary for Export Administration.

[FR Doc. 01–12188 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–33–P

LIBRARY OF CONGRESS

Copyright Office

37 CFR Parts 202

[Docket No. RM 2001–4]

Renewal Copyright Registration

AGENCY: Copyright Office, Library of Congress.

ACTION: Final rule: technical amendment.

SUMMARY: The Copyright Office is making technical amendments in the regulation regarding copyright renewal to reflect the modification in duration of the extended renewal term from forty-seven years to sixty-seven years as a result of the Sonny Bono Copyright Term Extension Act.

EFFECTIVE DATE: May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Kent Dunlap, Principal Legal Advisor for the General Counsel, Telephone: (202) 707–8380. Telefax: (202) 707–8366.

SUPPLEMENTARY INFORMATION: On October 27, 1998, President Clinton signed into law the Sonny Bono Copyright Term Extension Act, Pub. L. 105–298, extending for an additional 20 years the term of copyright protection in the United States. This law increased the extended copyright renewal term under section 304 of the copyright law, from forty-seven years to sixty-seven years. These technical amendments add a reference to Pub. L. 105–298 and substitute sixty-seven years in places where the renewal regulation designates forty-seven years.

List of Subjects in 37 CFR Part 202

Copyright registration.

Technical Amendment

In consideration of the foregoing, the Copyright Office is amending part 202 of 37 CFR, chapter II in the manner set forth below.

PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

1. The authority citation for part 202 continues to read as follows:

Authority: 17 U.S.C. 702.

§ 202.17 [Amended]

2. In § 202.17:

a. Paragraph (a) is amended by adding ''and Pub. L. 105–298.'' at the end of the paragraph.

b. Paragraph (c) is amended by removing the phrases ''extended forty-seven year second term'' and ''forty-seven year extended term'' and adding ''extended sixty-seven year second

term'' and ''sixty-seven year extended term,'' respectively.

c. Paragraph (e)(1) is amended by removing the phrase ''extended forty-seven year second term'' and adding ''extended sixty-seven year second term''.

d. Paragraph (f)(1) is amended by removing the phrase ''forty-seven year renewal term'' and adding ''sixty-seven year renewal term.''

Dated: May 9, 2001.

Marilyn J. Kretsinger,

Assistant General Counsel.

[FR Doc. 01–12053 Filed 5–11–01; 8:45 am]

BILLING CODE 1410–30–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–6970–4]

RIN 2060–AH74

National Emission Standards for Hazardous Air Pollutants From the Pulp and Paper Industry

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical corrections.

SUMMARY: Under the Clean Air Act (CAA), the EPA issued a final rule on December 22, 2000 (65 FR 80755) to amend the pulp and paper national emission standards for hazardous air pollutants (Pulp and Paper NESHAP). The Pulp and Paper NESHAP limit and control hazardous air pollutants (HAP) that are known to cause or suspected to cause cancer or have other serious health or environmental effects. These technical corrections will correct an error in the amendatory instructions and correct referencing errors in the December 22, 2000 final rule amendments. Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B), provides that, when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. The EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because the changes to the rule are minor technical corrections, are noncontroversial in nature, and do not substantively change the requirements of the Pulp and Paper NESHAP. Thus, notice and public procedure are unnecessary. The EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B).

EFFECTIVE DATE: May 14, 2001.

ADDRESSES: Docket No. A–92–40 contains supporting information for the Pulp and Paper NESHAPS, subsequent amendments, and this technical correction. The docket is located at the U.S. EPA, in Room M–1500, Waterside Mall (ground floor), 401 M Street SW., Washington, DC 20460 and is available for inspection and copying from 8:30 a.m. to 5:30 p.m., Monday through Friday except Federal holidays. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Mr. Stephen Shedd, Emission Standards Division (MD–13), U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number: (919) 541–5397, facsimile number: (919) 541–0246, electronic mail address: *shedd.steve@epa.gov.*

SUPPLEMENTARY INFORMATION: *Regulated Entities.* Entities potentially regulated by this action include:

Category	SIC	NAICS	Examples of regulated entities
Industry	26	3221	Pulp mills and integrated mills (mills that anufacture pulp and paper/paperboard) that chemically pulp wood fiber.

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities likely to be affected by this action. To determine whether this action would regulate your facility, you must carefully examine the applicability criteria in § 63.440 of the Pulp and Paper NESHAP. If you have questions regarding the applicability of this action to a particular situation or questions about compliance approaches, permitting, enforcement, and rule determinations, please contact the local or State air pollution control agency who has permitting authority for your facility.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of today's technical corrections will be available on the WWW through the Technology Transfer Network (TTN). Following signature, a copy of this action will be available on the TTN's policy and guidance page for newly proposed or promulgated rules *http://www.epa.gov/ttn/oarpg.* The TTN provides information and technology exchange in various areas of air pollution control. Also, a separate page on the TTN provides all the proposal and promulgation notices, support documents, and implementation information for the Pulp and Paper NESHAP which is located at *http://www.epa.gov/ttn/uatw/pulp/pulppg.html.* If you need more information regarding the TTN, call the TTN HELP line at (919) 541–5384.

I. Description of the Technical Corrections

The EPA promulgated the Pulp and Paper NESHAP on April 15, 1998 (63 FR 18504), with subsequent amendments for corrections and clarifications. On December 22, 2000 (65 FR 80755), we issued final rule amendments to the Pulp and Paper NESHAPS to revise the compliance demonstration procedures for combustion devices used to control pulping vent gases and for biological treatment systems used to treat pulping condensates. In the final rule text we incorrectly referenced two subparagraphs. Section 63.457(l)(1) incorrectly referenced § 63.446(e)(2)(i). The correct reference is § 63.446(e)(2) and (3). Section 63.457(l)(2) incorrectly referenced § 63.446(e)(2)(ii) and (iii). The correct reference is § 63.446(e)(2) and (4), or (e)(2) and (5). Also the amendatory instructions were incorrect for § 63.457(l) and (m)(2)(ii). The incorrect instruction is to revise the introductory text. Instead, the whole text is to be revised. This action corrects those typographical errors.

II. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. Because the EPA has made a ''good cause'' finding that this action is not subject to notice and comment requirements under the Administrative Procedure Act or any other statute (see Summary), it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Public Law 104–4). In addition, this action does not significantly or uniquely affect small

governments or impose a significant intergovernmental mandate as described in sections 203 and 204 of UMRA. This final 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 final rule does not have substantial direct effects on the States, on the relationship between the national government and the States, as specified in Executive Order 13132 (64 FR 43255, August 10,1999). This final rule also is not subject to Executive Order 13045 (62 FR19885, April 23, 1997), because it is not economically significant.

This technical correction action does not involve technical standards; 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. The technical correction also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this technical correction, the EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). The EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This technical correction 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 EPA's compliance with these statutes and Executive Orders for the underlying rule is discussed in the December 22, 2000 final rule amendments (65 FR 80755).

The Congressional Review Act (5 U.S.C. 801 *et seq.*), as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the Congressional Review Act if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary, or contrary to the public interest. This determination must be supported by a brief statement (5 U.S.C. 808(2)). As stated previously, the EPA has made such a good cause finding, including the reasons therefor, and established an effective date of May 14, 2001. The EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

List of Subjects in 40 CFR Part 63

Environmental protection, Administrative practice and procedure, Air pollution control, Hazardous substances, Intergovernmental relations, Reporting and record keeping requirements.

Dated: April 18, 2001.

Robert D. Brenner,

Acting Assistant Administrator for Air and Radiation.

For the reasons stated in the preamble, title 40, chapter I, part 63 of the Code of Federal Regulations are amended as follows:

PART 63—[AMENDED]

1. The authority citation for part 63 continues to read as follows:

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

Subpart S—[Amended]

2. Section 63.457 is amended by revising paragraphs (l) and (m)(2)(ii) to read as follows:

§ 63.457 Test methods and procedures.

* * * * *

(1) *Biological treatment system percent reduction and mass removal calculations.* To demonstrate compliance with the condensate treatment standards specified in § 63.446(e)(2) and the monitoring requirements specified in § 63.453(j)(3) using a biological treatment system, the owner or operator shall use one of the procedures specified in paragraphs (1)(1) and (2) of this section. Owners or operators using a nonthoroughly mixed open biological treatment system shall also comply with paragraph (1)(3) of this section.

(1) *Percent reduction methanol procedure.* For the purposes of complying with the condensate treatment requirements specified in § 63.446(e)(2) and (3), the methanol percent reduction shall be calculated using the following equations:

Where:

$$R = \frac{f_{bio}(MeOH)}{(1+1.087(r))} * 100$$

$$r = \frac{F_{(nonmethanol)}}{F_{(methanol)}}$$

R = Percent destruction.

$f_{bio}(MeOH)$ = The fraction of methanol removed in the biological treatment system. The site-specific biorate constants shall be determined using the appropriate procedures specified in appendix C of this part.

r = Ratio of the sum of acetaldehyde, methyl ethyl ketone, and propionaldehyde mass to methanol mass.

$F_{(nonmethanol)}$ = The sum of acetaldehyde, methyl ethyl ketone, and propionaldehyde mass flow rates (kg/Mg ODP) entering the biological treatment system determined using the procedures in paragraph (j)(2) of this section.

$F_{(methanol)}$ = The mass flow rate (kg/Mg ODP) of methanol entering the system determined using the procedures in paragraph (j)(2) of this section.

(2) *Mass removal methanol procedure.* For the purposes of complying with the condensate treatment requirements specified in § 63.446(e)(2) and (4), or § 63.446(e)(2) and (5), the methanol mass removal shall be calculated using the following equation:

$$F = F_b * \left(f_{bio}(MeOH) / (1+1.087(r))\right)$$

Where:

F = Methanol mass removal (kg/Mg ODP).

F_b = Inlet mass flow rate of methanol (kg/Mg ODP) determined using the procedures in paragraph (j)(2) of this section.

$f_{bio}(MeOH)$ = The fraction of methanol removed in the biological treatment system. The site-specific biorate constants shall be determined using the appropriate procedures specified in appendix C of this part.

r = Ratio of the sum of acetaldehyde, methyl ethyl ketone, and propionaldehyde mass to methanol mass determined using the procedures in paragraph (1) of this section.

(3) The owner or operator of a nonthoroughly mixed open biological treatment system using the monitoring requirements specified in § 63.453(p)(3) shall follow the procedures specified in section III.B.1 of appendix E of this part to determine the borate constant, Ks, and characterize the open biological

treatment system during the initial and any subsequent performance tests.

(m) * * *

(2) * * *

(ii) Compliance with the segregation requirements specified in § 63.446(c)(3) is demonstrated if the total HAP mass determined in paragraph (m)(2)(i) of this section is equal to or greater than the appropriate mass requirements specified in § 63.446(c)(3).

* * * * *

[FR Doc. 01–12048 Filed 5–11–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 63 and 270

[FRL–6978–4]

NESHAPS: Standards for Hazardous Air Pollutants for Hazardous Waste Combustors

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; Implementation of court orders.

SUMMARY: In *Chemical Manufacturers Association* v. *EPA,* 217 F. 3d 861 (D.C. Cir. 2000), the court vacated the Notice of Intent to Comply (NIC) provisions of EPA's rules relating to the standards for hazardous waste combustors. Today's action takes the ministerial step of removing these provisions from the Code of Federal Regulations (CFR). Since the vacated NIC provision is also referenced in the permit modification procedures of RCRA in Part 270, today's action modifies this reference as well. In addition, at EPA's request, the D.C. Circuit vacated certain parameter limits of baghouses and electrostatic precipitators in order for EPA to solicit further comment on these provisions. *CKRC* v. *EPA,* no. 99–1457 (Order of April 5, 2001). Today's action likewise takes the ministerial step of removing these provisions from the CFR.

DATES: This rule is effective on May 14, 2001.

ADDRESSES: The official record (i.e., the public docket) of this rulemaking is identified as Docket Number F–2001–RC3F–FFFFF, located in RCRA Information Center (RIC), Office of Solid Waste (5305G), U.S. Environmental Protection Agency Headquarters (EPA HQ), Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460–0002. The RIC is open from 9 am to 4 pm Monday through Friday, excluding Federal holidays. To review docket materials or for information on accessing an electronic copy of those materials, please call 703–603–9230. You may copy up to 100 pages from any regulatory document at no charge. Additional copies cost $ 0.15 per page.

FOR FURTHER INFORMATION CONTACT: For general information, call the RCRA Call Center at 1–800–424–9346 or TDD 1–800–553–7672 (hearing impaired). Callers within the Washington Metropolitan Area must dial 703–412–9810 or TDD 703–412–3323 (hearing impaired). The RCRA Call Center is open Monday–Friday, 9 am to 5 pm, Eastern Standard Time. For more information on specific aspects of this rule, contact Mr. Shiva Garg at 703–308–8459, *garg.shiva@epa.gov,* or write him at the Office of Solid Waste, 5302W, U.S. EPA, Ariel Rios Building, 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

SUPPLEMENTARY INFORMATION:

I. Vacatur of Requirements for Early Cessation of Hazardous Waste Burning

In anticipation of establishing revised emission standards for cement kilns and incinerators burning hazardous waste, EPA promulgated at 63 FR 33821–2 (June 19, 1998) that sources which elect to stop burning hazardous waste rather than comply with the new emission standards must do so within two years of the effective date of the emission standards (the so-called ''early cessation'' requirement). These regulations were later recodified as 40 CFR 63.1206(a)(2)(i) and 1211(b)(2)(iii) and (5), at 64 FR 53038, September 30, 1999. Sources that continued to burn hazardous wastes but seek to comply with the new emission limits, such as by improving their emission control capabilities, have three years to comply. 40 CFR 63.1206(a)(1). Both methods of compliance were implemented by submission of two reporting requirements: a Notification of Intent to Comply (''NIC''), and a Progress Report. 40 CFR 63.1210(b), 63.1211(b), and 63.1212.

In the case of sources intending to comply by meeting the emission standards, submittal of a NIC is a condition required for eligibility for accelerated modification of the source's existing permit under the Resource Conservation and Recovery Act (''RCRA''). 40 CFR 70.42(j)(1). These accelerated permit modifications (so-called ''Class I modifications'') allow sources to modify their existing hazardous waste permits issued pursuant to RCRA by simply submitting an application to the permitting authority rather than waiting for prior Agency approval and going through public hearings (63 FR 33803, June 19, 1998). Permit modifications are necessary because, unless modified, existing RCRA permits limit the ability of sources to modify their design or operation, and such modifications may be necessary to comply with the Clean Air Act emission standards. *Id.* Accelerated permit modifications are needed (where modifications are needed at all) because usual permit modification procedures entail prior agency approval and public hearings, an often lengthy process which could preclude compliance with the emission standards within the three years allowed (with a possible one-year extension) under section 112(i)(3) of the Clean Air Act (42 U.S.C. 7412(i)(3), forcing facilities to choose between violating RCRA and violating the Clean Air Act. EPA therefore amended its permitting rules to use the accelerated Class I modification procedures to amend permits to allow sources to make technology changes—such as installation of new air pollution control devices or process modifications—needed to comply with the new air emission standards, provided, as noted above, that the ''[f]acility * * * must comply with the Notification of Intent to Comply (NIC) requirements * * * before a permit modification can be requested under this section.'' 40 CFR 270.42(j)(1) and Appendix I, entry L (9) to § 270.42.

In *Chemical Manufacturers Ass'n* v. *EPA,* 217 F. 3d 861 (D.C. Cir. 2000) the panel majority held that EPA possesses legal authority to impose an early cessation requirement, but held further that the agency had impermissibly interpreted the statute to allow it to impose the requirement without a showing that it would lead to human health or environmental benefit (benefits such as ''the amount of hazardous waste produced, the amount of hazardous waste burned, or the levels of hazardous air pollutant emissions''). 217 F. 3d at 865, 866–67.[1] The Court therefore vacated the early cessation requirement. The Court further held that because it could not determine whether EPA would have promulgated the NIC and Progress Report reporting requirements absent an early cessation provision, the provisions were so

[1] Judge Sentelle dissented, arguing that since the early cessation requirement was in accord with the express statutory command for compliance with section 112 emission standards ''as expeditiously as practicable'', it was not arbitrary and capricious. CAA section 112(i)(3)(A), 42 U.S.C. 7412(i)(3)(A). 217 F.3d at 868–69.

interlinked as to require vacatur as well. *Id.* at 867–68.

In response to EPA's Motion to Withhold Issuance of Mandate (EPA, Motion to Stay Issuance of Mandate, filed Sept. 8, 2000 in *Chemical Mfrs. Ass'n* v. *EPA,* no. 99–1236 (D.C. Cir.), the Court agreed to stay issuance of its mandate for a long enough period to allow affected sources to submit Notices of Intent to Comply so that they would be eligible for Class I permit modifications. EPA worked closely with the regulated community to assure that all sources submitted NICs before the Mandate issued.

This action takes the ministerial step of directing the Office of the Federal Register to remove the vacated provisions from the CFR.

II. Vacatur of Compliance Assurance Monitoring Requirements for Baghouses and Electrostatic Precipitators

The final rule requires sources to establish and monitor limits on the following parameters for electrostatic precipitators (ESPs) and baghouses for compliance assurance: (1) Minimum power (kVA) per field of an ESP; and (2) minimum and maximum pressure drop for each cell of a baghouse. See §§ 63.1209(m)(1)(ii) and (iii). EPA filed a motion with the D.C.Circuit to vacate this provision in order to allow a considered opportunity for notice and comment on the issue (see *CKRC* v. *EPA,* no. 99–1457, EPA Motion of November 14, 2000). The court granted EPA's motion on April 5, 2001, and ordered the vacatur of the above two paragraphs of § 63.1209. In accordance with the above, we are deleting these two paragraphs of the regulation. Permit writers are, of course, authorized under the provisions of § 63.1209(g)(2), to adopt operating parameters for baghouses and ESPs on a case-by-case basis if ''necessary to document compliance with the emission standards.''

III. Implementation Issues: Sources' Ability To Request a RCRA Permit Modification Using the Streamlined Modification Procedure of § 270.42(j)

In 40 CFR 270.42(j)(1), the regulations require facilities to comply with the NIC requirements of 40 CFR 63.1211 before they can use the streamlined permit modification procedures. This requirement enhances the public participation procedures for these streamlined Class 1 modifications which otherwise would have been classified as Class 2 and Class 3 modifications. Facilities were required to submit their NICs by October 2, 2000, and EPA worked closely with the regulated community to assure that all sources intending to continue operating submitted these NICs. The court issued its mandate to vacate the NIC provisions on October 11, 2000. Since the mandate did not go into effect until after facilities were required to submit their NICs, we have determined that the court's action does not impact a facility's ability to request a RCRA permit modification using the streamlined procedures of 40 CFR 270.42 (j), provided, of course, they submitted the NIC as required by the rule. As long as a facility complied with the NIC provisions, the facility met the requirements in 40 CFR 270.42(j)(1) and is therefore eligible for the streamlined modification process.

We also note, as a matter of technical drafting, that in 40 CFR 270.42(j)(1), the ability to seek a fast-track permit modification by filing a NIC (as referenced by 40 CFR 63.1211) is no longer available. The NIC requirements were promulgated in the fast-track rule (63 FR 33782, June 19, 1998) and placed in 40 CFR 63.1211. In the final rule (64 FR 52828, September 30, 1999), the NIC requirements were moved to 40 CFR 63.1210, but the corresponding reference in 40 CFR 270.42(j)(1) was not changed through oversight. 40 CFR 270.42(j)(1) should have been conformed to reference the NIC requirements of 40 CFR 63.1210.

Although the NIC requirements in 40 CFR 63.1210 are now being removed from the regulations, the substantive requirement to have submitted a NIC in order to use the fast-track permitting option still remains a part of the RCRA rule as explained above. In today's rulemaking, we are therefore clarifying the language in 40 CFR 270.42(j)(1) to reference 40 CFR 63.1210 that was in effect prior to July 1, 2000 and published in ''40 CFR Part 63 Revised as of July 1, 2000''. Thus, facilities that want to use streamlined permit modification process must have complied with the NIC provisions as specified in the now-vacated § 63.1210(b).

IV. Administrative Requirements

Section 553 of the Administrative Procedure Act, 5 U.S.C. 553(b)(B),[2] provides that when an agency for good cause finds that notice and public procedure are impracticable, unnecessary or contrary to the public interest, the agency may issue a rule without providing notice and an opportunity for public comment. EPA has determined that there is good cause for making today's rule final without prior proposal and opportunity for comment because this action is in direct response to the Court's Mandate, and implements that Mandate. With respect to the rules relating to operating parameters for baghouses and ESPs, the rule implements the Court's order vacating those provisions. Thus, notice and opportunity for public comment are unnecessary. EPA finds that this constitutes good cause under 5 U.S.C. 553(b)(B). For the same reason, EPA finds that there is good cause, within the meaning of 5 U.S.C. 553(d)(3), to make the rule immediately effective.

V. Regulatory Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and is therefore not subject to review by the Office of Management and Budget. Because the Agency has made a ''good cause'' finding that this action is not subject to notice-and-comment requirements under the Administrative Procedure Act or any other statute, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202 and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA, Pub. L. 104–4). In addition, this action does not significantly or uniquely affect small governments or impose a significant intergovernmental mandate as described in sections 203 and 204 of UMRA. 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 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, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999). This rule is also not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This action does not involve technical standards, thus the requirements of section 12(d) of National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. This rule also does not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear

[2] The provisions of 5 U.S.C. 553(b)(B) of the Administrative Procedure Act apply to this action, even though it arises under the Clean Air Act (to which section 553 normally does not apply). See Clean Air Act section 307(b)(1) (final sentence).

legal standard for affected conduct, as required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996). EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order. This rule does not impose an information collection burden under the provisions of Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VI. Congressional Review Act

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 808 allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice and public procedure is impracticable, unnecessary or contrary to public interest. This determination must be supported by a brief statement. 5 U.S.C. 808(2). As stated previously, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of May 14, 2001, for this rule. EPA will submit a report containing this rule and other required information to the U.S. Senate, the U.S. House of Representatives, and the Comptroller General of the United States prior to the publication of the rule in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2).

VII. Immediate Effective Date

As noted earlier, EPA is making this rule effective immediately. This rule adopts amendments which are purely technical, in that they implement the Court's mandate. Comment on such changes is unnecessary within the meaning of 5 U.S.C. 553(b)(3)(B). For the same reason, there is good cause to make the rule effective immediately pursuant to 5 U.S.C. 553(d)(3).

List of Subjects

40 CFR Part 63

Air pollution control, Hazardous substances, Reporting and recordkeeping requirements.

40 CFR Part 270

Environmental protection, Administrative practice and procedure, Confidential business information, Hazardous materials transportation, Hazardous waste, Reporting and recordkeeping requirements, Water pollution control, Water supply.

Dated: May 8, 2001.

Christine Todd Whitman,

Administrator.

For the reasons set forth in the preamble, title 40, chapter I of the Code of Federal Regulations is amended as follows:

PART 63—NATIONAL EMISSIONS STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR SOURCE CATEGORIES

1. The authority citation for Part 63 continues to read as follows:

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

Subpart EEE—National Emission Standards for Hazardous Air Pollutants From Hazardous Waste Combustors

2. Section 63.1206 is amended by revising paragraph (a)(1), removing paragraph (a)(2), and redesignating paragraph (a)(3) as (a)(2) to read as follows:

§ 63.1206 When and how must sources comply with the standards and operating requirements?

(a) * * * (1) *Compliance date for existing sources.* You must comply with the standards of this subpart no later than September 30, 2002 unless the Administrator grants you an extension of time under § 63.6(i) or § 63.1213.

* * * * *

§ 63.1209 [Amended]

3. Section 63.1209 is amended by removing and reserving paragraphs (m)(1)(ii) and (iii).

§ 63.1210 [Amended]

4. Section 63.1210 is amended as follows:

a. In the table to paragraph (a)(1) by removing the entry ''63.1210(b) and (c)''; and

b. By removing paragraph (b) and (c) and redesignating paragraph (d) as (b).

§ 63.1211 [Amended]

5. Section 63.1211 is amended by removing paragraph (b) and redesignating paragraphs (c) through (e), as (b) through (d) respectively.

§ 63.1212 [Removed and Reserved]

6. Section 63.1212 is removed and reserved.

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

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

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

8. Section 270.42 is amended by revising paragraph (j)(1) to read as follows:

§ 270.42 Permit modifications at the request of the permittee.

* * * * *

(j) * * *

(1) Facility owners or operators must have complied with the Notification of Intent to Comply (NIC) requirements of 40 CFR 63.1210 that was in effect prior to May 14, 2001, (See 40 CFR Part 63 Revised as of July 1, 2000) in order to request a permit modification under this section.

* * * * *

[FR Doc. 01–12043 Filed 5–11–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 261

[FRL–6950–2]

Hazardous Waste Management System; Identification and Listing of Hazardous Waste; Final Exclusion

AGENCY: Environmental Protection Agency.

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA or Agency) today is granting a petition submitted by Tyco Printed Circuit Group, Melbourne Division, Melbourne, Florida, (Tyco), formerly Advanced Quick Circuits, L.P., to exclude (or ''delist'') a certain hazardous waste from the list of hazardous wastes under RCRA regulation. Tyco generates the petitioned waste by treating liquid waste from Tyco's printed circuit board manufacturing processes. The waste so generated is a wastewater treatment sludge that meets the definition of F006. Based on careful analyses of the waste-specific information provided by the petitioner, the Agency has concluded that Tyco's petitioned waste will not adversely affect human health and the environment. This action responds to Tyco's petition to delist this waste on a ''generator-specific'' basis from the hazardous waste lists, and to public

comments on the proposed rule. In response to comments received on the proposed rule, the delisting levels in this final rule are based, in part, on the EPACML model, rather than the generic levels for high temperature metal recovery residues. In accordance with the conditions specified in this final rule, the petitioned waste is excluded from the requirements of hazardous waste regulations under Subtitle C of the Resource Conservation and Recovery Act (RCRA).

EFFECTIVE DATE: This rule is effective on May 14, 2001.

ADDRESSES: The RCRA regulatory docket for this final rule is located at the EPA Library, U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303, and is available for viewing from 9 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays.

The reference number for this docket is R4–99–01-TycoF. The public may copy material from any regulatory docket at no cost for the first 100 pages, and at a cost of $0.15 per page for additional copies. For copying at the Florida Department of Environmental protection, please see below.

FOR FURTHER INFORMATION CONTACT: For general and technical information concerning this final rule, please contact Judy Sophianopoulos, RCRA Enforcement and Compliance Branch, (Mail Code 4WD–RCRA), U.S. Environmental Protection Agency, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, SW., Atlanta, Georgia 30303, (404) 562–8604, or call, toll free, (800) 241–1754, and leave a message, with your name and phone number, for Ms. Sophianopoulos to return your call. Questions may also be e-mailed to Ms. Sophianopoulos at *sophianopoulos.judy@epa.gov*. You may also contact Janine Kraemer, Central District Office, Florida Department of Environmental Protection (FDEP), 3319 Maguire Boulevard, Suite 232, Orlando, Florida 32803–3767. If you wish to copy documents at FDEP, please contact Ms. Kraemer for copying procedures and costs.

SUPPLEMENTARY INFORMATION: The contents of today's preamble are listed in the following outline:

I. Background
A. What Is a Delisting Petition?
B. What Laws and Regulations Give EPA the Authority to Delist Wastes?
C. What is the History of this Rulemaking?
II. Summary of Delisting Petition Submitted by Tyco Printed Circuit Group, Melbourne Division, Melbourne, FL Circuits, LP (Tyco), Melbourne, Florida
A. What Waste Did Tyco Petition EPA to Delist?
B. What Information Did Tyco Submit to Support This Petition?
III. EPA's Evaluation and Final Rule
A. What Decision Is EPA Finalizing and Why?
B. What Are the Terms of This Exclusion?
C. When Is the Delisting Effective?
D. How Does This Action Affect the States?
IV. Public Comments Received on the Proposed Exclusion
A. Who Submitted Comments on the Proposed Rule?
B. Comments and Responses From EPA
V. Regulatory Impact
VI. Congressional Review Act
VII. Executive Order 12875

I. Background

A. What Is a Delisting Petition?

A delisting petition is a request made by a hazardous waste generator to exclude one or more of his/her wastes from the lists of RCRA-regulated hazardous wastes in §§ 261.31, 261.32, and 261.33 of Title 40 of the Code of Federal Regulations (40 CFR 261.31, 261.32, and 261.33). The regulatory requirements for a delisting petition are in 40 CFR 260.20 and 260.22. EPA, Region 6 has prepared a guidance manual, *Region 6 Guidance Manual for the Petitioner*[1], which is recommended by EPA Headquarters in Washington, D.C. and all EPA Regions.

B. What Laws and Regulations Give EPA the Authority To Delist Wastes?

On January 16, 1981, as part of its final and interim final regulations implementing section 3001 of RCRA, EPA published an amended list of hazardous wastes from non-specific and specific sources. This list has been amended several times, and is published in 40 CFR 261.31 and 261.32. These wastes are listed as hazardous because they exhibit one or more of the characteristics of hazardous wastes identified in subpart C of part 261 (*i.e.,* ignitability, corrosivity, reactivity, and toxicity) or meet the criteria for listing contained in § 261.11 (a)(2) or (a)(3). Discarded commercial chemical product wastes which meet the listing criteria are listed in § 261.33(e) and (f).

Individual waste streams may vary, however, depending on raw materials, industrial processes, and other factors. Thus, while a waste that is described in these regulations generally is hazardous, a specific waste from an individual facility meeting the listing description may not be. For this reason, §§ 260.20 and 260.22 provide an exclusion procedure, allowing persons to demonstrate that a specific waste from a particular generating facility should not be regulated as a hazardous waste.

To have their wastes excluded, petitioners must show, first, that wastes generated at their facilities do not meet any of the criteria for which the wastes were listed. See § 260.22(a) and the background documents for the listed wastes. Second, the Administrator must determine, where he/she has a reasonable basis to believe that factors (including additional constituents) other than those for which the waste was listed could cause the waste to be a hazardous waste, that such factors do not warrant retaining the waste as a hazardous waste. Accordingly, a petitioner also must demonstrate that the waste does not exhibit any of the hazardous waste characteristics (i.e., ignitability, reactivity, corrosivity, and toxicity), and must present sufficient information for the EPA to determine whether the waste contains any other toxicants at hazardous levels. See § 260.22(a), 42 U.S.C. 6921(f), and the background documents for the listed wastes. Although wastes which are ''delisted'' (i.e., excluded) have been evaluated to determine whether or not they exhibit any of the characteristics of hazardous waste, generators remain obligated under RCRA to determine whether or not their wastes continue to be nonhazardous based on the hazardous waste characteristics (i.e., characteristics which may be promulgated subsequent to a delisting decision.)

In addition, residues from the treatment, storage, or disposal of listed hazardous wastes and mixtures containing listed hazardous wastes are also considered hazardous wastes. See 40 CFR 261.3 (a)(2)(iv) and (c)(2)(i), referred to as the ''mixture'' and ''derived-from'' rules, respectively. Such wastes are also eligible for exclusion and remain hazardous wastes until excluded. On December 6, 1991, the U.S. Court of Appeals for the District of Columbia vacated the ''mixture/derived-from'' rules and remanded them to the EPA on procedural grounds. *Shell Oil Co.* v. *EPA*, 950 F.2d 741 (D.C. Cir. 1991). On March 3, 1992, EPA reinstated the mixture and derived-from rules, and solicited comments on other ways to regulate waste mixtures and residues (57 FR 7628). These rules became final on October 30, 1992, 57 FR 49278), and should be consulted for more information regarding waste mixtures and solid wastes derived from treatment, storage, or disposal of a hazardous waste. The mixture and

[1] This manual may be down-loaded from Region 6's Web Site at the following URL address: http://www.epa.gov/earth1r6/6pd/rcra_c/pd-o/dlistpdf.htm

derived-from rules are codified in 40 CFR 261.3 (b)(2) and (c)(2)(i). EPA plans to address waste mixtures and residues when the final portion of the Hazardous Waste Identification Rule (HWIR) is promulgated.

On October 10, 1995, the Administrator delegated to the Regional Administrators the authority to evaluate and approve or deny petitions submitted in accordance with §§ 260.20 and 260.22, by generators within their Regions (National Delegation of Authority 8–19), in States not yet authorized to administer a delisting program in lieu of the Federal program. On March 11, 1996, the Regional Administrator of EPA, Region 4, redelegated delisting authority to the Director of the Waste Management Division (Regional Delegation of Authority 8–19).

C. What Is the History of This Rulemaking?

Tyco manufactures printed circuit boards, and is seeking a delisting for the sludge generated by treating liquid wastes from its electroplating operations. This waste meets the listing definition of F006 in 40 CFR Section 261.31[2]

Tyco petitioned the Administrator, on August 26, 1998, to exclude this F006 waste, on a generator-specific basis, from the lists of hazardous wastes in 40 CFR part 261, subpart D. In accordance with the delegation of delisting authority, the Administrator transmitted the petition to EPA, Region 4, and on September 11, 1998, Tyco submitted the petition to EPA, Region 4.

The hazardous constituents of concern for which F006 was listed are cadmium, hexavalent chromium, nickel, and cyanide (complexed). Tyco petitioned the EPA to exclude its F006 waste because Tyco does not believe that the waste meets the criteria of the listing.

Tyco claims that its F006 waste is not hazardous because the constituents of concern are either present at low concentrations, or do not leach out of the waste at significant concentrations. Tyco also believes that this waste is not hazardous for any other reason (i.e., there are no additional constituents or factors that could cause the waste to be hazardous). Review of this petition included consideration of the original listing criteria, as well as the additional factors required by the Hazardous and Solid Waste Amendments (HSWA) of 1984. See section 222 of HSWA, 42 U.S.C. 6921(f), and 40 CFR 260.22(d)(2)–(4). As a result of the EPA's evaluation of Tyco's petition, the Agency proposed to grant a delisting to Tyco, on August 8, 2000. See 65 FR 48434–48444, August 8, 2000 for details. Today's rulemaking addresses public comments received on the proposed rule and finalizes the proposed decision to grant Tyco's petition for delisting.

II. Summary of Delisting Petition Submitted by Tyco Printed Circuit Group, Melbourne Division, Melbourne, FL (Tyco), Melbourne, Florida

A. What Waste Did Tyco Petition EPA To Delist?

Tyco petitioned EPA, Region 4, on September 11, 1998, to exclude a maximum annual weight of 300 tons of its F006 waste, on a generator-specific basis, from the lists of hazardous wastes in subpart D of 40 CFR part 261. Tyco operates two electroplating operations on John Rodes Boulevard in Melbourne, Florida, that electroplate copper, tin/lead, nickel, and gold in the process of manufacturing printed circuit boards. The sludge generated by treatment of the wastewater from these operations meets the listing definition of F006 in § 261.31.

B. What Information Did Tyco Submit To Support This Petition?

In support of its petition, Tyco submitted: (1) Descriptions of its manufacturing and wastewater treatment processes, the generation point of the petitioned waste and the manufacturing steps that contribute to its generation; (2) Material Safety Data Sheets (MSDSs) for process materials; (3) quantities of petitioned waste generated each year from 1983 through 1997; (4) results of analysis for water, metals, cyanide, sulfide, and oil and grease in the waste; (5) results of the analysis of waste leachate obtained by means of the Toxicity Characteristic Leaching Procedure ((TCLP), SW–846 Method 1311[3]) for metals; (6) results of the determinations for the hazardous characteristics of ignitability, corrosivity, and reactivity; (7) results for total analysis of metals; and (8) results of the Multiple Extraction Procedure (MEP), SW–846 Method 1320, analysis of the waste to determine long-term resistance to leaching.

The hazardous constituents of concern for which F006 was listed are cadmium, hexavalent chromium, nickel, and cyanide (complexed). Tyco petitioned the EPA to exclude its F006 waste because Tyco does not believe that the waste meets the criteria of the listing.

Tyco submitted to the EPA analytical data on nine samples of its F006 waste collected during a six-month period. Based on this information, EPA identified the following constituents of concern: barium, cadmium, chromium, cyanide, lead, and nickel. The maximum reported concentrations of the toxicity characteristic (TC) metals, barium, cadmium, chromium, and lead in the TCLP extracts of the samples were below the TC regulatory levels. The maximum reported concentration of cyanide was below the generic exclusion level for high temperature metal recovery (HTMR) residues in 40 CFR 261.3(c)(2)(ii)(C)(*1*). Nickel was undetected in the TCLP extract at a detection level of 0.50 milligrams per liter, and the maximum reported concentration of nickel in unextracted samples was 2,100 milligrams per kilogram. See the proposed rule, 65 FR 48434–48444, August 8, 2000, for a detailed discussion of the information submitted by Tyco. EPA does not generally verify submitted test data before proposing delisting decisions. The sworn affidavit submitted with this petition binds the petitioner to present truthful and accurate results. The Agency, however, has maintained a spot-check sampling and analysis program to verify the representative nature of data for some percentage of the submitted petitions. A spot-check visit to a selected facility may be initiated before or after granting a delisting. Section 3007 of RCRA gives EPA the authority to conduct inspections to determine if a delisted waste is meeting the delisting conditions.

III. EPA's Evaluation and Final Rule

A. What Decision Is EPA Finalizing and Why?

For reasons stated in both the proposal and this final rule, EPA believes that Tyco's petitioned waste should be excluded from hazardous waste control. EPA, therefore, is granting a final generator-specific exclusion to Tyco, of Melbourne, Florida, for a maximum annual generation rate of 590 cubic yards of the waste described in its petition as EPA Hazardous Waste Number F006. This waste is required to undergo verification

[2] "Wastewater sludges from electroplating operations except from the following processes: (1) Sulfuric acid anodizing of aluminum; (2) tin plating on carbon steel; (3) zinc plating (segregated basis) on carbon steel; (4) aluminum or zinc-aluminum plating on carbon steel; and (6) chemical etching and milling of aluminum."

[3] "SW–846" means EPA Publication SW–846, "Test Methods for Evaluating Solid Waste, Physical/Chemical Methods." Methods in this publication are referred to in today's final rule as "SW–846," followed by the appropriate method number.

testing before being considered as excluded from Subtitle C regulation. Requirements for waste to be land disposed or smelted have been included in this exclusion. The exclusion applies only to the waste as described in Tyco's petition, dated August 1998.

Although management of the waste covered by this petition is relieved from Subtitle C jurisdiction, the generator of the delisted waste must either treat, store, or dispose of the waste in an on-site facility, or ensure that the waste is delivered to an off-site storage, treatment, or disposal facility, either of which is permitted, licensed or registered by a State to manage municipal or industrial solid waste. Alternatively, the delisted waste may be delivered to a facility that beneficially uses or reuses, or legitimately recycles or reclaims the waste, or treats the waste prior to such beneficial use, reuse, recycling, or reclamation. See 40 CFR part 260, appendix I. Tyco's preferred method of waste management is to send its excluded waste to a smelter for metal recovery.

B. What Are the Terms of This Exclusion?

In the rule proposed on August 8, 2000, EPA requested public comment on which of the following possible methods should be used to set delisting levels for the petitioned waste (see 65 FR 48436, August 8, 2000):

(1) Delisting levels based on the EPACML model;

(2) Delisting levels equal to either the Universal Treatment Standards (UTS) levels of the Land Disposal Restrictions (LDR) regulations in 40 CFR part 268 or the generic exclusion levels for residues from treatment of F006 by High Temperature Metal Recovery (HTMR), in 40 CFR 261.3(c)(2)(ii)(C)(*1*), whichever yields the lower value;

(3) Setting limits on total concentrations of constituents in the waste of 20,000 milligrams per kilogram (mg/kg) for nickel, and 500 mg/kg of each of the metals, barium, cadmium, chromium, and lead;

(4) Use of the MEP to evaluate the long-term resistance of the waste to leaching in a landfill; and

(5) Delisting levels for waste that will be sent to a smelter for metal recovery, calculated in accordance with EPA's Human Health Risk Assessment Protocol (HHRAP) for combustion risk assessment or set equal to the same delisting levels as for land disposal, with the additional requirement that the smelting facility be in compliance with a permit issued under the authority of the Clean Air Act.

After considering all public comments on the proposed rule, EPA is granting Tyco, in today's final rule, an exclusion from the lists of hazardous wastes in subpart D of 40 CFR part 261, for its petitioned waste, whether disposed in a Subtitle D landfill or smelted for metal recovery. Tyco must meet all of the following delisting conditions in order for this exclusion to be valid:

(1) Delisting levels, in mg/l in the TCLP extract of the waste, based on the EPACML model, of 100 for Barium; 0.5 for Cadmium; 5.0 for Chromium; 20 for Cyanide; 1.5 for Lead; and 73 for Nickel;

(2) Delisting levels based on total concentrations, in milligrams of constituent per kilogram of unextracted waste, of 2,000 for Barium; 500 for Cadmium; 1,000 for Chromium; 200 for Cyanide (Total, not Amenable); 2,000 for Lead; and 20,000 for Nickel; and

(3) Recordkeeping and certification requirements for waste to be smelted for metal recovery, which include records in the facility files, available for inspection by EPA or the State of Florida, that contain names, addresses, telephone numbers, and contact persons for smelters; amounts of waste smelted; certification that smelters are subject to regulatory controls on discharges to air, water, and land; and analytical data on smelted wastes to demonstrate compliance with conditions (1) and (2).

EPA believes that the limits on total concentrations in condition (2) above are protective of human health and the environment. In response to public comment, EPA set higher limits on total concentrations in today's final rule than in the proposed rule, because EPA agrees with the commenter that MEP analysis of the petitioned waste indicated long-term resistance to leaching (see 65 FR 48439, August 8, 2000). EPA also believes that these limits are realistic, attainable values for wastewater treatment sludges that contain metals and cyanide. The limit for cyanide was chosen so that the waste could not exhibit the reactivity characteristic for cyanide by exceeding the interim guidance for reactive cyanide of 250 mg/kg of releasable hydrogen cyanide (SW–846, Chapter Seven, Section 7.3.3.)

In response to public comments, EPA is promulgating the recordkeeping and certification requirements for waste to be smelted, in today's final rule, instead of the proposed risk assessment in accordance with HHRAP or the proposed requirement for a permit under the Clean Air Act. EPA is retaining the proposed requirement that waste to be smelted meet the same delisting levels as waste to be landfilled.

Table 1, Appendix IX of part 261 has been amended to add the three delisting conditions described above, to retain the verification and data submission requirements of the proposed rule (see 65 FR 48442–48443, August 8, 2000), to delete delisting levels based on the generic exclusion levels for metal recovery in 40 CFR 261.3(c)(2)(ii)(C)(*1*), and to delete the requirement for a risk assessment based on EPA's Human Health Risk Assessment Protocol for combustion facilities. Thus, EPA is retaining in today's final rule to exclude Tyco's petitioned waste Conditions (2), (4), (5), (6), and (7) in Table 1, Appendix IX of part 261 of the proposed rule, and is changing proposed Conditions (1), (3) and (8), in response to public comments, as described in the three preceding paragraphs.

C. When Is the Delisting Effective?

This rule is effective on May 14, 2001. The Hazardous and Solid Waste Amendments of 1984 amended Section 3010 of RCRA to allow rules to become effective in less than six months when the regulated community does not need the six-month period to come into compliance. That is the case here, because this rule reduces the existing requirements for persons generating hazardous wastes. In light of the unnecessary hardship and expense that would be imposed on this petitioner by an effective date six months after publication and the fact that a six-month deadline is not necessary to achieve the purpose of section 3010, EPA believes that this exclusion should be effective immediately upon final publication.

These reasons also provide a basis for making this rule effective immediately, upon final publication, under the Administrative Procedure Act, pursuant to 5 U.S.C. 553(d).

D. How Does This Action Affect the States?

The final exclusion being granted today is issued under the Federal (RCRA) delisting program. States, however, are allowed to impose their own, non-RCRA regulatory requirements that are more stringent than EPA's, pursuant to section 3009 of RCRA. These more stringent requirements may include a provision which prohibits a Federally-issued exclusion from taking effect in the States. Because a petitioner's waste may be regulated under a dual system (i.e., both Federal (RCRA) and State (non-RCRA) programs), petitioners are urged to contact State regulatory authorities to determine the current status of their wastes under the State laws.

Furthermore, some States are authorized to administer a delisting program in lieu of the Federal program, i.e., to make their own delisting decisions. Therefore, this exclusion does not apply in those authorized States. If the petitioned waste will be transported to and managed in any State with delisting authorization, Tyco must obtain delisting authorization from that State before the waste may be managed as nonhazardous in that State.

IV. Public Comments Received on the Proposed Exclusion

A. Who Submitted Comments on the Proposed Rule?

EPA received public comments on the proposed rule published in 65 FR 48434–48444, August 8, 2000, from (1) the International Precious Metals Institute (IPMI) and (2) Delphi Automotive Systems (DAS). EPA commends and appreciates the thoughtful comments submitted by IPMI and DAS.

B. Comments and Responses From EPA

Comment: IPMI stated that Tyco's sludge is a feedstock for copper and precious metal reclamation, rather than a material that is disposed of, and that EPA's proposal to delist the sludge is appropriate, because ''it facilitates the efficient and environmentally sound recovery of precious metals.'' However, EPA's proposal to use Universal Treatment Standards or generic exclusion limits for high temperature metal recovery (HTMR) residues as delisting levels is inappropriate. Delisting levels calculated on the basis of the EPACML model are very conservative and protective, particularly since they have been validated with the Multiple Extraction Procedure (MEP). HTMR levels are unnecessarily stringent, because the petitioned sludge ''has not, at the point of generation, been subjected to any HTMR processes.''

Response: EPA believes that IPMI's point is well taken, and the final delisting levels in Appendix IX of part 261 are based, in part, on the EPACML model. See section III.A. and B. of today's preamble. EPA also agrees with the commenter that the MEP evaluation of Tyco's sludge supports the delisting decision and that Tyco's preferred method of waste management for the petitioned sludge is metal recovery rather than land disposal.

Comment: IPMI disagrees with both of EPA's proposed methods of setting delisting levels for petitioned waste that will be sent to a smelter for metal recovery. Regarding proposed Method I, IPMI sees no reason why sludge to be smelted should have to meet the same delisting levels as landfilled sludge and disagrees with the Method I requirement that the smelter be permitted under the Clean Air Act. IPMI stated that precious metal recovery from secondary materials ''has been carried on for millennia,'' and the majority of sludges generated in the United States are smelted in other countries. IPMI believes that smelters should be and are well regulated in developed countries, and that the requirement for a Clean Air Act Permit would prohibit unduly the participation of foreign countries in the smelting business.

Response: EPA appreciates IPMI's concerns regarding requirements for waste to be smelted. However, EPA believes that it is reasonable and that the Agency has an obligation to set conditions a waste must meet in order to be excluded from regulation as a listed hazardous waste under RCRA. EPA believes that the conditions described in Section III.A. and B. of today's preamble will be protective of human health and the environment, whether the waste is smelted for metal recovery or disposed in a Subtitle D landfill, and will not be unduly burdensome to Tyco. The requirement in proposed Method I for a Clean Air Act permit in addition to the same delisting levels as waste to be landfilled has been amended, in response to this commenter, with the recordkeeping and certification requirements described in today's preamble Section III.A. and B.

Comment: IPMI agrees that analysis of feedstocks, exposure, and risk are applicable criteria for granting an air permit to a smelter. However, IPMI believes that the requirement for a risk assessment of smelting Tyco's sludge in accordance with EPA's HHRAP is inappropriate and unnecessary. The commenter asserts that Tyco's sludge has only one of the seven categories of compounds of potential concern in the HHRAP, in that it contains toxic metals. IPMI points out that these concentrations are quite small, and that the toxic metals in Tyco's sludge are common constituents of copper ore. IPMI also notes that Tyco's sludge could meet the requirements for a variance from being a solid waste, pursuant to 40 CFR 260.30, when it is to be smelted for metal recovery, and that there are no risk assessment requirements for smelters of such materials.

Regarding chromium, IPMI states that the HHRAP is concerned with hexavalent, rather than trivalent, chromium, which Tyco does not use in its production processes. IPMI notes that Tyco's analytical data indicate very low concentrations of total chromium.

Response: EPA agrees that human health and the environment can be protected, in this case, without requiring a risk assessment in accordance with the HHRAP. EPA believes that the delisting conditions of today's final rule are protective of human health and the environment. As discussed in today's preamble Section III.A. and B., Tyco's sludge, whether smelted or landfilled, must meet limits on concentrations of toxic constituents both in the TCLP extract of the waste and in the unextracted waste. In addition, Tyco must meet verification, recordkeeping, and certification requirements.

With respect to chromium, EPA takes the conservative position that any chromium present is hexavalent, and calculates delisting levels accordingly.

Comment: Delphi Automotive Systems (DAS) recommends using the EPACML model for delisting levels, instead of either the Universal Treatment Standards (UTS) of the Land Disposal Restrictions (LDR) regulations or generic exclusion levels for high temperature metal recovery (HTMR) residues. DAS believes that the EPACML model is appropriately conservative and is risk-based, rather than technology-based as the UTS and HTMR values are.

Response: After consideration of DAS's comment and discussion, Tyco's analytical profile for the petitioned sludge, and the Multiple Extraction Procedure (MEP) data indicating long-term resistance to leaching, EPA agrees with the commenter that the appropriate method of calculating delisting levels in the waste leachate is the EPACML model. (See today's preamble Section III.A and B.)

Comment: DAS believes that it would be burdensome to require the MEP for all delisting petitions, due mainly to the cost of this analytical method. DAS believes that EPA should address any concerns that the MEP addresses by requiring disposal in a landfill that is in compliance with EPA Criteria for Municipal Solid Waste Landfills.

Response: Each delisting petition is evaluated individually, and requiring the MEP for one petition does not mean that it will automatically be required for all. However, the MEP is useful as a measure of long-term resistance to leaching from a landfill, which is usually a concern of the general public. EPA agrees that it can require that delisted waste be disposed in a Subtitle D landfill, but believes that it is more protective of human health and the environment to calculate delisting levels

based on a distribution of landfill properties, rather than on one specific landfill. The MEP is useful, in that it simulates what would happen even if all a landfill's controls failed.

Comment: DAS does not agree with EPA's proposal to set limits on total concentrations of constituents of concern in Tyco's unextracted waste. DAS states that the delisting levels in the TCLP extract, based on the EPACML model, are conservative and adequate, particularly since Tyco's constituents of concern are all non-volatile metals.

Response: EPA agrees that the commenter's point is well taken. However, EPA is setting limits on total concentrations of constituents of concern in today's final rule, which EPA believes are protective of human health and the environment and which address concerns of the general public about delisted waste. After considering comments from DAS and IPMI, EPA has raised the proposed limits on total concentrations, as shown in today's preamble Section III.B, to values EPA believes are realistic and attainable for wastewater treatment sludges that contain metals and cyanide. The limit for cyanide was chosen so that the waste could not exhibit the reactivity characteristic for cyanide by exceeding the interim guidance for reactive cyanide of 250 mg/kg of releasable hydrogen cyanide (SW–846, Chapter Seven, Section 7.3.3.)

Comment: DAS ''welcomes the Agency's consideration for establishing site specific limits for a smelter,'' but does not agree with the proposal to do a risk assessment for all constituents in accordance with the HHRAP. DAS states that Clean Air Act requirements for smelters should be adequate to address risk from most waste constituents, but also states that the HHRAP might be appropriate for constituents that are not usually present in raw materials for smelters. DAS believes the Agency should use specific language in the delisting final rule ''to direct how a delisted waste should be managed, specifically smelter, in this instance.''

Response: EPA has taken into account DAS's comments about delisting levels for waste sent to a smelter, and is finalizing recordkeeping and certification requirements as a delisting condition to be met, in addition to limits on constituent concentrations in the TCLP extract of the petitioned waste and on total constituent concentrations in the unextracted waste. See today's preamble Section III.B. and Waste Description and Conditions (1), (3), and (8) of Table 1, Appendix IX, part 261.

V. Regulatory Impact

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a rule of general applicability and therefore is not a ''regulatory action'' subject to review by the Office of Management and Budget. Because this action is a rule of particular applicability relating to a facility, it is not subject to the regulatory flexibility provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), or to sections 202, 204, and 205 of the Unfunded Mandates Reform Act of 1995 (UMRA) (Pub. L. 104–4). Because the rule will affect only one facility, it will not significantly or uniquely affect small governments, as specified in section 203 of UMRA, or communities of tribal governments, as specified in Executive Order 13084 (63 FR 27655, May 10, 1998). For the same reason, 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). This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

This rule does not involve technical standards; thus, the requirements of section 12(c) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) do not apply. As required by section 3 of Executive Order 12988 (61 FR 4729, February 7, 1996), in issuing this rule, EPA has taken the necessary steps to eliminate drafting errors and ambiguity, minimize potential litigation, and provide a clear legal standard for affected conduct. EPA has complied with Executive Order 12630 (53 FR 8859, March 15, 1988) by examining the takings implications of the rule in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the executive order.

This rule does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

VI. Congressional Review Act

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

VII. Executive Order 12875

Under Executive Order 12875, EPA may not issue a regulation that is not required by statute and that creates a mandate upon a state, local, or tribal government, unless the Federal government provides the funds necessary to pay the direct compliance costs incurred by those governments. If the mandate is unfunded, EPA must provide to the Office of Management and Budget a description of the extent of EPA's prior consultation with representatives of affected state, local, and tribal governments, the nature of their concerns, copies of written communications from the governments, and a statement supporting the need to issue the regulation. In addition, Executive Order 12875 requires EPA to develop an effective process permitting elected officials and other representatives of state, local, and tribal governments ''to provide meaningful and timely input in the development of regulatory proposals containing significant unfunded mandates.''

Today's rule does not create a mandate on state, local or tribal governments. The rule does not impose any enforceable duties on these entities. Accordingly, the requirements of section 1(a) of Executive Order 12875 do not apply to this rule.

List of Subjects in 40 CFR Part 261

Environmental protection, Hazardous waste, Recycling, Reporting and Recordkeeping requirements.

Dated: February 26, 2001.

Richard D. Green,

Director, Waste Management Division.

For the reasons set out in the preamble, 40 CFR part 261 is amended as follows:

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

1. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, and 6938.

2. In Table 1 of appendix IX to part 261 add the following wastestream in alphabetical order by facility to read as follows:

Appendix IX—Wastes Excluded Under §§ 260.20 and 260.22

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES

Facility	Address	Waste description
*	*	* * * * *
Tyco Printed Circuit Group, Melbourne Division.	Melbourne, Florida	Wastewater treatment sludge (EPA Hazardous Waste No. F006) that Tyco Printed Circuit Group, Melbourne Division (Tyco) generates by treating wastewater from its circuit board manufacturing plant located on John Rodes Blvd. in Melbourne, Florida. This is a conditional exclusion for up to 590 cubic yards of waste (hereinafter referred to as ''Tyco Sludge'') that will be generated each year and disposed in a Subtitle D landfill or shipped to a smelter for metal recovery after May 14, 2001. Tyco must demonstrate that the following conditions are met for the exclusion to be valid. (Please see Condition (8) for certification and recordkeeping requirements that must be met in order for the exclusion to be valid for waste that is sent to a smelter for metal recovery.) (1) *Verification Testing Requirements:* Sample collection and analyses, including quality control procedures must be performed according to SW–846 methodologies, where specified by regulations in 40 CFR Parts 260–270. Otherwise, methods must meet Performance Based Measurement System Criteria in which the Data Quality Objectives are to demonstrate that representative samples of the Tyco Sludge meet the delisting levels in Condition (3). (A) *Initial Verification Testing:* Tyco must collect and analyze a representative sample of every batch, for eight sequential batches of Tyco sludge generated in its wastewater treatment system after May 14, 2001. A batch is the Tyco Sludge generated during one day of wastewater treatment. Tyco must analyze for the constituents listed in Condition (3). A minimum of four composite samples must be collected as representative of each batch. Tyco must report analytical test data, including quality control information, no later than 60 days after generating the first batch of Tyco Sludge to be disposed in accordance with the delisting Conditions (1) through (7). (B) *Subsequent Verification Testing:* If the initial verification testing in Condition (1)(A) is successful, i.e., delisting levels of condition (3) are met for all of the eight initial batches, Tyco must test a minimum of 5% of the Tyco Sludge generated each year. Tyco must collect and analyze at least one composite sample representative of that 5%. The composite must be made up of representative samples collected from each batch included in the 5%. Tyco may, at its discretion, analyze composite samples gathered more frequently to demonstrate that smaller batches of waste are non-hazardous. (2) *Waste Holding and Handling:* Tyco must store as hazardous all Tyco Sludge generated until verification testing as specified in Condition (1)(A) or (1)(B), as appropriate, is completed and valid analyses demonstrate that Condition (3) is satisfied. If the levels of constituents measured in the samples of Tyco Sludge do not exceed the levels set forth in Condition (3), then the Tyco Sludge is non-hazardous and must be managed in accordance with all applicable solid waste regulations. If constituent levels in a sample exceed any of the delisting levels set forth in Condition (3), the batch of Tyco Sludge generated during the time period corresponding to this sample must be retreated until it meets the delisting levels set forth in Condition (3), or managed and disposed of in accordance with Subtitle C of RCRA. (3) *Delisting Levels:* All leachable concentrations for these metals and cyanide must not exceed the following levels (ppm): Barium—100; Cadmium—0.5; Chromium—5.0; Cyanide—20, Lead—1.5; and Nickel—73. These metal and cyanide concentrations must be measured in the waste leachate obtained by the method specified in 40 CFR 261.24, except that for cyanide, deionized water must be the leaching medium. The total concentration of cyanide (total, not amenable) in the waste, not the waste leachate, must not exceed 200 mg/kg. Cyanide concentrations in waste or leachate must be measured by the method specified in 40 CFR 268.40, Note 7. The total concentrations of metals in the waste, not the waste leachate, must not exceed the following levels (ppm): Barium—2,000; Cadmium—500; Chromium—1,000; Lead—2,000; and Nickel—20,000. (4) *Changes in Operating Conditions:* Tyco must notify EPA in writing when significant changes in the manufacturing or wastewater treatment processes are necessary (e.g., use of new chemicals not specified in the petition). EPA will determine whether these changes will result in additional constituents of concern. If so, EPA will notify Tyco in writing that the Tyco sludge must be managed as hazardous waste F006, pending receipt and evaluation of a new delisting petition. If EPA determines that the changes do not result in additional constituents of concern, EPA will notify Tyco, in writing, that Tyco must repeat Condition (1)(A) to verify that the Tyco Sludge continues to meet Condition (3) delisting levels.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(5) *Data Submittals:* Data obtained in accordance with Condition (1)(A) must be submitted to Jewell Grubbs, Chief, RCRA Enforcement and Compliance Branch, Mail Code: 4WD–RCRA, U.S. EPA, Region 4, Sam Nunn Atlanta Federal Center, 61 Forsyth Street, Atlanta, Georgia 30303. This notification is due no later than 60 days after generating the first batch of Tyco Sludge to be disposed in accordance with delisting Conditions (1) through (7). Records of analytical data from Condition (1) must be compiled, summarized, and maintained by Tyco for a minimum of three years, and must be furnished upon request by EPA or the State of Florida, and made available for inspection. Failure to submit the required data within the specified time period or maintain the required records for the specified time will be considered by EPA, at its discretion, sufficient basis to revoke the exclusion to the extent directed by EPA. All data must be accompanied by a signed copy of the following certification statement to attest to the truth and accuracy of the data submitted: Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the information contained or accompanying this document is true, accurate and complete. As to the (those) identified section(s) of this document for which I cannot personally verify its (their) truth and accuracy, I certify as the company official having supervisory responsibility for the persons who, acting under my direct instructions, made the verification that this information is true, accurate and complete. In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's void exclusion. (6) *Reopener Language:* (A) If, anytime after disposal or shipment to a smelter of the delisted waste, Tyco possesses or is otherwise made aware of any environmental data (including but not limited to leachate data or groundwater monitoring data) or any other data relevant to the delisted waste indicating that any constituent identified in the delisting verification testing is at a level higher than the delisting level allowed by EPA in granting the petition, Tyco must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (B) If the testing of the waste, as required by Condition (1)(B), does not meet the delisting requirements of Condition (3), Tyco must report the data, in writing, to EPA within 10 days of first possessing or being made aware of that data. (C) Based on the information described in paragraphs (6)(A) or (6)(B) and any other information received from any source, EPA will make a preliminary determination as to whether the reported information requires that EPA take action to protect human health or the environment. Further action may include suspending, or revoking the exclusion, or other appropriate response necessary to protect human health and the environment. (D) If EPA determines that the reported information does require Agency action, EPA will notify the facility in writing of the action believed necessary to protect human health and the environment. The notice shall include a statement of the proposed action and a statement providing Tyco with an opportunity to present information as to why the proposed action is not necessary. Tyco shall have 10 days from the date of EPA's notice to present such information. (E) Following the receipt of information from Tyco, as described in paragraph (6)(D) or if no such information is received within 10 days, EPA will issue a final written determination describing the Agency actions that are necessary to protect human health or the environment, given the information received in accordance with paragraphs (6)(A) or (6)(B). Any required action described in EPA's determination shall become effective immediately. (7) *Notification Requirements:* Tyco must provide a one-time written notification to any State Regulatory Agency in a State to which or through which the delisted waste described above will be transported, at least 60 days prior to the commencement of such activities. Failure to provide such a notification will result in a violation of the delisting conditions and a possible revocation of the decision to delist.

TABLE 1.—WASTES EXCLUDED FROM NON-SPECIFIC SOURCES—Continued

Facility	Address	Waste description
		(8) *Recordkeeping and Certification Requirements for Waste to be Smelted for Metal Recovery:* Tyco must maintain in its facility files, and make available for inspection by EPA and the Florida Department of Environmental Protection (FDEP), records that include the name, address, telephone number, and contact person of each smelting facility used by Tyco for its delisted waste, quantities of waste shipped, analytical data for demonstrating that the delisting levels of Condition (3) are met, and a certification that the smelter(s) is(are) subject to regulatory controls on discharges to air, water, and land. The certification statement must be signed by a responsible official and contain the following language: Under civil and criminal penalty of law for the making or submission of false or fraudulent statements or representations (pursuant to the applicable provisions of the Federal Code, which include, but may not be limited to, 18 U.S.C. 1001 and 42 U.S.C. 6928), I certify that the smelter(s) used for Tyco's delisted waste is(are) subject to regulatory controls on discharges to air, water, and land. As the company official having supervisory responsibility for plant operations, I certify that to the best of my knowledge this information is true, accurate and complete. In the event that any of this information is determined by EPA in its sole discretion to be false, inaccurate or incomplete, and upon conveyance of this fact to the company, I recognize and agree that this exclusion of waste will be void as if it never had effect or to the extent directed by EPA and that the company will be liable for any actions taken in contravention of the company's RCRA and CERCLA obligations premised upon the company's void exclusion.

[FR Doc. 01–12042 Filed 5–11–01; 8:45 am]
BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

SUMMARY: Modified base (1% annual chance) flood elevations are finalized for the communities listed below. These modified elevations will be used to calculate flood insurance premium rates for new buildings and their contents.

EFFECTIVE DATES: The effective dates for these modified base flood elevations are indicated on the following table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect for each listed community prior to this date.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency makes the final determinations listed below of modified base flood elevations for each community listed. These modified elevations have been published in newspapers of local circulation and ninety (90) days have elapsed since that publication. The Acting Executive Associate Director has resolved any appeals resulting from this notification.

The modified base flood elevations are not listed for each community in this notice. However, this rule includes the address of the Chief Executive Officer of the community where the modified base flood elevation determinations are available for inspection.

The modifications are made pursuant to Section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

These modified elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Acting Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, floodplains, reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 65 is amended to read as follows:

PART 65—[AMENDED]

1. The authority citation for Part 65 continues to read as follows:

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

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Florida: Sarasota (FEMA Docket No. D–7501).	Unincorporated Areas.	April 28, 2000, May 5, 2000, *Sarasota Herald-Tribune*.	Mr. Jim Ley, Sarasota County Administrator, 1660 Ringling Boulevard, 2nd Floor, Sarasota, Florida 34236.	Apr. 21, 2000	125144 D
Georgia: Cherokee (FEMA Docket No. D–7501).	Unincorporated Areas.	May 17, 2000, May 24, 2000, *Cherokee Tribune*.	Ms. Emily Lemcke, Chairwoman of the Cherokee County Board of Commissioners, 90 North Street, Suite 310, Canton, Georgia 30114.	Aug. 22, 2000	130424 C
Illinois:					
McHenry (FEMA Docket No. D–7503).	Unincorporated Areas.	July 14, 2000, July 21, 2000, *The Northwest Herald*.	Mr. Michael Tryon, Chairperson, McHenry County Board, McHenry County Government Center, 2200 North Seminary Avenue, Woodstock, Illinois 60098.	June 29, 2000	170732 C
Madison (FEMA Docket No. 7302).	City of Wood River.	January 7, 2000, January 14, 2000, *The Telegraph*.	The Honorable Lon A. Smith, Mayor of the City of Wood River, 111 North Wood River Avenue, Wood River, Illinois 62095–1938.	Apr. 12, 2000	170451 C
Michigan: Macomb.	City of Sterling Heights.	September 14, 2000, September 21, 2000, *The Macomb Daily*.	The Honorable Richard J. Notte, Mayor of the City of Sterling Heights, 40555 Utica Road, P.O. Box 8009, Sterling Heights, Michigan 48311–8009.	Sept. 6, 2000	260128 E
Ohio: Cuyahoga (FEMA Docket No. D–7503).	City of Highland Heights.	June 22, 2000, June 29, 2000, *The Plain Dealer*.	The Honorable Francine G. Hogg, Mayor of the City of Highland Heights, 5827 Highland Road, Highland Heights, Ohio 44143.	Aug. 28, 2000	390110 D
Pennsylvania: Allegheny (FEMA Docket No. D–7505).	Municipality of Monroeville.	August 29, 2000, *Tribune-Review*.	Mr. Marshall W. Bond, Municipality of Monroeville Manager, 2700 Monroeville Boulevard, Monroeville, Pennsylvania 15146–2388.	Sept. 22, 2000	420054 E

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: May 3, 2001.

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

[FR Doc. 01–12030 Filed 5–11–01; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

[Docket No. FEMA–D–7509]

Changes in Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Interim rule.

SUMMARY: This interim rule lists communities where modification of the base (1% annual chance) flood elevations is appropriate because of new scientific or technical data. New flood insurance premium rates will be calculated from the modified base flood elevations for new buildings and their contents.

DATES: These modified base flood elevations are currently in effect on the dates listed in the table and revise the Flood Insurance Rate Map(s) (FIRMs) in effect prior to this determination for each listed community.

From the date of the second publication of these changes in a newspaper of local circulation, any person has ninety (90) days in which to request through the community that the Acting Executive Associate Director reconsider the changes. The modified elevations may be changed during the 90-day period.

ADDRESSES: The modified base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) matt.miller@fema.gov.

SUPPLEMENTARY INFORMATION: The modified base flood elevations are not listed for each community in this interim rule. However, the address of the Chief Executive Officer of the community where the modified base

flood elevation determinations are available for inspection is provided.

Any request for reconsideration must be based upon knowledge of changed conditions, or upon new scientific or technical data.

The modifications are made pursuant to Section 201 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 et seq., and with 44 CFR part 65.

For rating purposes, the currently effective community number is shown and must be used for all new policies and renewals.

The modified base flood elevations are the basis for the floodplain management measures that the community is required to either adopt or to show evidence of being already in effect in order to qualify or to remain qualified for participation in the National Flood Insurance Program (NFIP).

These modified elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities.

The changes in base flood elevations are in accordance with 44 CFR 65.4.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Acting Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are required to maintain community eligibility in the National Flood Insurance Program. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform.

This rule meets the applicable standards of section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 65

Flood insurance, floodplains, Reporting and recordkeeping requirements.

Accordingly, 44 CFR part 65 is amended to read as follows:

PART 65—[AMENDED]

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

§ 65.4 [Amended]

2. The tables published under the authority of § 65.4 are amended as follows:

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Alabama: Autauga, Lowndes, Elmore & Montgomery.	City of Montgomery	March 30, 2001, April 6, 2001, *The Montgomery Advisor*.	The Honorable Bobby N. Bright, Mayor of the City of Montgomery, City Hall, P.O. Box 1111, Montgomery, Alabama 36101.	Mar. 22, 2001	010174 F
Florida:					
Alachua	Unincorporated Areas.	March 9, 2001, March 16, 2001, *The Gainesville Sun*.	Mr. Randall H. Reid, Alachua County Manager, P.O. Box 2877, Gainesville, Florida 32602.	Feb. 26, 2001	120001 A
Orange	City of Apopka	February 9, 2001, February 16, 2001, *Apopka Chief*.	The Honorable John H. Land, Mayor of the City of Apopka, P.O. Box 1229, Apopka, Florida 32704–1229.	Jan. 31, 2001	120180 E
Monroe	Unincorporated Areas.	March 13, 2001, March 20, 2001, *The Key-West Citizen*.	Mr. James Roberts, Monroe County Administrator, 5100 College Road, Key West, Florida 33040.	Feb. 27, 2001	125129 G
Pasco	Unincorporated Areas.	February 6, 2001, February 13, 2001, *St. Petersburg Times*.	Mr. John J. Gallagher, Pasco County Administrator, West Pasco Government Center, 7530 Little Road, New Port Richey, Florida 34654.	Jan. 25, 2001	120230 D
Georgia: Bryan	City of Richmond Hill	February 14, 2001, February 21, 2001, *Bryan County Times*.	The Honorable Richard R. Davis, Mayor of the City of Richmond Hill, P.O. Box 250, Richmond Hill, Georgia 31324.	Feb. 7, 2001	130018 B
Illinois:					
DuPage	Village of Addison	February 21, 2001, February 28, 2001, *Daily Herald*.	The Honorable Lorenz Hartwig, Mayor of the Village of Addison, 1 Friendship Plaza, Addison, Illinois 60101–2786.	Feb. 14, 2001	170198 C
DuPage	Unincorporated Areas.	February 21, 2001, February 28, 2001, *Daily Herald*.	Mr. Robert Schillerstrom, Chairman of DuPage County, DuPage Center, 421 North County Farm Road, Wheaton, Illinois 60187.	Feb. 14, 2001	170197 D
St. Clair	City of Mascoutach	February 15, 2001, February 22, 2001, *Belleville News-Democrat*.	The Honorable Gerald Daugherty, Mayor of the City of Mascoutah, 3 West Main Street, Mascoutah, Illinois 62258.	May 24, 2001	170630
St. Clair	Unincorporated Areas.	February 15, 2001, February 22, 2001, *Bellevue News-Democrat*.	Mr. John Baricevic, Chairman of the St. Clair County Board, St. Clair County Courthouse, 10 Public Square, Bellevue, Illinois 62220–1623.	May 24, 2001	170616 A
DuPage	Village of Villa Park	February 21, 2001, February 28, 2001, *Daily Herald*.	Ms. Rae Rupp Srch, President of the Village of Villa Park, 20 South Ardmore Avenue, Villa Park, Illinois 60181.	Feb. 14, 2001	170217 B

State and county	Location	Dates and name of newspaper where notice was published	Chief executive officer of community	Effective date of modification	Community No.
Kentucky: Warren	City of Bowling Green.	March 13, 2001, March 20, 2001, *Daily News*.	The Honorable Sandy Jones, Mayor of the City of Bowling Green, P.O. Box 430, Bowling Green, Kentucky 42102–0430.	June 19, 2001	210219 D
Mississippi: Clarke	Unincorporated Areas.	February 1, 2001, February 8, 2001, *Clarke County Tribune*.	Mr. Paul Mosley, President of the Clarke County Board of Supervisors, P.O. Box 616, Quitman, Mississippi 39355.	July 19, 2001	280220 B
New Hampshire: Rockingham.	Town of Rye	February 23, 2001, March 2, 2001, *Portsmouth Herald*.	Mr. Kenneth S. Fox, Chairman, Town of Rye Board of Selectmen, Rye Town Office, 10 Central Road, Rye, New Hampshire 03870.	Feb. 15, 2001	330141 B
New Jersey:					
Morris	Borough of Madison	March 22, 2001, March 29, 2001, *Madison Eagle*.	The Honorable John J. Dunne, Mayor of the Borough of Madison, Hartley Dodge Memorial, 50 Kings Road, Madison, New Jersey 07940.	June 12, 2001	340347 B
Cape May	City of North Wildwood.	January 10, 2001, January 17, 2001, *The Leader*.	The Honorable Aldo A. Palombo, Mayor of the City of North Wildwood, Municipal Building, 901 Atlantic Avenue, North Wildwood, New Jersey 08260.	Dec. 27, 2000	345308 E
New York: Schoharie	Village of Cobleskill	February 21, 2001, February 28, 2001, *Times Journal*.	The Honorable William Gilmore, Mayor of the Village of Cobleskill, Village Offices, P.O. Box 169, Cobleskill, New York 12043.	Aug. 9, 2001	360743 B
Ohio:					
Lake	Unincorporated Areas.	February 16, 2001, February 23, 2001, *News-Herald*.	Mr. Daniel Troy, President of the Lake County Board of Commissioners, 105 Main Street, Painesville, Ohio 44077.	May 25, 2001	390771 C
Licking	City of Newark	June 5, 2000, June 12, 2000, *The Advocate*.	The Honorable Frank L. Stare III, Mayor of the City of Newark, 40 West Main Street, Newark, Ohio 43055.	Sept. 11, 2000	390335 F
Pennsylvania:					
Montgomery	Township of Abington.	March 28, 2001, April 4, 2001, *The Record*.	Ms. Barbara Ferrara, President, Township of Abington Board of Commissioners, 1176 Old York Road, Abington, Pennsylvania 19001.	Mar. 16, 2001	420695 E
Lancaster	Township of East Cocalico.	February 19, 2001, *Intelligence Journal*.	Mr. Douglas Mackley, Chairman of the Board of Supervisors, East Cocalico Township Office, 100 Hill Road, Denver, Pennsylvania 17517.	Mar. 15, 2001	420547 C
Montgomery	Township of Perkiomen.	February 15, 2001, *Times Herald*.	Mr. William Patterson, Chairman of the Board of Supervisors, Township of Perkiomen, 1 Trappe Road, Collegeville, Pennsylvania 19474.	Mar. 17, 2001	421915 E
Schuylkill	City of Pottsville	April 6, 2001, April 13, 2001, *Pottsville Republican*.	The Honorable John D. W. Reiley, Mayor of the City of Pottsville, P.O. Box 50 Pottsville, Pennsylvania 17901.	Mar. 23, 2001	420785 B
Puerto Rico	Commonwealth	March 22, 2001, March 29, 2001, *San Juan Star*.	The Honorable Sila Maria Calderon, Governor of the Commonwealth of Puerto Rico, P.O. box 82, La Fortaleza, San Juan, Puerto Rico 00901.	June 11, 2001	720000 E
Rhode Island: Providence.	City of Crantson	March 1, 2001, March 8, 2001, *Cranston Hearald*.	The Honorable John O'Leary, Mayor of the City of Cranston, City Hall, 869 Park Avenue, Cranston, Rhode Island 02910.	June 7, 2001	445396 B
South Carolina: Kershaw.	Unincorporated Areas.	March 21, 2001, March 28, 2001, *The Kershaw News-Era*.	Mr. Gordon Hartwig, Kershaw County Administrator, 1121 Broad Street, Camden, South Carolina 29020.	June 27, 2001	450115 D
Tennessee:					
Montgomery	City of Clarksville	March 23, 2001, March 30, 2001, *The Leaf-Chronicle*.	The Honorable Johnny Piper, Mayor of the City of Clarksville, 102 Public Square, Clarksville, Tennessee 37040.	June 29, 2001	470137 C
Montgomery	Unincorporated Areas.	March 23, 2001, March 30, 2001, *The Leaf-Chronicle*.	Mr. Douglas Weiland, Montgomery County Executive, 126 Main Street, Clarksville, Tennessee 37041.	June 29, 2001	470136 B
Virginia:					
Fauquier	Unincorporated Areas.	March 29, 2001, April 5, 2001, *Fauquier Citizen*.	Mr. G. Robert Lee, Fauquier County Administrator, 40 Culpeper Street, Warrenton, Virginia 20186.	July 5, 2001	510055 A
Independent City	City of Roanoke	March 30, 2001, April 6, 2001, *Roanoke Times*.	The Honorable Ralph Smith, Mayor of the City of Roanoke, 215 Church Avenue, S.W., Room 452, Roanoke, Virginia 24011.	July 6, 2001	510130 D
Spotsylvania	Unincorporated Areas.	March 30, 2001, April 6, 2001, *Free Lance Star*.	Mr. L. Kimball Payne III, Spotsylvania County Administrator, P.O. Box 99, Spotsylvania, Virginia 22553.	Sept. 21, 2001	510308 C

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: May 3, 2001.

Margaret E. Lawless,

Acting Executive Associate Director for Mitigation.

[FR Doc. 01–12029 Filed 5–11–01; 8:45 am]

BILLING CODE 6718–04–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

Final Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Final rule.

SUMMARY: Base (1% annual chance) flood elevations and modified base flood elevations are made final for the communities listed below. The base flood elevations and modified base flood elevations are the basis for the floodplain management measures that each community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

EFFECTIVE DATES: The date of issuance of the Flood Insurance Rate Map (FIRM) showing base flood elevations and modified base flood elevations for each community. This date may be obtained by contacting the office where the maps are available for inspection as indicated on the table below.

ADDRESSES: The final base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the table below.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) makes final determinations listed below of base flood elevations and modified base flood elevations for each community listed. The proposed base flood elevations and proposed modified base flood elevations were published in newspapers of local circulation and an opportunity for the community or individuals to appeal the proposed determinations to or through the community was provided for a period of ninety (90) days. The proposed base flood elevations and proposed modified base flood elevations were also published in the **Federal Register**.

This final rule is issued in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67.

The Agency has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the proof Flood Insurance Study and Flood Insurance Rate Map available at the address cited below for each community.

The base flood elevations and modified base flood elevations are made final in the communities listed below. Elevations at selected locations in each community are shown.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Acting Executive Associate Director, Mitigation Directorate, certifies that this rule is exempt from the requirements of the Regulatory Flexibility Act because final or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. No regulatory flexibility analysis has been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

Accordingly, 44 CFR part 67 is amended as follows:

PART 67—[AMENDED]

1. The authority citation for part 67 continues to read as follows:

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

§ 67.11 [Amended]

2. The tables published under the authority of § 67.11 are amended as follows:

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
ILLINOIS	
LaSalle (City), LaSalle County (FEMA Docket No. 7307)	
Illinois River:	
Approximately 0.82 mile downstream of State Route 351	*463
Approximately 0.95 mile upstream of Illinois Central Railroad	*465
Maps available for inspection at the LaSalle City Hall, 745 Second Street, LaSalle, Illinois.	
LaSalle County (Unincorporated Areas) (FEMA Docket No. 7307)	
Goose Creek:	
At downstream corporate limits	*509
At upstream corporate limits	*516
Illinois River:	
Approximately 2.5 miles downstream of State Route 251	*462
Approximately 1.1 miles upstream of South Main Street (State Route 170)	*497
Fox River:	
At the confluence with the Illinois River	*472
Approximately 850 feet downstream of confluence of Clear Creek	*554
Prairie Creek:	
At the confluence with the Vermilion River	*573
A point approximately 2,850 feet upstream of Otter Creek Road	*628
Vermilion River:	
Upstream of Oakley Road	*567
Approximately 0.77 mile upstream of Bridge Street	*580
Clark Run Creek:	
At confluence with Illinois River	*466
Approximately 625 feet upstream of abandoned Illinois and Michigan Canal	*473
Coal Run Creek:	
Approximately 50 feet upstream of South Otter Creek Road	*614
Approximately 585 feet upstream of South Otter Creek Road	*615
Rat Run:	
At the confluence with the Illinois River	*494
At the Missouri, Kansas, Texas Railroad	*501
Lake Holiday:	
Entire shoreline within community	*644
First Creek:	
Approximately 970 feet upstream of confluence with Little Vermilion River	*715
Approximately 250 feet upstream of 6th Street	*719

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
First Creek Tributary:	
Approximately 350 feet upstream of 17th Street	*740
At 17th Street	*740
South Branch Coal Run Creek:	
Downstream side of South Otter Creek Street	*614
Approximately 425 feet upstream of South Otter Creek Street	*615
Ponding Area:	
Approximately 1,800 feet northwest of intersection of West Church Street and Johnson Street	#1
Maps available for inspection at the LaSalle County Courthouse, County Clerk's Office, 707 Etna Road, Ottawa, Illinois.	
Marseilles (City), LaSalle County (FEMA Docket No. 7307)	
Illinois River:	
Approximately 4,200 feet downstream of Main Street	*479
Approximately 15,500 feet upstream of Main Street	*492
Maps available for inspection at the Marseilles City Hall, 209 Lincoln Street, Marseilles, Illinois.	
Millington (Village), LaSalle County (FEMA Docket No. 7307)	
Fox River:	
Approximately 1.6 miles upstream of Interstate 80	*553
Approximately 400 feet upstream of confluence of Clear Creek	*555
Clear Creek:	
At confluence with the Fox River	*555
At the Burlington Northern Railroad	*556
Maps available for inspection at the Millington Village Hall, Walnut Street, Millington, Illinois.	
North Utica (Village), LaSalle County (FEMA Docket No. 7307)	
Clark Run Creek:	
Approximately 0.46 mile downstream of crossing of the abandoned Illinois and Michigan Canal	*466
Approximately 700 feet downstream of confluence of the abandoned Illinois and Michigan Canal	*466
Illinois River:	
Approximately 0.38 mile downstream of State Route 178	*466
Approximately 0.55 mile upstream of State Route 178	*466
Maps available for inspection at the North Utica Village Hall, 245 Mill Street, Utica, Illinois.	
Ottawa (City), LaSalle County (FEMA Docket No. 7307)	
Goose Creek:	
Approximately 400 feet downstream of Champlain Street	*472
Approximately 150 feet upstream of Champlain Street	*475
Illinois River:	
Approximately 0.4 mile downstream of Burlington Northern Railroad	*471
Approximately 4,400 feet upstream of confluence of Fox River	*473
Fox River:	
Approximately 500 feet upstream of confluence with the Illinois River	*472
Approximately 0.98 mile upstream of confluence of Goose Creek	*474
Maps available for inspection at the Ottawa City Hall, 301 West Madison Street, Ottawa, Illinois.	
Peru (City), LaSalle County (FEMA Docket No. 7007)	
Illinois River:	
Approximately 7,350 feet downstream of State Route 251	*462
A point approximately 2,600 feet upstream of State Route 251	*463
Maps available for inspection at the Peru City Clerk's Office, 1727 Fourth Street, Peru, Illinois.	
Seneca (Village), LaSalle County (FEMA Docket No. 7307)	
Illinois River:	
Approximately 1.1 miles downstream of South Main Street (State Route 170)	*494
Approximately 400 feet upstream of upstream county boundary	*497
Rat Run:	
Approximately 2,750 feet downstream of Main Street (State Route 170)	*494
Approximately 1,000 feet downstream of Main Street (State Route 170)	*494
Maps available for inspection at the Seneca Village Hall, 116 West Williams Street, Seneca, Illinois.	
Sheridan (Village), LaSalle County (FEMA Docket No. 7307)	
Fox River:	
At the most downstream corporate limits	*540
Approximately 1,725 feet upstream of North 41st Road	*545
Maps available for inspection at the Sheridan Village Hall, Engineer's Office, Robinson Street, Sheridan, Illinois.	
INDIANA	
Decatur County (Unincorporated Areas) (FEMA Docket No. D–7502)	
Righthand Fork:	
At confluence with Lake Santee	*997
Approximately 1,850 feet upstream of the confluence of Righthand Fork Tributary	*1,025
Righthand Fork Tributary:	
At confluence with Righthand Fork	*1,017
Approximately 1,003 feet upstream of the confluence with Righthand Fork	*1,023
Lake Santee:	
For its entire shoreline within the community	*997
Maps available for inspection at the Decatur County Area Planning Commission Office, 150 Courthouse Square, Greensburg, Indiana.	
MAINE	
Wilton (Town), Franklin County (FEMA Docket No. D–7506)	
Butterfield Brook:	
At U.S. Route 2/State Route 17	*477
Approximately 0.64 mile upstream of Butterfield Road	*727
Cram Brook:	
At confluence with Sevenmile Stream	*611
At confluence of Ice Pond Brook	*617
Ice Pond Brook:	
At confluence with Cram Brook	*617
Approximately 230 feet upstream of Gordon Road	*638
Pine Brook:	
At confluence with Wilson Stream	*581
Approximately 85 feet upstream of State Route 156 (Weld Road)	*592
Potash Brook:	
At U.S. Route 2/State Route 17	*488
Approximately 120 feet upstream of Cemetery Road	*515
Sevenmile Stream:	
At downstream U.S. Route 2/State Route 17 crossing	*520
At upstream corporate limits	*633
Temple Brook:	
At confluence with Wilson Stream	*635
Approximately 0.95 mile upstream of State Road 156 (Weld Road)	*775
Wilson Stream:	
At confluence with Wilson Pond	*576
Approximately 0.7 mile upstream of Tobin Flats Road	*726
Varnum Pond:	
Approximately 1,250 feet west of the intersection of Rupert Road and Walker Hill Road	*758
Maps available for inspection at the Wilton Town Hall, Code Enforcement Office, 158 Weld Road, Wilton, Maine.	
NEW HAMPSHIRE	
Durham (Town), Strafford County (FEMA Docket No. D–7502)	
Pettee Brook:	
At confluence with Beard's Creek	*8
A point approximately 20 feet upstream of Durham Reservoir Spillway	*84
College Brook:	
Approximately 40 feet upstream of the confluence with Oyster River	*15
At Concord Road	*69
Oyster River:	
Approximately 1,500 feet upstream of Mill Pond Dam	*15
A point approximately 15 feet upstream of State Route 155A	*68
Lamprey River:	
Approximately 40 feet upstream of Wiswall Road	*63
At upstream corporate limits	*64
Hamel Brook:	
At the confluence with Oyster River	*15
Approximately 1,600 feet upstream of the confluence with Oyster River	*15

Source of flooding and location	#Depth in feet above ground. *Elevation in feet (NGVD)
Maps available for inspection at the Durham Town Hall, 15 New Market Road, Durham, New Hampshire.	
NEW JERSEY	
Chatham (Borough), Morris County (FEMA Docket No. D–7500)	
Passaic River:	
Approximately 125 feet downstream of Main Street	*180
Approximately 300 feet upstream of Stanley Avenue	*205
Maps available for inspection at the Chatham Borough Hall, 54 Fairmount Avenue, Chatham, New Jersey.	
Chatham (Township), Morris County (FEMA Docket No. D–7500)	
Passaic River:	
Approximately 0.38 mile downstream of Mount Vernon Avenue	*205
Approximately 1,520 feet upstream of Snyder Avenue	*212
Maps available for inspection at the Chatham Township Hall, 58 Meyersville Road, Chatham, New Jersey.	
Frenchtown (Borough), Hunterdon County (FEMA Docket No. D–7504)	
Delaware River:	
At downstream corporate limit	*124
At upstream corporate limit	*127
Nishisakawick Creek:	
At confluence with Delaware River	*125
A point approximately 450 feet upstream of Kingswood Avenue (State Route 12)	*126
Little Nishisakawick Creek:	
At confluence with Delaware River	*125
Approximately 760 feet upstream of State Route 29 (Trenton Avenue)	*126
Maps available for inspection at the Frenchtown Borough Hall, 29 Second Street, Frenchtown, New Jersey.	
Phillipsburg (Town), Warren County (FEMA Docket No. D–7504)	
Delaware River:	
At downstream corporate limits	*183
Approximately 50 feet upstream of U.S. Route 22/Memorial Parkway	*196
Lopatcong Creek:	
At confluence with Delaware River	*188
Approximately 1,600 feet upstream of CONRAIL	*188
Maps available for inspection at the Phillipsburg Town Hall, 675 Corliss Avenue, Phillipsburg, New Jersey.	
NEW YORK	
Champlain (Town), Clinton County (FEMA Docket No. D–7502	
Great Chazy River:	
Confuence with Lake Champlain	*102
Approximately 275 feet downstream from I–87 bridge	*130
Maps available for inspection at the Champlain Town Hall, 729 Rougt 9, Champlain, New York.	
Champlain (Village), Clinton County (FEMA Docket No. D–7502)	
Great Chazy River:	
Approximately 3,580 feet downstream of Elm Street bridge	*103
Approximately 3,300 feet upstream of U.S. Route 9 bridge	*127
Maps available for inspection at the Champlain Village Hall, 1104 Route 9 Main Street, Champlain, New York.	
North Elba (Town), Essex County (FEMA Docket No. D–7502)	
West Branch Ausable River:	
Approximately 50 feet downstream of State Route 86	*1,644
Approximately 170 feet upstream of State Route 73	*1,680
Chubb River, Reach 1:	
At the confluence with West Branch Ausable River	*1,664
Approximately 0.76 mile upstream of confluence with West Branch Ausable	*1,668
Chubb River, Reach 2:	
Approximately 20 feet downstream of CONRAIL	*1,727
Approximately 0.46 mile upstream of Old Military Road	*1,738
Maps available for inspection at the North Elba Town Clerk's Office, 301 Main Street, Lake Placid, New York.	
OHIO	
Brooklyn Heights (Village), Cuyahoga County (FEMA Docket No. D–7502)	
Cuyahoga River:	
At downstream corporate limit	*597
At upstream corporate limit	*602
Maps available for inspection at the Western Reserve Engineering Company, 5605 Valley Belt Road, Independence, Ohio.	
Cuyahoga Heights (Village), Cuyahoga County (FEMA Docket No. D–7502)	
Cuyahoga River:	
Approximately 800 feet downstream side of Harvard Denison Bridge	*588
Approximately 1,700 feet upstream side of Interstate 77	*606
Maps available for inspection at the Cuyahoga Heights Village Hall, 4863 East 71st Street, Cuyahoga Heights, Ohio.	
Glouster (Village), Athens County (FEMA Docket No. D–7504)	
Mud Fork:	
Confluence with West Branch Sunday Creek	*687
Approximately 2,300 feet upstream of Oak Street	*694
Sunday Creek:	
Approximately 2,960 feet downstream of Oak Street	*684
Downstream side of State Route 78	*691
West Branch Sunday Creek:	
Confluence with Sunday Creek	*687
Approximately 2,200 feet upstream of Embrey Street	*687
Maps available for inspection at the Glouster Village Hall, 16 1/2 Front Street, Glouster, Ohio.	
Independence (City), Cuyahoga County (FEMA Docket No. D–7502)	
Cuyahoga River:	
At downstream corporate limits	*602
At Pleasant Valley Road	*620
Maps available for inspection at the City of Independence Building Department, 6335 Selig Drive, Independence, Ohio.	
VIRGINIA	
Danville (City), Pittsylvania County (FEMA Docket No. 7307)	
Apple Branch:	
At confluence with Dan River	*418
Approximately 25 feet upstream of Northmont Boulevard	*535
Dan River:	
At downstream corporate limits	*396
Approximately 970 feet downstream of upstream corporate limits	*458
Sandy Creek:	
At confluence with Dan River	*424
At downstream side of U.S. Route 58	*424
Sandy River:	
At confluence with Dan River	*427
Just downstream of old U.S. Route 58	*427
Pumpkin Creek:	
At confluence with Dan River	*401
750 feet upstream of State Route 265	*401
Jackson Branch:	
At confluence with Dan River	*403
Approximately 1,725 feet upstream of Goodyear Boulevard (Whitmell Street)	*403
Fall Creek:	
At confluence with Dan River	*404
100 feet downstream of Halifax Street	*404
Maps available for inspection at the Department of Community Development, 427 Patton Street, Danville, Virginia.	
Pittsylvania County (Unincorporated Areas) (FEMA docket No. D–7502)	
Dan River:	
At State boundary	*396
Approximately 3.0 miles downstream of Southern Railway	458
Maps available for inspection at the Pittsylvania County Zoning Officer, 53 North Main Street, Chatham, Virginia.	

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: May 3, 2001.

Margaret E. Lawless,

Acting Executive Associate, Director for Mitigation.

[FR Doc. 01–12028 Filed 5–11–01; 8:45 am]

BILLING CODE 6718–04–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 223

[Docket No. 010409084–1084–01; I.D. 030601A]

RIN 0648–AP16

Sea Turtle Conservation; Shrimp Trawling Requirements

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

ACTION: Interim final rule.

SUMMARY: The National Marine Fisheries Service (NMFS) issues an interim final rule to add the double cover flap Turtle Excluder Device (TED) to the list of hard TEDs approved for use by shrimp trawlers operating in the Atlantic Ocean off the southeastern United States and in the Gulf of Mexico and as a TED approved for use without modification in a closed portion of the leatherback conservation zone. NMFS is adding this TED to these lists because upon completion of the testing protocols the TED has been found to meet all criteria for approval. The intent of this rule is to provide an additional option by which fishermen can comply with the requirement that all nets rigged for fishing in the Atlantic or Gulf Areas have an approved TED installed for use.

DATES: This interim final rule is effective May 14, 2001.Comments on this interim final rule are requested, and must be received by June 13, 2001. Comments sent by email or the internet will not be accepted.

ADDRESSES: Comments on this action should be addressed to the Chief, Endangered Species Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Silver Spring, MD 20910.

FOR FURTHER INFORMATION CONTACT: Robert Hoffman, 727–570–5312.

SUPPLEMENTARY INFORMATION:

Background

All sea turtles that occur in U.S. waters are listed as either endangered or threatened under the Endangered Species Act of 1973 (ESA). The Kemp's ridley (*Lepidochelys kempii*), leatherback (*Dermochelys coriacea*), and hawksbill (Eretmochelys imbricata) are listed as endangered. The loggerhead (*Caretta caretta*) and green turtle (*Chelonia mydas*) are listed as threatened, except for breeding populations of green turtles in Florida and on the Pacific coast of Mexico, which are listed as endangered.

The incidental take and mortality of sea turtles as a result of trawling activities has been documented in the Gulf of Mexico and along the Atlantic seaboard. Under the ESA and its implementing regulations, taking sea turtles is prohibited, with exceptions identified in 50 CFR 223.206. The incidental taking of turtles during shrimp or summer flounder trawling is exempted from the taking prohibition of section 9 of the ESA if the conservation measures specified in the sea turtle conservation regulations (50 CFR part 223) are followed. The regulations require most shrimp trawlers and summer flounder trawlers operating in the southeastern United States (Atlantic Area, Gulf Area, and summer flounder sea turtle protection area) to have a NMFS–approved TED installed in each net that is rigged for fishing to provide for the escape of sea turtles. TEDs currently approved by NMFS include single-grid hard TEDs and hooped hard TEDs conforming to a generic description, two types of special hard TEDs (the flounder TED and the Jones TED), and one type of soft TED–the Parker soft TED.

TEDs incorporate an escape opening, usually covered by a webbing flap, that allows sea turtles to escape from trawl nets. To be approved by NMFS, a TED design must be shown to be 97 percent effective in excluding sea turtles during experimental TED testing. Most approved hard TEDs are described in the regulations (50 CFR 223.207(a)) according to generic criteria based upon certain parameters of TED design, configuration, and installation, including height and width dimensions of the TED opening through which the turtles escape. In the Atlantic Area, the opening must be at least 35 inches (89 cm) in width and 12 inches (30 cm) in height. In the Gulf Area, the opening must be at least 32 inches (81 cm) in width and 10 inches (25 cm) in height.

Leatherback Contingency Plan

NMFS, in cooperation with the U.S. Fish and Wildlife Service, South Carolina Wildlife & Marine Resources Department, Georgia Department of Natural Resources, and Florida Department of Environmental Protection developed the Leatherback Contingency Plan to reduce leatherback mortality in shrimp trawls and, in 1995, NMFS established the leatherback conservation zone regulations to implement the Leatherback Contingency Plan (60 FR 25620, May 12, 1995). Leatherback turtles are too large to fit through the standard size TED opening; when mature they can weigh between 600 and 1300 pounds (273 and 591 kg). The Leatherback Contingency Plan includes procedures to identify when and where TEDs with larger escape openings should be used to protect leatherbacks during their annual, spring migration along the Atlantic seaboard. The leatherback conservation zone is the waters north of Cape Canaveral, FL, to the North Carolina–Virginia border. Within this zone, weekly aerial surveys for leatherback sightings are conducted from January 1 through June 30 of each year. If sightings, in replicate surveys, exceed 10 leatherback turtles per 50 nautical miles (nm)(92.6 km) of trackline, NMFS closes, for a 2-week period, waters within 1°lat. of the trackline to shrimp trawlers unless they use a TED modified with the leatherback exit opening. There is currently one approved leatherback modification for hard TEDs and one for the Parker soft TED.

Double Cover Flap TED

In June 2000 NMFS tested the new double cover flap TED design. This design includes the use of a split flap. This TED has an escape opening with a width of 56 inches (142 cm), covered with a split flap composed of two equal size rectangular panels. Each panel must be no less than 58 inches (147 cm) wide and must not overlap each other by more than 15 inches (38 cm). The panels may only be sewn together along the leading edge of the cut. The edge of the panels may be attached 6 inches (15 cm) behind the posterior edge of grid, and the end of each panel must not extend more than 6 inches (15 cm) past the center of the bottom of the grid.

Double Cover Flap TED Testing

A total of ten turtles were exposed to a double cover flap TED in the bottom opening configuration. Five of these turtles were exposed to a double cover flap TED with the flap extending 24 inches (61 cm) past the grid and the other five were exposed to a TED with the flap extending 3 inches (8 cm) past the grid frame. All ten turtles escaped, but escape from the short flap TED was faster by an average of 33 seconds. The long flap in this configuration also had trouble maintaining its integrity during

use. After disturbances (i.e., debris or an animal going through the opening) the flaps sometimes became caught in the grid causing large gaps which could lead to shrimp loss. Shorter flaps (6 inches (15 cm) or less) did not have this problem.

During the evaluation of the flaps, gear specialists paid particular attention to the overlap-split flap and whether it was capable of re-closing correctly and repeatedly. Due to the fact that the individual flap-pieces overlap, once opened, the bottom flap must fold back in place before the top flap. During dives, efforts to distort the two flap pieces did not affect the manner in which the flap closed. No matter how much the diver opened and distorted the flap, it always closed in the correct sequence.

This TED was also tested to see if a large object could easily pass through. NMFS obtained the carapace measurements of 15 nesting female leatherback turtles and used these measurements to construct a pipe framed model of a leatherback turtle. This model measured 40 inches wide by 21 inches deep (102 cm by 53 cm). The test was performed by a diver swimming through the trawl with the model and pushing it through the TED opening. During this test, the diver was able to push the model through the opening with ease. When the model was inverted (simulating the dorsal surface of the turtle being against the TED frame), the diver was still able to push the model through the opening with ease.

The double cover flap TED was tested to determine its ability to retain shrimp when compared to a currently available commercial TED with a standard flap. Twenty–four comparative tows were made. The double cover flap TED gained 0.00257 pounds of shrimp per tow when compared to the TED with the standard flap.

Provisions of the Interim Final Rule

This interim final rule allows the use of the double cover flap TED in all trawls required to use a TED in the Atlantic off the southeastern United States and the Gulf of Mexico, including during times when the leatherback contingency plan has been implemented due to high concentrations of leatherback turtles in a specific area. The double cover flap TED is a modification of a standard, single–grid hard TED with the escape opening enlarged to at least 56 inches (142 cm) wide and 20 inches (51 cm) forward and aft, covered with a split flap composed of two equal size rectangular panels. Each panel must be no less than 58 inches (147 cm) wide and must not overlap each other by more than 15 inches (38 cm). The panels may only be sewn together along the leading edge of the cut. The edge of the panels may be attached 6 inches (15 cm) behind the posterior edge of the grid, and the end of each panel must not extend more than 6 inches (15 cm) past the center of the posterior edge of the grid. Chafing webbing must not be used with this TED, as such use would defeat the center-opening design of this TED. Use of accelerator funnels with this TED is prohibited. NMFS is concerned that the amount of webbing that would have to be used to construct an accelerator funnel that is large enough to exclude leatherback turtles could result in slack webbing in the throat of the net and potentially hinder the escape of sea turtles of all sizes. Although the regulations for hard TEDs modified to have an escape opening large enough to exclude leatherback turtles (227.207(a)(7)(ii)(B) (*1*)) currently allow the use of an accelerator funnel NMFS is considering proposing a rule which would prohibit the use of an accelerator funnel.

Classification

This action has been determined to be not significant for purposes of Executive Order 12866.

The Chief Counsel for Regulation of the Department of Commerce certified to the Chief Counsel for Advocacy of the Small Business Administration that this rule would not have a significant economic impact on a substantial number of small entities. This interim final rule will not have significant economic impact on a substantial number of small entities because the provisions of the interim final rule would allow fishermen an additional TED option. As a result, a regulatory flexibility analysis was not prepared.

This interim final rule adds a new TED to the list of TEDs approved for use, thus helping the fishermen by giving them one more TED option from which to choose. Fishermen do not have to use this new TED (they can continue to use existing ones if they so choose.) Accordingly, the agency determined to permit use of the TED immediately, but will receive and consider comments prior to making the interim rule a final rule.

Because this interim final rule does not create any new regulatory burden, but instead relieves regulatory restrictions by adding an option for complying with existing sea turtle conservation requirements, under 5 U.S.C. 553(d)(1) it is not subject to a 30-day delay in effective date.

List of Subjects in 50 CFR Part 223

Endangered and threatened species, Exports, Imports, Marine mammals, Transportation.

Dated: May 8, 2001.

John Oliver,

Acting Assistant Administrator for Fisheries, National Marine Fisheries Service.

For the reasons set out in the preamble, 50 CFR part 223 is amended as follows:

PART 223—THREATENED MARINE AND ANADROMOUS SPECIES

1. The authority citation for part 223 continues to read as follows:

Authority: 16 U.S.C. 1531–1543; subpart B, § 223.12 also issued under 16 U.S.C. 1361 *et seq.*

2. In § 223.207, paragraph (a)(7)(ii)(B) is revised to read as follows:

§ 223.207 Approved TEDs

* * * * *

(a) * * *

(7) * * *

(ii) * * *

(B) *Escape opening for leatherback turtles*— (*1*) *Standard leatherback opening.* A single-grid hard TED escape opening shall be enlarged to allow leatherback turtles to escape by cutting an exit hole in the extension forward of the TED frame 26 inches (66 cm) deep, on each side, by 83 inches (211 cm) across (Figures 12a and 12b to this part). Excess webbing is removed by cutting across ½ mesh forward of the TED frame. The exit hole cover is made by cutting a 133-inch (388 cm) by 58-inch (148 cm) piece of webbing no smaller than 1½ inch (4 cm) stretch mesh and no larger than 1 ⅝ inch (4.2 cm) stretch mesh. The 133-inch (338 cm) edge of the cover is attached to the forward edge of the opening (83-inch (211 cm) edge) with a sewing sequence of 3:2. The cover must overlap 5 inches (13 cm) of the exit hole on each side. The side of the cover is attached, maintaining the 5-inch (13 cm) overlap, to the side of the opening by sewing 28 inches (71 cm) of the cover to 26 inches (66 cm) of the opening forward of the TED frame and by sewing 15 inches (38 cm) of the extension behind the TED frame. The cover may extend no more than 24 inches (61 cm) behind the posterior edge of the TED frame. The circumference of the exit opening must be 142 inches (361 cm) when stretched. If an accelerator funnel is used with a single-grid hard TED, modified as above, it must have a minimum circumference of 142 inches (361 cm).

(*2*) *Double cover flap TED opening.* A single-grid hard TED escape opening

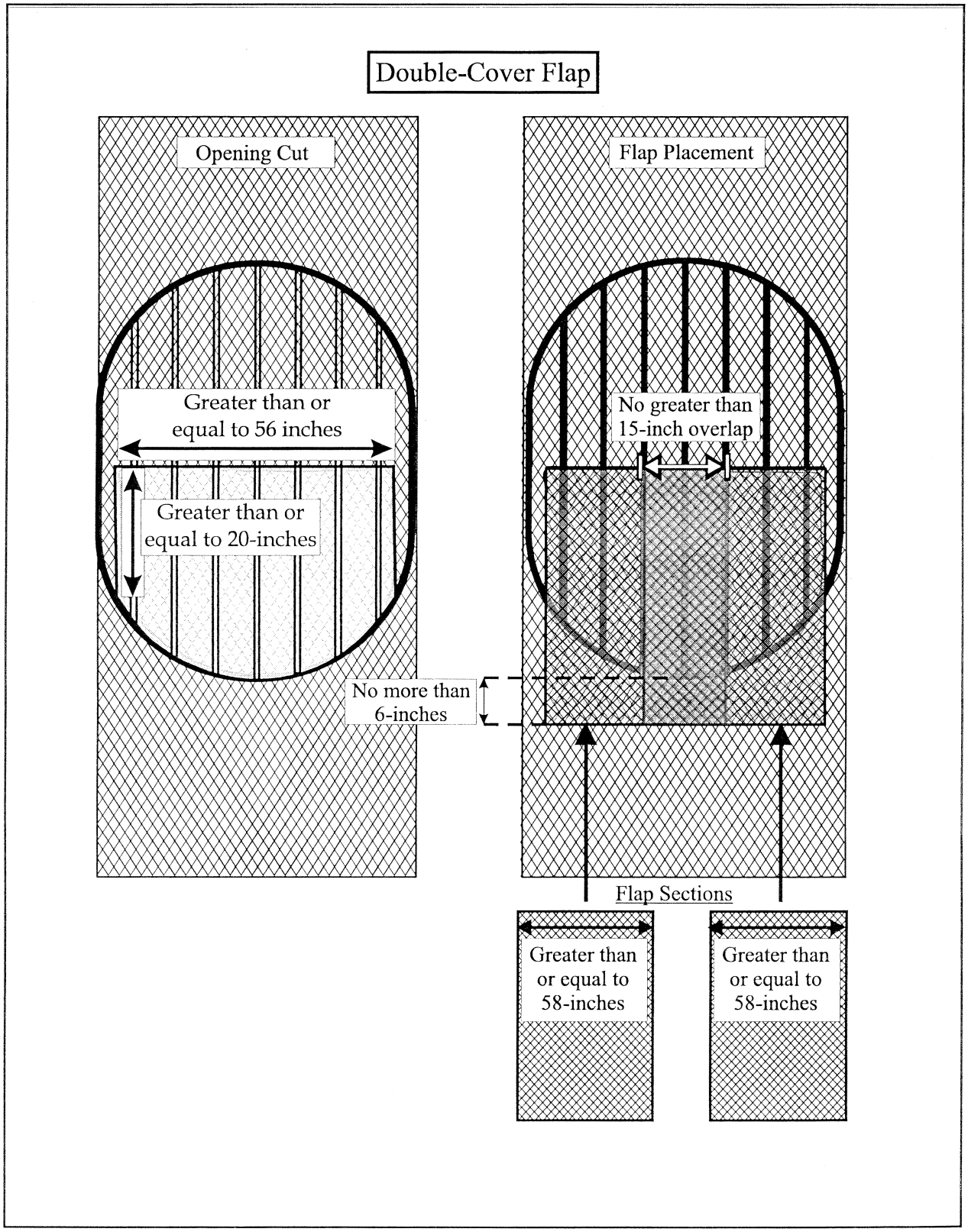
shall be enlarged to allow leatherback turtles to escape by cutting an exit hole in the extension forward of the TED frame 20 inches (51 cm) deep, on each side, by 56 inches (142 cm) across. Excess webbing is removed by cutting across ½ mesh forward of the TED frame. The exit hole cover is made by cutting two equal size rectangular panels of webbing with mesh sizes no smaller than 1½ inch (4 cm) stretch mesh and no larger than 1 ⅝ inch (4.2 cm) stretch mesh. Each panel must be no less than 58 inches (147 cm) wide. The 58-inch (147 cm) edges of each panel are attached to the forward edge of the opening (56-inch (142 cm) edge) with a sewing sequence of 3:2. When both panels are attached, they may overlap each other by no more than 15 inches (38 cm). The panels may only be sewn together along the leading edge of the cut. The panels may not overlap the escape hole cut by more than 3 meshes on either side. The outer edges of the panels may be attached in the same row of meshes forward and aft. The end of each panel may not extend more than 6 inches (15 cm) past the posterior edge of the grid. Accelerator funnels and chafing webbing may not be used with this TED. (Figure 16 of this part illustrates the escape opening and flap dimensions for the double cover flap TED.)

* * * * *

3. Figure 16 to part 223-Escape Opening and Flap Dimensions for the Double Cover Flap TED is added to read as follows:

BILLING CODE 3510–22–S

FIGURE 16 TO PART 223—Escape Opening and Flap Dimensions for the Double Cover Flap TED



[FR Doc. 01–12081 Filed 5–11–01; 8:45 am]
BILLING CODE 3510–22–C

Proposed Rules

Federal Register
Vol. 66, No. 93
Monday, May 14, 2001

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

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 929

[Docket No. FV01–929–2 PR]

Cranberries Grown in the States of Massachusetts, et al.; Establishment of Marketable Quantity and Allotment Percentage; Reformulation of Sales Histories and Other Modifications Under the Cranberry Marketing Order

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This rule invites comments on whether to establish volume regulation on cranberries and if so, at what level. If a volume regulation is implemented, it would limit the volume of cranberries handlers may purchase from, or handle for, growers during the 2001–2002 crop year, which begins on September 1, 2001, and ends on August 31, 2002. The Cranberry Marketing Committee (Committee), the agency responsible for local administration of the cranberry marketing order, recommended a marketable quantity of 4.7 million barrels, an allotment percentage of about 67 percent, and an exemption for fresh and organically-grown cranberries. An alternative, supported by a number of independent growers, includes a marketable quantity of 4.0 million barrels, an allotment percentage of about 54 percent, and no exemption for fresh and organically-grown cranberries.

Both levels of regulation are intended to stabilize marketing conditions, help reduce burdensome inventories, and improve grower returns. A third option is to issue no volume regulation at all. This rule also proposes adding a date by which transfers of sales histories on leased acreage must be completed, deleting the Committee review process in the sales history appeal procedure, and giving fresh fruit growers whose fruit has to be used for processing priority in the allocation of excess allotments. Finally, this action proposes amending a proposed rule published on January 12 to revise the sales history reformulation calculation, and withdraw the proposed reinstatement of the June 1 allotment notification date. These additional actions are designed to improve the operation of the producer allotment provisions of the order.

DATES: Comments must be received by May 29, 2001.

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

FOR FURTHER INFORMATION CONTACT: Patricia A. Petrella or Kenneth G. Johnson, DC Marketing Field Office, Fruit and Vegetable Programs, AMS, USDA, Suite 2A04, Unit 155, 4700 River Road, Riverdale, Maryland 20737; telephone: (301) 734–5243, Fax: (301) 734–5275; or Anne Dec or George Kelhart, Marketing Order Administration Branch, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; telephone: (202) 720–2491, Fax: (202) 720–8938.

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

SUPPLEMENTARY INFORMATION: This proposal is issued under Marketing Order No. 929 (7 CFR Part 929), as amended, regulating the handling of cranberries grown in Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York. The order is effective under the Agricultural Marketing Agreement Act of 1937, as amended [7 U.S.C. 601–674], hereinafter referred to as the ''Act.''

Question and Answer Overview

What Does This Rule Propose?

This rule invites comments on whether a volume regulation should be in place for the 2001 cranberry crop. Comments are requested on whether a volume regulation should be established and if so, at what level. This proposal includes two levels of regulation that have been widely discussed within the cranberry industry in recent months. It also proposes a number of administrative changes designed to improve the producer allotment program under the cranberry marketing order.

Who Would Be Affected by This Action?

Growers and handlers/processors located in the 10-State production area would be affected by this action. The 10-State production area covers Massachusetts, Rhode Island, Connecticut, New Jersey, Wisconsin, Michigan, Minnesota, Oregon, Washington, and Long Island in the State of New York.

Why Is Volume Control Being Recommended For This 2001 Crop?

The Committee recommended volume control the 2001–02 crop year to address the oversupply situation being experienced by the industry. Specifically, the Committee recommended a marketable quantity of 4.7 million barrels, an allotment percentage of about 67 percent, and an exemption for fresh and organically-grown fruit. For the 2001 crop year, continued low grower prices are expected to accompany high production and inventories. Many cranberry growers are experiencing difficulties dealing with current market conditions.

What Is The Marketable Quantity and Allotment Percentage?

The marketable quantity is defined as the number of pounds of cranberries needed to meet total market demand and to provide for an adequate carryover into the next season. The Committee determined that the marketable quantity for the 2001–2002 crop year should be established at 4.7 million barrels. This proposed rule also contains a proposal

for a marketable quantity of 4.0 million barrels.

The allotment percentage equals the marketable quantity divided by the total of all growers' sales histories. Total growers' sales histories were estimated by the Committee to be 7.4 million barrels including all sales, and 7.0 million barrels if it includes only processed sales. The latter figure is intended to be used if fresh fruit is exempt from volume regulation.

How Are Growers' Annual Allotments Calculated?

A grower's annual allotment is the result of multiplying the individual grower's sales history by the allotment percentage.

Why Is the Department Soliciting Comments on Alternative Proposals?

A number of growers favor a marketable quantity of 4.0 million barrels because they expect that it will bring grower returns closer to the cost of production more quickly than the Committee's 4.7 million barrel recommendation. The Department is soliciting comments on both levels of regulation because both levels have been determined to have the potential to improve grower returns and establish more orderly conditions in the cranberry market. Comments are also being solicited on not establishing volume regulations and allowing growers and handlers to voluntarily and individually decide how much fruit to market.

Why Are Additional Comments Being Requested on the Proposal To Recalculate Sales Histories?

A proposed rule to reformulate sales history calculations for the 2001–2002 crop year was published in the **Federal Register** on January 12, 2001, with a comment period ending February 12, 2001. The main feature of that proposal was to provide additional sales history for acres planted in 1995 or later. At the Committee meeting on February 5, 2001, concerns were raised that the proposed formula would give an unfair advantage to growers who only have acres with 1 to 3 years of sales history (as opposed to growers with a combination of mature acres and new or replanted acres).

Under the January 12 proposal, actual sales histories for growers with only newer (or replanted) acreage would be computed by dividing total sales by the actual number of years plus an adjustment based on the year planted. A grower with a combination of mature and newer acres would have his/her sales divided by 4 before the adjustment was added. At its meeting on February 5, the Committee recommended a modification of the sales history calculations so that all growers' sales histories would be divided by 4 before the new acreage adjustment is added. The January 12 proposal is proposed to be amended to include the sales history modification, to withdraw a proposal to reinstate the June 1 annual allotment notification date, and to correct an inadvertent error.

How Can I Comment on This Action?

Interested persons have 15 days from the date of publication of this proposed rule to file written comments. Such comments should be sent to: Docket Clerk, Fruit and Vegetable Programs, AMS, USDA, room 2525–S, P.O. Box 96456, Washington, DC 20090–6456; Fax: (202) 720–8938 or E-mail: moab.docketclerk@usda.gov. All comments should reference the docket number and the date and page number of this issue of the **Federal Register**.

When Will This Action be Effective?

After analyzing all comments received, the Department will make a final decision. We could choose to issue a final rule to set a regulation or withdraw this proposal and have no volume restriction in place for the 2001–2002 crop year. Any final rule issued would be effective for the 2001–2002 crop year, which begins on September 1, 2001.

Executive Orders 12866 and 12988

The Department of Agriculture (Department) is issuing this proposed rule in conformance with Executive Order 12866. This proposal has been reviewed under Executive Order 12988, Civil Justice Reform. Under the marketing order provisions now in effect, a marketable quantity and allotment percentage may be established for cranberries during the crop year. This proposed rule invites comments on the volume of cranberries that handlers may purchase from, or handle for, growers during the 2001–2002 crop year beginning September 1, 2001, through August 31, 2002. This proposal would also add a date by which transfers of sales histories must be made; streamline the sales history appeal process; and give fresh fruit handlers priority in allocating excess allotment. It would also modify a previously-issued proposed rule to revise the sales history calculations, withdraw a proposed reinstatement of the annual allotment notification date, and correct an inadvertent error. This proposal will not preempt any State or local laws, regulations, or policies, unless they present an irreconcilable conflict with this rule.

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

The Committee met on February 5, 2001, to discuss implementing a volume regulation to restrict the marketing of the 2001 cranberry crop. Because the Committee was divided on the volume of cranberries that should be released to market, it established a subcommittee to consider volume regulation alternatives to help the industry overcome its oversupply situation. Since 1996, cranberry production has been greater than demand by increasing margins. Large carryover inventories and higher production yields have resulted in a market burdened by large supplies and low grower prices. Grower returns have fallen 73 percent from 1997 to 2000, dropping from $65.90 to $15–20 per barrel.

During the 1999 crop year, production totaled 6.34 million barrels, a 17 percent increase over 1998. Market demand has not kept up with mounting carryover inventories and production.

The subcommittee, comprised of independent and cooperative growers, and a representative of the public, explored various options for helping to stabilize market supply and demand conditions in 2001–02. After analyzing various alternatives, the subcommittee decided to recommend the establishment of a marketable quantity of 4.0 million barrels applicable to all sales. The public representative on the subcommittee developed an econometric model showing that a marketable quantity of 4.0 million barrels would eliminate excess inventories in a single year and bring grower prices closer to the cost of production. A marketable quantity at this level would permit growers to deliver an estimated 54 percent of their sales history to handlers, keeping

approximately 46 percent of their sales history off the market.

The econometric model also shows that inventories would decline to 2.2 million barrels, and that grower prices would increase to $31 per barrel. The estimated average cost of production is $35 per barrel, although the range in individual costs is quite broad, being as low as $15 and as high as $45 per barrel.

The subcommittee presented its recommendation to the full Committee at a March 4–5, 2001, meeting. At that meeting, the full Committee discussed the 4.0 million barrel marketable quantity. It indicated that it is supportive of raising grower prices and reducing excessive inventories. However, it believed that a restriction this large would be harmful to the industry in the long run. The Committee believes that a more gradual correction in inventory and grower prices is necessary to allow efforts to expand demand through the introduction of new products and foreign market development. It further believes that a substantial price increase in a single season could result in buyers substituting other commodities for cranberries in their products. It is also the Committee's view that the more restrictive level of regulation could result in a less than desirable carryover into the 2002 season. It is preferable to freeze and store cranberries for several months after harvest in October before processing them. Sales for the first 3 months of the season are estimated at about 2.0 million barrels.

In addition, a large number of independent handlers oppose a regulation of this magnitude. There is concern that under a 4.0 million barrel marketable quantity there will not be enough excess fruit to fill their needs. If independent handlers were short of fruit, and not able to meet the needs of their customers, they could lose market share.

While acknowledging that bringing grower prices to profitable levels is necessary as soon as possible, the Committee also believes that it is very important to provide enough fruit for market growth. The Committee ultimately recommended a marketable quantity of 4.7 million barrels to be implemented through an allotment program that would permit producers to move about 67 percent of their sales history to handlers, applied to processed fruit only. This would result in about 33 percent of sales histories being held off the market as opposed to approximately 46 percent under the 4.0 million barrel proposal. Fresh and organic sales would be exempt under this recommendation and add about 300,000 barrels to the available marketable supply.

The Committee believes that a 4.7 million barrel marketable quantity is a sustainable solution to eliminating the surplus, because it would contribute toward reducing supplies in the short term and provide enough fruit to increase demand in the long term. The Committee believes that supply reduction and market growth are important to the long term viability of the industry.

After reviewing these alternative proposals, the Department believes that each could help the industry solve its oversupply problems and improve grower prices. Therefore, the Department is soliciting comments on both levels of regulation. The Department is also soliciting comments on not establishing volume regulations and allowing growers and handlers to voluntarily and individually decide how much fruit to market.

At the March 4–5, 2001, meeting, the Committee also recommended adding a date by which transfers of sales histories on leased acreage must be completed, deleting the Committee review process from the sales history appeals procedures, and giving fresh fruit growers priority in the allocation of excess allotment. The Committee also recommended revising a sales history reformulation calculation contained in a proposed rule published on January 12. The Department is proposing withdrawing a proposal to reinstate a June 1 grower allotment notification date.

Introduction

Section 929.49 of the order currently provides that if the Secretary finds from the recommendation of the Committee or from other available information, that limiting the quantity of cranberries purchased from or handled on behalf of growers during a crop year would tend to effectuate the declared policy of the Act, the Secretary shall determine and establish a marketable quantity for that year. In addition, the Secretary would establish an allotment percentage which shall equal the marketable quantity divided by the total of all growers' sales histories.

Section 929.49(b) of the order provides that the marketable quantity be apportioned among growers by applying the allotment percentage to each grower's sales history. Handlers can only purchase or handle cranberries that are covered by the grower's annual allotment.

Total growers' sales histories have been estimated by the Committee to be about 7.0 million barrels if they include only processed sales, and 7.4 million barrels if they include all sales (fresh and processed). If fresh fruit sales are exempt from volume regulation, it is intended that the 7.0 sales history figure be used. Otherwise, the 7.4 million barrel sales history would be used.

Growers are required to file a form with the Committee by April 15 each year if they wish to receive an annual allotment. Among other things, growers also must notify the Committee of any new acreage that will be coming into production for the upcoming crop year. The Committee notifies each grower of his or her annual allotment and notifies each handler of the annual allotment that can be handled for each grower whose total crop will be delivered to such handler. In cases where a grower delivers a crop to more than one handler, the grower may determine how to apportion the annual allotment among those handlers.

A grower who does not produce cranberries equal to his or her annual allotment must transfer any unused allotment to such grower's handler(s). The handlers are then required to equitably allocate the unused allotment to growers with excess cranberries (those not covered by allotment) who deliver to those handlers. Unused allotment remaining after all such transfers have taken place are transferred to the Committee.

Handlers who receive more cranberries than are covered by their growers' annual allotments have excess cranberries. The Committee is required to equitably distribute any unused allotment it receives to those handlers that have excess cranberries.

The Committee's Marketing Policy for the 2001 Crop

Section 929.46 of the order requires the Committee to develop a marketing policy each year prior to May 1. In its marketing policy, the Committee projects expected supply and market conditions for the upcoming season, including an estimate of the marketable quantity (defined as the number of pounds of cranberries needed to meet total market demand and to provide for an adequate carryover into the next season).

At its February 2001 meeting, the Committee estimated 2001–2002 domestic production of cranberries at 5,675,000 barrels. Carryin as of September 1, 2001, is estimated at 3,325,000 barrels. Foreign production (primarily Canada) is projected at 835,000 barrels. Allowing for shrinkage of approximately 2 percent on carryin and 4 percent on production (327,000 barrels), the total adjusted available

supply of cranberries is expected to be 9,508,000 barrels. Based in large part on historical sales figures, the Committee estimated utilization of processing fruit at 5,198,000 barrels and of fresh fruit at 310,000 barrels. The carryout as of August 31, 2002, is projected to be 4 million barrels.

A summary of the marketing policy follows:

CRANBERRY MARKETING POLICY

[2001 crop year estimates]

	Barrels
Carryin as of 9/1/2001	3,325,000
Domestic production	5,675,000
Foreign production	835,000
Available supply (sum of the above)	9,835,000
Minus shrinkage	327,000
Adjusted Supply	9,508,000
Fresh Fruit	310,000
Processing fruit	5,198,000
Total Sales and Usage	5,508,000
Carryout as of 8/31/2002	4,000,000

The industry is expected to enter the 2001–2002 crop year with inventories estimated at about 3,325,000 barrels (assuming USDA purchases 1.0 million barrels). This level of inventory, coupled with the industry's current capacity to produce in excess of estimated demand, has resulted in the industry debating two volume regulation levels for the 2001–2002 crop year. These alternatives are discussed below.

Option 1

Proposed Establishment of a Marketable Quantity of 4.0 Million Barrels and an Allotment Percentage Applicable to All Sales

As mentioned earlier, in early February 2001, the Committee established a volume regulation subcommittee to discuss volume regulation methods available under the order. This subcommittee was comprised of growers. The subcommittee discussed several issues involving the upcoming season and how the order could be used to address industry needs. One of the subcommittee's main concerns was that grower prices be increased to cover production costs.

The subcommittee met with handlers in the industry to also try and address their concerns for the upcoming season. Some handlers, who do not have a large inventory of cranberries, expressed that if there were a very restrictive volume regulation, they would not have adequate supplies of cranberries to meet their market needs and would have to purchase cranberries from their competitors. Moreover, these handlers were concerned about availability and about the prices they would have to pay for such cranberries.

The subcommittee also discussed the idea of a buy-back provision in a producer allotment program which would allow a handler to buy back cranberries from the Committee to fulfill his/her needs. The Committee in turn would purchase free cranberries from another handler to replace those that were bought back. The subcommittee also discussed the possibility of using both of the volume control programs under the order, the producer allotment program and handler withholding program, in the same crop year. However, buyback is not authorized under an allotment program, and the simultaneous use of producer allotments and handler withholding is not authorized under current order provisions.

The subcommittee recommended to the full Committee on March 4, 2001, by a 6 to 2 vote, that a marketable quantity be set at 4.0 million barrels for the upcoming season with no exemption for fresh or organically-grown fruit. In recommending this level of regulation, the subcommittee stated that it would like to decrease excessive industry inventories to desirable levels in one year. It believes that by reducing inventories, grower prices and revenues will increase. It further believes that this level of marketable quantity balances supply with demand with a 2.325 million barrel carryout inventory which should sufficiently meet the next year's demand until the new crop is properly frozen and stored. The subcommittee also believes that this level of regulation would bring grower prices closer to the average cost of production, and that this would allow growers, both large and small, to more easily obtain loans which are used to cover operating and planting expenses during the course of the season. Prices have been below the average cost of production for several years. Some in the industry have informed the Department that lenders are becoming reluctant to fund these losses.

A 4.0 million barrel marketable quantity would result in an allotment percentage of about 54 percent based on sales histories of about 7.4 million barrels. Sales histories would be set at 7.4 million barrels instead of 7.0 million barrels because fresh fruit and organic sales would not be deducted from sales histories. The subcommittee expects that a marketable quantity at this level would increase grower returns to about $31 per barrel. The estimated average cost of production is $35 per barrel, although the range in individual costs is quite broad, being as low as $15 and as high as $45. The subcommittee also felt that a fresh fruit exemption was not necessary, and that it could lead to an oversupply of fresh fruit and decrease the value of such product.

The Committee believes that under a 4.0 million barrel marketable quantity, there would not be enough carryover fruit in inventory to meet market demand early next season (2002–2003). They also expressed the belief that a significant increase in grower returns in one season may make growers more reluctant to reduce production at this time.

Option 2

Establishment of a Marketable Quantity of 4.7 Million Barrels and an Allotment Percentage Applicable to Processed Sales Only

The subcommittee's recommendations were not adopted by the Committee. Instead, the Committee chose to recommend a higher marketable quantity of 4.7 million barrels applicable to processed sales only. This would add an estimated 300,000 barrels to the available marketable supply and set a less restrictive allotment percentage (67 percent instead of 54 percent).

Most independent handlers have indicated that they do not have inventories of cranberries to carry into the 2001 season. The Committee felt that a restriction based on a marketable quantity of 4.7 million barrels applicable to processed sales only would allow handlers to purchase additional cranberries if they needed them from other handlers, while having adequate supplies to expand markets with new products. Some handlers have indicated that they cannot support volume regulation unless they have assurances that they will have sufficient supplies to meet their customers' needs. They contend that a 4.0 marketable quantity applicable to all sales would not allow them to meet their customers' needs, which could result in giving up market share. However, there is no mechanism in the order which could provide such assurances.

The Committee determined that the marketable quantity for the 2001–2002 crop year should be established at 4.7 million barrels. The Committee recommended this volume regulation level by a 6 to 2 vote. With sales history estimated at 7 million barrels of processed fruit, the allotment percentage would be about 67 percent. Fresh fruit sales are not included in the

sales history figure because fresh fruit would not be covered by the allotment percentage. The fresh fruit exemption would add about 300,000 barrels to the available marketable supply. The Committee determined that a 5.0 million barrel available marketable supply (4.7 million-barrel marketable quantity plus about 300,000 barrels of fresh fruit) is an appropriate amount to deplete some of the existing inventory but not short the handlers from supplying market needs. Exports are expected to increase and enough marketable quantity must be available to meet this demand.

Those voting against this level of regulation wanted a more restrictive volume regulation. Those Committee members were also of the opinion that cheap and abundant cranberries allow handlers to undercut product prices in order to build market share without increasing total industry sales or grower returns.

Fresh and Organic Fruit Exemption Recommended by the Committee

The Committee also recommended that fresh fruit and organically-grown cranberries be exempted from regulation this season. Fresh and organically-grown fruit would be exempt pursuant to § 929.58 of the order which provides that the Committee may relieve from any or all order requirements cranberries in such minimum quantities as the Committee, with the approval of the Secretary, may prescribe.

Under current marketing practices, there is a distinction between cranberries for fresh market and those for processing markets. Cranberries intended for fresh fruit outlets are grown and harvested differently. Fresh cranberries are dry picked while cranberries used for processing are water picked. When cranberries are water picked, the bog is flooded and the cranberries that rise to the top are harvested. Dry picking is a more labor intensive and expensive form of harvesting. Cranberry bogs are designated as ''fresh fruit'' bogs and are grown and harvested accordingly. Only the lower quality fruit from a fresh bog goes to processing outlets.

Fresh fruit accounts for less than 6.0 percent of total production. The Committee estimated that about 310,000 barrels will be sold fresh this year, compared to 280,000 barrels sold last season. All fresh cranberries can be marketed and do not compete with processing cranberries. Fresh cranberries are seasonal (due to their limited shelf life) and are not a part of the growing industry inventories. The Committee concluded that fresh supplies do not contribute in any meaningful way to the current cranberry surplus. Therefore, the Committee recommended that such cranberries be exempt from the allotment percentage this rule proposes.

The Committee addressed the impacts of having a sales history that includes only processed fruit, and how the allotment percentage would be applied. In the fresh fruit industry, there are instances when growers deliver fresh fruit that fails the handler's fresh fruit specifications and therefore is used as processing fruit. In this case, if a grower has an inadequate processing fruit allotment to cover the rejected fruit, the handler can allocate unused allotment from other growers to cover the excess. Each handler should give priority to these growers when allocating unused allotment to cover excess cranberries. This would allow the grower to deliver the rejected fruit for processing. This proposal would be implemented by adding a new paragraph (f) to § 929.149 of the order's rules and regulations.

Organically-grown cranberries comprise an even smaller portion of the total crop than fresh cranberries. The Committee estimated that about 1,000 barrels of organic fruit will be sold this season, compared to 450 barrels last season. Organic cranberries are a growing niche market and regulating them could have an adverse effect on the production and marketing of this product. Like fresh cranberries, demand for organic cranberries is in line with the current limited production. Thus, organic cranberries do not contribute in any meaningful way to the current oversupply experienced with processing fruit. The Committee, therefore, recommended that organically-grown cranberries be exempt from volume regulation during the upcoming season. To be exempt, organic cranberries would have to be certified as such by a certifying organization acceptable to the Committee, as required under § 929.158 of the order's rules and regulations.

Option 3

Establish No Volume Regulation for the 2001–2002 Crop

USDA is also soliciting comments on issuing no volume regulation. Under this third option, cranberry growers and handlers would voluntarily and individually decide how much fruit to market.

Although this rule proposes two levels of regulation discussed within the industry, it is still possible that no volume regulations will be implemented for the 2001 crop.

To fully analyze the issue of an appropriate volume restriction for the 2001 cranberry crop, the Department has decided to solicit comments on both levels of regulation as well as issuing no volume regulation. Comments are invited on which option would be more feasible and why, in view of current demand in foreign and domestic markets, and which option would be more consistent with the short and long term goals of the industry to correct the oversupply situation in the interest of the industry and the public, and why.

Appeal Procedures

The Committee unanimously recommended that the Committee review step be removed from the sales history appeals process. Currently, § 929.125 provides that a grower may appeal to an appeals subcommittee within 30 days of receipt of the Committee's determination of his/her sales history. If the grower is not satisfied with the subcommittee's decision, the grower may further appeal to the full Committee. Such grower must notify the full Committee of his or her appeal within 15 days after notification of the subcommittee's decision. The Committee has 15 days to review the appeal. The grower may further appeal to the Secretary, within 15 days after notification of the full Committee's findings, if the grower is not satisfied with the Committee's decision. All decisions by the Secretary are final.

The appeals procedure as described above could take 60 or more days to complete. Last season, the Committee recommended and the Department approved, removing the Committee's review from the procedures to shorten the process. Growers were able to take their appeals directly to the Secretary for a final decision if they were not satisfied with the appeals subcommittee's determinations.

The Committee recommended for this season and future seasons that the full Committee review step of the appeals process described in the rules and regulations be removed in order to expedite the process. The appeals subcommittee reviewed over 250 appeals for the 2000–2001 crop year. This required many hours of meetings and recalculations of appealed sales histories, when warranted. The Committee determined that the appeal process, absent Committee review, was efficient and provided the grower with a quicker response than would have otherwise occurred. Therefore, the Committee recommended that the Committee review of sales history appeals is not needed and should be removed from the procedures.

Transfers of Sales Histories on Leased Acreage

The Committee also unanimously recommended that, during a year of volume regulation, transfers of sales histories through partial or total leases of acreage only be recognized by the Committee during the period January 1 through July 31 of each crop year. The appropriate paperwork would have to be received in the Committee's office by close of business on July 31.

Currently, § 929.50 provides that, during a year of regulation, no transfer or lease of cranberry producing acreage, without accompanying sales history, shall be recognized until the Committee is in receipt of a completed transfer or lease form. The Committee has found through experience last season that many growers were delaying these adjustments until the busy harvest season. The review and approval of such transfers required a great deal of time and this placed an added burden on the Committee's staff, especially during the busy harvest season. Therefore, the Committee recommended that all transfers must be received by close of business on July 31 during a year of volume regulation. This change would be implemented for the 2001–2002 season, which begins September 1, 2001. This would allow sales histories to be distributed in a more equitable manner and also allow the Committee to complete the transfers prior to the busy harvest season. All forms associated with this issue have been previously approved by the Office of Management and Budget under OMB No. 0581–0103.

This proposal would be implemented by adding a new paragraph (d) to § 929.110 of the order's rules and regulations.

Amendment of Proposed Rule Published on January 12, 2001

A proposed regulation to reformulate sales history calculations for the 2001–2002 crop year was published in the **Federal Register** on January 12, 2001 (66 FR 2838), with a comment period ending February 12, 2001. The January proposal would modify the current sales history formula to apportion sales histories more equitably among producers. The January proposal also would clarify the exemption provisions for fresh cranberries under the volume regulation provisions, modify the outlets for excess cranberries and reinstate the dates for the Committee to notify growers and handlers of their allotments. The final rule will include a determination on the January proposals as well as the proposals contained in this rule.

This action proposes amending the January proposal to revise the sales history reformulation, and withdraw the proposed reinstatement of the June 1 allotment notification date. This action also corrects an inadvertent error in the January proposal regarding the definition of commercial crop.

Reformulation of Sales History Calculations for the 2001–2002 Crop Year

Under the January proposal, actual sales histories for growers with only newer or replanted acreage were proposed to be computed by dividing the total sales by the actual number of years plus an adjustment based on the year planted. A grower with a combination of mature and newer acreage would have his/her sales divided by 4 before the adjustment was added.

At a Committee meeting on February 5, 2001, concerns were raised that the proposed formula would give an unfair advantage to growers who only had acres with 1 to 3 years of sales history (as opposed to growers with mature acres combined with new or replanted acres). The Committee believed that these growers would be provided an adjusted sales history in excess of average yields. The Committee recommended that the proposal be modified to be more equitable to all growers by providing that growers with acreage with 1 to 3 years of sales histories divide their total sales by 4 instead of all available years and then be provided additional sales history in accordance with the formula which is provided in the proposed rule for adjusting sales history.

The Committee's recommendation to modify how sales histories are calculated would not change the formula that provides the additional sales history. The additional sales history would still be calculated using the figures in Table 1.

TABLE 1.—ADDITIONAL SALES HISTORY ASSIGNED TO ACREAGE

	Expected 2001 yield (bbl/acre)	Average sales history (bbl/acre)	Additional 2001 sales history per acre (bbl/acre)
Date Planted:			
1995	275	226	49
1996	275	158	117
1997	252	95	157
1998	222	39	183
1999	156	0	156
2000	75	0	75

The Committee recommended changing the way the actual sales histories are calculated. The January proposal states that for growers with 7 or more years of sales a new history would be computed using an average of the highest 4 of the most recent 7 years of sales. If the growers have acreage with 6 years of sales history, a new sales history would be computed by averaging the highest 4 of the 6 years. For growers with acreage with 5 years of sales history which was planted prior to 1995, a new sales history would be computed by averaging the highest 4 of the 5 years.

For growers with acreage of 5 years or less of sales history planted in 1995 or later, the sales history is proposed to be computed using the average of all available years and adjusting it by providing additional sales history in accordance with the formula. For growers with acreage with no sales history or for the first harvest of replanted acres, the sales history was proposed to be 75 barrels per acre for acres planted or re-planted in 2000 and first harvested in 2001, and 156 barrels per acre for acres planted or re-planted in 1999 and first harvested in 2001.

The portion of the proposal that the Committee is concerned with is the calculation for growers with 1 to 3 years of sales history (and no mature acres)

whose total sales from that acreage are divided by all available years. The Committee believes that the formula already compensates these growers by providing additional sales history as if the grower also had mature acres and divided the sales history by 4. The recommendation of February 5 proposed that these growers also divide by 4, like every other grower is expected to do under this scenario. At the meeting, the following examples were used to explain the situation:

Example 1

A grower with two acres has the following sales history:

	Sales history						
	1994	1995	1996	1997	1998	1999	2000
Planted 1992	156	222	252	275	275	275	275
Planted 1996	.....	.....	.....	.....	156	222	252
Total Sales	156	222	252	275	431	497	527

Under the proposal of January 12, 2001, this grower's sales history would be calculated by totaling the highest 4 years of sales and dividing by 4 (275+431+497+527/4) or 432.5 barrels. Using the table for assigning additional sales history, this grower would be provided an additional 117 barrels for the one acre planted in 1996 for a total sales history of 549.5 barrels. This grower's sales history represents approximately 275 barrels per acre for each of the two acres, which is a reasonable average for acreage of that age.

Example 2

A grower with one acre has the following sales history:

	Planted			
	1996	1998	1999	2000
Sales	.....	156	222	252

Under the proposal of January 12, 2001, this grower's sales history would be the total of the 3 years divided by all available years (156+222+252/3) or 210. Using the table for assigning additional sales history, this grower would be provided an additional 117 barrels for a total of 327 barrels of sales history for 1 acre. The amount of 327 barrels is far in excess of the average yield for acreage of that age. If the total sales were divided by 4 (156+222+252/4), the actual sales history would be 157.5 barrels. Using the table for assigning additional sales history, this grower would be assigned the same 117 barrels for a total of 274.5 barrels of sales history. The Committee believes this number is more in line with average yields.

Therefore, the Committee's recommendation would require modifying § 929.149 in the following manner: For growers whose acreage has 5 years of sales history and was planted in 1995 or later, the sales history would be computed by averaging the highest 4 of the 5 years and adjusting in accordance with Table 1; For growers whose acreage has 4 years of sales history, the sales history would be computed by averaging all 4 years and adjusting in accordance with Table 1; For growers whose acreage has 1 to 3 years of sales history, the sales history would be computed by dividing the total years sales by 4 and adjusting in accordance with Table 1.

Since this recommendation directly relates to the 2001–2002 volume regulation, the Committee's recommendation to modify the sales history calculations is being incorporated into this proposal so that interested parties are provided the opportunity to comment on this modification. This proposed modification to the sales history formula should be more equitable to growers in the event volume regulations are implemented for the 2001–2002 season.

Twenty-five comments were received on the January 12, 2001 proposed rule. Three comments supported the recalculation of sales history as proposed, five comments supported that proposal but recommended modifying the way sales histories are calculated as recommended by the Committee at its meeting on February 5, 2001, and three comments opposed the proposal on sales history reformulation. The remaining comments received concerned other changes proposed in the January 12, 2001, issue of the **Federal Register**. These comments will be considered along with any additional comments received during this comment period prior to issuing a final rule.

Reinstatement of Allotment Notification Date

The proposal of January 12, 2001, proposed reinstating the June 1 deadline for the Committee to notify growers and handlers of their annual allotments. Section 929.49 of the order provides, that in any year in which an allotment percentage is established by the Secretary, the Committee must notify growers of their annual allotment by June 1. That section also requires the Committee to notify each handler of the annual allotments for that handler's growers by June 1. The June 1 date was indefinitely suspended in the final rule establishing a volume regulation for the 2000–2001 crop year (65 FR 42598) to allow adequate time for interested parties to comment on the volume regulation proposal for that season and for the Department to give due consideration to the comments received and issue a final rule.

The Department has determined that this time is needed again for this year's proposed volume regulation. Therefore, the proposal to reinstate the June 1 deadline date is being withdrawn.

Definition of Commercial Crop

The proposal to remove § 929.107 from the rules and regulations is not being modified in any way from the proposed rule published January 12, 2001. However, in the proposed rule, the removal of this section was inadvertently not included in the amendatory text. This section would be removed, and that change is included in this document.

The Regulatory Flexibility Act and Effects on Small Businesses

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA), the Agricultural Marketing Service (AMS) has considered the economic impact of this action and alternatives considered on small entities. The purpose of the RFA is to fit regulatory actions to the scale of business subject to such actions, in order that small businesses are not unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and rules thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf. Thus, both statutes have small entity orientation and compatibility. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

According to the Small Business Administration (13 CFR 121.201) small handlers are those having annual receipts of less than $5,000,000 and small agricultural producers are defined as those with annual receipts of less than $500,000. Based on recent years' price and sales levels, AMS finds that nearly all of the cranberry producers and some of the handlers are considered small under the SBA definition. Of the 1,100 cranberry growers, between 86 and 95 percent are estimated to have sales equal to or less than $500,000. Fewer than 60 growers are estimated to have sales that would have exceeded this threshold in 2000. Thus, the consequences of this proposed rule would apply almost exclusively to small entities.

Six handlers handle over 97 percent of the cranberry crop. Using Committee data on volumes handled, AMS has determined that none of these handlers qualify as small businesses under SBA's definition. The remainder of the crop is marketed by about a dozen grower-handlers who handle their own crops. Dividing the remaining 3 percent of the crop by these grower-handlers, all would be considered small businesses.

This rule invites comments on whether to establish volume regulations and if so, at what level. Two alternatives for volume regulation contained in this document would establish a marketable quantity and an allotment percentage for cranberries in a 10-State production area during the crop year from September 1, 2001, through August 31, 2002. Handlers would only be allowed to handle those cranberries that are covered by annual allotment. This action proposes two levels of volume regulation with the requisite marketable quantities and allotment percentages as well as no volume regulation. One level of volume regulation includes an exemption for fresh and organic cranberries, and the other does not. This proposed rule would also add a deadline date by which requests for transfers of sales histories on leased acreage must be filed with the Committee, delete the Committee review step in the sales history appeal process, and give fresh fruit growers whose fruit had to be used for processing due to quality or other problems first priority over other growers when excess allotment is allocated. Finally, this rule would amend a previously issued proposed rule to change the way in which sales histories are reformulated, and withdraw a proposal to reinstate a June 1 allotment notification date. The RFA analysis in the previous proposal discussed the impacts and alternatives relevant to the previously proposed amendments. These actions are designed to improve grower returns, establish more orderly marketing conditions for cranberries, and improve the operation of the volume regulation program.

Industry Profile

Cranberries are produced in 10 States, but the vast majority of farms and production are concentrated in Massachusetts, New Jersey, Oregon, Washington, and Wisconsin. Massachusetts was the number one producing State until 1990, when Wisconsin took over the lead. Since 1995, Wisconsin has been the top producing State. Together, both States account for over 80 percent of cranberry production.

Average farm size for cranberry production is very small. The average across all producing States is about 33 acres. Wisconsin's average is twice the U.S. average, at 66.5 acres, and New Jersey averages 83 acres. Average farm size is below the U.S. average for Massachusetts (25 acres), Oregon (17 acres) and Washington (14 acres).

Small cranberry growers dominate in all States: 84 percent of growers in Massachusetts harvest 10,000 or fewer barrels of cranberries, while another 3.8 percent harvest fewer than 25,000 barrels. In New Jersey, 62 percent of growers harvest less than 10,000 barrels, and 10 percent harvest between 10,000 and 25,000 barrels. More than half of Wisconsin growers raise less than 10,000 barrels, while another 29 percent produce between 10,000 and 25,000 barrels. Similar production patterns exist in Washington and Oregon.

About 94 percent of the cranberry crop is processed, with the remainder sold as fresh fruit. In the 1950's and early 1960's, fresh production was considerably higher than it is today, and in many years, constituted as much as 25 to 50 percent of total production. Fresh production began to decline in the 1980's, while processed utilization and output soared as cranberry juice products became popular. Today, fresh fruit claims only about 5 to 6 percent of total production. Three of the top five States produce cranberries for fresh sales. New Jersey and Oregon produce fruit for processed products only.

Historical Trends and Near Term Outlook

The cranberry industry has operated under a Federal marketing order since 1962. For many years, the industry enjoyed increasing demand for cranberry products, primarily due to the success of cranberry juice-based drinks. This situation encouraged additional production. Between 1960 and 1999, production increased from 1.34 million barrels (one barrel equals 100 pounds of cranberries) to a record 6.3 million barrels. This represents a 370 percent increase from 1960 and a 17-percent gain from the 1998 crop year. Production in the 2000 crop year declined to 5.5 million barrels, due to the use of volume control by the industry and a decrease in yields in some production areas due to adverse weather conditions during the growing season.

While production capacity continues to rise, demand has leveled off. Over the past several years, per capita consumption of cranberries in the United States has averaged 1.69 pounds. Per capita consumption peaked in 1994 at 1.80 pounds and began trending downward. In 1999, per capita consumption was 1.68 pounds. Associated with these per capita consumption figures is the fact that total domestic sales also peaked in 1994 at 4,692,507 barrels but declined to 4,506,632 barrels in 1999.

In 1998, sales totaled 5.1 million barrels, slightly above the prior 5-year average. In 1999, sales were 5.5 million barrels, and sales for 2000 are estimated at 5.9 million barrels. Most of the recent increase in sales can be attributed to stronger activity in export markets.

Increased total supplies in excess of demand have resulted in large inventories. Carryin inventories have grown from 883,773 barrels in 1988 to 3,058,921 barrels in 1999, to 4,273,067 barrels in 2000. From 1988 through 1997, carryin as a percent of production ranged from 21 to 36 percent. However, in 1998, carryin as a percent of production increased to 40 percent; in 1999 it increased to 49 percent. Carryin

inventory for the 2000 season exceeded 4 million barrels for the first time in the industry's history. Carryin for the 2001 crop is estimated at 3.3 million barrels.

When supply outpaces demand, resulting in high levels of carryover inventories, grower prices can be negatively impacted. Grower prices rose from $8.83 per barrel in 1960 to a peak level of $65.90 per barrel in 1996. These rising price levels provided an incentive for producers to expand planted acres and to increase yields. In recent seasons, prices have declined dramatically. In 1998, grower prices decreased to $36.60 per barrel. The returns for the 1999 crop year were $17.70 per barrel. Returns for the 2000 season are expected to be between $15 and $20 per barrel. The cost of production ranges from $15 to $45 per barrel.

Similarly, grower revenues have dropped from a high of $350 million in 1997 to $112 million in 1999. Grower revenues declined by 68 percent in just two growing seasons. Grower revenues are expected to be less than $100 million for the 2000 crop year, potentially the first time that grower revenues will be less than $100 million since the 1980 crop year.

Impacts of Volume Control

To help stabilize market supply and demand conditions, volume regulation was introduced in 2000, marking the first time in 30 years that such regulation was implemented. This, in addition to a planned government purchase of up to 1,000,000 barrels, assisted somewhat in relieving market pressures. Also, yields in parts of the production area were below normal due to adverse weather during the growing season.

In an industry such as cranberries, where the product can be stored for long periods of time, volume control is a method that can be used to reduce supplies so that they are more in line with market needs. Large inventories are costly to maintain and, with the outlook for continued high production levels, these inventories would be difficult to market. Producers may not receive full payment for cranberries delivered to storage for several years, and storage costs are deducted from their final payment.

The demand for cranberries is inelastic. A producer allotment program results in a decrease in supply because producers can only deliver a certain portion of their past sales history. With an inelastic demand, a small shift (decrease) in the supply curve results in relatively large impacts on grower prices. An allotment program results in increasing grower prices and grower revenues.

The level of unsold inventory, the current capacity to produce in excess of expected demand, and continuing low grower prices have resulted in the industry debating various alternatives under their marketing order.

Level of Volume Restriction for the 2001 Crop

As previously discussed, two levels of volume regulation for the 2001 crop have been widely discussed within the cranberry industry in recent months and are included in this proposed rule. Also included is a proposal to have no volume regulation. The Department believes that the two levels of volume regulation proposed could tend to further the goals of the Act—that is, improve grower returns and establish more orderly conditions in the cranberry market. One of these levels would establish a marketable quantity of 4.0 million barrels and an allotment percentage of 54, applicable to all fruit. The second would establish a marketable quantity of 4.7 million barrels and an allotment percentage of 67, with an exemption for fresh and organically-grown fruit.

To assist in our initial analysis of these options, the Department has relied upon an econometric model developed by the University of Wisconsin and widely discussed industry to project the impact of each on grower returns and revenues for the 2001 crop. We looked at both levels of regulation recommended by the industry as well as what might occur with no regulation. In making our projections, we used figures from the Committee's marketing policy. For example, carryin inventory is estimated at 3.325 million barrels, domestic production is estimated at 5.675 million barrels, imports are projected at 0.835 million barrels, and total sales for the 2001–02 crop year are projected at 5.508 million barrels. We used a figure of 1.8 million barrels for the desirable carryout into the 2002 crop year. The following table summarizes our findings.

MARKETABLE QUANTITIES

[In millions of barrels]

	No volume control	4.0 with no fresh fruit exemption	4.7 with a fresh fruit exemption
Supply:			
Domestic production	5.675	4.000	5.000
Carrying Inventory	3.325	3.325	3.325
Imports	0.835	0.835	0.835
Shrink	0.327	0.327	0.327
Total Available Supply	9.508	7.83	8.833
Demand:			
Processed Domestic and Export Sales	5.198	5.198	5.198
Fresh Fruit	0.310	0.310	0.310
Total Sales	5.508	5.508	5.508
Carryout Inventories	4.000	2.325	3.325
Desirable Carryout	1.800	1.800	1.800
Surplus	2.200	0.525	1.525
Allotment Percentage	0	54	67
Estimated Price per Barrell	$10.00	$31.00	$19.50
Estimated Total Revenue (millions)	$56.750	$124.000	$97.500

As shown above, ample supplies are expected to be available during the upcoming year, and prices will likely continue to fall in 2001 without some form of market intervention. Absent any regulation in 2001, the estimated grower price per barrel is projected to decline to $10, grower revenue would drop to $56.75 million, and ending inventories would grow to 4 million barrels. Heavy inventories would put downward pressure on grower prices for ensuing seasons.

The second column of the table shows that a 4.0 million barrel marketable quantity would result in inventories declining to 2.325 million barrels, and the grower price increasing to $31 per barrel. Total grower revenue under this option is projected to reach $124 million. Under this option, sales would have to reach 6.0 million barrels to reach the desirable carry out level of 1.8 million barrels. A marketable quantity of 4.0 million barrels applicable to total sales history of an estimated 7.4 million barrels would result in an allotment percentage of about 54 percent.

As shown in the last column, the 4.7 million barrel alternative would result in carryout inventories remaining at 3.325 million barrels. The grower price would be an estimated $19.50 per barrel, and revenues would total $97.5 million. With a marketable quantity of 4.7 million barrels, sales would have to increase to 6,723,000 barrels to reach the desirable carry out inventory level of 1.8 million barrels. Under this option, total growers' sales histories are estimated at 7.0 million barrels of processed sales. Using the formula established under the order (4.7 million barrels divided by 7.0 million barrels), the annual allotment percentage would be about 67 percent.

The econometric model looks at the short-term impact of reducing supplies at the grower level. According to the above table, of the three options presented, the 4.0 million barrel marketable quantity alternative would result in the highest grower price for the upcoming season, and the lowest level of carry out inventories. However, in deciding whether to issue a volume regulation for the 2001 crop, and at what level, other factors need to be considered as well.

As long as production capacity exceeds market demand, the cranberry industry will continue to be in a surplus situation. An alternative solution to reducing supply through regulation would be to increase demand. Supporters of the 4.7 million barrel proposal argue that a more restrictive regulation would thwart planned market expansion activities. They argue that a more gradual correction in prices is needed to increase demand through the introduction of new products and export market development. A substantial increase in product cost from one season to the next may hinder these expansion efforts, and result in a loss of current customers as well.

Supporters of the 4.0 million barrel proposal argue that until inventories are reduced to more desirable levels, grower prices will remain low. With cheap cranberries, handlers destructively undercut prices to ingredient customers in an attempt to build market share without increasing the overall demand for cranberries.

The probable impact of these alternatives at the handler level also needs to be considered. While carry-in inventories are estimated at 3.325 million barrels, these supplies are expected to be concentrated in the hands of only some of the major handlers. The handlers without substantial inventories claim that a reduction of their growers' crops at the 46 percent level would leave them without enough fruit to supply their customers. Overly restricting this year's crop would therefore hurt their competitive position by requiring them to surrender market share to other handlers. They claim that any losses they incur will be passed on to their growers.

Grower prices are a small component of the cost of finished cranberry products, and are not closely associated with movements in retail prices. Neither level of volume regulation is expected to have a meaningful impact on the retail price of cranberry products.

We are soliciting comment on all three alternatives, including the short term and longer range impacts of these alternatives at the grower, handler, and consumer levels.

Exemption for Fresh and Organically-Grown Fruit

The Committee also recommended that organic cranberries be exempt from volume regulations. Fresh and organically-grown fruit would be exempt pursuant to ' 929.58 of the order which provides that the Committee may relieve from any or all requirements, cranberries in such minimum quantities as the Committee, with the approval of the Secretary, may prescribe.

Fresh fruit accounts for about 6 percent of the total production. The Committee estimated that about 310,000 barrels will be sold fresh this year, compared to 280,000 barrels sold last season. All fresh cranberries can be marketed and do not compete with processing cranberries. Fresh cranberries are seasonal (due to their limited shelf life) and are not part of the growing industry inventories. The Committee recommended that such cranberries be exempt from the proposed allotment percentage.

Organically-grown cranberries comprise an even smaller portion of the total crop than fresh cranberries do. The Committee estimated that about 1,000 barrels of organic fruit will be sold this season, compared to 450 barrels last season. Organic cranberries are a growing niche market and regulating them could have an adverse effect on marketing this product. Demand for organic cranberries is in line with the current limited production. Thus, all organic cranberries can be marketed, and they do not contribute in any meaningful way to the current oversupply experienced with processing fruit. The Committee therefore recommended that organically-grown cranberries be exempt from volume regulation during the upcoming season.

The supporters of the 4.0 million barrel level of regulation felt that a fresh fruit exemption was not necessary and that it added administration problems for the Committee. Growers who delivered fresh and processed fruit last season were able to deliver all of their processed fruit since such grower's sales history contained processed and fresh fruit sales. They also believe that an exemption could result in an oversupply in the fresh fruit market.

Revision in the Appeals Process

The Committee also unanimously recommended that the appeals process be shortened by removing the Committee's review. Currently, § 929.125 provides an appeal procedure for growers that are dissatisfied with a determination made pursuant to § 929.48(a) and (b) of the order which describes the computation of a grower's sales history.

Currently, § 929.125 provides that a grower may appeal to an appeals subcommittee within 30 days of receipt of the Committee's determination of his/her sales history. If the grower is not satisfied with the subcommittee's decision, the grower may further appeal to the full Committee. Such grower must notify the full Committee of his or her appeal within 15 days after notification of the subcommittee's decision. The Committee has 15 days to review the appeal. The grower may further appeal to the Secretary, within 15 days after notification of the full Committee's findings, if the grower is not satisfied with the Committee's decision. All decisions by the Secretary are final.

The appeals procedure as described above could take 60 or more days to complete. Last season, the Committee recommended and the Department approved through rulemaking, the suspension of the Committee's review from the procedures to shorten the process. Thus, growers were able to take their appeals directly to the Secretary for a final decision if they are not satisfied with the appeals subcommittee's determinations. The Committee believes that this process would prove to be more efficient in considering grower appeals, and recommended that the Committee review be permanently removed from the appeals procedure.

Establishment of a July 31 Deadline for Transfers of Sales History

The Committee also unanimously recommended that, during a year of volume regulation, transfers of annual allotments through partial or total leases of acreage would only be recognized by the Committee through July 31 of each crop year. The appropriate paperwork would have to be received in the Committee's office by close of business on July 31.

Currently, § 929.50 provides that, during a year of regulation, no transfer or lease of cranberry producing acreage, without accompanying sales history, shall be recognized until the Committee is in receipt of a completed transfer or lease form. The Committee has found through experience last season that many growers were leasing acreage and transferring sales history many times throughout the season and even after harvest. Growers were able to take advantage of additional sales history through these transactions. In addition, such actions require a great deal of time on the part of Committee staff, and became particularly burdensome during the busy harvest season.

Therefore, the Committee recommended that all transfers must be received by close of business on July 31 during a year of volume regulation. This would allow sales histories to be distributed in a more equitable manner and also allow the Committee to complete the transfer prior to the busy harvest season.

Amendments to January Proposed Rule

The amendments to the sales history calculations proposed in this rule would benefit a majority of growers, and would be especially beneficial to growers who planted acreage in 1995 or later and growers who have a combination of mature acres and acreage planted in 1995 or later. Specifically, the amendment to the sales history calculation modifies the way growers' sales histories are calculated so that the additional sales history provided is more in line with average acreage yields. The amendment also ensures that growers with mature acreage who also have newer acreage and growers with only newer acreage are treated equitably. Approximately 30 percent of all cranberry acreage was planted in 1995 or later and would be impacted by this proposed amendment.

The amendment to the January 12 proposal would also withdraw the proposed reinstatement of the June 1 allotment notification date. Reinstating this date would be impractical and therefore is being withdrawn from the proposal. The January proposal is also being amended to include the removal of the section on determining cranberry acreage which was inadvertently omitted from the January proposal. This amendment merely corrects that omission.

In the event volume regulations are implemented for the 2001–2002 crop year, these proposed further changes would have a positive effect on all growers and handlers because they would more equitably provide additional allotment for newer or replanted acreage, and clarify the present regulations.

Other Alternatives Considered

Withholding Volume Regulation

The marketing order provides for two methods of volume controls, the producer allotment and the withholding programs. Prior to recommending a producer allotment program for the 2001–2002 crop, the Committee also considered the benefits of a withholding program.

Unlike the producer allotment program which allows cultural practices to be changed at the grower level closer to harvest, growers deliver all their cranberries to their respective handlers under the withholding program. The handler is responsible for setting aside restricted cranberries and ultimately disposing of the cranberries in authorized noncommercial and noncompetitive outlets. This could result in a large volume of cranberries being disposed of and perhaps destroyed. In addition, the withholding provisions require that all withheld cranberries be inspected by the Federal or Federal-State Inspection Service, which would add costs. Although the benefits to growers under a withholding program are that all cranberries can be delivered to handlers, growers would generally only be paid by their handlers for unrestricted cranberries. In addition, it would be expected that costs associated with disposal of withheld cranberries would be deducted from grower returns, further reducing grower revenues. This could result in grower returns well below cost of production.

As with the 2000–2001 volume regulation, the Committee again determined that the producer allotment method of volume regulation was preferable over the withholding method. The producer allotment program allows for less fruit to be produced and would not require the disposal of as many cranberries as with the withholding provisions. In addition, inspections are not required under the producer allotment method, which is more cost effective and would be simpler to administer. This helps growers reduce some of the variable costs associated with preparing and maintaining a bog for production and harvest.

Establishing a Cranberry Marketing Pool Under a Producer Allotment Program

A group of independent handlers indicate that any volume regulation cannot be supported unless there are some assurances that sufficient supplies of cranberries would be made available to meet their customer needs. Most independent handlers claim that they do not have inventories of cranberries to carry into the new season. Although handler to handler purchases are a normal business practice (with or without a volume regulation), a producer allotment restriction increases the need for handlers to purchase from handlers with inventories to maintain market share. Some handlers believe this places them in a vulnerable position, needing more fruit than normal from their competitors.

The marketing order does not contain a mechanism to provide the assurances some of the independent handlers are seeking. The amendment subcommittee is working towards amending the order to incorporate a handler marketing pool, whereby a specified amount of cranberries would be pooled to allow for handlers with little or no inventories to purchase cranberries at a price established by the Committee. However, amending the order in this manner cannot be accomplished prior to the 2001 season.

Using All or Part of Both Methods of Volume Regulation in the Same Year

Also considered by the Committee was utilizing both methods of volume regulation in the same year. Some growers and handlers believe that the producer allotment program does not adequately address all the concerns faced by the different segments of the

industry. It was thought that using the most useful parts of each program would address a broader range of issues. For example, under the withholding program, handlers can apply to the Committee for a release of their restricted cranberries. To receive a release, they have to deposit with the Committee an amount equal to the fair market value of the cranberries they want to be released. The fair market value is determined by the Committee. The Committee uses these funds to purchase an equal amount of free cranberries from other handlers and to dispose of those cranberries. This provision of the withholding program is referred to as the ''buy-back'' provision.

Some growers and handlers indicated if there were a buy-back provision under the producer allotment program, the concern of handlers without inventories having access to fruit would be specifically addressed. There is no authority in the marketing order to use both methods of volume control concurrently, and buy-back cannot be used under the producer allotment program. Additionally, the intent of a producer allotment program is to discourage production at the grower level so that less fruit is delivered to handlers. Establishing a ''buy-back'' under a producer allotment program is problematic for that reason. If growers believed that some of their excess fruit could eventually be ''bought back'', increased production could be encouraged, defeating the purpose of the program. Also, it is unclear exactly what amount would be ''bought back'.

Other growers and handlers have indicated that if a producer allotment and a withholding program were recommended in the same year, growers would still be encouraged to reduce growing and handlers would be in a position to buy-back berries to meet market needs. For example, if a 20 percent restriction under a producer allotment were recommended in February for the upcoming season, growers would be encouraged to reduce production. If a withholding provision were recommended in August of the same year with a restricted percentage of 10 percent, handlers would have the opportunity to buy back cranberries to meet their marketing needs.

Section 929.52 of the order specifies that either a withholding or a producer allotment program may be implemented during any fiscal period, not both. Also, further discussion is needed to determine what problems would be associated with implementing both programs in one year, if authorized. The amendment subcommittee is considering this as an amendment to the order.

The Committee recommendation for a 4.7 million barrel marketable quantity resulting in an allotment percentage of about 67 percent passed by a six to two vote. As discussed earlier, the persons voting against the recommendation wanted a more restrictive allotment percentage that would in turn increase returns to growers to cover production costs. All of the other recommendations were passed by unanimous votes. The other changes discussed in this document are designed to improve the operation of the volume regulation should volume regulation be implemented for the 2001–2002 season.

The subcommittee's proposal of setting the marketable quantity at 4.0 million barrels and an allotment percentage of about 54 percent passed by a 6 to 2 vote. Those voting against the recommendation favored a higher marketable quantity.

As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sectors.

As previously discussed in the proposed rule published on January 12, 2001, that proposed rule would necessitate reconfiguring one form currently approved by OMB. The form is entitled CMC–AL 1, Growers Notice of Intent to Produce and Qualify for Annual Allotment. Growers are required to supply the Committee with information relative to their cranberry acreage in order to qualify for an annual allotment. The information includes how many existing and new acres would be producing cranberries in the following season and who would be handling the cranberries. The estimated time for 1,285 growers to complete this form is 20 minutes, once a year, for total annual burden hours of 424.05. If the relevant portion of that proposed rule were implemented, the Committee would reconfigure this form to ensure that information relative to this proposal would be included, particularly the date of planting of the acreage. The burden hours of the form would not change and the reconfigured form would be submitted to OMB to replace the current form.

All of the forms associated with the transfer of sales histories associated with leases have been previously approved by OMB. There are also some other reporting and recordkeeping and other compliance requirements under the marketing order. The reporting and recordkeeping burdens are necessary for compliance purposes and for developing statistical data for maintenance of the program. The forms require information which is readily available from handler records and which can be provided without data processing equipment or trained statistical staff. This rule does not change those requirements.

In compliance with Office of Management and Budget (OMB) regulations (5 CFR Part 1320) which implement the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the information collection and recordkeeping requirements imposed by this order have been previously approved by OMB and assigned OMB Number 0581–0103.

The Committee's meetings were widely publicized throughout the cranberry industry and all interested persons were invited to attend them and participate in Committee deliberations. Like all Committee meetings, the March 4–5, 2001, meeting was a public meeting and all entities, both large and small, were able to express their views on these issues.

The Committee itself is composed of eight members, of which seven members are growers and one represents the public. Also, the Committee has a number of appointed subcommittees to review certain issues and make recommendations. The Committee manager also held several meetings with growers throughout the production area to discuss the methods of volume regulation and the procedures for regulation.

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

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

A 15-day comment period is provided to allow interested persons to respond to this proposal. Fifteen days is deemed appropriate because this rule, if adopted, needs to be in place as soon as possible to allow growers to implement cultural practices that could curtail the production of the crop should volume regulation be implemented for the 2001–2002 season. All written comments timely received will be considered before a final determination is made on this matter.

List of Subjects in 7 CFR Part 929

Cranberries, Marketing agreements, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, 7 CFR Part 929 is proposed to be amended as follows:

PART 929—CRANBERRIES GROWN IN THE STATES OF MASSACHUSETTS, RHODE ISLAND, CONNECTICUT, NEW JERSEY, WISCONSIN, MICHIGAN, MINNESOTA, OREGON, WASHINGTON, AND LONG ISLAND IN THE STATE OF NEW YORK

1. The authority citation for 7 CFR Part 929 continues to read as follows:

Authority: 7 U.S.C. 601–674.

§ 927.107 [Removed]

2. Section 929.107 is removed.

3. Section 929.110(d) is added to read as follows:

§ 929.110 Transfers or sales of cranberry acreage.

* * * * *

(d) During a year of regulation, all transfers of growers' sales histories for partial or total leases of acreage shall be received in the Committee office by close of business on July 31.

4. Section 929.125 is revised to read as follows:

§ 929.125 Committee review procedures.

Growers may request, and the Committee may grant, a review of determinations made by the Committee pursuant to section 929.48, in accordance with the following procedures:

(a) If a grower is dissatisfied with a determination made by the Committee which affects such grower, the grower may submit to the Committee within 30 days after receipt of the Committee's determination of sales history, a request for a review by an appeals subcommittee composed of two independent and two cooperative representatives, as well as a public member. Such appeals subcommittee shall be appointed by the Chairman of the Committee. Such grower may forward with the request any pertinent material for consideration of such grower's appeal.

(b) The subcommittee shall review the information submitted by the grower and render a decision within 30 days of receipt of such appeal. The subcommittee shall notify the grower of its decision, accompanied by the reasons for its conclusions and findings.

(c) The grower may further appeal to the Secretary, within 15 days after notification of the subcommittee's findings, if such grower is not satisfied with the appeals subcommittee's decision. The Committee shall forward a file with all pertinent information related to the grower's appeal. The Secretary shall inform the grower and all interested parties of the Secretary's decision. All decisions by the Secretary are final.

5. Section 929.149 is revised to read as follows:

§ 929.149 Determination of sales history.

A sales history for each grower shall be computed by the Committee in the following manner.

(a) For each grower with acreage with 7 or more years of sales history, a new sales history shall be computed using an average of the highest 4 of the most recent 7 years of sales. If the grower has acreage with 6 years sales history, a new sales history shall be computed by averaging the highest 4 of the 6 years. If the grower has acreage with 5 years of sales history and such acreage was planted prior to 1995, a new sales history shall be computed by averaging the highest 4 of the 5 years.

(b) For growers whose acreage has 5 years of sales history and was planted in 1995 or later, the sales history shall be computed by averaging the highest 4 of the 5 years and shall be adjusted as provided in paragraph (d). For growers whose acreage has 4 years of sales history, the sales history shall be computed by averaging all 4 years and shall be adjusted as provided in paragraph (d). For growers whose acreage has 1 to 3 years of sales history, the sales history shall be computed by dividing the total years sales by 4 and shall be adjusted as provided in paragraph (d).

(c) For growers with acreage with no sales history or for the first harvest of replanted acres, the sales history will be 75 barrels per acre for acres planted or re-planted in 2000 and first harvested in 2001 and 156 barrels per acre for acres planted or re-planted in 1999 and first harvested in 2001.

(d) In addition to the sales history computed in accordance with paragraphs (a) and (b) of this section, additional sales history shall be assigned to growers with acreage planted in 1995 or later. The additional sales histories depending on the date the acreage is planted are shown in Table 1.

TABLE 1.—ADDITIONAL SALES HISTORY ASSIGNED TO ACREAGE

Date planted	Additional 2001 sales history per acre
1995	49
1996	117
1997	157
1998	183
1999	156
2000	75

(e) Sales histories shall be calculated separately for fresh and processed cranberries. Fresh fruit sales history, in whole or in part, may be added to process fruit sales history with the approval of the Committee in the event that the grower's fruit does not qualify as fresh fruit at delivery because of quality reasons.

(f) If a grower's fruit does not qualify as fresh fruit upon delivery to the handler, and it is converted to processed fruit, the handler shall give priority to this grower when allocating unused allotment if the grower does not have sufficient processed sales history to cover the converted fruit.

6. A new section 929.251 is added to read as follows:

Option 1

§ 929.251 Marketable quantity and allotment percentage for the 2001–2002 crop year.

The marketable quantity for the 2001–2002 crop year is set at 4.7 million barrels and the allotment percentage is designated at about 67 percent. Fresh and organically grown fruit shall be exempt from the volume regulation provisions of this section.

Option 2

§ 929.251 Marketable quantity and allotment percentage for the 2001–2002 crop year.

The marketable quantity for the 2001–2002 crop year is set at 4.0 million barrels and the allotment percentage is designated at about 54 percent.

Option 3

Issue no volume regulation for the 2001–2002 crop year.

Dated: May, 8, 2001.

Kenneth C. Clayton,

Acting Administrator, Agricultural Marketing Service.

[FR Doc. 01–11987 Filed 5–9–01; 2:00 pm]

BILLING CODE 3410–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–350–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 747 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 Boeing Model 747 series airplanes. This proposal would require an inspection of the flap drive transmission of the trailing edge flaps at positions 2 and 7 to determine if a wound-spring torque brake is installed, and corrective action, if necessary. This action is necessary to prevent damage to the flap system, adjacent systems, or structural components; or excessive skew of the trailing edge flap, which could result in flap asymmetry and consequent reduced controllability of the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by June 28, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–350–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–350–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–350–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–350–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report that, during overhaul of certain torque brakes of the trailing edge flap transmissions on certain Boeing Model 747 series airplanes, the brakes did not lock out at the intended torque levels. This has been attributed to the actual lock-out torque being higher than the design levels. If the torque brake fails to limit torque out of the transmission during a flap jam condition, the resulting force could cause the transmission mounts to fail. Such failure of a transmission mount on a transmission with a no-back brake could push the flap into the wing, which could result in a full flap asymmetry. These conditions could cause damage to the flap system, adjacent systems, or structural components; or excessive skew of the trailing edge flap, and which could result in flap asymmetry and consequent reduced controllability of the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Service Bulletin 747–27–2374, dated November 18, 1999, which describes procedures for inspection of certain flap drive transmissions of the trailing edge flaps at positions 2 and 7 to determine if a wound-spring torque brake is installed, and corrective action, if necessary. The corrective action includes, but is not limited to, replacement of the flap drive transmission with a new, improved transmission; and rework or replacement of the torque brake assembly with a new, improved assembly, if a wound-spring torque brake is installed.

The service bulletin references MOOG Service Bulletin 544666–27–16, dated November 1, 1999, as the source of service information for accomplishment of rework of the torque brake. Accomplishment of the actions specified in the service bulletin 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 bulletin described previously, except as discussed below.

Differences Between This Proposed AD and the Service Bulletin

Although the service bulletin recommends doing the inspection at the earliest convenient maintenance opportunity, the FAA has determined that this compliance time may not

ensure that the identified unsafe condition is addressed in a timely manner. In developing an appropriate compliance time for this proposed AD, the FAA considered not only the manufacturer's recommendation, but the degree of urgency associated with addressing the subject unsafe condition, the average utilization of the affected fleet, and the time necessary to perform the proposed AD. In light of all of these factors, the FAA finds a compliance time of 6,000 flight hours after the effective date of this AD to be warranted, in that it represents an appropriate interval of time allowable for affected airplanes to continue to operate without compromising safety.

The service bulletin also recommends replacement of the flap drive transmission and/or torque brake of the trailing edge flap transmission at positions 2, 4, 5, and 7. The FAA has determined that an unsafe condition exists at positions 2 and 7 only. This determination was made from a probability assessment indicating that positions 4 and 5 do not warrant mandatory action because the likelihood of failure of a torque brake to limit torque out of the transmission during a flap jam condition at these positions is extremely remote. Additionally, full flap asymmetry is not likely to occur at positions 4 and 5. Therefore, this proposed AD is applicable to positions 2 and 7 only.

Cost Impact

There are approximately 1,181 airplanes of the affected design in the worldwide fleet. The FAA estimates that 263 airplanes of U.S. registry would be affected by this proposed AD.

It would take approximately 1 work hour per airplane to accomplish the inspection, at an average labor rate of $60 per work hour. Based on these figures, the cost impact of the inspection proposed by this AD on U.S. operators is estimated to be $15,780, or $60 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–350–AD.

Applicability: Model 747 series airplanes, as listed in Boeing Service Bulletin 747–27–2374, dated November 18, 1999; 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 (c) 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 damage to the flap system, adjacent systems, or structural components; or excessive skew of the trailing edge flap; which could result in flap asymmetry and consequent reduced controllability of the airplane, accomplish the following:

Part Verification/Replacement/Modification

(a) Within 6,000 flight hours after the effective date of this AD: Inspect the flap drive transmission of the trailing edge flaps at positions 2 and 7 to determine if a wound-spring torque brake is installed in the transmission, by verifying the transmission part number, per Boeing Service Bulletin 747–27–2374, dated November 18, 1999. Then do the actions specified in paragraphs (a)(1), (a)(2), (a)(3), and (a)(4) of this AD, as applicable.

(1) If the part number of the flap drive transmission shows that no wound-spring torque brake is installed, no further action is required by this AD.

(2) If the part number of the flap drive transmission shows that a wound-spring torque brake may be installed, before further flight, inspect the part number of the torque brake to verify whether it is a wound-spring torque brake, per the Accomplishment Instructions of the service bulletin.

(i) If the part number of the torque brake shows that it is not a wound-spring torque brake, no further action is required by this AD.

(ii) If the part number of the torque brake shows that it is a wound-spring torque brake, before further flight, rework the torque brake or replace the torque brake with a new, improved brake, as applicable; per the Accomplishment Instructions of the service bulletin.

Spares

(b) As of the effective date of this AD, no person shall install on any airplane any transmission or torque brake assembly identified in the ''Existing Part Number'' column of Paragraph 2.E. of Boeing Service Bulletin 747–27–2374, dated November 18, 1999.

Alternative Methods of Compliance

(c) 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 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 Permit

(d) 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 May 8, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–12008 Filed 5–11–01; 8:45 am]

BILLING CODE 4910–13–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. 2000–NM–351–AD]

RIN 2120–AA64

Airworthiness Directives; Boeing Model 767–200 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 Boeing Model 767–200 series airplanes. This proposal would require replacement of certain duct assemblies of the air distribution system for the flight compartment with new duct assemblies with improved insulation, and follow-on actions. This action is necessary to prevent ignition of foam insulation on the air distribution ducts, which could result in a fire in the airplane. This action is intended to address the identified unsafe condition.

DATES: Comments must be received by June 28, 2001.

ADDRESSES: Submit comments in triplicate to the Federal Aviation Administration (FAA), Transport Airplane Directorate, ANM–114, Attention: Rules Docket No. 2000–NM–351–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–351–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: Don Eiford, Aerospace Engineer, Systems and Equipment Branch, ANM–130S, FAA, Seattle Aircraft Certification Office, 1601 Lind Avenue, SW., Renton, Washington 98055–4056; telephone (425) 227–2788; 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–351–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–351–AD, 1601 Lind Avenue, SW., Renton, Washington 98055–4056.

Discussion

The FAA has received a report that an operator found burned insulation on an air distribution system duct located in the Electronics and Electrical (E/E) bay. The burned insulation was discovered while the airplane was on the ground when a maintenance crew noticed an odor of burning. Investigation revealed that the ignition source was an overheated heater tape for the water line. Polyurethane foam insulation which was touching the water line heater tape ignited and burned completely. The foam had lost its original fire-retardant properties. The reason for the degradation of the foam's fire retardant properties is unknown; however, contamination and aging of the material are suspected. Ignition of foam insulation on the air distribution ducts could result in a fire in the airplane.

Explanation of Relevant Service Information

The FAA has reviewed and approved Boeing Alert Service Bulletin 767–21A0154, dated March 16, 2000, which describes procedures for replacement of certain duct assemblies of the air distribution system for the flight compartment (which are located under the main deck) with new duct assemblies having fiberglass insulation. The service bulletin also describes procedures for a general visual inspection of the water line heater tape where it passes close to the new duct assembly to detect damage such as wear, chafing, pinching, discoloration, or localized burn marks. The service bulletin specifies that any damaged tape should be replaced with new heater tape. If no damage is found, the service bulletin specifies that any heater tape that is too close to the new duct assemblies must be rerouted to increase the distance between the water line heater tape and duct insulation. Accomplishment of the actions specified in the service bulletin 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 bulletin

described previously, except as discussed below.

Differences Between Proposed Rule and Service Bulletin

Operators should note that the service bulletin does not define appropriate clearance between the new duct assemblies and the water line heater tape. This proposed AD would require that a minimum clearance of 0.25 inch be maintained between the new duct assemblies and the water line heater tape.

Also, operators should note that the service bulletin recommends accomplishment of the actions in that bulletin at the earliest opportunity. The FAA finds that a more definite compliance time is necessary to ensure that the proposed actions are done in a timely manner. Therefore, the proposed AD would require the replacement of the duct assemblies with new assemblies and the other follow-on actions be accomplished within 18 months after the effective date of the AD. The FAA finds that such a compliance time is adequate to ensure the safety of the airplane fleet while allowing enough time so that the majority of affected operators would be able to accomplish the proposed requirements at a normal scheduled maintenance visit.

Cost Impact

There are approximately 81 airplanes of the affected design in the worldwide fleet. The FAA estimates that 52 airplanes of U.S. registry would be affected by this proposed AD, that it would take approximately 2 work hours per airplane to accomplish the proposed actions, and that the average labor rate is $60 per work hour. Required parts would cost a maximum of $7,285 per airplane. Based on these figures, the cost impact of the proposed AD on U.S. operators is estimated to be $385,060, or $7,405 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–351–AD.

Applicability: Model 767–200 series airplanes, as listed in Boeing Alert Service Bulletin 767–21A0154, dated March 16, 2000; 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 (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 ignition of foam insulation on the air distribution ducts, which could result in a fire in the airplane, accomplish the following:

Replacement and Follow-On Actions

(a) Within 18 months after the effective date of this AD, do the actions specified in paragraphs (a)(1) and (a)(2) of this AD per the Accomplishment Instructions of Boeing Alert Service Bulletin 767–21A0154, dated March 16, 2000.

(1) Replace subject duct assemblies of the air distribution system for the flight compartment (which are located under the main deck) with new duct assemblies having fiberglass insulation.

(2) Before further flight after replacement of the ducts, perform a one-time general visual inspection of the water line heater tape where it passes close to the new duct assemblies to detect damage, including wear, chafing, pinching, discoloration, localized burn marks, etc.

(i) If no damage is detected, measure the clearance between the new duct assemblies and the water line heater tape. If clearance is less than 0.25 inch, re-route the heater tape per the service bulletin.

(ii) If any damage is detected, before further flight, replace the heater tape with new heater tape, per the service bulletin. When installing the new tape, make sure that clearance between the water line heater tape and the new duct assemblies is a minimum of 0.25 inch.

Note 2: For the purposes of this AD, a general visual inspection is defined as: ''A visual examination of an interior or exterior area, installation, or assembly to detect obvious damage, failure, or irregularity. This level of inspection is made under normally available lighting conditions such as daylight, hangar lighting, flashlight, or drop-light, and may require removal or opening of access panels or doors. Stands, ladders, or platforms may be required to gain proximity to the area being checked.''

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 Permits

(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 May 8, 2001.

Donald L. Riggin,

Acting Manager, Transport Airplane Directorate, Aircraft Certification Service.

[FR Doc. 01–12009 Filed 5–11–01; 8:45 am]

BILLING CODE 4910–13–U

COMMODITY FUTURES TRADING COMMISSION

17 CFR Part 39

RIN 3038–AB66

A New Regulatory Framework for Clearing Organizations

AGENCY: Commodity Futures Trading Commission.

ACTION: Proposed rulemaking.

SUMMARY: The Commodity Futures Trading Commission (Commission or CFTC) is proposing rules to implement various provisions of the Commodity Futures Modernization Act of 2000 (''CFMA''), which fundamentally alters the regulation of derivatives clearing organizations. These proposed rules apply to derivatives clearing organizations that are, are required to, or seek to become registered with the Commission and implement the statutory framework in the CFMA governing those entities.

DATES: Comments must be received by June 13, 2001.

ADDRESSES: Comments should be sent to the Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581, attention: Office of the Secretariat. Comments may be sent by facsimile transmission to (202) 418–5521 or, by e-mail to secretary@cftc.gov. Reference should be made to ''Clearing Organizations.''

FOR FURTHER INFORMATION CONTACT: Alan L. Seifert, Deputy Director, Division of Trading and Markets, Lois J. Gregory, Special Counsel, or David P. Van Wagner, Associate Director, Division of Trading and Markets, Commodity Futures Trading Commission, Three Lafayette Centre, 1155 21st Street, N.W., Washington, D.C. 20581. Telephone (202) 418–5260 or e-mail ASeifert@cftc.gov., LGregory@cftc.gov, or DVanWagner@cftc.gov.

SUPPLEMENTARY INFORMATION:

I. Background

Congress on December 15, 2000, passed, and the President on December 21, 2000, signed into law, the CFMA,[1] which substantially amended the Commodity Exchange Act, 7 U.S.C. 1 *et seq.* (''Act''). New Section 5b(a) of the Act, added by the CFMA, requires that contracts of sale of a commodity for future delivery, options on such contracts, and options on a commodity be cleared only by a derivatives clearing organization (''DCO'') registered with the Commission,[2] unless the contracts are: (i) Excluded under the Act, (ii) exempted under the Act, or (iii) security futures products cleared by a securities clearing agency. Contracts traded on a designated contract market, if cleared, must be cleared by a DCO.[3] Excluded or exempted contracts, including those elected pursuant to section 5a(g) to be traded on a registered derivatives transaction execution facility, are not required to be cleared by a DCO, although a clearing organization that clears these contracts may voluntarily apply, pursuant to section 5b(b), to register with the Commission as a DCO.[4] In addition, a DCO may clear other contracts, agreements, or transactions, including, but not limited to, certain over-the-counter (''OTC'') derivative instruments referenced in section 5b(b) of the Act and transactions in spot and forward contracts.[5]

To be registered as a DCO, an applicant must demonstrate that it complies with fourteen core principles set forth in the CFMA. Section 5b requires any person desiring to so register to submit to the Commission an application in such form and containing such information as the Commission may require for the purpose of determining whether the applicant meets the core principles.

The Commission is now proposing rules to implement section 5b of the Act. This proposal follows the Commission's proposal of regulations to implement the CFMA's provisions governing trading facilities, which was published for comment on March 9, 2001.[6] Part 39 would stipulate the form and provide guidance for the content of applications for DCO registration, as well as procedures for processing such applications. Other provisions would assist the Commission in carrying out its oversight responsibilities with respect to the operations and activities of DCOs, enforcing compliance by DCOs with the core principles and other provisions of the Act and regulations, protecting clearing participants from fraud, and ensuring the enforceability of contracts cleared on DCOs. Part 39 does not apply to the execution of transactions cleared by DCOs; its provisions apply specifically and only to the clearing of transactions by DCOs.[7]

II. Proposed Part 39

A. Application and Approval Procedures

Proposed part 39 would apply to any DCO, as defined under section 1a(9) of the Act,[8] that is registered with the

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[1] See Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

[2] For purposes of this release, use of the term ''derivatives clearing organization'' means an applicant seeking registration as a DCO, or a DCO registered or required to be registered, with the Commission pursuant to section 5b of the Act.

[3] The Commission will consider, however, under the exemptive authority provided by section 4(c) of the Act, requests to clear transactions through alternative means.

[4] Thus, under the CFMA, DCOs are treated as entities that are separate and distinct from the markets for which they provide clearing services.

[5] Under section 409 of the Federal Deposit Insurance Corporation Act of 1991, as amended by section 112 of the CFMA, OTC derivatives also may be cleared by a multilateral clearing organization supervised by federal banking authorities, a clearing agency registered under the Securities Exchange Act of 1934, or a clearing organization supervised by a foreign financial regulator that satisfies appropriate standards as determined by the Comptroller of the Currency, the Board of Governors of the Federal Reserve System, the Federal Deposit Insurance Corporation, the Securities and Exchange Commission, or the CFTC. This approach to clearing is consistent with the Report of the President's Working Group on Financial Markets (''PWG''), which encouraged the development of clearing systems for OTC derivatives to reduce systemic risk. *See* Over-the-Counter Derivatives Markets and the Commodity Exchange Act, Report of the PWG (Nov. 1999). The Commission believes that appropriate standards referred to above include regulating and overseeing the organization pursuant to principles comparable to the core principles set forth in section 5b of the Act and a requirement to participate in appropriate and adequate information sharing arrangements.

[6] 66 FR 14262. That release, when it is published as a final rulemaking, will be conformed to this release insofar as this release clarifies the application of the DCO-related provisions of the CFMA.

[7] Section 1a(9) of the Act defines the term DCO to encompass entities that, ''with respect to an agreement, contract, or transaction—(i) enables each party to the agreement * * * to substitute, through novation or otherwise, the credit of the [DCO] for the credit of the parties; (ii) arranges or provides, on a multilateral basis, for the settlement or netting of obligations resulting from such agreements * * * executed by participants in the [DCO]; or (iii) otherwise provides clearing services or arrangements that mutualize or transfer among participants in the [DCO] the credit risk arising from such agreements * * * executed by the participants.''

[8] The CFMA's definition of DCO does not necessitate the performance of a direct credit enhancement function. *See* section 1a(9)(ii). Thus, the provision of certain settlement or netting services in the absence of direct credit enhancement would generally meet the definition of a DCO. An organization that intends to provide settlement or other clearing-type services to a designated contract

Commission, is required to become so registered, or which voluntarily seeks to become so registered. If certain conditions were met, an organization would be deemed to be registered with the Commission as a DCO under part 39 or, as determined by Commission order, registered upon conditions, sixty days after receipt by the Commission of an application for registration, unless notified otherwise.[9] This would include submission of the applicant's rules, a demonstration that the applicant satisfies the core principles of the Act, submission of any agreements with third parties that enable the applicant to meet one or more of the core principles, and descriptions of any system test procedures and results.

Appendix A to part 39 would provide guidance that applicants could use to meet the core principles. The CFMA provides that an applicant shall have reasonable discretion in establishing the manner in which it complies with the core principles. The guidance in proposed Appendix A is intended merely to illustrate the manner in which a clearing organization may meet a core principle and is not intended to be a mandatory checklist.

If an applicant did not meet registration requirements, Commission staff would inform the applicant of the shortcomings and notify it that the Commission was terminating review under part 39 and would continue review of its application under section 6 of the Act. Within ten days of being notified, the applicant could ask the Commission to either register it or commence registration denial proceedings. An applicant also could withdraw its application.

An applicant may request that the Commission approve any of its rules. If an applicant requests approval of one or more of its rules, it would be required to do so pursuant to the applicable provisions of proposed § 40.5 in proposed part 40 governing the procedures and timeframes for rule approval.[10] An applicant may request approval of one or more of its rules at the time it makes its initial application or thereafter. In accordance with new section 5b(c)(3) of the Act, an applicant also may request that the Commission issue an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of the Act. In considering any requests for such orders, the Commission intends to apply section 15(b) of the Act in a manner consistent with its previous application of section 15(b) to contract markets.

B. Existing Derivatives Clearing Organizations

New section 5b(d) of the Act provides that existing DCOs shall be deemed to be registered with the Commission to the extent that the DCO clears agreements, contracts, or transactions for a board of trade that has been designated by the Commission as a contract market for such agreements, contracts, or transactions prior to enactment of the CFMA. This provision captures all futures clearing organizations regulated by the Commission that have ever cleared any futures contracts for designated contract markets prior to December 21, 2000, the effective date of the CFMA. This language does not capture any organization approved to clear futures in connection with a pre-CFMA contract market designation which has not yet cleared any contracts.[11] However, since review and approval of such an organization took place pursuant to criteria comparable to that contained in the fourteen core principles set forth in the amended Act, the Commission clarifies that any such organization will be deemed by the Commission to be registered with the Commission as a DCO upon receipt by the Commission of a certification that the organization currently meets and will continue to meet the core principles and all applicable requirements of the Act and Commission regulations.

C. Derivatives Clearing Organizations

Under proposed part 39, a DCO and the clearing of transactions on a DCO are exempt from all Commission regulations except for proposed parts 39 and 40, and certain select regulations relating to, for example, the segregation of customer funds and recordkeeping.[12] To maintain registration as a DCO, part 39 would require DCOs to remain in compliance at all times with the core principles. The Commission could ask a DCO to submit in writing at any time, any information that the Commission deemed necessary to demonstrate that the DCO is in compliance with one or more of the core principles.[13] The guidance in Appendix A with respect to applicants may be used by registrants as well, for guidance on ongoing compliance with the core principles. A DCO may request that the Commission approve any of its rules either prior to or after implementation of the rule(s).[14] Such requests would be handled under the applicable procedures of proposed part 40. Any new or amended rule not voluntarily submitted to the Commission for approval must be submitted with a certification that the new rule or amendment complies with the Act, pursuant to applicable procedures of proposed part 40. As noted above, a DCO also may request that the Commission issue an order concerning whether a rule or practice of the applicant is the least anticompetitive means of achieving the objectives, purposes, and policies of the Act. The Commission intends to apply section 15(b) of the Act in a manner consistent with its previous application of section 15(b) to contract markets.

In addition to the information requests relevant to demonstrating compliance with core principles, proposed rule 39.5 requires that large trader information be provided to the Commission by futures commission merchants, clearing members and foreign brokers. This requirement complements the rules relating to large trader position reports for transaction execution facilities. The Commission has also proposed special call authority parallel to that proposed for transaction execution facilities.

Proposed part 39 also contains an antifraud provision. This provision

market without accompanying credit enhancement must still demonstrate compliance with all section 5b core principles to obtain unconditional registration as a DCO. Otherwise, the Commission may grant DCO registration with conditions when and as appropriate.

[9] The Act does not include an express time limit for Commission consideration of applications to become registered DCOs.

[10] 66 FR 14262 (March 9, 2001).

[11] This includes one organization, namely, FutureCom Commodity Exchange, Ltd.

[12] Commission Regulation 1.31 is reserved in part 39. Regulation 1.31 was updated and amended by the Commission in 1999 so as to provide broad, flexible performance standards for recordkeeping. In addition, Regulation 1.31 is substantially similar to the recordkeeping requirements maintained by the Securities and Exchange Commission. Pursuant to the guidance provided in the appendix to part 39, a DCO's recordkeeping has to satisfy the performance standards in Regulation 1.31.

[13] Section 5c(d) of the Act provides a mechanism for notifying DCOs (and other registered entities) that they are violating a core principle. The request for a demonstration of compliance operates independently of the section 5c(d) procedure. Indeed, the request for such a demonstration from a registered entity, and the Commission's consideration of the entity's response may constitute a useful alternative to the more formal procedures of section 5c(d) of the Act. It would be the Commission's intent to explore such informal methods of resolving issues of compliance with core principles by DCOs prior to invoking more formal mechanisms.

[14] The Act limits a registered entity seeking approval to request approval only ''prior'' to implementation. Thus, the Commission is proposing to use its section 4(c) exemptive authority with respect to this provision. The Commission believes that this exercise of exemptive authority should provide DCOs with greater procedural flexibility and would be consistent with the public interest.

would be specifically limited to prohibit fraudulent actions by persons in or in connection with the clearing of transactions on a DCO. Part 39's antifraud provision is proposed pursuant to the authority provided by section 8a(5) of the Act to make such rules, as in the judgment of the Commission, are reasonably necessary to effectuate the provisions of the Act. Section 5b of the Act grants new authority to the Commission to regulate DCOs, which is separate from the authority to regulate the trading facilities for which they clear. In this context, the proposed antifraud provision is necessary to address fraud in or in connection with clearing, which might not be covered by any other antifraud provision or by one of the core principles. As is the case with the other provisions of part 39, the antifraud rule would apply specifically and only to the activity of clearing.

Proposed part 39 would not interfere with the enforceability of contracts cleared on DCOs. It provides that a contract or transaction cleared pursuant to the rules of a DCO shall not be void, voidable, subject to rescission, or otherwise invalidated or rendered unenforceable as a result of a violation by the DCO of the provisions of section 5b of the Act or part 39, or as a result of any Commission proceeding to alter, supplement, or require the DCO to adopt a specific rule or procedure or refrain from taking a specific action.

III. Section 4(c) Findings

One of the provisions of the proposal contained in this **Federal Register** notice is being proposed under section 4(c) of the Act, which grants the Commission broad exemptive authority. Section 4(c) of the Act provides that, in order to promote responsible economic or financial innovation and fair competition, the Commission may by rule, regulation or order exempt any class of agreements, contracts, or transactions, either unconditionally or on stated terms or conditions, from any of the requirements of any provision of the Act (except certain provisions governing a group or index of securities and security futures products). As relevant here, when granting an exemption pursuant to section 4(c), the Commission must find that the exemption would be consistent with the public interest.

The Commission is proposing to use its section 4(c) exemptive authority here to provide registered entities with greater procedural flexibility than is contained in the Act. Pursuant to proposed rule 39.4, a DCO may request that the Commission approve its rules or rule amendments prior to their implementation or any time thereafter, notwithstanding the Act's limitation on registered entities seeking approval to do so only prior to implementation. The Commission believes that this exercise of exemptive authority should provide DCOs with greater procedural flexibility and would be consistent with the public interest.

IV. Cost-Benefit Analysis

Section 15 of the Act, as amended by section 119 of the CFMA, requires the Commission to consider the costs and benefits of its action before issuing a new regulation under the Act. The Commission is applying the cost-benefit provisions of section 15 in this rulemaking and understands that, by its terms, section 15 as amended does not require the Commission to quantify the costs and benefits of a new regulation or to determine whether the benefits of the proposed regulation outweigh its costs. Rather, section 15 simply requires the Commission to ''consider the costs and benefits'' of its action.

The amended section 15 further specifies that costs and benefits shall be evaluated in light of five broad areas of market and public concern: protection of market participants and the public; efficiency, competitiveness, and financial integrity of futures markets; price discovery; sound risk management practices; and other public interest considerations. Accordingly, the Commission could, in its discretion, give greater weight to any one of the five enumerated areas of concern and could in its discretion determine, that, notwithstanding its costs, a particular rule was necessary or appropriate to protect the public interest or to effectuate any of the provisions or to accomplish any of the purposes of the Act.

Part 39 is part of a package of related rule provisions implementing the CFMA. The Commission has considered the costs and benefits of proposed part 39 and the costs and benefits of the related rule provisions. Significantly, part 39 would limit the period of time for Commission review of DCO applications to 60 days, thereby providing the important benefit of an expedited review, even though the Act does not specify any time limit for review of DCO applications. The rules also provide the benefit of substantial additional, non-binding guidance to DCO applicants and DCOs as to how they may comply with the statutory core principles. The rules only impose reporting, recordkeeping and other informational requirements on DCOs that either are mandated by or carry out, or are fully consistent with the new provisions of the CFMA concerning DCOs.

The Commission has considered the costs and benefits of this rule package in light of the specific areas of concern identified in the CFMA. The rules would impose limited costs on the entities in requiring them to gather, compile, and submit certain information that the Commission needs in order to perform its function of overseeing futures and clearing and enforcing compliance by DCOs with the provisions of the Act. The proposed rules would not increase costs related to market competitiveness and would not affect the price discovery function of markets. The Commission believes that part 39's antifraud provision would benefit market participants and the public interest by deterring illegal behavior and that its enforceability provision would benefit the public interest by furthering legal certainty.

After considering these factors, the Commission has determined to propose part 39. Commenters are invited to submit any data that they may have quantifying the costs and benefits of the proposed rules.

V. Implementation

The provisions of the Act governing DCOs contained in the CFMA became effective on December 21, 2000, the same date that the CFMA was signed into law. In light of the need to promulgate implementing regulations without delay, the Commission encourages commenters to submit their comments on the proposed rulemaking as early as possible during the comment period, but in any event, by the end of the comment period. The Commission believes at this time that any extension of the comment period would be contrary to the public interest. The Commission will not bring any enforcement action against any person who complies with the rules proposed herein. Persons who do comply with the proposed rules, however, will be required to bring their conduct into compliance with the final rules to the extent that the final rules differ from the proposed rules.

VI. Related Matters

A. Regulatory Flexibility Act

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, requires that agencies, in proposing regulations, consider the impact of those regulations on small entities. The rules adopted herein would affect DCOs. The Commission has previously established certain definitions of ''small entities'' to

be used by the Commission in evaluating the impact of its rules on such entities in accordance with the RFA.[15] In its previous determinations, the Commission has concluded that contract markets are not small entities for the purpose of the RFA.[16] DCOs clear contracts executed on contract markets and other trading facilities. DCOs, as defined in the CFMA, should not be considered small entities. Accordingly, the Commission does not expect the rules, as proposed herein, to have a significant economic impact on a substantial number of small entities. Therefore, the Acting Chairman, on behalf of the Commission, hereby certifies, pursuant to 5 U.S.C. 605(b), that the proposed amendments will not have a significant economic impact on a substantial number of small entities. The Commission invites the public to comment on whether DCOs covered by these rules should be considered small entities for purposes of the RFA.

B. Paperwork Reduction Act

Part 39 contains information collection requirements. As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507(d)), the Commission has submitted a copy of this part to the Office of Management and Budget (''OMB'') for its review.

Collection of Information: Clearing Organizations, OMB Control Number 3038–0051.

The proposed rules will not change the burden previously approved by OMB. The burden associated with the proposed new rules is estimated to be 2,000 hours that will result from new submission requirements for first-time applicants for registration as DCOs. The estimated burden of the new part 39 was calculated as follows:

Estimated number of respondents: 10.

Reports annually by each respondent: 1.

Total annual responses: 10.

Estimated Average number of hours per response: 200.

Annual burden in fiscal year: 2,000.

Organizations and individuals desiring to submit comments on the information collection requirements should direct them to the Office of Information and Regulatory Affairs, OMB, Room 10202 New Executive Office Building, 725 17th Street, NW., Washington, DC 20503, Attention: Desk Officer for the Commodity Futures Trading Commission.

[15] 47 FR 18618 (April 30, 1982).

[16] 47 FR 18618, 18619 (discussing contract markets).

The Commission considers comments by the public on this proposed collection of information in:

- Evaluating whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have a practical use;
- Evaluating the accuracy of the Commission's estimate of the burden of the proposed collection 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 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.

OMB is required to make a decision concerning the collection of information contained in these proposed regulations between 30 and 60 days after publication of this document in the **Federal Register**. 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 to the Commission on the proposed regulations.

Copies of the information collection submission to OMB are available from the CFTC Clearance Officer, 1155 21st Street, NW., Washington, DC 20581, (202) 418–5160.

List of Subjects in 17 CFR Part 39

Commodity futures, Consumer protection.

In consideration of the foregoing, and pursuant to the authority contained in section 7b of title 7 of the U.S.C., as added by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000), the Commission proposes to amend Chapter I of Title 17 of the Code of Federal Regulations by adding part 39 to read as follows:

PART 39—DERIVATIVES CLEARING ORGANIZATIONS

Sec.
39.1 Scope.
39.2 Exemption.
39.3 Procedures for registration.
39.4 Procedures for implementing derivatives clearing organization rules.
39.5 Information relating to derivatives clearing organization operations.
39.6 Enforceability.
39.7 Fraud in connection with the clearing of transactions on a derivatives clearing organization.
Appendix A to Part 39—Application Guidance and Compliance With Core Principles

Authority: 7 U.S.C. 7b as added by the Commodity Futures Modernization Act of 2000, Appendix E of Pub. L. 106–554, 114 Stat. 2763 (2000).

§ 39.1 Scope.

The provisions of this part apply to any derivatives clearing organization as defined under section 1a(9) of the Act which is registered with the Commission as a derivatives clearing organization, is required to register as such with the Commission pursuant to section 5b(a) of the Act, or which voluntarily applies to register as such with the Commission pursuant to section 5b(b) or otherwise.

§ 39.2 Exemption.

A derivatives clearing organization and the clearing of agreements, contracts and transactions on a derivatives clearing organization are exempt from all Commission regulations except for the requirements of this part 39 and §§ 1.12(f)(1), 1.3, 1.20, 1.24, 1.25, 1.26, 1.27, 1.29, 1.31, 1.36, 1.38, 33.10, part 40 and part 190 of this chapter, and as applicable to the agreement, contract or transaction cleared, parts 15 through 18 of this chapter, which are applicable to a derivatives clearing organization and its activities as though they were set forth in this section and included specific reference to derivatives clearing organizations.

§ 39.3 Procedures for registration.

(a) *Registration by application.* An organization shall be deemed to be registered as a derivatives clearing organization sixty days after receipt by the Commission of an application for registration as a derivatives clearing organization unless notified otherwise during that period, or, as determined by Commission order, registered upon conditions, if:

(1) The application is labeled as being submitted pursuant to this part 39;

(2) The applicant meets the definition of derivatives clearing organization contained in section 1a(9) of the Act;

(3) The application includes a copy of the applicant's rules;

(4) To the extent it is not self evident from the applicant's rules, the application demonstrates how the applicant satisfies each of the core principles specified in section 5b(c)(2) of the Act;

(5) The applicant submits any agreements entered into or to be entered into between or among the applicant, its

operator or its participants that enable or empower the applicant to comply with the core principles specified in section 5b(c)(2) of the Act, and descriptions of any system test procedures, tests conducted or test results;

(6) The applicant does not amend or supplement the application except as requested by the Commission or for correction of typographical errors, renumbering or other nonsubstantive revisions, during that period; and

(7) The applicant has not instructed the Commission in writing during the review period to review the application pursuant to the time provisions of and procedures under section 6 of the Act.

(b) *Termination of part 39 review.* If, during the sixty-day period for review provided by paragraph (a) of this section, it appears that the application's form or substance fails to meet the requirements of this part, the Commission shall notify the applicant seeking registration that the Commission is terminating review under this section and will review the proposal under the time period and procedures of section 6 of the Act. This termination notification will state the nature of the issues raised and the specific condition of registration that the applicant would violate, appears to violate, or the violation of which cannot be ascertained from the application. Within ten days of receipt of this termination notification, the applicant seeking registration may request that the Commission render a decision whether to register the applicant or to institute a proceeding to deny the proposed application under procedures specified in section 6 of the Act by notifying the Commission that the applicant views its submission as complete and final as submitted.

(c) *Withdrawal of application for registration.* An applicant for registration may withdraw its application by filing with the Commission such a request. Withdrawal of an application for registration shall not affect any action taken or to be taken by the Commission based upon actions, activities, or events occurring during the time that the application for registration was pending with the Commission.

(d) *Guidance for applicants and registrants.* Appendix A to this part provides guidance to applicants and registrants on how the core principles specified in section 5b(c)(2) of the Act may be satisfied.

(e) *Delegation of authority.* (1) The Commission hereby delegates, until it orders otherwise, to the Director of the Division of Trading and Markets or the Director's delegatees, with the concurrence of the General Counsel or the General Counsel's delegatees, the authority to exercise the functions under paragraphs (a) and (b) of this section and under § 39.5.

(2) The Director of the Division of Trading and Markets may submit to the Commission for its consideration any matter which has been delegated in this paragraph.

(3) Nothing in this paragraph prohibits the Commission, at its election, from exercising the authority delegated in paragraph (e)(1) of this section.

§ 39.4 Procedures for implementing derivatives clearing organization rules.

(a) *Request for approval of rules.* An applicant for registration, or a registered derivatives clearing organization, may request, pursuant to the procedures of § 40.5 of this chapter, that the Commission approve any or all of its rules and subsequent amendments thereto, including operational rules, prior to their implementation or, notwithstanding the provisions of section 5c(c)(2) of the Act, at any time thereafter, under the procedures of § 40.5 of this chapter. A derivatives clearing organization may label as, ''Approved by the Commission,'' only those rules that have been so approved.

(b) *Self-certification of rules.* Proposed new or amended rules of a derivatives clearing organization not voluntarily submitted for prior Commission approval pursuant to paragraph (a) of this section must be submitted to the Commission with a certification that the proposed new rule or rule amendment complies with the Act and rules thereunder pursuant to the procedures of § 40.6 of this chapter.

(c) *Orders regarding competition.* An applicant or a registered derivatives clearing organization may request that the Commission issue an order concerning whether a rule or practice of the organization is the least anticompetitive means of achieving the objectives, purposes, and policies of the Act.

§ 39.5 Information relating to derivatives clearing organization operations.

(a) Upon request by the Commission, a derivatives clearing organization shall file with the Commission such information related to its business as a clearing organization, including information relating to trade and clearing details, in the form and manner and within the time as specified by the Commission in the request.

(b) Upon request by the Commission, a derivatives clearing organization shall file with the Commission a written demonstration, containing such supporting data, information and documents, in the form and manner and within such time as the Commission may specify that the derivatives clearing organization is in compliance with one or more core principles as specified in the request.

(c) Information regarding transactions by large traders cleared by a derivatives clearing organization shall be filed with the Commission, in a form and manner acceptable to the Commission, by futures commission merchants, clearing members, foreign brokers or registered entities other than a derivatives clearing organization, as applicable. Provided, however, that if no such person or entity is required to file large trader information with the Commission, such information must be filed with the Commission by a derivatives clearing organization.

(d) Upon special call by the Commission, each person registered as a futures commission merchant, clearing member or foreign broker shall provide information to the Commission concerning customer accounts or related positions cleared on a derivatives clearing organization or other multilateral clearing organization in the form and manner and within the time specified by the Commission in the special call.

§ 39.6 Enforceability.

An agreement, contract or transaction cleared pursuant to the rules of a derivatives clearing organization shall not be void, voidable, subject to rescission, or otherwise invalidated or rendered unenforceable as a result of:

(a) A violation by the derivatives clearing organization of the provisions of section 5b of the Act or this part 39; or

(b) Any Commission proceeding to alter or supplement a rule under section 8a(7) of the Act, to declare an emergency under section 8a(9) of the Act, or any other proceeding the effect of which is to alter, supplement, or require a derivatives clearing organization to adopt a specific rule or procedure, or to take or refrain from taking a specific action.

§ 39.7 Fraud in connection with the clearing of transactions on a derivatives clearing organization.

It shall be unlawful for any person, directly or indirectly, in or in connection with the clearing of transactions by a derivatives clearing organization:

(a) To cheat or defraud or attempt to cheat or defraud any other person;

(b) Willfully to make or cause to be made to any other person any false

report or statement thereof or cause to be entered for any person any false record thereof; or

(c) Willfully to deceive or attempt to deceive any other person by any means whatsoever.

Appendix A to Part 39—Application Guidance and Compliance With Core Principles

This appendix provides guidance concerning the core principles with which a clearing organization must demonstrate compliance to be granted and to maintain registration as a derivatives clearing organization under section 5b of the Act and § 39.3 and § 39.5 of the Commission's regulations. The guidance follows each core principle and can be used to demonstrate core principle compliance under § 39.3(a)(iv) and § 39.5(d). The guidance for each core principle is illustrative only of the types of matters a clearing organization may address, as applicable, and is not intended to be a mandatory checklist. Addressing the criteria set forth in this appendix would help the Commission in its consideration of whether the clearing organization is in compliance with the core principles. To the extent that compliance with, or satisfaction of, a core principle is not self-explanatory from the face of a clearing organization's rules, an application pursuant to § 39.3 or a submission pursuant to § 39.5 should include an explanation or other form of documentation demonstrating that the clearing organization complies with the core principles.

Core Principle A: In General—To be registered and to maintain registration as a derivatives clearing organization, an applicant shall demonstrate to the Commission that the applicant complies with the core principles specified in this paragraph. The applicant shall have reasonable discretion in establishing the manner in which it complies with the core principles.

An entity preparing to submit to the Commission an application to operate as a derivatives clearing organization is encouraged to contact Commission staff for guidance and assistance in preparing its application. Applicants may submit a draft application for review prior to the submission of an actual application without triggering the application review procedures of § 39.3 of the Commission's regulations. The Commission also may require a derivatives clearing organization to demonstrate to the Commission that it is operating in compliance with one or more core principles.

Core Principle B: Financial Resources—The applicant shall demonstrate that the applicant has adequate financial, operational, and managerial resources to discharge the responsibilities of a derivatives clearing organization.

In addressing Core Principle B, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. The amount of resources dedicated to supporting the clearing function:

a. The amount of resources available to the clearing organization and the sufficiency of those resources to assure that no break in clearing operations would occur in a variety of market conditions; and

b. The level of member/participant default such resources could support as demonstrated through use of hypothetical default scenarios that explain assumptions and variables factored into the illustrations.

2. The nature of resources dedicated to supporting the clearing function:

a. The type of the resources, including their liquidity, and how they could be accessed and applied by the clearing organization promptly;

b. How financial and other material information will be updated and reported to members, the public, and the Commission on an ongoing basis; and

c. Any legal or operational impediments or conditions to access.

Core Principle C: Participant and Product Eligibility—The applicant shall establish (i) appropriate admission and continuing eligibility standards (including appropriate minimum financial requirements) for members of and participants in the organization; and (ii) appropriate standards for determining eligibility of agreements, contracts, or transactions submitted to the applicant.

In addressing Core Principle C, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Member/participant admission criteria:

a. How admission standards for its clearing members/participants would contribute to the soundness and integrity of operations; and

b. Matters such as whether these criteria would be in the form of organization rules that apply to all clearing members/participants, whether different levels of membership/participation would relate to different levels of net worth, income, and creditworthiness of members/participants, and whether margin levels, position limits and other controls would vary in accordance with these levels.

2. Member/participant continuing eligibility criteria:

a. A program for monitoring the financial status of its members/participants; and

b. Whether and how the clearing organization would be able to change continuing eligibility criteria in accordance with changes in a member's/participant's financial status.

3. Criteria for instruments acceptable for clearing:

a. How the clearing organization would establish specific criteria for the types of agreements, contracts, or transactions it will clear; and

b. How those criteria take into account the different risks inherent in clearing different agreements, contracts, or transactions and how they affect maintenance of assets to support the guarantee function in varying risk environments.

4. The clearing function for each instrument the organization undertakes to clear.

Core Principle D: Risk Management—The applicant shall have the ability to manage the risks associated with discharging the responsibilities of a derivatives clearing organization through the use of appropriate tools and procedures.

In addressing Core Principle D, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Use of risk analysis tools and procedures:

a. How the adequacy of the overall level of financial resources would be tested on an ongoing periodic basis in a variety of market conditions;

b. How the organization would use specific risk management tools such as stress testing and value at risk calculations; and

c. What contingency plans the applicant has for managing extreme market events.

2. Use of collateral:

a. How appropriate forms and levels of collateral would be established and collected;

b. How amounts would be adequate to secure prudentially obligations arising from clearing transactions and performing as a central counterparty;

c. The process for determining appropriate margin levels for an instrument cleared and for clearing members/participants;

d. The appropriateness of required or allowed forms of margin given the liquidity and related requirements of the clearing organization;

e. How the clearing organization would value open positions and collateral assets; and

f. The proposed margin collection schedule and how it would relate to changes in the value of market positions and collateral values.

1. Use of credit limits:

If systems would be implemented that would prevent members/participants and other market participants from exceeding credit limits and how they would operate.

Core Principle E: Settlement Procedures—The applicant shall have the ability to (i) complete settlements on a timely basis under varying circumstances; (ii) maintain an adequate record of the flow of funds associated with each transaction that the applicant clears; and (iii) comply with the terms and conditions of any permitted netting or offset arrangements with other clearing organizations.

In addressing Core Principle E, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Settlement timeframe:

a. Procedures for completing settlements on a timely basis during times of normal operating conditions; and

b. Procedures for completing settlements on a timely basis in varying market circumstances including during a period when one or more significant members/participants have defaulted.

2. Recordkeeping:

a. The nature and quality of the information collected concerning the flow of funds involved in clearing and settlement; and

b. How such information would be recorded, maintained and accessed.

3. Interfaces with other clearing organizations:

How compliance with the terms and conditions of netting or offset arrangements with other clearing organizations would be met, including, among others, common banking or common clearing programs.

Core Principle F: Treatment of Funds—The applicant shall have standards and procedures designed to protect and ensure the safety of member and participant funds.

In addressing Core Principle F, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Safe custody:

a. The safekeeping of funds, whether in accounts, in depositories, or with custodians, and how it would meet industry standards of safety;

b. Any written terms regarding the legal status of the funds and the specific conditions or prerequisites for movement of the funds; and

c. The extent to which the deposit of funds in accounts in depositories or with custodians would limit concentration of risk.

2. Segregation between customer and proprietary funds:

Requirements or restrictions regarding commingling customer with proprietary funds, obligating customer funds for any purpose other than to purchase, clear, and settle the products the clearing organization is clearing, or procedures regarding customer funds which are subject to cross-margin or similar agreements, and any other aspects of customer fund segregation.

3. Investment standards:

a. How customer funds would be invested consistent with high standards of safety; and

b. How the organization will gather and keep associated records and data regarding the details of such investments.

Core Principle G: Default Rules and Procedures—The applicant shall have rules and procedures designed to allow for efficient, fair, and safe management of events when members or participants become insolvent or otherwise default on their obligations to the derivatives clearing organization.

In addressing Core Principle G, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Definition of default:

a. The definition of default and how it would be established and enforced; and

b. How the organization would address failure to meet margin requirements, the insolvent financial condition of a member/participant, failure to comply with certain rules, failure to maintain eligibility standards, actions taken by other regulatory bodies, or other events.

2. Remedial action:

The authority pursuant to which, and how, the clearing organization may take appropriate action in the event of the default of a member/participant which may include, among other things, closing out positions, replacing positions, set-off, and applying margin.

3. Process to address shortfalls:

Procedures for the prompt application of clearing organization and/or member/participant financial resources to address monetary shortfalls resulting from a default.

4. Use of cross-margin programs:

How cross-margining programs would provide for clear, fair, and efficient means of covering losses in the event of a program participant default.

5. Customer priority rule:

Rules and procedures regarding priority of customer accounts over proprietary accounts of defaulting members/participants and, where applicable, in the context of specialized margin reduction programs such as cross-margining or trading links with other exchanges.

Core Principle H: Rule Enforcement—The applicant shall (i) maintain adequate arrangements and resources for the effective monitoring and enforcement of compliance with rules of the applicant and for resolution of disputes; and (ii) have the authority and ability to discipline, limit, suspend, or terminate a member's or participant's activities for violations of rules of the applicant.

In addressing Core Principle H, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Surveillance:

Arrangements and resources for the effective monitoring of compliance with rules relating to clearing practices and financial surveillance.

2. Enforcement:

Arrangements and resources for the effective enforcement of rules and authority and ability to discipline and limit or suspend a member's/participant's activities pursuant to clear and fair standards.

3. Dispute resolution:

Where applicable, arrangements and resources for resolution of disputes between customers and members/participants, and between members/participants.

Core Principle I: System Safeguards—The applicant shall demonstrate that the applicant (i) has established and will maintain a program of oversight and risk analysis to ensure that the automated systems of the applicant function properly and have adequate capacity and security; and (ii) has established and will maintain emergency procedures and a plan for disaster recovery, and will periodically test backup facilities sufficient to ensure daily processing, clearing, and settlement of transactions.

In addressing Core Principle I, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Oversight/risk analysis program:

a. Whether a program addresses appropriate principles and procedures for the oversight of automated systems to ensure that its clearing systems function properly and have adequate capacity and security. The Commission believes that the guidelines issued by the International Organization of Securities Commissions (IOSCO) in 1990 and adopted by the Commission on November 21, 1990 (55 FR 48670), as supplemented in October 2000, are appropriate guidelines for an automated clearing system to apply.

b. Emergency procedures and a plan for disaster recovery; and

c. Periodic testing of back-up facilities and ability to provide timely processing, clearing, and settlement of transactions.

2. Appropriate periodic objective system reviews/testing:

a. Any program for the periodic objective testing and review of the system, including tests conducted and results; and

b. Confirmation that such testing and review would be performed or assessed by qualified independent professionals.

Core Principle J: Reporting—The applicant shall provide to the Commission all information necessary for the Commission to conduct the oversight function of the applicant with respect to the activities of the derivatives clearing organization.

In addressing Core Principle J, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Information available to or generated by the clearing organization that will be made routinely available to the Commission, upon request and/or as appropriate, to enable the Commission to perform properly its oversight function, including counterparties and their positions, stress test results, internal governance, legal proceedings, and other clearing activities;

2. Information the clearing organization will make available to the Commission on a non-routine basis and the circumstances which would trigger such action;

3. The information the organization intends to make routinely available to members/participants and/or the general public; and

4. Provision of information:

a. The manner in which all relevant routine or non-routine information will be provided to the Commission whether by electronic or other means; and

b. The manner in which any information will be made available to members/participants and/or the general public.

Core Principle K: Recordkeeping—The applicant shall maintain records of all activities related to the business of the applicant as a derivatives clearing organization in a form and manner acceptable to the Commission for a period of 5 years.

In addressing Core Principle K, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. The different activities related to the entity as a clearing organization for which it must maintain records; and

2. How the entity would satisfy the performance standards of Commission Regulation 1.31 (17 CFR 1.31), reserved in this part 39 and applicable to derivatives clearing organizations, including:

a. What ''full'' or ''complete'' would encompass with respect to each type of book or record that would be maintained;

b. The form and manner in which books or records would be compiled and maintained with respect to each type of activity for which such books or records would be kept;

c. Confirmation that books and records would be open to inspection by any representative of the Commission or of the U.S. Department of Justice;

d. How long books and records would be readily available and how they would be made readily available during the first two years; and

e. How long books and records would be maintained (and confirmation that, in any event, they would be maintained for at least five years).

Core Principle L: Public Information—The applicant shall make information concerning the rules and operating procedures governing the clearing and settlement systems (including default procedures) available to market participants.

In addressing Core Principle L, applicants and registered derivatives clearing organizations may describe or otherwise document:

Disclosure of information regarding rules and operating procedures governing clearing and settlement systems:

a. Which rules and operating procedures governing clearing and settlement systems should be disclosed to the public, to whom they would be disclosed, and how they would be disclosed;

b. What other information would be available regarding the operation, purpose and effect of the clearing organization's rules;

c. How members/participants may become familiar with such procedures before participating in operations; and

d. How members/participants will be informed of their specific rights and obligations preceding a default and upon a default, and of the specific rights, options and obligations of the clearing organization preceding and upon the member's/participant's default.

Core Principle M: Information Sharing—The applicant shall (i) enter into and abide by the terms of all appropriate and applicable domestic and international information-sharing agreements; and (ii) use relevant information obtained from the agreements in carrying out the clearing organization's risk management program.

In addressing Core Principle M, applicants and registered derivatives clearing organizations may describe or otherwise document:

1. Applicable appropriate domestic and international information-sharing agreements and arrangements including the different types of domestic and international information-sharing arrangements, both formal and informal, which the clearing organization views as appropriate and applicable to its operations.

2. How information obtained from information-sharing arrangements would be used to carry out risk management and surveillance programs:

a. How information obtained from any information-sharing arrangements would be used to further the objectives of the clearing organization's risk management program and any of its surveillance programs including financial surveillance and continuing eligibility of its members/participants;

b. How accurate information is expected to be obtained and the mechanisms or procedures which would make timely use and application of all information; and

c. The types of information expected to be shared and how that information would be shared.

Core Principle N: Antitrust Considerations—Unless appropriate to achieve the purposes of this Act, the derivatives clearing organization shall avoid (i) adopting any rule or taking any action that results in any unreasonable restraint of trade; or (ii) imposing any material anticompetitive burden on trading on the contract market.

Pursuant to section 5b(c)(3) of the Act, a registered derivatives clearing organization or an entity seeking registration as a derivatives clearing organization may request that the Commission issue an order concerning whether a rule or practice of the organization is the least anticompetitive means of achieving the objectives, purposes, and policies of the Act. The Commission intends to apply section 15(b) of the Act to its consideration of issues under this core principle in a manner consistent with that previously applied to contract markets.

Dated: May 8, 2001.

By the Commission.

Jean A. Webb,

Secretary.

[FR Doc. 01–12084 Filed 5–11–01; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 2

[FRL–6978–6]

Public Information and Confidentiality: Advance Notice of Proposed Rulemaking; Notice of Reopening of Comment Period

AGENCY: Environmental Protection Agency (EPA).

ACTION: Reopening of comment period.

SUMMARY: On December 21, 2000 (65 FR 80394), EPA published an advance notice of proposed rulemaking (ANPRM) regarding potential revision of the confidential business information (CBI). EPA is reopening the comment period in order to afford the public the opportunity to provide additional comments concerning the ANPRM. The comment period will close on June 13, 2001. We believe it is necessary to reopen the comment period as a courtesy to the public in response to public requests for additional time to consolidate comments on the proposal following the public meeting held on March 7, 2001.

DATES: EPA must receive comments on the ANPRM by June 13, 2001.

ADDRESSES: Written comments should be submitted (in duplicate if possible) to Docket Number EC–2000–004, Enforcement and Compliance Docket and Information Center (ECDIC), U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Room 4033, Mail Code 2201A, Washington, DC 20460; Phone, 202–564–2614 or 202–564–2119; Fax, 202–501–1011 E–Mail, *docket.oeca@epa.gov.* Documents related to this advance notice of proposed rulemaking are available for public inspection and viewing by contacting the ECDIC at this same address. The ECDIC is open from 8 a.m. to 4 p.m., Monday through Friday, excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Alan Margolis, Office of Information Collection, Office of Environmental Information, U.S. Environmental Protection Agency, 1200 Pennsylvania Ave., NW, Mail Code 2822, Washington, DC 20460; Phone, 202–260–9329; Fax, 202–401–4544; Email, *margolis.alan@epa.gov.*

Dated: May 7, 2001.

Margaret N. Schneider,

Acting Assistant Administrator, Office of Environmental Information.

[FR Doc. 01–12044 Filed 5–11–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 67

[Docket No. FEMA–D–7508]

Proposed Flood Elevation Determinations

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Proposed rule.

SUMMARY: Technical information or comments are requested on the proposed base (1% annual chance) flood elevations and proposed base flood elevation modifications for the communities listed below. The base flood elevations are the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: The comment period is ninety (90) days following the second publication of this proposed rule in a newspaper of local circulation in each community.

ADDRESSES: The proposed base flood elevations for each community are available for inspection at the office of the Chief Executive Officer of each community. The respective addresses are listed in the following table.

FOR FURTHER INFORMATION CONTACT: Matthew B. Miller, P.E., Chief, Hazards Study Branch, Mitigation Directorate, Federal Emergency Management

Agency, 500 C Street SW., Washington, DC 20472, (202) 646–3461, or (email) *matt.miller@fema.gov.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA or Agency) proposes to make determinations of base flood elevations and modified base flood elevations for each community listed below, in accordance with Section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed base flood and modified base flood elevations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own, or pursuant to policies established by other Federal, state or regional entities. These proposed elevations are used to meet the floodplain management requirements of the NFIP and are also used to calculate the appropriate flood insurance premium rates for new buildings built after these elevations are made final, and for the contents in these buildings.

National Environmental Policy Act

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

Regulatory Flexibility Act

The Acting Executive Associate Director, Mitigation Directorate, certifies that this proposed rule is exempt from the requirements of the Regulatory Flexibility Act because proposed or modified base flood elevations are required by the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and are required to establish and maintain community eligibility in the NFIP. As a result, a regulatory flexibility analysis has not been prepared.

Regulatory Classification

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

Executive Order 12612, Federalism

This proposed rule involves no policies that have federalism implications under Executive Order 12612, Federalism, dated October 26, 1987.

Executive Order 12778, Civil Justice Reform

This proposed rule meets the applicable standards of Section 2(b)(2) of Executive Order 12778.

List of Subjects in 44 CFR Part 67

Administrative practice and procedure, flood insurance, reporting and recordkeeping requirements.

Accordingly, 44 CFR Part 67 is proposed to be amended as follows:

PART 67—[AMENDED]

1. The authority citation for Part 67 continues to read as follows:

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

§ 67.4 [Amended]

2. The tables published under the authority of § 67.4 are proposed to be amended as follows:

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Connecticut	New Britain (City), Hartford County.	Webster Brook	Approximately 500 feet downstream of corporate limits.	None	*51
			Approximately 170 feet upstream of New Britain Avenue.	None	*66
		Piper Brook	At downstream corporate limits	None	*80
			Approximately 280 feet upstream of corporate limits.	None	*80
		Bass Brook	At downstream corporate limits	*90	*87
			Approximately 770 feet upstream of Lewis Road.	*267	*265
		Batterson Park	At Alexander Road	*180	*182
		Pond Brook	Approximately 275 feet upstream of Brittany Farms Road culverts.	*206	*207
		Sandy Brook	At confluence with Bass Brook	*90	*87
			Approximately 575 feet upstream of Ella Grasso Boulevard.	*131	*130
Maps available for inspection at the New Britain City Hall, 27 West Main Street, New Britain, Connecticut.					
Send comments to The Honorable Lucian J. Pawlak, Mayor of the City of New Britain, New Britain City Hall, 27 West Main Street, New Britain, Connecticut 06051.					
Connecticut	Newington (Town), Hartford County.	Mill Brook	At the confluence with Piper Brook	*53	*50
			Approximately 380 feet upstream of dam with footbridge.	*75	*74
		Schoolhouse Brook	Approximately 0.3 mile downstream of Wilson Avenue.	*75	*74
			At Robbins Avenue	*80	*81
		Piper Brook	At the downstream corporate limits	*53	*49
			Approximately 350 feet upstream of confluence of Bass Brook.	*80	*79
		Rock Hole Brook	Approximately 340 feet downstream of Stonehedge Drive.	*50	*51

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
			Approximately 0.54 foot upstream of Willard Avenue.	None	*89
		Webster Brook	Approximately 0.54 mile downstream of Kelsey Street.	*45	*48
			Approximately 0.52 mile upstream of railroad embankment.	None	*74
		Webster Brook	At the confluence with Webster Brook	None	*68
		Tributary	Approximately 1,300 feet upstream of Liberty Street.	None	*71
		Bass Brook	At confluence with Piper Brook	*80	*79
			Approximately 100 feet upstream of Route 9.	None	*100
Maps available for inspection at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.					
Send comments to The Honorable Robert A. Randich, Mayor of the Town of Newington, Newington Town Hall, 131 Cedar Street, Newington, Connecticut 06111.					
Florida	Astatula (Town), Lake County.	Little Lake Harris	Entire shoreline within community	None	*64
Maps available for inspection at the Town of Astatula Clerk's Office, 25019 CR 561, Astatula, Florida.					
Send comments to The Honorable James D. Ellrodt, Mayor of the Town of Astatula, P.O. Box 609, Astatula, Florida 34705.					
Florida	Clermont (City), Lake County.	Wilma Lake North	Entire shoreline within community	*89	*91
		Lake Felter	Entire shoreline within community	None	*89
		Wilma Lake South	Approximately 1,900 feet northeast of intersection of State Route 25 and Steves Road.	*89	*90
Maps available for inspection at the City of Clermont Planning & Zoning Department, 1 Westgate Plaza, Clermont, Florida.					
Send comments to Mr. Wayne Saunders, Clermont City Manager, P.O. Box 120219, Clermont, Florida 34712–0219.					
Florida	Eustis (City), Lake County.	Ponding Area H5B	Entire shoreline within community	None	*70
		Lake Eustis	Entire shoreline within community	*65	*64
Maps available for inspection at the City of Eustis Building Department, 10 North Grove Street, Eustis, Florida.					
Send comments to Mr. Michael G. Stearman, Eustis City Manager, P.O. Drawer 68, Eustis, Florida 32727–0068.					
Florida	Fruitland Park (City), Lake County.	Dream Lake	Entire shoreline within community	None	*73
		Fountain Lake East	Entire shoreline within community	None	*86
		Lake Gem	Entire shoreline within community	None	*91
		Lake Eustis	Entire shoreline within community	*65	*64
		Fountain Lake West	Entire shoreline within community	*85	*84
		Lake Griffin	Approximately 1,000 feet northeast of the intersection of Hamlet Court and Picciola Cutoff.	None	*61
		Myrtle Lake	Entire shoreline within community	None	*72
Maps available for inspection at the City of Fruitland Park City Hall, Building Department, 506 West Berckman Street, Fruitland Park, Florida.					
Send comments to Mr. Bruce D. Banning, Fruitland Park City Manager, 506 West Berckman Street, Fruitland Park, Florida 34731.					
Florida	Groveland (City), Lake County.	Stewart Lake	Approximately 100 feet northwest of the intersection of Parkwood Road and Gadson Street.	None	*100
Maps available for inspection at the City of Groveland Building Department, 156 South Lake Avenue, Groveland, Florida.					
Send comments to Mr. Jason Yarborough, Groveland City Manager, 156 South Lake Avenue, Groveland, Florida 34736.					
Florida	Gulf County (Unincorporated Areas).	Gulf of Mexico	Along the coast of the Gulf of Mexico approximately 1,000 feet north of Eagle Harbor.	*13	*12
			Along the Gulf of Mexico shoreline, approximately 1,500 feet west of Indian Pass.	*14	*13
		St. Joseph Bay	Approximately 1,500 feet inland from St. Joseph Bay, along the shoreline of St. Joseph Bay.	*9	*8
			Along the St. Joseph Bay shoreline, approximately 3 miles southeast of Pig Island.	*10	*11

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Indian Lagoon	Along the shoreline of Indian Lagoon, approximately 1,000 feet west of Indian Pass.	*11	*9
			Approximately 500 feet west of Indian Pass.	*11	*10
Maps available for inspection at the Gulf County Courthouse, 1000 Cecil G. Costin, Sr., Boulevard, Room 302, Port St. Joe, Florida.					
Send comments to Mr. Nathan Peters, Jr., Chairman of the Gulf County Board of Commissioners, 1000 Cecil G. Costin, Sr., Boulevard, Room 302, Port St. Joe, Florida 32456.					
Florida	Howey in the Hills (Town), Lake County.	Ponding Area 455–1	Approximately 100 feet west of the intersection of Marilyn Avenue and Poinsettia Street.	None	*84
		Lake Harris	Entire shoreline within community	None	*64
		Little Lake Harris	Entire shoreline within community	None	*64
Maps available for inspection at the Town of Howey in the Hills Town Hall, 101 North Palm Avenue, Howey in the Hills, Florida.					
Send comments to The Honorable Gregory J. Bittner, Mayor of the Town of Howey in the Hills, P.O. Box 67, Howey in the Hills, Florida 34737.					
Florida	Lake County (Unincorporated Areas).	Lake Denham	Entire shoreline within county	None	*64
		Zephyr Lake	Entire shoreline within county	None	*109
		Spring Lake	Entire shoreline within county	None	*74
		Unity Lake	Entire shoreline within county	None	*64
		Ponding Area 07–3	Entire shoreline within county	None	*74
		Ponding Area 07–5	Approximately 450 feet northeast of the intersection of Thomas Avenue and U.S. Route 44A.	None	*74
		Ponding Area 461–1	Entire shoreline within county	None	*87
		Ponding Area Q3–4	Entire shoreline within county	None	*78
		Ponding Area G9–1	Entire shoreline within county	None	*69
		Ponding Area G1–4	Entire shoreline within county	None	*65
		Ponding Area 725–1	Entire shoreline within county	None	*114
		Lake Needham	Entire shoreline within county	None	*106
		Ponding Area 650–1	Entire shoreline within county	None	*103
		Ponding Area 650–2	Entire shoreline within county	None	*105
		Ponding Area 525–1	Entire shoreline within county	None	*98
		Ponding Area 525–2	Entire shoreline within county	None	*94
		Ponding Area 525–3	Entire shoreline within county	None	*95
		Lake Harris	Entire shoreline within county	None	*64
		Ponding Area D 2 E 2		None	*84
		Ponding Area D 2 B		None	*69
		Lake Alice	Entire shoreline within county	None	*99
		Ponding Area E 3 B		None	*75
		Ponding Area K 1 A		None	*74
		Ponding Area K 4 1		None	*65
		Martins Lake	Approximately 650 feet northwest from the intersection of Old Highway 50 and Forestwood Drive.	None	*89
		Ponding Area J–1–1	Approximately 100 feet west of the intersection of Orange Court and Bay Avenue.	None	*74
		Sunset Valley Lake	Entire shoreline within county	*79	*82
		Ponding Area 359–2		None	*168
		Ponding Area 362–1	Entire shoreline within county	None	*80
		Lake Tem	Entire shoreline within county	None	*81
		Ponding Area	Approximately 250 feet in a southwesterly direction from the intersection of Indianola Drive and Woodland Avenue.	None	*64
		Lake Illinois	Approximately 1,100 feet southwest from the intersection of Magnolia and Cypress Avenues.	None	*79
		Ponding Area K–11–3	Approximately 1,900 feet southwest from Magnolia and Cypress Avenues.	None	*84
		Emeralda Marsh	Entire shoreline within county	None	*60
		Ponding Area 4	Entire shoreline within county	None	*74
		Dukes Lake	Entire shoreline within county	None	*99
		Lake Catherine	Entire shoreline within county	None	*99
		Ponding Area 535–2		None	*99
		Minneola Annex Pond 1		None	*95

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Minneola Annex Pond 2		None	*97
		Ponding Area 395–1	Entire area within county	None	*62
		Gallows Lake	Entire shoreline within county	None	*104
		Ponding Area 510–1	Entire shoreline within county	None	*95
		Little Bluff Creek	Entire shoreline within county	None	*99
		Lake Douglas	Entire shoreline within county	None	*97
		Wolf Branch Sink	Entire area within county	*79	*82
		Sorrento Swamp	Entire shoreline within county	None	*80
		Lake Eustis	Entire shoreline within county	None	*64
		Leesburg Tributary 1	Approximately 310 feet downstream of Airport Runway.	None	*64
			Approximately 0.61 mile upstream of South Whitney Road.	None	*78
		Leesburg Tributary 2	Approximately 1,000 feet downstream of Youngs Road.	None	*64
			Approximately 0.48 mile upstream of State Route 468.	None	*80
		Leesburg Tributary 3	Approximately 1,400 feet upstream of El Rancho Drive.	None	*64
			Approximately 2,050 feet downstream of El Rancho Drive.	None	*77
		Lake Griffin	Entire shoreline within county	None	*61
		Lake Woodward	Approximately 900 feet north of the intersection of Codding Place and Mt. Mitchell Drive.	None	*74
		Park Lake	Entire shoreline within county	None	*74
		Ponding Area 380–1		None	*69
		Ponding Area 380–4		None	*71
		Ponding Area 378–7		None	*80
		Ponding Area 380–2		None	*70
		Ponding Area 380–3		None	*70
		Lake Gary	Entire shoreline within county	None	*103
		Saw Mill	Entire shoreline within county	None	*102
		Grassy Lake	Entire shoreline within county	None	*85
		Little Grassy Lake	Entire shoreline within county	None	*90
		Lake Idamere	Entire shoreline within county	None	*69
		Indianhouse Lake West	Entire shoreline within county	None	*87
		Indianhouse Lake East	Entire shoreline within county	None	*87
		Ponding Area 395–2		None	*55
		Ponding Area 378–2		None	*161
		Ponding Area 378–6		None	*86
		Ponding Area 378–5		None	*108
		Ponding Area 378–4		None	*120
		Ponding Area 378–3		None	*150
		Lake Maggie		None	*154
		Lake Taveres	Entire shoreline within county	*64	*71
		Lake Arthur	Entire shoreline within county	None	*84
		Big Prairie Lake	Entire shoreline within county	None	*94
		Blacks Still Lake	Entire shoreline within county	None	*85
		Boggy Marsh	Entire area within county	None	*118
		Church Lake	Entire shoreline within county	None	*88
		Lake Nellie	Entire shoreline within county	None	*101
		Neighborhood Lakes North	Entire shoreline within county	None	*60
		Neighborhood Lakes South.	Entire shoreline within county	None	*61
		Pike Lake	Entire shoreline within county	None	*102
		Trout Lake	Entire shoreline within county	None	*98
		Pine Island Lake	Entire shoreline within county	None	*108
		Plum Lake	Entire shoreline within county	None	*87
		Island Road	Entire shoreline within county	None	*70
		Lake Seneca	Entire shoreline within county	None	*78
		Lake Madge	Entire area within county	None	*80
		Sawgrass Bay	Entire area within county	None	*106
		Lake Spencer	Entire shoreline within county	None	*85
		Horseshoe Lake (East)	Entire shoreline within county	None	*89
		Horseshoe Lake (West)	Entire shoreline within county	None	*85
		Dilly Marsh	Entire shoreline within county	None	*87
		Dilly Lake	Entire shoreline within county	None	*87
		Hancock Bay North	Entire shoreline within county	None	*110
		Hancock Bay South	Entire shoreline within county	None	*114

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Hancock Lake	Entire shoreline within county	None	*115
		Myrtle Lake	Entire shoreline within county	None	*72
		Lake Lucie	Entire shoreline within county	None	*64
		Crooked Lake	Entire shoreline within county	None	*118
		Keene Lake	Entire shoreline within county	None	*111
		Hidden Lake	Entire shoreline within county	None	*112
		Stewart Lake	Entire shoreline within county	None	*100
		Sumner Lake	Entire shoreline within county	None	*97
		Olsen Lake	Entire shoreline within county	None	*100
		Crescent Lake	Entire shoreline within county	None	*107
		Crystal Lake	Entire shoreline within county	None	*79
		Lake Felter	Entire shoreline within county	None	*89
		Lake Gertrude	Entire shoreline within county	None	*72
		Lake Glona	Entire shoreline within county	None	*103
		Sawgrass Lake	Entire shoreline within county	None	*106
		Shepherd Lake	Entire shoreline within county	None	*86
		Square Lake	Entire shoreline within county	None	*110
		Wash Lake	Entire shoreline within county	None	*101
		Wilma Lake North	Entire shoreline within county	None	*91
		Wilma Lake South	Entire shoreline within county	None	*90
		Island Lake	Entire shoreline within county	None	*104
		Ponding Area 535–1	Approximately 500 feet northeast of the intersection of Media Road and County Route 561A.	None	*100
		Ponding Area 535–3	Approximately 500 feet northeast of the intersection of Media Road and County Route 561A.	None	*100
		Ponding Area 535–4	Entire shoreline within county	None	*99
		Wash Pond 1	Entire shoreline within county	None	*101
		Wash Pond 2	Entire shoreline within county	None	*101
		Wash Pond 3	Entire shoreline within county	None	*101
		Wash Pond 4	Entire shoreline within county	None	*101
		Wash Pond 5	Entire shoreline within county	None	*105
		Ponding Area 470–1	Entire shoreline within county	None	*88
		Ponding Area 345–1		None	*82
		Ponding Area 455–1	Entire area within county	None	*84
		Lake 530–1	Entire shoreline within county	None	*90
		Lake Saunders	Entire shoreline within county	*74	*78
		Wolf Branch	Approximately 0.49 mile upstream of State Route 46.	*79	*95
			At Griffin Lane	None	*166
		Ponding Area 555–1		None	*82
		Ponding Area 555–2		None	*82
		Ponding Area 555–3	Approximately 1,200 feet southwest of the intersection of Arabian Way and Thoroughbred Lane.	None	*90
		Lake Ella	Entire shoreline within county	*80	*70
		Lake Umatilla	Entire shoreline within county	None	*69
		Lake Willie	Entire shoreline within county	None	*104
		Jacks Lake	Entire shoreline within county	None	*89
		Lake Ella 170	Entire shoreline within county	None	*79
		Lake Junietta	Entire shoreline within county	None	*68
		Ponding Area Q2–1	Entire shoreline within county	None	*77
		Lake Hermosa	Entire shoreline within county	None	*84
Maps available for inspection at the Lake County Public Works, 123 North Sinclair Avenue, Tavares, Florida.					
Send comments to Mr. Jim Stivender, Jr., P.E., P.L.S., 123 North Sinclair Avenue, Tavares, Florida 32778.					
Florida	Leesburg (City), Lake County.	Leesburg Tributary 2	From approximately 1,325 feet upstream of Youngs Road.	None	*77
			Upstream side of State Route 44	None	*81
		Lake Denham	Entire shoreline within county	None	*64
		Ponding Area Q2–1	Entire shoreline within county	None	*77
		Ponding Area Q–3–4	Entire shoreline within county	None	*78
		Leesburg Tributary 1	Approximately 300 feet upstream of South Whitney.	None	*78
			Approximately .80 mile upstream of South Whitney Road.	None	*79

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the City of Leesburg Public Works Department, 413 East North Boulevard, Leesburg, Florida. Send comments to The Honorable Ben Perry, Mayor of the City of Leesburg, P.O. Box 490630, Leesburg, Florida 34749.					
Florida	Montverde (Town), Lake County.	Lake Florence	Entire shoreline within County	*84	*76
		Ponding Area 555–1		*84	*82
		Ponding Area 555–2		None	*82
Maps available for inspection at the Montverde Town Hall, 17404 Sixth Street, Montverde, Florida. Send comments to The Honorable Helen Pearce, Mayor of the Town of Montverde, P.O. Box 560008, Montverde, Florida 34756.					
Florida	Mount Dora (City), Lake County.	Lake Franklin	Entire shoreline within County	*105	*106
		Lake Nettie	Entire shoreline within county	*86	*89
		Lake John	Entire shoreline within county	*81	*82
		Wolf Branch Sink		*79	*82
		Lake Woodward	Approximately 900 feet northeast of the intersection of Codding Place and Mt. Mitchell Drive.	None	*74
		Ponding Area 359–1	None	*76	
		Wolf Branch	At upstream side of Wooden Driveway Bridge.	None	*127
			Approximately 200 feet upstream of Country Club Boulevard.	None	*164
Maps available for inspection at the City of Mount Dora Building & Zoning Department, 900 North Donnelly Street, Mount Dora, Florida. Send comments to The Honorable Jim Yatsuk, Mayor of the City of Mount Dora, P.O. Box 176, Mount Dora, Florida 32757.					
Florida	Tavares (City), Lake County.	Lake Eustis	Entire shoreline within County	*65	*64
		Lake Harris	Entire shoreline within county	None	*64
Maps available for inspection at the City of Tavares Planning & Zoning Department, 201 East Main Street, Tavares, Florida. Send comments to Ms. Dorothy Keedy, Tavares City Administrator, 201 East Main Street, Tavares, Florida 32778.					
Georgia	Adel (City), Cook County.	Morrison Creek Tributary	A point approximately 650 feet downstream of Nelson Road.	None	*221
			Upstream side of Nelson Road	None	*221
		Bear Creek Tributary	A point approximately 900 feet upstream of the confluence with Bear Creek.	None	*230
			A point approximately 0.72 mile upstream of the confluence with Bear Creek.	None	*237
Maps available for inspection at the Cook County Commissioner's Office, 209 North Parrish Avenue, Adel, Georgia. Send comments to Mr. Jerry Permenter, City of Adel Manager, P.O. Box 658, Adel, Georgia 31620.					
Georgia	Cook County (Unincorporated Areas).	Morrison Creek Tributary	At the confluence with Morrison Creek	None	*209
			A point approximately 150 feet upstream of Interstate Route 75.	None	*221
		Bear Creek Tributary	A point approximately 750 feet upstream of the confluence with Bear Creek.	None	*230
			A point approximately 0.72 mile upstream of the confluence with Bear Creek.	None	*237
Maps available for inspection at the Cook County Commissioner's Office, 209 North Parrish Avenue, Adel, Georgia. Send comments to Ms. Faye Hughes, Cook County Administrator, 209 North Parrish Avenue, Adel, Georgia 31620.					
Georgia	Sparks (Town), Cook County.	Bear Creek Tributary	At the confluence with Bear Creek	None	*230
			A point approximately 750 feet upstream of the confluence with Bear Creek.	None	*230
Maps available for inspection at the Town of Sparks City Hall, 115 East Colquitt, Sparks, Georgia. Send comments to The Honorable Jimmy Young, Mayor of the Town of Sparks, P.O. Box 899, Sparks, Georgia 31647.					
Maine	Mount Vernon (Town), Kennebec County.	Flying Pond	Entire shoreline within community	None	*349
		Echo Lake	Entire shoreline within community	None	*318
		Torsey Lake	Entire shoreline within community	None	*266
		Long Pond	Entire shoreline within community	None	*242

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
		Belgrade Stream	Between downstream corporate limits and Wings Mills Dam.	None	*238
			Between Wings Mills Dam and Long Pond.	None	*242
		Minnehonk Lake	Entire shoreline within community	None	*333
		Taylor Pond	Entire shoreline within community	None	*328
Maps available for inspection at the Mount Vernon Town Hall, Readfield (North) Road, Mount Vernon, Maine.					
Send comments to Ms. Karen Stevens, Chairman of the Town of Mount Vernon Board of Selectmen, R.R. 1, Box 3340, Mount Vernon, Maine 04352.					
Maine	York (Town), York County.	Atlantic Ocean	Approximately 900 feet southeast of the intersection of Hiram Street and Willard Street.	*15	*22
			Approximately 1,000 feet southeast of Bayview Avenue and Long Sands Road.	*9	*10
		Shallow Flooding Area	Approximately 150 feet northeast of the intersection of Ocean Avenue and Marietta Avenue.	None	#2
			Approximately 300 feet southwest of the intersection of Nubble Road and Long Beach Avenue along the west side of Long Beach Avenue.	#2	#1
			Along Shore Road in the vicinity of Phillips Cove.	None	#1
			Approximately 1,350 feet southeast of the intersection of Shore Road and Agamenticus Avenue in the vicinity of Pint Cove.	None	#1
			Along Bay Haven Road in the vicinity of Cape Neddick Harbor.	None	#1
			Along York Street, south of Long Sands Road, in the vicinity of Little River.	*9	#1
			Approximately 1,700 feet south of intersection of Seabreeze Lane and Surf Point Road.	None	#1
		Cape Neddick River	At Shore Road	*9	*10
			Approximately 650 feet downstream of U.S. Route 1.	*9	*10
Maps available for inspection at the York Town Planner's Office, 186 York Street, York, Maine.					
Send comments to Mr. Michael Palumbo, Chairman of the Town of York Board of Selectmen, 186 York Street, York, Maine 03909.					
Massachusetts	Northbridge (Town), Worcester County.	Riverdale Mills	Approximately 675 downstream of Riverdale Street.	*257	*256
		Sluice Gates and Tail Race.	Approximately 500 feet upstream of Riverdale Street.	*261	*260
		Blackstone River	Approximately 25 feet downstream of Riverdale Street.	*258	*257
			Approximately 0.9 mile upstream of Factory Bridge.	*275	*274
Maps available for inspection at the Northbridge Town Hall, Zoning Office, 7 Main Street, Whitinsville, Massachusetts.					
Send comments to Mr. Charles Ampagoomian, Chairman of the Town of Northbridge Board of Selectmen, Memorial Square, 7 Main Street, Whitinsville, Massachusetts 01500.					
New York	Davenport (Town), Delaware County.	Charlotte Creek	At the confluence with the Susquehanna River.	None	*1,101
			At upstream of corporate limits	None	*1,327
Maps available for inspection at the Davenport Town Hall, Route 23, Davenport Center, New York 13751.					
Send comments to Mr. Tod Rider, Town of Davenport Supervisor, P.O. Box 88, Davenport Center, New York 13571.					
New York	Evans (Town), Erie County.	Reisch Creek	At the confluence with Lake Erie	*579	*580
			A point approximately 180 feet upstream of Revere Drive.	*683	*681
		Lake Erie	Southwest corporate limits along Lake Erie.	*579	*580
			Northeast corporate limits along Lke Erie	*580	*581

State	City/town/county	Source of flooding	Location	#Depth in feet above ground. *Elevation in feet (NGVD)	
				Existing	Modified
Maps available for inspection at the Evans Town Hall, 8787 Erie Road, Angola, New York 14006–9600. Send comments to Mr. Robert R. Catalino II, Evans Town Supervisor, Evans Town Hall, 8787 Erie Road, Angola, New York 14006–9600.					
New York	Leray (Town), Jefferson County.	Indian River	Approximately 0.43 mile downstream of Joachim Road.	None	*406
			Approximately 1.48 miles upstream of Elm Ridge Road.	None	*413
		West Creek	At its confluence with Indian River	None	*410
			Approximately 1.07 miles upstream of the confluence with Indian River.	None	*410
Maps available for inspection at the Leray Town Hall, 8433 Willow Street, Evans Mills, New York 13637. Send comments to Mr. Ronald Taylor, Leray Town Supervisor, 8433 Willow Street, Evans Mills, New York 13637.					

(Catalog of Federal Domestic Assistance No. 83.100, ''Flood Insurance'')

Dated: May 3, 2001.

Margaret E. Lawless,

Acting Executive Associate, Director for Mitigation .

[FR Doc. 01–12027 Filed 5–11–01; 8:45 am]

BILLING CODE 6718–04–P

Notices

Federal Register

Vol. 66, No. 93

Monday, May 14, 2001

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

DEPARTMENT OF COMMERCE

INTERNATIONAL TRADE ADMINISTRATION

[A–508–809; C–508–810; A–821–813]

Notice of Postponement of Final Antidumping Determination and Extension of Provisional Measures and Postponement of Final Countervailing Duty Determination: Pure Magnesium From Israel; and Notice of Postponement of Final Antidumping Determination: Pure Magnesium From the Russian Federation

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

EFFECTIVE DATE: May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Craig Matney (Israel) or James Nunno (Russian Federation), Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–1778 and (202) 482–0783, respectively.

The Applicable Statute

Unless otherwise indicated, all citations to the Tariff Act of 1930 (''the Act''), as amended, 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, all citations to the Department's regulations are to 19 CFR Part 351 (April 2000).

Postponement of Final Determinations and Extension of Provisional Measures

On April 23, 2001, the Department issued its affirmative preliminary determination in the antidumping duty investigation of pure magnesium from Israel (*see Notice of Preliminary Determination of Sales at Less Than Fair Value: Pure Magnesium from Israel*, 66 FR 21325 (April 30, 2001) and its negative preliminary determination in the antidumping duty investigation of pure magnesium from the Russian Federation (''Russia'') (*see Notice of Preliminary Determination of Sales at Not Less Than Fair Value: Pure Magnesium from the Russian Federation*, 66 FR 21319 (April 30, 2001). These notices stated we would issue our final determinations in these investigations not later than 75 days after the date of the preliminary determinations.

On April 25, 2001, in accordance with section 735(a)(2)(B) of the Act and section 351.210(b)(2)(i) of the Department's regulations, the petitioners in this investigation (*i.e.*, Magnesium Corporation of America, the United Steelworkers of America, Locals 482 and 8319, and Concerned Employees of Northwest Alloys, Inc.), requested a 60-day postponement of the final determination in the investigation of pure magnesium from Russia. Because the preliminary determination for Russia was negative, the petitioners' request serves as an adequate basis upon which the Department may extend the final determination.

In addition, on May 1, 2001, in accordance with 16 CFR 351.210(b)(2)(ii), Dead Sea Magnesium Ltd. (DSM), the respondent in the Israel investigation, requested that the Department grant a 60-day postponement of the final determination in that case. DSM also requested that the Department extend provisional measures to a period not to exceed six months, in accordance with section 733(d) of the Act and section 351.210(e)(2) of the Department's regulations. Because the preliminary determination for Israel was affirmative, DSM's request serves as an adequate basis upon which the Department may extend the final determination.

As no compelling reasons exist for denying the requests for postponement in either case, we are extending these final determinations to not later than 135 days after the date of publication of the preliminary determinations (*i.e.*, until September 12, 2001). Suspension of liquidation for Israel will be extended accordingly.

Further, because the final determination in the countervailing duty investigation of pure magnesium from Israel has been aligned with the final determinations in the antidumping duty investigations of pure magnesium from Israel, Russia, and the People's Republic of China (*see Notice of Postponement of Preliminary Determinations of Sales at Less Than Fair Value: Pure Magnesium From Israel, the Russian Federation, and the People's Republic of China and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determinations: Pure Magnesium from Israel*, 66 FR 14546 (March 13, 2001), we are postponing the final determination in the countervailing duty investigation until September 12, 2001, accordingly.

This notice of postponement is published pursuant to section 735(a) of the Act and 19 CFR 351.210(g).

Dated: May 7, 2001.

Richard W. Moreland,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–12062 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

A–201–802

Gray Portland Cement and Clinker from Mexico; Notice of Amended Final Results of Antidumping Duty Administrative Review

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

ACTION: Notice of amended final results of antidumping duty administrative review.

SUMMARY: On March 14, 2001, the Department of Commerce published the final results of administrative review of the antidumping duty order on gray portland cement and clinker from Mexico. The review covers one manufacturer/exporter, CEMEX, S.A. de C.V.(CEMEX), and its affiliate, Cementos de Chihuahua, S.A. de C.V. (CDC). The period of review is August 1, 1998, through July 31, 1999. Based on a correction of a ministerial error, we have changed the antidumping duty margin from 39.34 to 38.65 percent.

EFFECTIVE DATE: May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Dave Dirstine, AD/CVD Enforcement,

Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230; telephone: (202) 482–4033.

SUPPLEMENTARY INFORMATION:

The Applicable Statute

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. In addition, unless otherwise indicated, all citations to the Department of Commerce's (the Department's) regulations are to 19 CFR Part 351 (2000).

Background

On March 14, 2001, the Department published the final results of administrative review of the antidumping duty order on gray portland cement and clinker from Mexico (66 FR 14889) (Final Results). The review covered one manufacturer/exporter and the period August 1, 1998, through July 31, 1999.

After publication of our final results, we received a timely allegation from the respondent, CEMEX, S.A. de C.V. (CEMEX), that we had made two ministerial errors in calculating the final results. CEMEX alleged that: 1) the Department used an incorrect conversion factor at one of four places where the computer program converted short tons to metric tons; and 2) the Department did not include the general and administrative (G&A) and interest fields for the calculation of constructed value. We also received a timely submission from the petitioner, The Southern Tier Cement Committee, in which it agreed with the first alleged ministerial error, but opposed the second alleged ministerial error. We agree with the petitioner and have corrected the first error which was the result of using an incorrect conversion factor. As to the second alleged ministerial error, we disagree with the respondent that we did not correctly calculate constructed value. The respondent proposes to introduce data which is not on the record in this review and add it to the programming language that we used to calculate the weighted-average margins for the final results. We conclude that the computer-programming language we used to calculate the weighted-average antidumping duty margin for the final results does not contain a ministerial error and correctly calculates constructed value. See the Amended Final Analysis Memorandum from the analyst to the file, dated April 27, 2001, for a description of the change we made to correct the conversion-factor error.

Amended Final Results of Review

As a result of the correction of the ministerial error and amended margin calculations, the following weighted-average margin exists for the collapsed parties, CEMEX and CDC, for the period August 1, 1998, through July 31, 1999:

Company	Margin (percent)
CEMEX/CDC	38.65

The Department shall determine, and the Customs Service shall assess, antidumping duties on all appropriate entries. We will also direct the Customs Service to collect cash deposits of estimated antidumping duties on all appropriate entries in accordance with the procedures discussed in the final results of review (66 FR 14889) and as amended by this determination. The amended deposit requirements are effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice and shall remain in effect until publication of the final results of the next administrative review.

We are issuing and publishing this determination and notice in accordance with sections 751(h) and 777(i)(1) of the Act. Effective January 20, 2001, Bernard T. Carreau is fulfilling the duties of the Assistant Secretary for Import Administration.

Dated: May 4, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–12065 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–427–819]

Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment with Final Antidumping Duty Determination: Low Enriched Uranium from France

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

ACTION: Notice of Preliminary Affirmative Countervailing Duty Determination.

EFFECTIVE DATE: May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Michael Grossman at (202) 482–2786, 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 low enriched uranium (subject merchandise) from France. 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 USEC Inc., its wholly owned subsidiary, United States Enrichment Corporation (USEC) and the Paper, Allied-Industrial, Chemical and Energy Workers International Union, AFL-CIO, CLC, and Local 5–550 and Local 5–689 (collectively PACE) (the petitioners).

Case History

Since the publication of the notice of initiation in the **Federal Register** (*see Notice of Initiation of Countervailing Duty Investigations: Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom,* 66 FR 1085 (January 5, 2001) (*Initiation Notice*)), the following events have occurred: On January 11, 2001, we issued countervailing duty questionnaires to the Government of France (GOF) and to Eurodif, S.A. (Eurodif), the producer/exporter of subject merchandise cited in the December 7, 2000 petition. On March 20, 2001, we received questionnaire responses from Eurodif, S.A. and its majority owner, Compagnie Generale des Matieres Nucleaires (COGEMA), and the GOF. COGEMA acts as a sales agent for Eurodif's exports to the United States. On March 27 and April 10, 2001, we issued supplemental questionnaires to Eurodif/COGEMA and the GOF (collectively respondents). On April 26, 2001, we issued an additional supplemental questionnaire to Eurodif/COGEMA. On April 5 (amended on April 9), April 25, and May 1, 2001, we received supplemental questionnaire responses from respondents.

On February 21, 2001, we issued an extension of the due date for this preliminary determination from March 2, 2001 to May 7, 2001. *See Low Enriched Uranium from France,*

Germany, the Netherlands, and the United Kingdom: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations, 66 FR 11000 (February 21, 2001) (*Extension Notice*).

On May 3, 2001, consultations in accordance with Article 13.2 of the Agreement on Subsidies and Countervailing Measures were held in Geneva, Switzerland with the Government of France and the Delegation of the European Commission.

In the *Initiation Notice,* we invited interested parties to comment on the scope of these investigations. We received comments from respondents on January 17, 2001, and from petitioners on January 23, 2001. In addition, we received comments from the Ad Hoc Utilities Group, an industrial user/consumer, on April 5, 2001. Our analysis of these comments can be found in the May 7, 2001 Public Memorandum to Bernard Carreau entitled *Low Enriched Uranium from France, Germany, the Netherlands and the United Kingdom; Comments on the Scope of the Investigations,* on file in the Central Records Unit, Room B–099, of the Main Commerce Building.

On April 27, 2001, petitioners submitted a new subsidy allegation stemming from Eurodif's contract with Electricite de France (EdF). Due to the lateness of the allegation, we have not yet had an opportunity to fully review petitioners' allegation and decide whether to initiate an investigation. We will address it after this determination. If we decide to initiate on this allegation, then prior to making our final determination, we will issue a preliminary analysis memorandum regarding this allegation and allow the parties to comment.

Scope of the Investigation

For purposes of this investigation, the product covered is low enriched uranium (LEU). LEU is enriched uranium hexafluoride (UF_6) with a U^{235} product assay of less than 20 percent that has not been converted into another chemical form, such as UO_2, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of this investigation. Specifically, this investigation does not cover enriched uranium hexafluoride with a U^{235} assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of this investigation. For purposes of this investigation, fabricated uranium is defined as enriched uranium dioxide (UO_2), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U_3O_8) with a U^{235} concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U^{235} concentration of no greater than 0.711 percent are not covered by the scope of the investigation.

The merchandise subject to this investigation is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise under investigation is dispositive.

In the *Initiation Notice* we invited parties to comment on scope issues raised by this investigation. These comments are addressed in a scope memo dated May 7, 2001. However, to the extent that some of the comments on scope issues re-argue the determination of industry support for the petition, we draw parties attention to Section 702(c)(4)(E) and 732(c)(4)(E) which states in pertinent part: ''after the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.''

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 France 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 France materially injure or threaten material injury to a U.S. industry. On January 31, 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 France of subject merchandise. *See Low Enriched Uranium from France, Germany, the Netherlands and the United Kingdom*, 66 FR 8424 (January 31, 2001).

Alignment With Final Antidumping Duty Determination

On May 4, 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 low enriched uranium from France.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is January 1, 1999, through December 31, 1999.

Company History

Eurodif was formed in 1973 by French and foreign government agencies to provide a secure source of LEU, in order to facilitate the development of nuclear energy programs in participating countries. During the POI, Eurodif was 44.65 percent-owned by COGEMA, which itself is principally owned by a subsidiary of the Commissariat d'Energie Atomique (CEA), an agency of the GOF. Further, Eurodif was 25 percent-owned by SOFIDIF, a French company 60 percent-owned by COGEMA, thereby effectively placing COGEMA's ownership of Eurodif during the POI at approximately 60 percent. The remaining major shareholders of Eurodif during the POI were ENUSA, an entity of the Spanish government, SYNATOM, an entity of the Belgian government, and ENEA, an entity of the Italian government.

Programs Preliminarily Determined To Confer Subsidies

1. Purchase at Prices That Constitute ''More Than Adequate Remuneration''

Eurodif provides low enriched uranium to EdF. EdF is a wholly-owned French government agency that supplies, imports and exports electricity. EdF is regulated by the Gas, Electricity and Coal Department of the Ministry of Industry (DIGEC) and the Budget and Treasury Departments of the Ministry of France. EdF is the predominant supplier of electricity in France, having provided 94 percent of the total electricity generated in France in 1998. EdF's nuclear facilities account for approximately 75 percent of the

power supplied by EdF. To date, EdF has entered into three long-term contracts with Eurodif to secure LEU. The first contract was negotiated in 1975; Eurodif began enrichment at its Georges-Besse gaseous diffusion facility in 1979.

Petitioners have alleged that the GOF, through EdF, purchased LEU from Eurodif at prices that constitute ''more than adequate remuneration'' under section 771(5)(E)(iv) of the Act. Petitioners have alleged that the prices paid by EdF were established to cover Eurodif's depreciation charges on the Georges-Besse plant, and to provide Eurodif with a stable cash flow to help meet its financial obligations.

Respondents have argued that, as alleged, the subsidy relates to the provision of services, not the purchase of goods. Therefore, any such subsidy, were it to exist, would not be countervailable. In this context, respondents assert that Congress, the courts, and USEC itself have recognized that USEC (and its predecessors) is a service provider.[1] Absent any difference between the operations of USEC and Eurodif, respondents assert that Eurodif is merely a service provider, like USEC.

In our determination of industry support at the time of initiation of this investigation, we found that USEC is the producer of LEU because of the nature and extent of its manufacturing operations. *See* Memorandum for Holly A. Kuga entitled *Determination of Industry Support for the Antidumping and Countervailing Duty Petitions on Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom* (December 27, 2000). In accordance with section 702(c)(4)(E) of the Act, the Department cannot revisit a determination of industry support after initiation. Further, we noted that the Department bases its determination of who qualifies as a producer upon an examination of a company's production operations, not the particular configuration of the sales. For purposes of this determination, we accept Eurodif's assertion that its operations are no different from those of USEC. Therefore, we preliminarily find that Eurodif is the producer of LEU, the product subject to this investigation.

We preliminarily determine that EdF's purchases from Eurodif constitute a government financial contribution because EdF is wholly-owned and controlled by the GOF. This treatment of EdF is consistent with our policy with respect to the treatment of government-owned utility companies. *See, e.g.*, the *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate from the Republic of Korea*, 64 FR 73176 (December 29, 1999) and *Final Affirmative Countervailing Duty Determination: Steel Wire Rod from Venezuela*, 62 FR 55014 (October 22, 1997). In addition, because this program is available only to Eurodif, we preliminarily determine that this program is specific under section 771(5A)(D)(i) of the Act. Because the government is purchasing a good from Eurodif, a financial contribution is being provided under section 771(5)(D)(iv) of the Act.

Next, we must determine whether a benefit is provided to Eurodif under this program. Under section 771(5)(E)(iv) of the Act, a countervailable benefit may be provided by a government's purchase of a good for ''more than adequate remuneration.'' Under section 771(5)(E)(iv) of the Act, the adequacy of remuneration will be determined in relation to the prevailing market conditions for the goods being purchased in the country which is subject to investigation. Therefore, in order to determine whether the prices paid by EdF constitute ''more than adequate remuneration,'' we must compare the prices paid by EdF to Eurodif with the prices paid to Eurodif by its other customers.

Due to the difference in the pricing structure between Eurodif and EdF, as compared with the pricing between Eurodif and its other customers, it is important to make certain adjustments to our comparison. Unlike most other customers, EdF provides its own energy for Eurodif to use when producing LEU for EdF. Eurodif pays EdF for the energy it uses and re-bills EdF an identical amount. Respondents state that this billing procedure for energy is done simply for tax purposes and argue that the actual prices paid by EdF for LEU cover the costs of operation only, not energy costs. Other customers that do not provide their own electricity simply pay one price, which takes into account both operational and energy costs. In order to make a proper comparison to the prices paid by other customers to Eurodif, the Department has included both operational and energy prices paid by EdF in order to determine the prices paid by EdF.

As part of the arrangement for obtaining LEU, customers often provide an amount of natural uranium equal to that which went into the LEU they are purchasing. The record does not contain information on the value of the natural uranium provided by EdF or other customers to Eurodif. Therefore, for purposes of this comparison, we have assumed that the value of all natural uranium is the same, regardless of the customer. Thus, in making the comparison we have not included a value for the natural uranium component of the LEU purchased by EdF. Additionally, to ensure that our benchmark is representative of market conditions, we used prices paid by Eurodif's customers which are not Eurodif shareholders.

In order to determine whether a benefit was provided to Eurodif during the POI, we compared the price paid to Eurodif by EdF during the POI with the weighted-average price paid to Eurodif by its non-shareholder customers during the POI. Based on our analysis, we preliminarily determine that prices paid by EdF to Eurodif were higher than prices Eurodif received from its non-shareholder customers. Therefore, in accordance with section 771(5)(E)(iv) of the Act, we preliminarily determine that this program conferred countervailable benefits to Eurodif during the POI.

Because EdF's purchases of this product from Eurodif are not exceptional but, rather, are made on an ongoing basis from year to year, we determine that the benefit conferred under this program is recurring under section 351.524(c) of the CVD Regulations. Therefore, the benefit is expensed in the year of receipt, *i.e.*, the year in which the purchases are made.

To calculate the benefit conferred to Eurodif, we multiplied the calculated price differential by the quantity of separative work units (SWUs) component of the LEU purchased from Eurodif by EdF during the POI. Although the cash component of EdF's LEU purchases was paid on a ''per-SWU'' basis, the contracts also contained provisions for the natural uranium component of the LEU as well as the electricity used by Eurodif in the production of EdF's LEU. Because we have determined that the value of the natural uranium component of the LEU is equal for both EdF and Eurodif's other

[1] Respondents have cited several U.S. court cases in which USEC is claimed to have represented itself as a service provider, rather than a producer of goods. None of the cited cases pertain to the AD/CVD law. Rather, these cases pertain to different laws which have separate and distinct purposes from that of the AD/CVD law. Moreover, the parties' own characterizations of their activities in other contexts does not establish how the Department is to examine such activities for purposes of the AD/CVD law. Respondents also contend that USEC identifies itself as an ''enrichment service provider'' in a number of other fora, including in submissions made to the Department in the context of the suspended antidumping duty investigation on uranium from Kazakhstan. Regardless of how a party has characterized itself in the past in other contexts, the Department is charged with determining whether the manufacturer's activities qualify to establish it as the producer of the subject merchandise and must reach that determination on the record before it.

customers, as stated above, we did not need to calculate a price differential for the natural uranium component of the LEU. Rather, the natural uranium component of the LEU purchased by different classes of customers cancelled each other out.

Next, we divided this result by Eurodif's adjusted total sales during the POI. Based on our review of the responses, it appears as though respondents did not report a value for the natural uranium component of certain LEU sales. Therefore, in order to determine more accurately the level of subsidy applicable to the subject merchandise, we have estimated a value for this component. Based on petitioners' estimation that the enrichment component accounts for 60 percent of the value of LEU, we have increased the reported sales value to include an estimated value for the natural uranium component. We recognize that this is an estimate of the value of LEU sold by respondents. We intend to seek additional information from respondents prior to our final determination. On this basis, we preliminarily determine a net countervailable subsidy under this program of 13.62 percent *ad valorem* for Eurodif.

2. Exoneration/Reimbursement of Corporate Income Taxes

Under a specific governmental agreement entered into upon Eurodif's creation, Eurodif is only liable for income taxes on the portion of its income relating to the percentage of its private ownership. Eurodif is fully exonerated from payment of corporate income taxes corresponding to the percentage of its foreign government ownership and is eligible for a reimbursement of the amount of corporate income taxes corresponding to its percentage of French government ownership. Based on this governmental agreement, Eurodif was exonerated from a portion of its 1998 corporate income taxes filed during the POI. This tax exemption is a financial contribution within the meaning of section 771(5)(D)(ii) of the Act. Further, because the tax exemption is limited to Eurodif, the benefit is specific in accordance with section 771(5A)(D)(i) of the Act. Therefore, we preliminarily determine that the exoneration of income taxes under this program is countervailable.

As noted above, Eurodif was also eligible for a reimbursement of the amount of income taxes corresponding to its percentage of French government ownership. Eurodif reported that the portion of its taxes attributable to French government ownership was paid in 1999, but was not reimbursed until 2000, which is outside the POI. In addition, Eurodif reported that it did not receive any reimbursements of corporate income taxes during the POI for any taxes previously paid. Therefore, we preliminarily determine that Eurodif did not receive a benefit during the POI with respect to the portion of its income tax corresponding to French government ownership.

To calculate the benefit conferred upon Eurodif from the exoneration part of this program, we took the amount of exonerated taxes and divided by Eurodif's total sales during the POI, adjusted as noted in the ''Purchase at Prices that Constitute ''More Than Adequate Remuneration''' section, above. On this basis, we preliminarily determine a net countervailable subsidy to Eurodif from this program of 0.32 percent *ad valorem*.

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 section 703(d)(1)(A)(i) of the Act, we have calculated an individual rate for Eurodif, the only company under investigation. We preliminarily determine that the total estimated net countervailable subsidy rate is 13.94 percent *ad valorem*. The All Others rate is 13.94 percent *ad valorem*, which is the rate calculated for Eurodif.

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 France, 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, 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: May 7, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary, Import Administration.

[FR Doc. 01–12063 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–428–829; C–421–809; C–412–821]

Notice of Preliminary Affirmative Countervailing Duty Determinations and Alignment With Final Antidumping Duty Determinations: Low Enriched Uranium From Germany, the Netherlands, and the United Kingdom

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

ACTION: Notice of Preliminary Affirmative Countervailing Duty Determination.

EFFECTIVE DATE: May 14, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Copyak (Germany) at (202) 482–2209, Stephanie Moore (the Netherlands) at (202) 482–3692, and Eric B. Greynolds (United Kingdom) at (202) 482–6071, 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 producers and exporters of low enriched uranium (subject merchandise) from Germany, the Netherlands, and the United Kingdom. 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 USEC Inc., its wholly-owned subsidiary, United States Enrichment Corporation (USEC), and Paper, Allied-Industrial, Chemical and Energy Workers International Union, AFL–CIO, CLC, and Local 5–550 and Local 5–689 (collectively PACE) (the petitioners).

Case History

Since the publication of the notice of initiation in the **Federal Register** (*see Notice of Initiation of Countervailing Duty Investigations: Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom,* 66 FR 1085 (January 5, 2001) (*Initiation Notice*)), the following events have occurred: Beginning on January 16, 2001, we issued countervailing duty questionnaires to the Government of Germany (GOG), the Government of the Netherlands (GON), and the Government of the United Kingdom (UKG).[1] Beginning on March 22, 2001, we received questionnaire responses from Urenco Deutschland GmbH of Germany (Urenco Deutschland), Urenco Nederland BV of the Netherlands (UNL), and Urenco (Capenhurst) Limited (UCL), the GOG, the GON, and the UKG (collectively referred to as respondents). Beginning on April 9, 2001, we issued supplemental questionnaires to respondents. Beginning on April 23, 2001, we received supplemental questionnaire responses from respondents.

On February 21, 2001, we issued an extension of the due date for this preliminary determination from March 2, 2001 to May 7, 2001. *See Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom: Extension of Time Limit for Preliminary Determinations in Countervailing Duty Investigations,* 66 FR 11000 (February 21, 2001) *(Extension Notice).*

On May 3, 2001, consultations in accordance with Article 13.2 of the Agreement on Subsidies and Countervailing Measures were held in Geneva, Switzerland with the Governments of Germany, the Netherlands, the United Kingdom, and the Delegation of the European Commission.

In our *Initiation Notice,* we invited interested parties to comment on the scope of these investigations. We received comments from respondents on January 17, 2001, and from petitioners on January 23, 2001. In addition, we received comments from the Ad Hoc Utilities Group, an industrial user/consumer, on April 5, 2001. Our analysis of these comments can be found in the May 7, 2001 Public Memorandum to Bernard Carreau, entitled *Low Enriched Uranium from France, Germany, the Netherlands and the United Kingdom; Comments on the Scope of the Investigations,* on file in the Central Records Unit, room B–099, of the Main Commerce Building.

Petitioners' New Subsidy Allegations

On April 23, 2001, petitioners submitted a new subsidy allegation involving Urenco Deutschland, UNL, and UCL (collectively referred to as the Urenco Group). In their submission, they alleged that the one-third ownership obtained by British Nuclear Fuels Limited (BNFL) and Ultra-Centrifuge Nederland (UCN) along with the shareholder loans made by the two government-owned companies constituted equity infusions into the Urenco Group, which they assert was unequityworthy at the time the alleged infusions were made. In support of their allegation, petitioners cite to various annual reports of BNFL, UCN, and Uranitisotopentrennungsgeselleschaft mbH (Uranit) (the privately-held German arm of the Urenco Group) as well as several corporate studies which they claim indicated a bleak outlook for the LEU industry in the years preceding the impending merger. In addition, petitioners claim that, prior to the merger there was no objective evidence before BNFL or UCN indicating that the planned restructuring and merger would do anything to improve the efficiency and financial prospects of the companies involved. On this basis, petitioners request that the Department investigate whether the investments constituted countervailable equity infusions into an unequityworthy company.

We have determined not to initiate an investigation of this allegation. As discussed in further detail below in the ''Urenco Group Corporate History'' section, immediately preceding the creation of the Urenco Group, the enrichment operations were controlled by BNFL in the United Kingdom, UCN in the Netherlands, and Uranit in Germany. Both BNFL and UCN were owned and controlled by their respective governments while Uranit was privately-held. On September 1, 1993, pursuant to the terms of the merger agreement, BNFL, UCN, and Uranit transferred their enrichment operations to the Urenco Group. In return, BNFL, UCN, and Uranit each received a one-third ownership interest in the Urenco Group. Thus, based on the information submitted by respondents, we find that this aspect of the merger did not constitute an equity infusion but rather represented a restructuring of the Urenco Group in which the three companies, BNFL, UCN, and Uranit,

[1] Upon the issuance of the questionnaire, we informed the GOG, GON, and the UKG that it was their governments' responsibility to forward the questionnaires to all producers/exporters that shipped subject merchandise to the United States during the period of investigation.

contributed their respective assets in return for one-third ownership of the Group.

In addition to the allegation involving the E23 asset write down, which we are addressing in this preliminary determination, on April 27 and 30, 2001, petitioners made an allegation with respect to the Netherlands and the United Kingdom involving an additional asset write down. We are not addressing this allegation in this determination due to the lateness of the allegation. We will address it after this determination. If we decide to initiate on this allegation then prior to making our final determination, we will issue a preliminary analysis memorandum regarding this allegation and allow the parties to comment.

Scope of the Investigation

For purposes of these investigations, the product covered is low enriched uranium (LEU). LEU is enriched uranium hexafluoride (UF_6) with a U^{235} product assay of less than 20 percent that has not been converted into another chemical form, such as UO_2, or fabricated into nuclear fuel assemblies, regardless of the means by which the LEU is produced (including LEU produced through the down-blending of highly enriched uranium).

Certain merchandise is outside the scope of the investigation. Specifically, this investigation does not cover enriched uranium hexafluoride with a U^{235} assay of 20 percent or greater, also known as highly enriched uranium. In addition, fabricated LEU is not covered by the scope of these investigations. For purposes of this investigation, fabricated uranium is defined as enriched uranium dioxide (UO_2), whether or not contained in nuclear fuel rods or assemblies. Natural uranium concentrates (U_3O_8) with a U^{235} concentration of no greater than 0.711 percent and natural uranium concentrates converted into uranium hexafluoride with a U^{235} concentration of no greater than 0.711 percent are not covered by the scope of the investigation.

The merchandise subject to these investigations is classified in the Harmonized Tariff Schedule of the United States (HTSUS) at subheading 2844.20.0020. Subject merchandise may also enter under 2844.20.0030, 2844.20.0050, and 2844.40.00. Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise under investigation is dispositive.

In our notice of initiation we invited parties to comment on scope issues raised by these investigations. These comments are addressed in a scope memo dated May 7, 2001. However, to the extent that some of the comments on scope issues re-argue the determination of industry support for the petition, we draw parties attention to section 702(c)(4)(E) and 732(c)(4)(E) which states in pertinent part: ''after the administering authority makes a determination with respect to initiating an investigation, the determination regarding industry support shall not be reconsidered.''

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 Germany, the Netherlands, and the United Kingdom are ''Subsidy Agreement Countries'' 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 these countries materially injure or threaten material injury to a U.S. industry. On January 31, 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 is threatened with material injury, by reason of imports from Germany, the Netherlands, and the United Kingdom of subject merchandise. *See Low Enriched Uranium from France, Germany, the Netherlands, and the United Kingdom,* 66 FR 8424 (January 31, 2001).

Alignment With Final Antidumping Duty Determination

On May 4, 2001, petitioners submitted a letter requesting alignment of the final determination in these investigations with the final determinations in the companion antidumping duty investigations. Therefore, in accordance with section 705(a)(1) of the Act, we are aligning the final determination in these investigations with the final determinations in the antidumping duty investigations of low enriched uranium from Germany, the Netherlands, and the United Kingdom.

Period of Investigation

The period of investigation (POI) for which we are measuring subsidies is January 1, 1999, through December 31, 1999.

Urenco Group: Corporate History

Pre-Merger

Prior to the Treaty of Almelo, the production group of the U.K. Atomic Energy Authority (UKAEA) was responsible for the U.K. enrichment program. BNFL was created from the existing assets of UKAEA. The Capenhurst site assets and all of the British centrifuge enrichment development work were transferred to BNFL. In the Netherlands, UCN was incorporated in November 1969, as a limited company, with the Dutch government holding 55 percent and the remaining 45 percent held by various industrial interests. UCN was designated by the Dutch government to develop ultracentrifuge technology for uranium enrichment in the Netherlands. By the time the Treaty of Almelo (the Treaty) came into effect in 1971, Germany already had two centrifuge companies dedicated to the enriched uranium industry: Gesellschaft fur Nuklearverfahrestechnik mbH (GnV), which was involved in centrifuge development and manufacturing and plant design; and Uranit, which took over earlier R&D and cascade work. Both companies were owned by private industrial shareholders.

Treaty of Almelo

In March 1970, the GOG, the GON, and the UKG signed the Treaty, which became effective in July 1971. The purpose of the Treaty was for the three governments to collaborate in the development and exploitation of the gas centrifuge process for producing enriched uranium. Prior to 1971, the centrifuge R&D programs in each country were independent.

Pursuant to Article 1(2) of the Treaty, the three governments agreed that there should be two ''joint industrial enterprises'' to carry out the centrifuge collaboration: one to conduct R&D and to design and build centrifuge equipment, and the other, an enrichment organization to own and operate the enrichment plants and market the output. Centec GmbH was established in Germany, its shareholders being BNFL, UCN and GnV, to conduct R&D and plant design work. Urenco Ltd., located in the U.K., gained responsibility for the marketing. Urenco Ltd. was incorporated in September 1971, and its shareholders were BNFL, UCN and Uranit.

In addition, in 1971, the production organization had two established partnerships. The first was Urenco

(U.K.), a partnership under English Law, between BNFL (75 percent), UCN (12.5 percent) Uranit (12.5 percent), and Urenco Ltd. with a nominal share. The second was the Dutch partnership, Urenco Nederland v.o.f., which then consisted of UCN (43.75 percent), Uranit (43.75 percent), BNFL (12.5 percent), and Urenco Ltd. with a nominal share. In the late 1970s, a third partnership, Urenco Deutschland was established under German law. The partners were Uranit (96 percent), BNFL and UCN with two percent shares each, and Urenco Ltd. with a nominal share. In 1980, ownership in Urenco Nederland v.o.f. changed; UNC and Uranit increased their share in the company to 49 percent each, while BNFL reduced its participation to 2 percent. Likewise, for Urenco (U.K.), BNFL's share increased to 96 percent, while UCN and Uranit decreased their participation to two percent each.

In preparation for the merger, each of the three operating partnerships was combined and their assets transferred into a limited company, owned in each case by the managing partner. Specifically, BNFL changed the name of its subsidiary BNFL Enrichment Ltd. to Urenco (Capenhurst) Ltd. (UCL), and transferred to UCL the relevant portion of the Capenhurst site, buildings and equipment related to the enrichment business. The activities of the former Urenco Nederland v.o.f. (enrichment) and of UCN (centrifuge manufacturing) were transferred into a new company, Urenco Nederland B.V. (UNL). At the request of Uranit, the German shareholder, the enrichment plant was initially leased to Urenco Deutschland on a basis comparable to UCL and UCN. Each of these limited companies became the sole owner of the relevant plants, including the sites, buildings, R&D facilities and centrifuge manufacturing.

1993 Merger

Subsequently, in September 1993, the Urenco operations in the three countries were merged.[2] This was accomplished by a two-step process whereby the partnerships in each country were collapsed and replaced by newly created limited companies, UCL of the United Kingdom managed by International Nuclear Fuels Limited (INFL), BNFL's wholly-owned subsidiary, Urenco Deutschland of Germany managed by Uranit, and UNL of the Netherlands managed by UCN and Uranit. The limited companies became the sole owners of the enrichment facilities. On September 1, 1993, the voting shares of the limited companies were transferred to Urenco Ltd. in exchange for one-third interest in Urenco. Therefore, Urenco Ltd., became the parent company and, indirectly, ultimate owner of the plants, R&D facilities, and centrifuge manufacturing facilities.

Joint Committee

Pursuant to Article II 5(e) of the Treaty, a Joint Committee of government representatives was created to ensure that the terms of the Treaty were carried out. Through the Joint Committee and under the Treaty, each of the member countries had to give their consent and approval for the merger. Since the merger, Urenco Ltd. provides status reports to the Joint Committee twice a year. These reports include a description of operations, volume of production and secured service contracts as well as any health and safety issues, and capacity extension and major production milestones.

Post Merger

Urenco Ltd. is a private limited company which wholly owns four subsidiary companies: UCL, Urenco Deutschland, UNL and Urenco Inc. (UI). Urenco Ltd. owns 100 percent of the voting shares and exercises control over the subsidiaries. Urenco Ltd. functions as the ''headquarters'' for the Urenco Group and is also the worldwide marketing arm of the Urenco Group. The Board of Directors (Board) is made up of four Executive Directors, ten non-Executive Directors, nine of which are appointed by the shareholders of Urenco and one of which is elected by the board as an independent Director. The Board meets four times a year, during which it sets major policies, monitors financial performances, and monitors the performance of the executive directors. The Board is further divided into three sub-committees: The Executive Board, which is responsible for conducting day-to-day management, the Remuneration Committee, which decides the terms of employment and remuneration of the Executive Directors, and the Audit Committee.

UCL, Urenco Deutschland, UNL

While Urenco Ltd. is responsible for the marketing and contracting of the Urenco Group, it is the responsibility of each of the subsidiaries to produce and deliver the product based upon the contractual terms. The day-to-day responsibilities of running the operations, meeting the agreed targets and implementing the group strategies lies with each of the companies. Each of the companies continues to provide the enrichment products sold by Urenco Ltd. While the enrichment facilities were transferred to the managing partnerships and then to Urenco's subsidiaries, local business activities were not transferred to Urenco Ltd. and are not shared across the group. Each company within the Urenco Group is a separate legal entity, with its own directors and senior management team; however, they work under the direction and in close co-operation with the Executive Board.

International Consortium

As discussed above, the Treaty of Almelo was signed in 1970 by the Governments of Germany, the Netherlands, and the United Kingdom in order to collaborate in the development and exploitation of the gas centrifuge process for producing enriched uranium. Towards this end, the three governments provided subsidies for the research and development of gas centrifuge technology and for the construction and support of enrichment production operations. For example, the GOG provided grants specifically to help construct enrichment plants used by the Urenco Group in the Netherlands and the United Kingdom. Further, as a result of the 1993 merger, each of the respective participants in Germany, the Netherlands, and the United Kingdom owns a one-third interest in Urenco Ltd. Therefore, given that the Treaty of Almelo was specifically entered into by the three governments to produce and sell the subject merchandise and that each of these participating companies share R&D, as well as share in the production and marketing of the subject merchandise, we preliminarily determine that such an arrangement constitutes an international consortium.

Under section 701(d) of the Act, if the members of an international consortium engaged in the production of the subject merchandise receive countervailable subsidies from their respective home countries to assist, permit, or otherwise enable their participation through production or manufacturing operations in their respective home countries, then

[2] Respondents have argued that this merger constituted a ''change in ownership'' under section 771(5)(F) of the Act. However, in both the Netherlands and the UK, the assets at the enrichment operations were directly owned by their respective governments before the merger and indirectly after the merger. We preliminarily determine that there was no change in ownership in 1993 but merely a merging and restructuring of assets by the three Urenco Group partners, *i.e.,* the Government of the Netherlands, the Government of the United Kingdom, and the private German shareholders of the Group, each of whom remained as owners in Urenco Ltd.

the Department will cumulate all such countervailable subsidies, as well as subsidies provided directly to the international consortium, in determining any countervailing duty upon such merchandise. Based upon the information on the record, section 701(d) of the Act is applicable to these investigations. As explicitly instructed by Congress in the legislative history of this provision, section 701(d) of the Act ''is applicable to cases in which foreign governments provide subsidized assistance for participation in international production and marketing ventures.'' [3]

Therefore, because we find the Urenco Group of companies to constitute an international consortium, pursuant to section 701(d) of the Act, we have cumulated all countervailable subsidies received by the member companies from the GOG, GON, and the UKG in order to calculate one countervailing duty rate applicable to the production and exportation of the subject merchandise from this consortium.

Subsidies Valuation Information

Allocation Period

Under section 351.524(d)(2) of the Department's 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 (IRS Tables), 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 instance, however, the IRS Tables do not provide a specific asset guideline class for the uranium enrichment industry.

In their questionnaire responses, the Urenco Group companies have calculated company-specific AULs by dividing their respective aggregate, annual, average gross book values of their depreciable productive fixed assets by their aggregated annual charge to accumulated depreciation for a ten-year period in the manner specified by section 351.524(d)(2)(iii) of the CVD Regulations. Based on this calculation, Urenco Deutschland reports an AUL of 13 years, UNL reports an AUL of 12 years, and UCL reports an AUL of 10 years. Based on information submitted by respondents, we have preliminarily used company-specific AUL data when calculating the AUL of the Urenco Group.

As discussed above, we preliminarily determine that the companies of the Urenco Group operate as an international consortium within the meaning of section 701(d) of the Act. We note that our decision to apply the international consortium provision affects the manner in which we must calculate the AUL in this investigation. The legislative history clarifies the application of that provision. It points out that the amendment, i.e., section 701(d) of the Act, explicitly authorized the Department to ''* * * cumulate the amounts of subsidies from all {participating countries in an international consortium} in determining the relevant countervailing duty to be applied to the product subject to that investigation.'' *See* Conference Report at 589. Thus, consistent with the Congressional intent, which directed the Department to cumulate the subsidies received from countries in an international consortium, we have calculated a single AUL for the Urenco Group by weight-averaging the company-specific AULs of the Urenco Group companies by their respective total average gross book values. On this basis, we derived an AUL of 12 years for the Urenco Group.

We note that at verification we will closely examine the AUL information submitted by the Urenco Group companies. In addition, we welcome any comments interested parties may have with regard to our approach on this issue.

In the *Initiation Notice,* we stated that, with respect to petitioners' allegations regarding UNL's receipt of certain research and development (R&D) subsidies, we would determine during the course of this investigation whether the provisions of section 351.524(d)(2)(iv) of the CVD Regulations should apply to this case. *See* page 14 of the December 27, 2000, Initiation Checklist, the public version of which is on file in room B–099 of the main Commerce Building (Initiation Checklist). Section 351.524(d)(2)(iv) of the CVD Regulations states that under certain ''extraordinary circumstances'' the Department may consider an allocation period other than the AUL or it may determine that the benefit stream of a non-recurring subsidy should begin at a date other than the date at which the subsidy was bestowed. In the Preamble to the CVD Regulations, we explain that when a government provides a subsidy to fund the development of certain new technologies, or to fund an extraordinarily large project for the development of new products that encompasses not only basic research and development, but also implementation and commercialization, the duration of the benefit may not necessarily be related to the AUL of assets for that industry. *See* the Preamble, 63 FR 65348, 65396 (November 25, 1998). We further state in the Preamble that there could be a significant lead time between receipt of the subsidy and development of the product and the product's commercialization. We have explained that, in those instances, even if we were to rely on the AUL of assets, there is a question as to whether the benefit stream should begin at the time the grant is received or at the time the product reaches commercial production. *Id.* at 65396.

As stated above, we have preliminarily determined that the AUL for the Urenco Group companies is 12 years. Thus, in using a 12-year AUL, 1988 marks the last year in which one of the Urenco Group companies could have received a non-recurring grant and still have those subsidies be allocable to the POI. With respect to R&D subsidies received by the Urenco Group companies, namely those of UNL and Urenco Deutschland, in which the application of the ''extraordinary circumstances'' provision under section 351.524(d)(2)(iv) of the CVD Regulations might have been an issue, we note that all of the production plants for which the R&D subsidies were received began commercial production prior to 1988. In other words, even if the Department were to apply the ''extraordinary circumstances'' provision under section 351.524(d)(2)(iv) of the CVD Regulations to the R&D subsidies received by the Urenco Group companies, the use of a 12-year AUL would result in the benefit streams of the respective subsidies being fully allocated prior to the POI. Accordingly, we preliminarily determine that section 351.524(d)(2)(iv) of the CVD Regulations is not relevant to this case.

Benchmarks for Loans and Discount Rate

In accordance with section 351.524(d)(3)(i)(A) of the CVD Regulations, we used, where available, discount rates that were based on the cost of long-term, fixed-rate financing for commercial loans received by the Urenco Group companies. Where the

[3] H.R. No. 100–576, 100th Cong., 2d Sess. 589 (1988) (''Omnibus Trade and Competitiveness Act of 1988,'' Conference Report) (Conference Report).

Urenco Group companies had no comparable commercial loans, we used national average interest rates as provided by the companies' corresponding government as specified by section 351.505(a)(3)(ii) of the CVD Regulations. In addition, we note that one countervailable program used by the Urenco Group required the use of discount rate benchmarks denominated in several foreign currencies. In those instances where the Urenco Group did not report a comparable, commercial discount rate benchmark for a particular foreign currency, we used currency-specific ''Lending Rates'' from private creditors as published in the *International Financial Statistics* as the foreign currency denominated discount rate.

Treatment of the Denominator

Based on our review of the responses, it appears as though respondents did not report a value for the natural uranium component of certain LEU sales. Therefore, in order to determine more accurately the level of subsidy applicable to the subject merchandise, we have estimated a value for this component. Based on petitioners' estimation that the enrichment component accounts for 60 percent of the value of LEU, we have increased the reported sales value to include an estimated value for the natural uranium component. We recognize that this is an estimate of the value of LEU sold by respondents. We intend to seek additional information from respondents prior to our final determination.

I. Programs Preliminarily Determined To Confer Subsidies From the Government of Germany

A. Enrichment Technology Research and Development Program

Under this program, the Government of Germany promoted the research and development of uranium enrichment technologies. The Federal Ministry for Research and Technology provided Urenco Deutschland a series of grant disbursements for the funding of research and development projects. The funds were provided to encourage continuous improvements of centrifuge technologies and to fund the research of lasers and other advanced technologies. The grant disbursements under this program were made during the years 1980 through 1993. The total amount of grant disbursements made under both this program equaled DM 244.3 million.

Assistance under this program was provided for in two agreements entitled ''Financing Agreement'' and ''Terms and Conditions for Allocations on a Cost Basis to Companies in Industry for Research and Development Projects' (Laser R&D Agreement). According to Article 4, Section 6, of the Financing Agreement, the funds provided to Urenco Deutschland under this agreement had repayment obligations. The funds were repayable within five years of disbursement, contingent upon the company's earnings. If the funds were not repaid within five years, then the repayment obligation lapsed. The second agreement covered grants for laser enrichment R&D. Under the Laser R&D Agreement, the obligation to make repayment began three years after the project's completion, and repayment was to be made in five equal annual installments. However, the obligation for repayment would be terminated if the objective of the project was not achieved. According to the responses of both the company and the government, no portion of any of the disbursements received by Urenco Deutschland was repaid.

We preliminarily determine that the assistance provided under this program constitutes countervailable subsidies within the meaning of section 771(5) of the Act. The grant disbursements constitute a financial contribution and confer a benefit, as described in sections 771(5)(D)(i) and 771(5)(B) of the Act. Also, we preliminarily determine that this program is specific under section 771(5A)(D)(i) of the Act because provision of assistance under this program was limited to one company. In addition, we preliminarily determine that this program provided non-recurring benefits to Urenco Deutschland under section 351.524(c)(2) of the CVD Regulations because the assistance provided to Urenco Deutschland was made pursuant to specific government agreements and was not provided under a program that would provide assistance on an ongoing basis from year to year.

Under the Financing Agreement, there was a contingent repayment obligation attached to each of the grant disbursements. Within the first five years of receipt of the funds, Urenco Deutschland had an obligation to repay the government contingent upon the company's earnings. At the end of the five-year period, the repayment obligation expired. Because the company was no longer obligated to repay the assistance, the amount of the funds disbursed became a grant equal to the amount of the disbursement. Consistent with our treatment of ''contingent liabilities,'' we determine the year of receipt of the grant to be the year in which the five-year time frame for repayment expired, that is, the fifth year from the day the funds were disbursed to the company. (*See e.g.*, the treatment of the ''Export Promotion Capital Goods Scheme'' in the *Final Affirmative Countervailing Duty Determination: Certain Cut-to-Length Carbon-Quality Steel Plate From India,* 64 FR 73131 (December 29, 1999); and ''Government Debt Forgiveness in 1989'' in the *Final Affirmative Countervailing Duty Determination: Certain Hot Rolled Lead and Bismuth Carbon Steel Products From Germany,* 58 FR 6233 (January 27, 1993)). With respect to the grant disbursements made under the Laser R&D Agreement, we find that the obligation for repayment ended when the GOG terminated the project in 1993 because it was determined the project would not achieve commercial results. Therefore, consistent with our treatment of contingent liabilities, we determine that the R&D funds provided under this Agreement should be treated as grants having been received in 1993 when the repayment obligation effectively ended.

In order to calculate the benefits received under this program, we first determined the total amount of grants provided each year under both the Financing Agreement and the Laser R&D Agreement. We then applied the Department's standard grant methodology and allocated the grants over the AUL. *See* the allocation period discussion under the ''Subsidies Valuation Information'' section, above. We used as our discount rates the long-term corporate bond rates in Germany because the grants were denominated in Deutschmarks. We then summed the benefits received by Urenco Deutschland during 1999, from each of the grant disbursements. We then divided the total benefit attributable to the POI by the Urenco Group's total sales for the POI.[4] On this basis, we preliminarily determine the countervailable subsidy rate under this program to be 0.77 percent *ad valorem* for the Urenco Group.

B. Forgiveness of Centrifuge Enrichment Capacity Subsidies

In accordance with the ''Risk Sharing Agreement'' and the ''Profit Sharing Agreement'' signed between the GOG and Urenco Deutschland, the GOG agreed to provide funds to Urenco Deutschland to support the promotion of an uranium enrichment industry.

[4] Because we have determined that the Urenco Group constitutes an international consortium as defined by section 701(d) of the Act, we have calculated the *ad valorem* rates by dividing the benefits received by the companies of the Urenco Group by the applicable sales denominator of the Urenco Group.

These two Agreements were signed on July 18, 1975. Under the Risk Sharing Agreement and the Profit Sharing Agreement, the GOG provided contributions totaling DM 338.3 million to Urenco Deutschland in support of the Treaty of Almelo's goal of creating and promoting the enrichment industry. An amount of DM 158.8 million was provided during the years 1980 through 1993 with regard to expanding the enrichment capacity of the Urenco Group. Prior to 1980, the GOG provided Urenco Deutschland with a total amount of funds equal to DM 179.5 million, which was used for the construction of enrichment facilities in Almelo and Capenhurst.

Under the terms of the assistance provided by the GOG under the Risk Sharing Agreement and Profit Sharing Agreement, the funds were conditional in that Urenco Deutschland was required to make repayments to the GOG based upon the financial performance of the company. However, in no case was the amount of the total repayments to exceed twice the amount of the funds provided to Urenco Deutschland by the GOG under these Agreements. Repayment obligations were of indefinite duration. During the years 1980 through 1992, Urenco Deutschland made repayments to the GOG equal to DM 5.6 million.

In 1987, Urenco Deutschland and the GOG signed an Adjustment Agreement, under which the GOG would be relieved of providing further funding under the program and Urenco Deutshland's repayment obligations would be capped at MDM 370.

According to the response of the company, with the 1993 merger of the Urenco Group enrichment operations, the German enrichment operation would be merged with its counterparts in the Netherlands and the United Kingdom. Prior to the merger, the GOG and Urenco Deutschland negotiated a basis to terminate the repayment obligations of the Risk Sharing Agreement and the Profit Sharing Agreement. Based upon the negotiations between the GOG and Urenco Deutschland, a ''Termination Agreement'' was signed on July 13, 1993, and amended on October 27, 1993. Under the terms of the Termination Agreement, Urenco Deutschland was to pay the government DM 101.1 million in final payment of the funds provided under the Risk Sharing and Profit Sharing Agreements. With this payment under the Termination Agreement, the repayment obligations under the Risk Sharing and Profit Sharing Agreements terminated. On July 1, 1994, the entire amount of the DM 101.1 million was repaid by the company to the GOG.

We preliminarily determine that assistance provided under this program to Urenco Deutschland is specific under section 771(5A)(D)(i) of the Act because the program was limited to one company. In addition, we determine that a financial contribution was provided under section 771(5)(D)(i) of the Act. A benefit was also provided to the company, within the meaning of section 771(5)(E) of the Act to the extent that the repayments made to the GOG were less than the amount of assistance provided to the company under this program.

Under this program, the company was provided with a total of DM 338.3 million in repayable funds and was obligated in a 1987 Agreement signed with the GOG to repay the GOG DM 370 million for this assistance. Prior to the Termination Agreement, the company had made repayments totaling DM 5.6 million. Under the Termination Agreement, which terminated the company's repayment obligations, Urenco Deutschland made a final repayment of DM 101.1 million to the government. However, Urenco Deutschland was obligated to make DM 370 million in repayments for the assistance it received under this program, but only repaid DM 106.7 million by the time the repayment obligation was terminated in 1993. Therefore, we preliminarily determine that the difference, DM 263.3 million, constitutes a grant provided to Urenco Deutschland in 1993, the year in which the repayment obligation under the program was terminated. Therefore, we preliminarily determine that a countervailable benefit was provided to Urenco Deutschland under this program. Because the termination of the repayment obligation was a one-time government action, we preliminarily determine the resultant benefit arising from this program to be non-recurring under section 351.524(c)(2) of the CVD Regulations.

To determine the benefit conferred by this program during the POI, we applied the Department's standard grant methodology and allocated the grant amount of DM 263.3 million over the AUL. *See* the allocation period discussion under the ''Subsidies Valuation Information'' section, above. We used as our discount rate the long-term corporate bond rate in Germany for 1993. We then took the benefit attributable to Urenco Deutschland during the POI from the grant and divided that benefit by the Urenco Group's total sales for the POI. On this basis, we preliminarily determine the net countervailable subsidy under this program to be 1.98 percent *ad valorem* for the Urenco Group.

C. Investment Allowance Act

Urenco Deutschland received grants from the GOG under the Investment Allowance Act. This program is administered by the Federal Ministry of Economics. Under this program, grants are provided by the GOG to companies located in identified regional development areas within the country. Urenco Deutschland received grants under this program for its enrichment plant in Gronau and for its R&D facility in Julich. Under the Investment Allowance Act, both Gronau and Julich qualified as regional development areas. A total of DM 51.403 million in grant disbursements was received by Urenco Deutschland during the years 1982 through 1990.

We preliminarily determine this program to be specific under section 771(5A)(D)(iv) of the Act because grants provided under this program are limited to companies located in designated regions within Germany. A financial contribution is also provided by this program under section 771(5)(D)(i) of the Act. In addition, a benefit is provided to Urenco Deutschland within the meaning of section 771(5)(E) of the Act in the amount of grant disbursements it received under this program. Therefore, we preliminarily determine this program to be countervailable. We also preliminarily determine that this program provided non-recurring benefits to Urenco Deutschland under section 351.524(c)(2) of the CVD Regulations because the assistance provided to Urenco Deutschland was tied to the capital assets of the company and assistance under this program was not provided on an ongoing basis from year to year.

To determine the benefit during the POI, we applied the Department's standard grant methodology and allocated the grants it received over the AUL. *See* the allocation period discussion under the ''Subsidies Valuation Information'' section, above. We used as our discount rate the long-term corporate bond rate in Germany at the time of the grant approval. We then took the benefit attributable to Urenco Deutschland during the POI from the grants and divided that amount by the Urenco Group's total sales for the POI. On this basis, we preliminary determine the net countervailable subsidy rate under this program to be 0.18 percent *ad valorem* for the Urenco Group.

II. Program Preliminarily Determined To Confer Subsidies From the Government of the Netherlands

A. Regional Investment Premium

Under the Regional Investment Premium (IPR) program, the GON provided UCN grants for the expansion of its centrifuge manufacturing facilities. Grants under this program are only available to companies located in certain regions of the Netherlands. UCN received four grants under this program. Although grants under this program were first approved by the GON in 1982, the disbursement of the grants occurred during the years 1982 through 1993.

We preliminarily determine that this program is specific under section 771(5A)(D)(iv) of the Act because grants provided under this program are limited to companies in designated regions of the country. A financial contribution is also provided by this program under section 771(5)(D)(i) of the Act. In addition, a benefit is provided to UCN under section 771(5)(E) of the Act in the amount of grants it received under this program. Therefore, we preliminarily determine this program to be countervailable. We also preliminarily determine that this program provided non-recurring benefits to UCN under section 351.524(c)(2) of the CVD Regulations because the assistance provided to UCN was tied to the capital assets of the company and the assistance under this program was not provided on an ongoing basis from year to year.

To determine the benefit during the POI, we applied the Department's standard grant methodology and allocated the grants UCN received over the AUL. *See* the allocation period discussion under the ''Subsidies Valuation Information'' section, above. We used as our discount rate the long-term government bond rate in the Netherlands at the time of the grant approval. The Department took the allocated benefits received during the POI for the two grant amounts and converted this amount to Pounds using the average Dutch Guilder to Pounds exchange rate for the POI. We then took this amount over the adjusted total sales of Urenco Group. Based on the information on the record, the Department preliminarily determines that the net countervailable subsidy rate under this program to be 0.06 percent *ad valorem* for the Urenco Group.

III. Program Preliminarily Determined To Confer Subsidies From the Government of the United Kingdom

A. Assumption of Debt: European Investment Bank Loans

Beginning in 1978, BNFL received four long-term loans from the European Investment Bank that were guaranteed by the UKG under the Nuclear Industry (Finance) Act (NIFA). According to UCL's questionnaire response, the loans were extended to finance the construction of two enrichment plants at the Capenhurst facility.

As explained above in the ''Urenco Group: Corporate History'' section of this notice, in preparation for the 1993 merger, BNFL changed the name of its subsidiary BNFL Enrichment Ltd. to UCL, and transferred to UCL the relevant portion of the Capenhurst site (the buildings and equipment related to the enrichment business), which included the buildings that were constructed with the EIB financing. Though BNFL transferred the enrichment operations to UCL, it retained the liabilities for the EIB loans that were tied to those facilities.

Because BNFL is owned by the UKG, we find that BNFL's retention of the EIB liabilities constitutes a government assumption of debt. Therefore, we preliminarily determine that BNFL's failure to transfer those liabilities to UCL constituted a financial contribution and conferred a benefit within the meaning of sections 771(5)(D)(i) and 771(5)(E) of the Act. Furthermore, because the benefit stemming from this event was limited to UCL, we preliminarily determine that it was specific to a particular enterprise within the meaning of section 771(5A)(D)(i) of the Act. We note that this approach is consistent with the approach taken by the Department in past proceedings involving the assumption or retention of debts that resulted in the bestowal of countervailable subsidies. *See, e.g., Final Affirmative Countervailing Duty Determination: Stainless Steel Sheet and Strip in Coils From Italy,* 64 FR 30624, 30628 (June 8, 1999).

Under section 351.508(a) of the CVD Regulations, in the case of an assumption or forgiveness of a firm's debt obligation, a benefit exists equal to the amount of the principal and/or interest (including accrued, unpaid interest) that the government has assumed or forgiven. Furthermore, section 351.508(c) states that the benefit from an assumption of debt will be treated as a non-recurring subsidy. Therefore, for purposes of this preliminary determination, we are treating the benefit attributable to UCL under this program as a non-recurring subsidy that is equal to the principal payments made by BNFL after the merger.

According to information in the questionnaire responses of the UKG and UCL, the transfer of the enrichment operations took place in September of 1993. Therefore, for purposes of this preliminarily determination, we are using September 1993 as the date of bestowal. In addition, in accordance with section 351.508(c) of the CVD Regulations, we are treating the principal outstanding retained by BNFL as a non-recurring subsidy received as of the date of the merger.

Because the subsidy amounts were denominated in foreign currencies, we allocated the subsidies over time in their original currency. We used as our discount rates the rates discussed in the ''Benchmarks for Loans and Discount Rate'' section of this notice. Once we allocated the foreign currency-denominated benefit to the POI, we converted the benefit amount into pounds using the average annual exchange in effect during the POI. We then divided the amounts of the benefits attributable to the POI by the Urenco Group's total sales during the POI. On this basis, we preliminarily determine the net countervailable subsidy under this program to be 0.73 percent *ad valorem* for the Urenco Group.

IV. Programs Preliminarily Determined Not To Confer a Benefit From the Government of Germany

Based upon the information in the response, the programs listed below meet the requirements for specificity and provision of a financial contribution under the Act.[5] However, based upon a 12 year AUL, we have preliminarily determined that no benefit was received under these programs during the POI.

A. Regional Government Provision of Industrial Site

B. Regional Development Grants

V. Programs Preliminarily Determined Not To Confer a Benefit From the Government of the Netherlands

Based upon the information in the response, the programs listed below meet the requirements for specificity

[5] The Regional Government Provision of Industrial Site program is specific under section 771(5A)(D)(i) of the Act because the program was limited to one company. A financial contribution was also provided under section 771(5)(D)(iii) of the Act. The Regional Development Grant program is specific under section 771(5A)(D)(iv) of the Act because grants under this program are issued to companies located in designated regions. A financial contribution is also provided under section 771(5)(D)(i) of the Act.

and provision of a financial contribution under the Act.[6] However, based upon a 12 year AUL, we have preliminarily determined that no benefits were received under these three programs during the POI.

A. Centrifuge Enrichment Technology Research and Development

B. 1981 Equity Conversion

VI. Program Preliminarily Determined Not To Confer a Benefit From the Government of the United Kingdom

A. Regional Development Grants

Based upon the information in the response, this program meets the requirements for specificity and provision of a financial contribution under the Act.[7] However, based upon a 12 year AUL, we have preliminarily determined that no benefits were received under this program during the POI.

B. Centrifuge Development Grant

Petitioners alleged that BNFL/E received a grant of £47.8 million from the UKG to fund the development work and plant construction of a tripartite gas centrifuge project. According to UCL's questionnaire response, the Centrifuge Development Grant received by BNFL was repaid in 1987 as a lump sum. Supporting documentation confirms that in 1987 a payment of £47.5 million was made to the UKG in full and final settlement of the grant.

We note that information submitted by UCL indicates that it paid back £47.5 million of the original grant amount of £47.8 million, leaving £300,000 unpaid. Although this £300,000 could be considered a subsidy to UCL, the amount is so small that, pursuant to section 351.524(b)(2) of the CVD Regulations, it would be expensed in the year of receipt, 1987. Therefore, we preliminarily determine that no benefits were provided under this program during the POI.

C. Fossil Fuel Levy

Petitioners state that pursuant to the Electricity Act of 1989, the UKG established a governmental levy known as the Fossil Fuel Levy (FFL) that was in place from 1990 until the late 1990s. This tax was placed on electricity sales to make up the difference between the price of fossil-fuel fired electricity and the cost of nuclear-generated electricity. Petitioners allege that the portion of the levy received by the nuclear power companies was dedicated, in principle, to fund the future decommissioning of the United Kingdom's nuclear electrical power plants.

UCL states in its questionnaire response that neither Urenco Ltd. nor UCL was eligible to receive benefits under the FFL. According to UCL's questionnaire response, the money for the levy was paid out to generators of electricity from non-fossil fuel sources, such as producers of nuclear power. UCL states that because Urenco and UCL are not nuclear generators, they were not eligible to receive monies under the FFL. They add that BNFL did receive such benefits from the FFL solely with respect to electricity generated by its Calder Hall Sellafield Power Station.

We preliminarily determine that this program did not confer countervailable benefits on subject merchandise during the POI. According to information in its questionnaire response, BNFL received FFL levies with respect to a power-generating plant that was not related to the production or exportation of LEU. Therefore, we preliminarily determine that any assistance received by BNFL under this program was tied to non-subject merchandise, and, therefore, did not provide a benefit to subject merchandise.

D. Forgiveness of Decommissioning Debt

Starting in 1983, the year after the facility ceased operations, and continuing to the present day, BNFL decommissioned its gaseous diffusion plant which was located at the Capenhurst enrichment plant. Petitioners allege that the retention by BNFL of responsibility for decommissioning the older gaseous diffusion enrichment plant was a liability that should have been borne by Urenco and UCL, and, therefore, constitutes, in effect, a financial contribution that bestowed a countervailable grant to Urenco in the form of debt forgiveness. According to UCL's questionnaire response, the decommissioning liabilities of BNFL relating to its gaseous diffusion plant were not transferred to UCL because that plant was built to produce high enriched uranium (HEU) for defense purposes, and, therefore, is not related to the business and asset base of the Urenco organization. According to UCL's questionnaire response, BNFL's gaseous diffusion plant was never used to produce subject merchandise, LEU, and neither Urenco nor any of the predecessor entities within BNFL had any involvement in its operation.

Because the plant in question was never related to the production of LEU, we preliminarily determine that any benefits received by BNFL under this program are tied to non-subject merchandise, and, therefore, do not confer a benefit on the subject merchandise.

VII. Program Preliminarily Determined Not Countervailable From the Government of the Netherlands

A. Subordinated Shareholder Loan Provided to Urenco Ltd. by UCN

Petitioners allege that the Dutch government directly subsidized the Urenco Group through a 1993 shareholder loan made by UCN on non-commercial terms. As part of the 1993 restructuring arrangements a loan was made by the shareholders of Urenco Ltd. UCN, as one-third shareholder in Urenco Ltd., granted one-third of the loan.

According to information in UCL's questionnaire response, the shareholders of the Urenco Ltd., (International Nuclear Fuels Limited (INFL),[8] UCN, and Uranit), advanced subordinated shareholder loans to the company. Each shareholder contributed equal principal amounts and each charged the same interest rate. In its questionnaire response, UCN further explains that in the event of the liquidation of Urenco Ltd., the subordinated loans would be repaid only after all other creditors had been repaid, but before share capital would be returned to investors. Information in UCN's questionnaire response also indicates that the repayment terms (principal, interest rates charged, repayment periods) are set by reference to a number of factors, including likely period of the loans and the risks attached to the loans.

Section 771(5)(E)(ii) of the Act and section 351.505(a)(1) of the CVD Regulations stipulate that in the case of a loan, a benefit exists to the extent that the amount a firm pays on the

[6] The Centrifuge Enrichment Technology Research and Development Programs (R&D Program), funding given from 1969 through 1981, and the 1981 Equity Conversion are specific under section 771 (5A)(D)(i) of the Act because these programs are limited to one company. The R&D program provided a financial contribution under section 771(5)(D)(i) and the 1981 Equity Conversion Program provided a financial contribution under section 771(5)(D)(i) of the Act because we determine that no objective studies of the company had been prepared prior to the GON's 1981 equity infusion as reuqired under section 351.5079(a)(4)(ii) of the CVD Regulations.

[7] The Department found this program countervailable in *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products from the United Kingdom: Preliminary Results of Countervailing Duty Administrative Review,* 64 FR 16920, 16923 (April 7, 1999). Affirmed in *Certain Hot-Rolled Lead and Bismuth Carbon Steel Products From the United Kingdom: Final Results of Countervailing Duty Administrative Review,* 64 FR 43673, 43675 (August 11, 1999).

[8] INFL is a wholly-owned subsidiary of the UKG-owned BNFL.

government-provided loan is less than the amount the firm would pay on a comparable commercial loan that the firm could actually obtain on the market. Under section 351.505(a)(2) of the CVD Regulations, a comparable commercial loan is defined as a loan that is comparable to the government-provided loan. The provision goes on to state that the Department will place primary emphasis on similarities in the structure of the loans.

There are three shareholders of Urenco Ltd., with each shareholder owning one-third interest in the company. Two of the shareholders are government-owned, one by the UKG and one owned by the GON. The third shareholder, Uranit, is a privately-owned company in Germany. According to information on the record, this private shareholder also extended a loan to Urenco Ltd., in the same amount, at the same terms and on the same date as the UCN loan to Urenco Ltd. The Department finds that this loan from Uranit, a private source, constitutes a comparable commercial loan to use as the benchmark. *See* section 351.505(a)(2)(ii) of the CVD Regulations. Because the two government loans were on the same terms as the Uranit loans, we preliminarily determine that this loan was made on a commercial basis and is not countervailable. We note that for the final determination, we will examine the use of this benchmark closely, given the nature of the three governments' involvement in the consortium.

B. 1998 Shareholder Loan

Petitioners alleged that a loan on Urenco Ltd.'s annual report may be a shareholders loan made by UCN. Petitioners further alleged that the loan may be non-commercial and not consistent with the usual practices of private investors. In UNL's questionnaire response, it stated that the 1998 loan is not a shareholder loan; it was provided from a commercial bank and did not carry a government guarantee. Based upon this information, we preliminarily determine that this loan does not constitute a countervailable subsidy under 701(a)(1) of the Act.

VIII. Programs Preliminary Determined Not Countervailable From the Government of the United Kingdom

A. Loan-Stock Debt Forgiveness Program

Petitioners allege that UCL received countervailable benefits when its obligation to repay loan stock issued to BNFL was nullified in the 1993 corporate restructuring of the Urenco Group.

In its questionnaire response, UCL stated that all loans from BNFL to UCL were repaid with the exception of a £16.2 million ''loan waiver.'' [9] With respect to the £16.2 million ''loan waiver,'' which is referred to in Urenco's 1994 Annual report, UCL explains that the figure reflects the loss incurred by BNFL in connection with the merger. Specifically, UCL explains that the £16.2 million represents the difference between the total sum owed to BNFL in the books of UCL on the merger date and the agreed merger valuation of UCL. UCL further states that the £16.2 million appears on its financials as a ''loan waiver'' because, according to its accounting practices, the amount had to be accounted for either as a loss on a disposal of assets or a failure to recover money advanced.

Based on information submitted by UCL, it appears that the 6.2 million at issue is the result of a difference in the manner in which the assets that were transferred from BNFL to Urenco Ltd. were valued rather than the result of a loan waiver. Therefore, we preliminarily determine that there was no debt forgiveness under this program. However, we must also examine whether there was a potential countervailable subsidy provided in this transaction.

We addressed a similar program in the *Initiation Notice* involving the transfer of assets from BNFL and whether the transfer provided a subsidy on enrichment production. In the *Initiation Notice,* we determined not to initiate on petitioners' allegation that the transfer of one of the enrichment plants from BNFL to Urenco Ltd. was at less than adequate remuneration. Specifically, in the *Initiation Notice,* we stated that ''{t}he mere fact that the A3 plant was allegedly sold at a price that was below its book value is not enough information to warrant initiating an investigation of less than adequate remuneration allegation without any reference to prevailing market conditions for the good in question.'' *See,* 66 FR at 1087.

With respect to the program under investigation, the amount of £16.2 million is due to the transfer or sale of assets to Urenco at below the book value as recorded by BNFL. Similar to the situation with the sale of the A3 plant addressed in the *Initiation Notice,* there is no evidence on the record that indicates that these assets were sold for less than adequate remuneration. Therefore, based on the information on the record and on our approach in the *Initiation Notice,* we preliminarily determine that this program is not countervailable. We will, however, examine all aspects of the restructuring and subsequent merger of the Urenco Group during verification.

B. Subordinated Shareholder Loan Provided to Urenco Ltd. by INFL

Petitioners allege that the UKG directly subsidized Urenco Ltd. through a 1993 shareholder loan made on non-commercial terms by INFL.

According to information in UCL's questionnaire response, the shareholders of Urenco Ltd., INFL, UCN, and Uranit, advanced subordinated shareholder loans to the company. Each shareholder contributed equal principal amounts and each charged the same interest rate. In its questionnaire response, UCL further explains that in the event of the liquidation of Urenco Ltd., the subordinated loans would be repaid only after all other creditors had been repaid, but before share capital would be returned to investors. Information in UCL's questionnaire response also indicates that the repayment terms (principal interest rates charged, repayment periods) are set by reference to a number of factors, including duration of the loans and the risks attached to the loans.

Section 771(5)(E)(ii) of the Act and section 351.505(a)(1) of the CVD Regulations stipulates that in the case of a loan, a benefit exists to the extent that the amount a firm pays on the government-provided loan is less than the amount the firm would pay on a comparable commercial loan that the firm could actually obtain on the market. Under section 351.505(a)(2) of the CVD Regulations, a comparable commercial loan is defined as a loan that is comparable to the government-provided loan. The provision goes on to state that the Department will place primary emphasis on similarities in the structure of the loans.

There are three shareholders of Urenco Ltd., with each shareholder owning one-third interest in the company. Two of the shareholders are government-owned, one by the UKG and one owned by the GON. The third shareholder, Uranit, is a privately-owned company in Germany. According to information on the record, this private shareholder also extended a loan to Urenco Ltd., in the same amount, at

[9] In the *Initiation Notice,* we also initiated an investigation of the 1993 Debt Forgiveness of £16.2 million as a separate program. *See* 66 FR at 1087. According to information in UCL's questionnaire response, this loan is the same loan that was involved in the Loan Stock Debt Forgiveness program.

the same terms and on the same date as the INFL loan to Urenco Ltd. The Department finds that this loan from Uranit, a private source, constitutes a comparable commercial loan to use as the benchmark. *See* section 351.505(a)(2)(ii) of the CVD Regulations. Therefore, we preliminarily determine that the loan provided to Urenco Ltd. by INFL was made on a commercial basis and is not countervailable. We note that for the final determination, we will examine the use of this benchmark closely, given the nature of the three governments' involvement in the consortium.

C. Extraordinary Asset Write Downs Prior to Transfer of BNFL Enrichment Facilities

Petitioners explain that the 1992–1993 Annual Report of UCL indicates that the value of the physical assets of the Capenhurst enrichment operations decreased to £196 million as of March 31, 1993, due in large part to a extraordinary depreciation charge of £20 million. Petitioners allege that this extraordinary depreciation charge could have conferred a benefit upon UCL.

In its questionnaire response, UCL states that the extraordinary depreciation relates to the value of a building known as the E23 building, which was constructed in the mid-1980s for the purpose of housing centrifuge operations. UCL further explains in its response that due to a downturn in market conditions, the centrifuge machines were never installed in the E23 building. Because it was estimated during the merger that there was little chance that production of LEU would ever take place in the E23 building, the parties to the merger agreed to write down the value of the building.

According to information provided in the response, the write down of the E23 plant was required by law. Under the Companies Act of 1985, Schedule 4 Paragraph 19(2), the government requires that:

> Provisions for diminution in value shall be made in respect of any fixed asset which has diminished in value if the reduction in its value is expected to be permanent. * * * and any such provisions which are not shown in the profit and loss account shall be disclosed (either separately or in aggregate) in a note to the accounts.

Furthermore, UCL's questionnaire response indicates that the extraordinary write downs taken by BNFL on the E23 building did not give rise to any changes in the corporation tax computation or any benefits on the tax returns filed in fiscal years 1992–1993 or 1993–1994 for UCL.

According to information on the record of this investigation, pursuant to UKG corporate law, BNFL was apparently required to write down the value of the E23 building in order to more accurately reflect its true value. On this basis, we preliminarily determine that this program is not countervailable.

IX. Programs Preliminarily Determined Not To Be Not Used in the Netherlands

A. Wet Investeringsrekening Law (WIR)

B. Subsidized Loan Forgiveness

X. Program Preliminarily Determined Not To Be Not Used in the United Kingdom

A. Financial Assistance Under the Electricity Act of 1989

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 an individual rate for the Urenco Group. The ''all others'' rate is the same as the rate for UCL. These rates are summarized in the table below:

Producer/exporter	Net subsidy rate
Urenco Group Ltd.	3.72% *ad valorem.*
All Others	3.72% *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 the UK, 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, 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: May 7, 2001.

Bernard T. Carreau,

Deputy Assistant Secretary for Import Administration.

[FR Doc. 01–12064 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

National Estuarine Research Reserve System

AGENCY: Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, National Ocean Service, National Oceanic and Atmospheric Administration, U.S. Department of Commerce.

ACTION: Notice of approval and availability of revision to the Final Revised Management Plan for the Jobos Bay National Estuarine Research Reserve, 2001–2005.

SUMMARY: Notice is hereby given that the Estuarine Reserves Division, Office of Ocean and Coastal Resource Management, has approved the revised Management Plan for the Jobos Bay National Estuarine Research Reserve (JBNERR). The JBNERR was designated in 1981 and has been operating under a Management Plan approved in 1982. Pursuant to Section 315 of the Coastal Zone Management Act, 16 U.S.C. Section 1461, and Section 921.33(c) of the implementing regulations, a state must revise its management plan at least every five years, or more often if necessary. This revision is Puerto Rico's effort to comply with this requirement.

FOR FURTHER INFORMATION CONTACT: Nathalie Peter, OCRM, Estuarine Reserves Division, 1305 East-West Highway, 11th Floor (N/ORM5), Silver Spring, Maryland 20910. (301) 713–3155, Extension 119.

SUPPLEMENTARY INFORMATION: The JBNERR Management Plan Revision contains the program mission, goals and objectives of the JBNERR, and establishes policies that will protect the natural resources and ecological integrity of the reserve. It provides guidance for reserve operation and management with the objective of providing long-term opportunities for research, education and stewardship.

The JBNERR Management Plan Revision was prepared by the Puerto Rico Department of Natural and Environmental Resources (DNER). It was presented at a public hearing at the JBNERR Visitors Center on March 30, 1999. The Puerto Rico Planning Board adopted the plan on March 3, 2000, under Resolution Number JB–2000–PM–JOBANERR. It was subsequently approved by an Executive Order signed by the Governor on December 29, 2000. The Planning Board approval process renders the JBNERR Management Plan an enforceable document to be upheld by the Government of Puerto Rico.

The JBNERR Management Plan Revision submitted for the Planning Board approval process contained an action plan covering the years 2000–2004. NOAA is approving the Management Plan revision for the years 2001–2005. To remedy the discrepancy in the five-year time period, NOAA has requested and DNER has agreed to submit a supplemental 2005 action plan and update for NOAA approval in 2004.

Revisions to the JBNERR Management Plan include the following:

1.Updated and detailed boundary maps and maps of natural resources and land uses within and adjacent to the reserve.

2. A full discussion of the management issues at the reserve.

3. A section detailing staffing needs, roles, and responsibilities.

4. A facilities description. Under a NOAA matching grant, the DNER has renovated a historic building to serve as the Visitors Center. This central facility consists of administrative offices, an information center, a conference and exhibit area, and a laboratory.

5. A new section addressing resource protection that includes goals and objectives; a management sector zoning plan establishing preservation, conservation, and limited use sectors; and resource protection guidelines that prohibit jet skis and allow seasonal hunting in designated areas.

6. Appendices that provide a set of regulations for the use and protection of JBNERR resources; summaries of the commonwealth legal authorities applicable to the reserve; a surveillance and enforcement plan for the DNER Ranger Corps; and guidelines for research, monitoring, manipulation, and education activities to be undertaken at the reserve.

The chief areas of concentration for the JBNERR in the next four years are as follows:

1. Establishing a Citizens' Advisory Committee, Research Advisory Committee, and Education Advisory Committee.

2. Increasing coordination among Federal and local agencies related to surveillance and enforcement.

3. Expanding the reserve's role in protecting and restoring reserve resources through boundary delineation and increased signage, acquisition, the special area planning process, and action on the U.S. Environmental Protection Agency consent order related to the northern boundary of the reserve.

4. Improving the transfer of estuarine information between reserve programs and external groups (e.g. local neighbors, local and commonwealth decision-makers in the scientific, governmental and educational communities) through exhibits, newsletters, interpretive trails, teaching guides and curriculum materials, and coastal decision-maker workshops.

5. Encouraging community stewardship of the estuary and watershed through an expanded outreach program and enhanced access to the reserve.

6. Initiating a reserve volunteer program.

7. Completing an environmental characterization and site profile for the reserve.

8. Designing and implementing a long-term environmental monitoring program that incorporates the national System-Wide Monitoring Program.

9. Actively promoting collaborative research activities.

Copies of the document can be obtained from the Jobos Bay National Estuarine Research Reserve, Department of Natural and Environmental Resources, Call Box B, Aguirre, Puerto Rico, 00704. (787) 853–4617.

Federal Domestic Assistance Catalog Number 11.420

Dated: May 3, 2001.

Ted Lillestolen,

Deputy Assistant Administrator for Ocean Services and Coastal Zone Management.

[FR Doc. 01–11995 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–08–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Office of Oceanic and Atmospheric Research; Notice of Solicitation for NOAA Science Advisory Board Members

ACTION: Notice of solicitation for NOAA Science Advisory Board members.

SUMMARY: The Under Secretary for Oceans and Atmosphere is soliciting nominations for membership on the NOAA Science Advisory Board (SAB). The SAB is the only Federal Advisory Committee with responsibility to advise the Under Secretary of Commerce for Oceans and Atmosphere on long- and

short-range strategies for research, education, and application of science to resource management and environmental assessment and prediction. The SAB was originally chartered under the Federal Advisory Committee Act, 5 U.S.C. App. 2., on September 25, 1997, with the General Services Administration's concurrence.

DATES: Resumes should be sent to the address specified and must be received by June 13, 2001.

ADDRESSES: Dr. Michael S. Uhart, Executive Director; NOAA Science Advisory Board; 1315 East-West Highway, Room 11142; Silver Spring, Maryland 20910.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Uhart at the address given above; telephone (301) 713–9121 or fax (301) 713–3515.

SUPPLEMENTARY INFORMATION: SAB activities and advice provide necessary input to ensure that NOAA science programs are of the highest quality and provide optimal support to resource management and environmental assessment and prediction. The panel provides advice to the Under Secretary of Commerce for Oceans and Atmosphere on such matters as:

(a) climate monitoring, assessment, and prediction;

(b) recovering protected and endangered species;

(c) R & D leading to advances in short-term weather warning and forecast services;

(d) the effective collection, management, and utilization of environmental data;

(e) assessment, development, utilization, and conservation of ocean and coastal resources;

(f) the integration of technology and scientific information into decision-making and operational processes; and

(g) such other matters as the Under Secretary refers to the panel for review and advice.

The SAB is to consist of 15 members reflecting the full breadth of NOAA's areas of responsibility. The SAB meets at least twice each year, exclusive of subcommittee, task force, and working group meetings. Panel members must be willing to participate in periodic reviews of the conduct, support, and use of science in NOAA laboratories and programs. Panel members are appointed for a 3-year term.

Dated: May 7, 2001.

Louisa Koch,

Deputy Assistant Administrator, Office of Oceanic and Atmospheric Research.

[FR Doc. 01–11994 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–KD–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 042601F]

Marine Mammals; File No. 633–1483–02

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

ACTION: Issuance of permit amendment.

SUMMARY: Notice is hereby given that the Center for Coastal Studies (CCS), P.O. Box 1036, Provincetown, MA 02657 (Executive Director: Mr. Peter Borrelli, Principal Investigator: Dr. Charles A. Mayo) has been issued an amendment to scientific research Permit No. 633–1483–01

ADDRESSES: The amendment and related documents are available for review upon written request or by appointment in the following office(s):

Permits and Documentation Division, Office of Protected Resources, NMFS, 1315 East-West Highway, Room 13705, Silver Spring, MD 20910; phone (301)713–2289; fax (301) 713–0376; and

Northeast Region, NMFS, One Blackburn Drive, Gloucester, MA 01930–2298; phone (978) 281–9200; fax (978) 281–9371.

FOR FURTHER INFORMATION CONTACT: Ruth Johnson or Tammy Adams (301) 713–2289.

SUPPLEMENTARY INFORMATION: On October 31, 2000, notice was published in the **Federal Register** (65 FR 64932) that an amendment of Permit No. 633–1483–01, issued June 14, 1999, and published June 22, 1999 (64 FR 33270), had been requested by the above-named organization. The requested amendment has been granted under the authority of the Marine Mammal Protection Act of 1972, as amended (16 U.S.C. 1361 *et seq.*), the Regulations Governing the Taking and Importing of Marine Mammals (50 CFR part 216), the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR 222-226).

Project I: Amendment No. 2 authorizes attachment of a non-invasive optical device (''critter cam'') to seven North Atlantic right whales in Cape Cod Bay for collecting video documentation of the zooplankton stream passing by feeding whales in order to better assess the decision-making of the whales during foraging and the quality of the food layer supporting the whales. This documentation will provide a subsurface tool for supplementing CCS' on-going oceanographic surveys and for ''ground-truthing'' current estimates of prey patch density and area in Cape Cod Bay.

Issuance of this amendment, as required by the ESA was based on a finding that such permit (1) was applied for in good faith, (2) will not operate to the disadvantage of the endangered species which is the subject of this permit, and (3) is consistent with the purposes and policies set forth in section 2 of the ESA.

Dated: May 8,2001.

Ann D. Terbush,

Chief, Permits and Documentation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–12077 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–22–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in the People's Republic of China

May 9, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 16, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://www.otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being adjusted for swing and carryover.

A description of the textile and apparel categories in terms of HTS

numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 81846, published on December 27, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 9, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 20, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in China and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 16, 2001, you are directed to adjust the limits for the following categories, as provided for under the terms of the current bilateral textile agreement between the Governments of the United States and the People's Republic of China:

Category	Adjusted twelve-month limit [1]
Group I	
200, 218, 219, 226, 237, 239, 300/301, 313–315, 317/326, 331, 333–336, 338/339, 340–342, 345, 347/348, 350–352, 359–C [2], 359–V [3], 360–363, 369–D [4], 369–H [5], 369–L [6], 410, 433-436, 438, 440, 442–444, 445/446, 447, 448, 607, 611, 613–615, 617, 631, 633–636, 638/639, 640–643, 644/844, 645/646, 647–652, 659–C [7], 659–H [8], 659–S [9], 666, 669–P [10], 670–L [11], 831, 833, 835, 836, 840, 842 and 845–847, as a group.	1,506,349,283 square meters equivalent.
Sublevels in Group I	
200	822,125 kilograms.
218	12,305,019 square meters.
219	2,730,144 square meters.
226	12,396,833 square meters.
237	2,294,269 dozen.
239	3,362,973 kilograms.
300/301	2,521,821 kilograms.
313	46,346,731 square meters.
314	55,300,038 square meters.
317/326	24,188,063 square meters of which not more than 4,685,451 square meters shall be in Category 326.
331	5,664,540 dozen pairs.
333	112,528 dozen.
334	352,429 dozen.
335	411,802 dozen.
336	195,516 dozen.
338/339	2,493,464 dozen of which not more than 1,878,956 dozen shall be in Categories 338–S/339–S [12].
340	845,534 dozen of which not more than 422,766 dozen shall be in Category 340–Z [13].
341	732,648 dozen of which not more than 439,590 dozen shall be in Category 341–Y [14].
342	288,412 dozen.
345	136,026 dozen.
347/348	2,473,725 dozen.
350	191,468 dozen.
351	633,390 dozen.
352	1,778,321 dozen.
359–C	694,231 kilograms.
359–V	973,342 kilograms.
360	8,901,590 numbers of which not more than 5,958,254 numbers shall be in Category 360–P [15].
361	4,858,123 numbers.
362	7,918,078 numbers.
363	23,385,756 numbers.
369–D	5,213,292 kilograms.
369–H	5,679,550 kilograms.
369–L	3,737,939 kilograms.
410	1,090,467 square meters of which not more than 874,128 square meters shall be in Category 410–A [16] and not more than 874,128 square meters shall be in Category 410–B [17].
433	22,534 dozen.
434	14,408 dozen.
435	25,970 dozen.
436	16,304 dozen.
438	27,997 dozen.
440	40,761 dozen of which not more than 23,290 dozen shall be in Category 440–M [18].
442	42,340 dozen.
443	136,789 numbers.
444	225,851 numbers.
445/446	303,053 dozen.
447	74,891 dozen.
448	24,076 dozen.
607	3,678,454 kilograms.
611	6,098,897 square meters.
613	8,629,934 square meters.
614	13,561,324 square meters.
615	28,232,212 square meters.
617	19,725,561 square meters.
631	1,476,877 dozen pairs.
633	63,257 dozen.
634	688,198 dozen.
635	725,929 dozen.
636	603,075 dozen.
638/639	2,610,113 dozen.
640	1,470,492 dozen.
641	1,392,987 dozen.
642	376,799 dozen.
643	559,790 numbers.
644/844	3,949,119 numbers.
645/646	869,802 dozen.
647	1,682,506 dozen.
648	1,202,140 dozen.
649	1,066,811 dozen.
650	129,628 dozen.
651	853,731 dozen of which not more than 150,305 dozen shall be in Category 651–B [19].
652	3,120,203 dozen.
659–C	451,974 kilograms.
659–H	3,149,199 kilograms.
659–S	692,731 kilograms.
666	3,914,396 kilograms of which not more than 1,419,780 kilograms shall be in Category 666–C [20].
669–P	2,250,130 kilograms.
670–L	17,908,622 kilograms.
831	658,470 dozen pairs.
833	33,469 dozen.
835	133,025 dozen.
836	313,659 dozen.
840	527,329 dozen.
842	302,173 dozen.
846	195,496 dozen.
847	1,349,229 dozen.
Group II	
330, 332, 349, 353, 354, 359–O [21], 431, 432, 439, 459, 630, 632, 653, 654 and 659–O [22], as a group.	133,676,563 square meters equivalent.

Category	Adjusted twelve-month limit [1]
Group III	
201, 220, 222, 223, 224–V [23], 224–O [24], 225, 227, 229, 369–O [25], 400, 414, 464, 465, 469, 600, 603, 604–O [26], 606, 618–622, 624–629, 665, 669–O [27] and 670–O [28], as a group.	277,291,547 square meters equivalent.
Sublevel in Group III	
224–V	4,030,871 square meters.
225	6,954,022 square meters.
Group IV	
832, 834, 838, 839, 843, 850–852, 858 and 859, as a group.	13,203,073 square meters equivalent.
Levels not in a Group	
369–S [29]	659,424 kilograms.
863–S [30]	9,360,847 numbers.
870	35,278,620 kilograms.

[1] The limit has not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 359–C: only HTS numbers 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025 and 6211.42.0010.

[3] Category 359–V: only HTS numbers 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070.

[4] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[5] Category 369–H: only HTS numbers 4202.22.4020, 4202.22.4500 and 4202.22.8030.

[6] Category 369–L: only HTS numbers 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091 and 6307.90.9905.

[7] Category 659–C: only HTS numbers 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017 and 6211.43.0010.

[8] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[9] Category 659–S: only HTS numbers 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020.

[10] Category 669–P: only HTS numbers 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000.

[11] Category 670–L: only HTS numbers 4202.12.8030, 4202.12.8070, 4202.92.3020, 4202.92.3031, 4202.92.9026 and 6307.90.9907.

[12] Category 338–S: all HTS numbers except 6109.10.0012, 6109.10.0014, 6109.10.0018 and 6109.10.0023; Category 339–S: all HTS numbers except 6109.10.0040, 6109.10.0045, 6109.10.0060 and 6109.10.0065.

[13] Category 340–Z: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2050 and 6205.20.2060.

[14] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

[15] Category 360–P: only HTS numbers 6302.21.3010, 6302.21.5010, 6302.21.7010, 6302.21.9010, 6302.31.3010, 6302.31.5010, 6302.31.7010 and 6302.31.9010.

[16] Category 410–A: only HTS numbers 5111.11.3000, 5111.11.7030, 5111.11.7060, 5111.19.2000, 5111.19.6020, 5111.19.6040, 5111.19.6060, 5111.19.6080, 5111.20.9000, 5111.30.9000, 5111.90.3000, 5111.90.9000, 5212.11.1010, 5212.12.1010, 5212.13.1010, 5212.14.1010, 5212.15.1010, 5212.21.1010, 5212.22.1010, 5212.23.1010, 5212.24.1010, 5212.25.1010, 5311.00.2000, 5407.91.0510, 5407.92.0510, 5407.93.0510, 5407.94.0510, 5408.31.0510, 5408.32.0510, 5408.33.0510, 5408.34.0510, 5515.13.0510, 5515.22.0510, 5515.92.0510, 5516.31.0510, 5516.32.0510, 5516.33.0510, 5516.34.0510 and 6301.20.0020.

[17] Category 410–B: only HTS numbers 5007.10.6030, 5007.90.6030, 5112.11.3030, 5112.11.3060, 5112.11.6030, 5112.11.6060, 5112.19.6010, 5112.19.6020, 5112.19.6030, 5112.19.6040, 5112.19.6050, 5112.19.6060, 5112.19.9510, 5112.19.9520, 5112.19.9530, 5112.19.9540, 5112.19.9550, 5112.19.9560, 5112.20.3000, 5112.30.3000, 5112.90.3000, 5112.90.9010, 5112.90.9090, 5212.11.1020, 5212.12.1020, 5212.13.1020, 5212.14.1020, 5212.15.1020, 5212.21.1020, 5212.22.1020, 5212.23.1020, 5212.24.1020, 5212.25.1020, 5309.21.2000, 5309.29.2000, 5407.91.0520, 5407.92.0520, 5407.93.0520, 5407.94.0520, 5408.31.0520, 5408.32.0520, 5408.33.0520, 5408.34.0520, 5515.13.0520, 5515.22.0520, 5515.92.0520, 5516.31.0520, 5516.32.0520, 5516.33.0520 and 5516.34.0520.

[18] Category 440–M: Only HTS numbers 6203.21.0030, 6203.23.0030, 6205.10.1000, 6205.10.2010, 6205.10.2020, 6205.30.1510, 6205.30.1520, 6205.90.3020, 6205.90.4020 and 6211.31.0030.

[19] Category 651–B: only HTS numbers 6107.22.0015 and 6108.32.0015.

[20] Category 666–C: only HTS numbers 6303.92.2010 and 6303.92.2020.

[21] Category 359–O: all HTS numbers except 6103.42.2025, 6103.49.8034, 6104.62.1020, 6104.69.8010, 6114.20.0048, 6114.20.0052, 6203.42.2010, 6203.42.2090, 6204.62.2010, 6211.32.0010, 6211.32.0025, 6211.42.0010 (Category 359–C); 6103.19.2030, 6103.19.9030, 6104.12.0040, 6104.19.8040, 6110.20.1022, 6110.20.1024, 6110.20.2030, 6110.20.2035, 6110.90.9044, 6110.90.9046, 6201.92.2010, 6202.92.2020, 6203.19.1030, 6203.19.9030, 6204.12.0040, 6204.19.8040, 6211.32.0070 and 6211.42.0070 (Category 359–V).

[22] Category 659–O: all HTS numbers except 6103.23.0055, 6103.43.2020, 6103.43.2025, 6103.49.2000, 6103.49.8038, 6104.63.1020, 6104.63.1030, 6104.69.1000, 6104.69.8014, 6114.30.3044, 6114.30.3054, 6203.43.2010, 6203.43.2090, 6203.49.1010, 6203.49.1090, 6204.63.1510, 6204.69.1010, 6210.10.9010, 6211.33.0010, 6211.33.0017, 6211.43.0010 (Category 659–C); 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6112.31.0010, 6112.31.0020, 6112.41.0010, 6112.41.0020, 6112.41.0030, 6112.41.0040, 6211.11.1010, 6211.11.1020, 6211.12.1010 and 6211.12.1020 (Category 659–S).

[23] Category 224–V: only HTS numbers 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020.

[24] Category 224–O: all HTS numbers except 5801.21.0000, 5801.23.0000, 5801.24.0000, 5801.25.0010, 5801.25.0020, 5801.26.0010, 5801.26.0020, 5801.31.0000, 5801.33.0000, 5801.34.0000, 5801.35.0010, 5801.35.0020, 5801.36.0010 and 5801.36.0020 (Category 224–V).

[25] Category 369–O: all HTS numbers except 6302.60.0010, 6302.91.0005 and 6302.91.0045 (Category 369–D); 4202.22.4020, 4202.22.4500, 4202.22.8030 (Category 369–H); 4202.12.4000, 4202.12.8020, 4202.12.8060, 4202.92.1500, 4202.92.3016, 4202.92.6091 and 6307.90.9905 (Category 369–L); and 6307.10.2005 (Category 369–S)

[26] Category 604–O: all HTS numbers except 5509.32.0000 (Category 604–A).

[27] Category 669–O: all HTS numbers except 6305.32.0010, 6305.32.0020, 6305.33.0010, 6305.33.0020 and 6305.39.0000 (Category 669–P).

[28] Category 670–O: only HTS numbers 4202.22.4030, 4202.22.8050 and 4202.32.9550.

[29] Category 369–S: only HTS number 6307.10.2005.

[30] Category 863–S: only HTS number 6307.10.2015.

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

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–12060 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool and Man-Made Fiber Textile Products Produced or Manufactured in the Dominican Republic

May 9, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 15, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.ustreas.gov. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being adjusted for swing.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 75671, published on December 4, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 9, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 28, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool and man-made fiber textile products, produced or

manufactured in the Dominican Republic and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 15, 2001, you are directed to adjust the current limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
338/638	1,220,984 dozen.
342/642	608,793 dozen.
443	155,732 numbers.
444	75,984 numbers.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–12059 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of an Import Restraint Limit and Sublimit for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Fiji

May 8, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting a limit and sublimit.

EFFECTIVE DATE: May 15, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of this limit, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limit for Categories 338/339/638/639 and sublimit for Categories 338–S/339–S/638–S/639–S are being increased for carryover.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69911, published on November 21, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 8, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 15, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Fiji and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 15, 2001, you are directed to increase the limit and sublimit for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
338/339/638/639	1,866,582 dozen of which not more than 1,469,455 dozen shall be in Categories 338–S/339–S/638–S/639–S [2].

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 338–S: only HTS numbers 6103.22.0050, 6105.10.0010, 6105.10.0030, 6105.90.8010, 6109.10.0027, 6110.20.1025, 6110.20.2040, 6110.20.2065, 6110.90.9068, 6112.11.0030 and 6114.20.0005; Category 339–S: only HTS numbers 6104.22.0060, 6104.29.2049, 6106.10.0010, 6106.10.0030, 6106.90.2510, 6106.90.3010, 6109.10.0070, 6110.20.1030, 6110.20.2045, 6110.20.2075, 6110.90.9070, 6112.11.0040, 6114.20.0010 and 6117.90.9020; Category 638–S: all HTS numbers except 6109.90.1007, 6109.90.1009, 6109.90.1013 and 6109.90.1025; Category 639–S: all HTS numbers except 6109.90.1050, 6109.90.1060, 6109.90.1065 and 6109.90.1070.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–12057 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in India

May 8, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 15, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota reopenings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being increased for the recrediting of carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 79344, published on December 19, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 8, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on December 13, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, man–made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in India and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 15, 2001, you are directed to increase the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
326	10,767,061 square meters.
334/634	181,088 dozen.
335/635	806,200 dozen.
336/636	1,152,790 dozen.
338/339	4,527,934 dozen.
340/640	2,335,802 dozen.
341	4,967,483 dozen of which not more than 3,004,725 dozen shall be in Category 341–Y [2].
342/642	1,632,558 dozen.
345	255,486 dozen.
347/348	822,431 dozen.
351/651	345,091 dozen.
363	56,656,554 numbers.
369–D [3]	1,689,182 kilograms.
641	1,900,714 dozen.
647/648	1,103,727 dozen.
Group II	
200, 201, 220–227, 237, 239pt. [4], 300, 301, 331–333, 350, 352, 359pt. [5], 360–362, 600–604, 606 [6], 607, 611–629, 631, 633, 638, 639, 643–646, 649, 650, 652, 659pt. [7], 666, 669pt. [8], 670, 831, 833–838, 840–858 and 859pt. [9], as a group.	149,797,032 square meters equivalent.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 341–Y: only HTS numbers 6204.22.3060, 6206.30.3010, 6206.30.3030 and 6211.42.0054.

[3] Category 369–D: only HTS numbers 6302.60.0010, 6302.91.0005 and 6302.91.0045.

[4] Category 239pt.: only HTS number 6209.20.5040 (diapers).

[5] Category 359pt.: all HTS numbers except 6406.99.1550.

[6] Category 606: all HTS numbers except 5403.31.0040 (for administrative purposes Category 606 is designated as 606(1)).

[7] Category 659pt.: all HTS numbers except 6406.99.1510 and 6406.99.1540.

[8] Category 669pt.: all HTS numbers except 5601.10.2000, 5601.22.0090, 5607.49.3000, 5607.50.4000 and 6406.10.9040.

[9] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

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

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–12055 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton Textile Products Produced or Manufactured in Nepal

May 9, 2001.

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

ACTION: Issuing a directive to the Commissioner of customs adjusting limits.

EFFECTIVE DATE: May 16, 2001.

FOR FURTHER INFORMATION CONTACT: Roy Unger, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limit for Categories 347/348 is being increased for swing and special swing from Category 341 for which the limit is being reduced; and the current limit for Categories 347/348 is being adjusted for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 66972, published on November 8, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 9, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 2, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man–made fiber textile products, produced or manufactured in Nepal and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 16, 2001, you are directed to adjust the limits for the following categories, as provided for under the terms of the current bilateral textile agreement between the Governments of the United States and Nepal:

Category	Adjusted twelve-month limit [1]
341	951,772 dozen.
347/348	1,005,252 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

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

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–12061 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton and Man-Made Fiber Textile Products Produced or Manufactured in Pakistan

May 8, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: May 15, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S.

Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://www.otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limits are being adjusted for swing and carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 64 FR 66972, published on November 8, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 8, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on November 2, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton and man-made fiber textile products, produced or manufactured in Pakistan and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 15, 2001, you are directed to adjust the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Specific limits	
226/313	126,621,838 square meters.
315	82,767,511 square meters.
317/617	45,789,691 square meters.
331/631	3,312,144 dozen pairs.
334/634	338,313 dozen.
335/635	519,772 dozen.
336/636	683,800 dozen.
338	6,492,127 dozen.
339	1,946,977 dozen.
340/640	865,319 dozen of which not more than 319,532 dozen shall be in Categories 340–D/640–D [2].
341/641	1,025,699 dozen.
342/642	507,668 dozen.
347/348	1,139,302 dozen.
351/651	458,222 dozen.
352/652	1,203,572 dozen.
360	7,360,962 numbers.
361	8,559,257 numbers.
363	60,386,297 numbers.
369–F/369–P [3]	3,244,944 kilograms.
369–R [4]	15,955,319 kilograms.
369–S [5]	1,049,238 kilograms.
615	34,472,347 square meters.
638/639	618,933 dozen.
647/648	1,173,474 dozen.
666–P [6]	988,129 kilograms.
666–S [7]	5,231,269 kilograms.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 340–D: only HTS numbers 6205.20.2015, 6205.20.2020, 6205.20.2025 and 6205.20.2030; Category 640–D: only HTS numbers 6205.30.2010, 6205.30.2020, 6205.30.2030, 6205.30.2040, 6205.90.3030 and 6205.90.4030.

[3] Category 369–F: only HTS number 6302.91.0045; Category 369–P: only HTS numbers 6302.60.0010 and 6302.91.0005.

[4] Category 369–R: only HTS number 6307.10.1020.

[5] Category 369–S: only HTS number 6307.10.2005.

[6] Category 666–P: only HTS numbers 6302.22.1010, 6302.22.1020, 6302.22.2010, 6302.32.1010, 6302.32.1020, 6302.32.2010 and 6302.32.2020.

[7] Category 666–S: only HTS numbers 6302.22.1030, 6302.22.1040, 6302.22.2020, 6302.32.1030, 6302.32.1040, 6302.32.2030 and 6302.32.2040.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–12056 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–F

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Wool, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Thailand

May 8, 2001.

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

ACTION: Issuing a directive to the Commissioner of customs adjusting limits.

EFFECTIVE DATE: May 15, 2001.

FOR FURTHER INFORMATION CONTACT: Ross Arnold, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

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

The current limits for certain categories are being reduced for carryforward used.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 66728, published on November 7, 2000.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 8, 2001.

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

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on October 27, 2000, by the Chairman, Committee for the Implementation of Textile Agreements. That directive concerns imports of certain cotton, wool, man-made fiber, silk blend and other vegetable fiber textiles and textile products,

produced or manufactured in Thailand and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on May 15, 2001, you are directed to reduce the limits for the following categories, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Adjusted twelve-month limit [1]
Levels in Group I	
363	25,964,353 numbers.
619	8,921,285 square meters.
Group II	
237, 331–348, 350–352, 359–H[2], 359pt.[3], 431, 433–438, 440, 442–448, 459pt.[4], 631, 633–652, 659–H[5], 659pt.[6], 831, 833–838, 840–858 and 859pt.[7].	362,068,351 square meters equivalent.
338/339	2,222,399 dozen.
340	353,331 dozen.
345	380,177 dozen.
347/348/847	1,053,088 dozen.
638/639	2,643,349 dozen.
647/648	1,409,872 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 359–H: only HTS numbers 6505.90.1540 and 6505.90.2060.

[3] Category 359pt.: all HTS numbers except 6505.90.1540, 6505.20.2060 (Category 359–H); and 6406.99.1550.

[4] Category 459pt.: all HTS numbers except 6405.20.6030, 6405.20.6060, 6405.20.6090, 6406.99.1505 and 6406.99.1560.

[5] Category 659–H: only HTS numbers 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090 and 6505.90.8090.

[6] Category 659pt.: all HTS numbers except 6502.00.9030, 6504.00.9015, 6504.00.9060, 6505.90.5090, 6505.90.6090, 6505.90.7090, 6505.90.8090 (Category 659–H); 6406.99.1510 and 6406.99.1540.

[7] Category 859pt.: only HTS numbers 6115.19.8040, 6117.10.6020, 6212.10.5030, 6212.10.9040, 6212.20.0030, 6212.30.0030, 6212.90.0090, 6214.10.2000 and 6214.90.0090.

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

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–12058 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

New Export Visa Stamp for Certain Textile Products Produced or Manufactured in Hungary

May 8, 2001.

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

ACTION: Issuing a directive to the Commissioner of Customs providing for the use of a new export visa stamp.

EFFECTIVE DATE: June 1, 2001.

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

SUPPLEMENTARY INFORMATION:

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

Beginning on June 1, 2001, the Government of the Republic of Hungary will start issuing a new export visa stamp for shipments of textile products, produced or manufactured in Hungary and exported from Hungary on or after June 1, 2001 to reflect the name change of ''Ministry of Economic Affairs'' to ''LICENSING AND ADMINISTRATION OFFICE OF THE MINISTRY OF ECONOMIC AFFAIRS.'' There will be a one-month grace period from June 1, 2001 through June 30, 2001, during which products exported from Hungary may be accompanied by either the old or new export visa stamp. Products exported from Hungary on or after July 1, 2001 must be accompanied by the new export visa stamp.

See 49 FR 8659, published on March 8, 1984.

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

May 8, 2001.

Commissioner of Customs,

Department of the Treasury, Washington, DC 20229.

Dear Commissioner: This directive amends, but does not cancel, the directive issued to you on March 5, 1984, as amended, by the Chairman, Committee for the Implementation of Textile Agreements. That directive directed you to prohibit entry of certain textile products, produced or manufactured in Hungary for which the Government of the Republic of Hungary has not issued an appropriate export visa.

Beginning on June 1, 2001, you are directed to amend further the directive dated March 5, 1984 to provide for the use of a new export visa stamp issued by the Government of the Republic of Hungary to accompany shipments of textile products, produced or manufactured in Hungary and exported from Hungary on or after June 1, 2001. This new visa stamp reflects the name change of ''Ministry of Economic Affairs'' to ''LICENSING AND ADMINISTRATION OFFICE OF THE MINISTRY OF ECONOMIC AFFAIRS.''

Textile products exported from Hungary during the period June 1, 2001 through June 30, 2001 may be accompanied by either the old or new export visa stamp. Products exported from Hungary on or after July 1, 2001 must be accompanied by the new export visa stamp.

A facsimile of the new visa stamp is enclosed with this letter.

Shipments entered or withdrawn from warehouse according to this directive which are not accompanied by an appropriate export visa shall be denied entry and a new visa must be obtained.

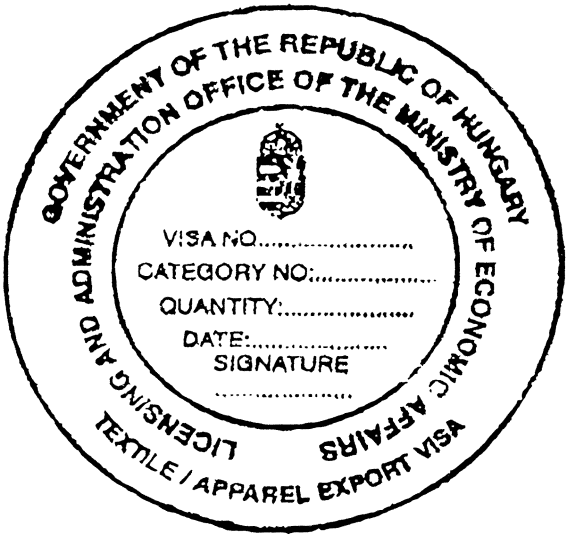
The Committee for the Implementation of Textile Agreements has determined that this action falls within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

J. Hayden Boyd,

Acting Chairman, Committee for the Implementation of Textile Agreements.

BILLING CODE 3510–DR–F



Export Visa Stamp for the Republic of Hungary

[FR Doc. 01–12054 Filed 5–11–01; 8:45 am]

BILLING CODE 3510–DR–C

CONSUMER PRODUCT SAFETY COMMISSION

Sunshine Act Meeting

TIME AND DATE: Wednesday, May 23, 2001, 10 a.m.–12 noon; 2–4 p.m.

LOCATION: Room 420, East West Towers, 4330 East West Highway, Bethesda, Maryland.

STATUS: Open to the Public.

MATTER TO BE CONSIDERED:

Baby Bath Seats (Petition HP 00–4)

The staff will brief the Commission on Petition HP 00–4, filed by the Consumer Federation of America and nine other organizations, requesting that the Commission ban baby bath seats to address a risk of injury or death by drowning.

For a recorded message containing the latest agenda information, call (301) 504–0709.

CONTACT PERSON FOR ADDITIONAL INFORMATION: Sadye E. Dunn, Office of the Secretary, 4330 East West Highway, Bethesda, MD 20207 (301) 504–0800.

Dated: May 9, 2001.

Sadye E. Dunn,

Secretary.

[FR Doc. 01–12224 Filed 5–10–01; 2:41 pm]

BILLING CODE 6355–01–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a 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 burden of the proposed information collection; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) way to minimize the burden of the collection on respondents, including through use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by July 13, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to Department of Army, HQDA, ODCSPER (DAPTE–PRO) Attn: Mr. Raymond C.V. Robinson, Jr., 300 Pentagon, Washington, DC 20301–0300.

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 the above address or call at 703/614–4766.

Title, Associated Form, and OMB Control Number: Automated Repatriation Reporting System, DD Form 2585. OMB Number 0704–0334.

Needs And Uses: This information collection is necessary for personnel accountability of all evacuees, regardless of nationality, who are processed through designated Repatriation Centers throughout the United States. The information obtained from the DD Form 2585 is entered into an automated system; a series of reports is accessible to DoD Components, Federal and State Agencies, and Red Cross, as required.

Affected Public: Individuals or households, Federal Government, State and Local governments, not-for-profit institutions.

Annual Burden Hours: 1,667.

Number of Respondents: 5,000.

Responses Per Respondent: One.

Average Burden Per Response: 20 minutes.

Frequency: One-time.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

Executive Order 12656 (Assignment of Emergency Preparedness Responsibilities) assigns Federal departments and agencies responsibilities during emergency situations. In its supporting role to the Departments of State and Health and Human Services (DHHS), the Department of Defense will assist in planning for the protection, evacuation and repatriation of U.S. citizens in threatened areas overseas. The DD Form

2585, Repatriation Processing Center Processing Sheet, has numerous functions, but is primarily used for personnel accountability of all evacuees who process through designated Repatriation Centers. During processing, evacuees are provided emergency human services, including food, clothing, lodging, family reunification, social services and financial assistance through federal entitlements, loans or emergency aid organizations. The information, once collected, is input into the Automated Repatriation Reporting System, and available to designated offices throughout Departments of Defense, State, Health and Human Services, the American Red Cross, and State government emergency planning offices for operational inquiries and reporting and future planning purposes.

Dated: May 4, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–11963 Filed 5–11–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense (Personnel and Readiness).

ACTION: Notice.

In compliance with Section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995, the Office of the Under Secretary of Defense (Personnel and Readiness) announces the following proposed reinstatement of a 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 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 July 13, 2001.

ADDRESSES: Written comments and recommendations on the proposed information collection should be sent to the Office of the Under Secretary of Defense (Personnel and Readiness) (Force Management) (DeCA), Attn: Herman Weaver, 1300 E Ave, Ft Lee, Virginia 23801–1800.

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 the above address or call at (804) 734–8322.

Title, Associated Form, and OMB Control Number: Commissary Customer Service Survey, DeCA Form 60–28, OMB Number 0704–0380.

Needs and Uses: This information collection requirement is necessary to the Defense Commissary Agency for the purpose of measuring customer service, which is our number one Strategic and Performance goal. This management tool uses a survey form, DeCA Form 60–28, Commissary Customer Service Survey, designed to extract objective, subjective, and demographic information from our customers so we can better serve their needs. The results will be reported and distributed to the regional headquarters and commissaries to use the past and present trends for the purpose of future improvement. Also, the results will directly affect our policies and quality initiatives for an efficient and cost-effective commissary system.

Affected Public: Individuals or households.

Annual Burden Hours: 500.

Number of Respondents: 7,500.

Responses Per Respondent: 1.

Average Burden Per Response: 4 minutes.

Frequency: Annually.

SUPPLEMENTARY INFORMATION:

Summary of Information Collection

The primary purpose for this information is to determine how well each commissary is satisfy the customer. This will serve as a measuring stick for future trends and give management vital information to make cost-effective decisions. The information received will impact return customers and inspire new customers, which will increase our surcharge accounts that provide new commissary construction and renovations. Our primary goal is to preserve the military's most valued benefit through customer satisfaction.

Each commissary (CONUS & OCONUS) will be sent their numbered Commissary Customer Service Surveys (DeCAF 60–28) based on its class (1–9). Class is based on annual sales. Each commissary officer will select an administrator who will distribute the surveys randomly three times each day (one hour after store opens, midday, and two hours before closing) for ten consecutive days. The following information will be collected: Customer relations, savings, cleanliness, scheduling, atmosphere, quality of meat and produce, managers and employees knowledge and helpfulness, and their most valued benefit.

Dated: May 3, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–11964 Filed 5–10–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense has submitted to OMB for clearance, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: Substitutions for Military or Federal Specifications and Standards, Defense Federal Acquisition Regulation Supplement (DFARS) Section 211.273, and related Clause in DFARS 272.211–7005; OMB Number 0704–0398.

Type of Request: Reinstatement.

Number of Respondents: 257.

Responses per Respondent: 3.

Annual Responses: 771.

Average Burden per Response: 1.

Annual Burden Hours: 771.

Needs and Uses: This information collection permits offerors to propose Single Process Initiative (SPI) processes as alternatives to military or Federal specifications and standards cited in DoD solicitations for previously developed items. DoD uses the information to verify Government acceptance of an SPI process as valid replacement for a military or Federal specification or standard.

Affected Public: Business or Other For-Profit; Not-For-Profit Institutions.

Frequency: On Occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

OMB Desk Officer: Mr. David M. Pritzker.

Written comments and recommendations on the proposed information collection should be sent to Mr. Pritzker at the Office of Management and Budget, Desk Officer

for DoD, Room 10236, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302.

Dated: May 4, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–11965 Filed 5–11–01; 8:45 am]

BILLING CODE 5001–08–M

DEPARTMENT OF DEFENSE

Office of the Secretary

Submission for OMB Review; Comment Request

ACTION: Notice.

The Department of Defense will submit to OMB for emergency processing, the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Title and OMB Number: TRICARE for Life Beneficiary Information Update Form; OMB Number 0720–[To Be Determined].

Type of Request: New Collection; Emergency processing requested with a shortened public comment period ending May 22, 2001. An approval date by May 25, 2001 has been requested.

Number of Respondents: 1,200,000.

Responses per Respondent: 1.

Annual Responses: 1,200,000.

Average Burden per Response: 5 minutes.

Annual Burden Hours: 99,600.

Needs and Uses: The Department of Defense (DoD), TRICARE Management Activity, will collect Medicare and other health insurance information in support of the TRICARE for Life Program. This information is necessary to allow the Department to accurately interface with Medicare to validate Medicare Part A and Part B coverage in accordance with the National Defense Authorization Act for Fiscal Year 2001, prior to extending TRICARE's health benefits to TRICARE eligible beneficiaries. Additionally, DoD will collect other health insurance information prospectively to allow the accurate adjudication of claims for health benefits. Other health insurance information is routinely collected during the health care claims adjudication process; however, delaying the collection of this information for approximately 1.5 million new TRICARE for Life beneficiaries will result in very significant delays in the adjudication of TRICARE for Life medical claims. As such, the Department will request Medicare and other health insurance information from TRICARE for Life beneficiaries early this summer to maximize the delivery of health care financing service provided TRICARE for Life beneficiaries on October 1, 2001. It is important to note that no benefits will be denied as a result of a beneficiary electing not to provide the information. The Department will implement normal processes foe obtaining the required information during the claims adjudication process for any beneficiary who elects not to provide the information prospectively.

Affected Public: Individuals or Households.

Frequency: One-Time.

Respondent's obligation: Voluntary.

OMB Desk Officer: Mr. Stuart Shapiro.

Written comments and recommendation on the proposed information collection should be sent to Mr. Shapiro at the Office of Management and Budget, Desk Officer for DoD (Health Affairs), Room 10235, New Executive Office Building, Washington, DC 20503.

DOD Clearance Officer: Mr. Robert Cushing.

Written requests for copies of the information collection proposal should be sent to Mr. Cushing, WHS/DIOR, 1215 Jefferson Davis Highway, Suite 1204, Arlington, VA 22202–4302, or by fax at (703) 604–6270.

Dated: May 4, 2001.

Patricia L. Toppings,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 01–11966 Filed 5–11–01; 8:45 am]

BILLING CODE 5001–08–M

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 July 13, 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: May 8, 2001.

John Tressler,

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

Office of Student Financial Assistance Programs

Type of Review: New.

Title: Federal Direct Loan Program and Federal Family Education Loan Program Teacher Loan Forgiveness Forms.

Frequency: Annually Other: once for the application and anually for the forbearance.

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

Reporting and Recordkeeping Hour Burden:

Responses: 21,425.

Burden Hours: 6,929.

Abstract: Borrowers who received loans from the William D. Ford Federal

Direct Loan Program and/or the Federal Family Education Loan Program and who teach in low-income areas for five complete consecutive years, and who meet other requirements will use this application to receive up to $5,000 of their subsidized Federal Stafford Loans, unsubsidized Federal Stafford Loans, Direct Subsidize Loans, and/or Direct Unsubsidized loans forgiven. The information on the forbearance form will be used to determine whether borrowers with low balances are eligible for forbearance while they are performing qualifying teaching service.

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. 01–11989 Filed 5–11–01; 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 July 13, 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: May 8, 2001.

John Tressler,

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

Office of Postsecondary Education

Type of Review: Extension.

Title: Application for Ability to Benefit Testing Approval.

Frequency: Annually.

Affected Public: Individuals or household; Businesses or other for-profit; Not-for-profit institutions.

Reporting and Recordkeeping Hour Burden:

Responses: 150,090

Burden Hours: 77,040

Abstract: The Secretary will publish a list of approved tests which can be used by postsecondary educational institutions to establish the ability to benefit for a student who does not have a high school diploma or its equivalent for Student Financial Assistance Programs.

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. 01–11990 Filed 5–11–01; 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 July 13, 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: May 8, 2001.

John Tressler,

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

Office of Student Financial Assistance Programs

Type of Review: New.

Title: Loan Discharge Application: Unpaid Refund.

Frequency: On Occasion.

Affected Public: Businesses or other for-profit.

Reporting and Recordkeeping Hour Burden:

Responses: 600.

Burden Hours: 300.

Abstract: If a school fails to make a refund, a borrower uses this form to apply for a corresponding discharge of all or a portion of his or her Federal Family Education Program loan or William D. Ford Federal Direct Loan Program 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, 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. 01–11991 Filed 5–11–01; 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 July 13, 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: May 8, 2001.

John Tressler,

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

Office of the Chief Financial Officer

Type of Review: Extension.

Title: Streamlined Process for Education Department General Administrative Regulations (EDGAR) Approved Grant Applications.

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: 1—Burden Hours: 1.

Abstract: Since April 1997, EDGAR's menu of selection criteria became effective. For each competition, the Secretary would select one or more criteria that best enable the Department to identify the highest quality applications consistent with the program purpose, statutory requirements, and any priorities established. This allows the Secretary the flexibility to weigh the criteria according to the needs of each individual program. This menu of selection criteria will provide the Department the flexibility to choose a set of criteria tailored to a given competition and obviate the need to create specific selection criteria through individual program regulations. ED is requesting a streamlined clearance process for programs of approved applications who choose to change: (1) Criteria from the same EDGAR menu; (2) old EDGAR to new EDGAR criteria, or (3) program criteria to EDGAR criteria.

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

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

[FR Doc. 01–11992 Filed 5–11–01; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[CFDA No.: 84.235M]

Special Demonstration Programs—Model Demonstration Projects Notice Inviting Applications for New Awards for Fiscal Year (FY) 2001

Purpose of Program: To provide funding for model demonstration projects with innovative methods of promoting achievement of high-quality employment outcomes for individuals with disabilities. These projects will expand and improve the provision of rehabilitation services, as defined in 34 CFR part 373, for individuals with disabilities.

Eligible Applicants: State vocational rehabilitation agencies; community rehabilitation programs; Indian tribes or tribal organizations; and public or nonprofit agencies or organizations, including institutions of higher education.

Supplementary Information: Funds under this competition will be used to support projects in FY 2001. In FY 2002, the Assistant Secretary may consider funding high-quality applications submitted in FY 2001.

Applications Available: May 18, 2001.

Deadline for Transmittal of Applications: July 18, 2001.

Deadline for Intergovernmental Review: September 17, 2001.

Available Funds: $1,600,000.

Estimated Range of Awards: $225,000 to $300,000.

Estimated Number of Awards: 6.

Note: The Department is not bound by any estimates in this notice.

Project Period: Up to 60 months.

Page Limit: The application narrative (Part III of the application) is where you, the applicant, address the selection criteria that reviewers use to evaluate your application. It is suggested that you limit Part III to 35 pages.

Applicable Regulations: (a) The Education Department General Administrative Regulations (EDGAR) in 34 CFR parts 74, 75, 77, 79, 80, 81, 82, 85, 86, 97, and 99; and (b) The regulations for this program in 34 CFR part 373.

Note: The regulations in 34 CFR part 79 apply to all applicants except federally recognized Indian tribes.

Note: The regulations in 34 CFR part 86 apply to institutions of higher education only.

Priorities

Background

The unemployment rate for working-age adults with disabilities has hovered at 70 percent for over a decade. Model demonstration projects that promote high-quality employment outcomes will provide opportunities for individuals with disabilities to be placed in jobs at which they will—(1) receive the minimum wage or higher, with benefits; (2) have opportunities for advancement; (3) work on a full-time basis, or as close to full-time as appropriate; (4) work in an integrated setting, if appropriate; and (5) obtain employment that is consistent with the strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice of the individual with disabilities.

Absolute Priority

This competition focuses on projects designed to meet a priority that we have chosen from allowable activities specified in the program statute (see 34 CFR 75.105(b)(2)(v) and section 303(b)(4)(B) and (5)(B)(ix) of the Rehabilitation Act of 1973, as amended, (29 U.S.C. 773(b)). For FY 2001 this priority is an absolute priority. Under 34 CFR 75.105(c)(3) we consider only applications that meet the priority.

The projects must be model demonstrations with innovative service methods for promoting achievement of high-quality employment outcomes for individuals with disabilities. To meet the absolute priority requirements for model demonstration projects of rehabilitation service delivery, the application must—

(1) Demonstrate a model of rehabilitation service delivery that is innovative for the applicant and in the local service area and is expected to lead to high-quality employment outcomes for individuals with disabilities;

(2) Certify that the project includes activities that have not been funded previously, for that applicant or in that service area, under an award from the Special Demonstration Programs; and

(3) Include a plan to widely disseminate the results of the project, including any rehabilitation service delivery model proven to be effective, so the model may be adapted, replicated, or integrated into fee-for-service arrangements by State vocational rehabilitation agencies and other disability organizations.

Competitive Preference Priority

Within the absolute priority for this competition for FY 2001, this competition focuses on projects designed to meet the competitive preference priority in the notice of final competitive preference for this program, published in the **Federal Register** on November 22, 2000 (65 FR 70408). Under 34 CFR 75.105(c)(2)(i) we award up to an additional 10 points to an application that is otherwise eligible for funding under this program, depending on the extent to which the application meets the competitive preference priority.

Invitational Priorities

Within the absolute priority for this competition for FY 2001, we are particularly interested in applications that meet one or more of the following invitational priorities. However, under 34 CFR 75.105(c)(1), we do not give an application that meets one or more of these invitational priorities a competitive or absolute preference over other applications.

Invitational Priority 1—Model Demonstrations To Increase Employment Outcomes, Especially Self-employment, Telecommuting, or Business Ownership, for American Indians With Disabilities Who Reside on or Near Reservations or in Urban Settings

We are interested in projects that would increase employment opportunities by providing vocational rehabilitation services to American Indians with disabilities. These projects, which would provide services to American Indians and may provide training and instruction to other nonprofit agencies to provide these services, would lead to vocational outcomes related to self-employment, telecommuting, or business ownership. Services may include, but are not limited to, technical assistance and other consultation services to conduct market analyses, develop business plans, and obtain loans, occupational licenses, tools, equipment, initial stocks, and supplies for eligible individuals. These projects would work closely with the National Technical Assistance Center to increase employment opportunities and vocational outcomes for Native Americans with disabilities.

Invitational Priority 2—Programs That Demonstrate Methods That Lead to Employment Opportunities With Career Advancement for Individuals With Disabilities Who Are Homeless or Reside in Supportive or Subsidized Housing

We are interested in projects that would demonstrate service delivery models that would further high-quality employment outcomes for individuals with disabilites who are homeless or reside in supportive or subsidized housing. Projects would focus on developing systems to link the supportive or the subsidized housing industry with the public vocational rehabilitation system. Projects

supported under this invitational priority may include, but are not limited to, maintaining and replicating successful approaches to link the supportive or the subsidized housing industry with the vocational rehabilitation (VR) system; developing methodologies to expedite entry into the VR system for those individuals with disabilities who are homeless or residing in supportive or subsidized housing who need and may benefit from VR services; developing appropriate mechanisms to build on existing supportive or subsidized housing systems to provide VR services to increase employment outcomes including long-term job placements in competitive work, in a cost effective and efficient manner; and developing linkages with the Department of Labor's One-Stop service delivery system and focusing on individuals with disabilities in the Department of Housing and Urban Development's housing programs, including the Shelter Care Plus and the Section 8 programs. The goal would be to not only increase employment rates but to encourage new local collaboration between employment and housing providers. Projects would provide services that may include, but are not limited to, training, education, counseling, placement, and follow-up activities that would allow the individuals with disabilites to possess the knowledge and skills necessary to compete for jobs with the potential for career advancement and higher wages and benefits. Projects may also provide services to improve career advancement opportunities for individuals with disabilities who are employed.

Invitational Priority 3—Programs That Demonstrate Methods of Providing Affordable Transportation Services to Individuals With Disabilities

We are interested in projects that would demonstrate methods of providing affordable transportation services to individuals who are employed, seeking employment, or receiving vocational rehabilitation services from public or private organizations and who reside in geographic areas in which public transportation or paratransit service is not available or, if available, does not adequately meet the needs of the consumers (e.g., need for 24-hour service).

Selection Criteria: In evaluating an application for a new grant under this competition, we use selection criteria chosen from the general selection criteria in 34 CFR 75.210 of EDGAR. The selection criteria to be used for this competition will be provided in the application package for this competition.

For Applications Contact: Education Publications Center (ED Pubs), P.O. Box 1398, Jessup, MD 20794–1398. Telephone (toll free): 1–877–433–7827. Fax: (301) 470–1244. If you use a telecommunications device for the deaf (TDD), you may call (toll free): 1–877–576–7734.

You may also contact ED Pubs via its Web site: *http://www.ed.gov/pubs/edpubs.html* or you may contact ED Pubs at its e-mail address: *ed pubs@inet.ed.gov*

If you request an application from ED Pubs, be sure to identify this competition as follows: CFDA number 84.235M.

Individuals with disabilities may obtain a copy of the application package in an alternative format by contacting the Grants and Contracts Services Team, U.S. Department of Education, 400 Maryland Avenue, SW., room 3317, Switzer Building, Washington, DC 20202–2550. Telephone: (202) 205–8351. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339. However, the Department is not able to reproduce in an alternative format the standard forms included in the application package.

For Further Information Contact: Alfreda Reeves, U.S. Department of Education, 400 Maryland Avenue, SW., room 3314, Switzer Building, Washington, DC. 20202–2650. Telephone: (202) 205–9361. If you use a telecommunications device for the deaf (TDD), you may call the Federal Information Relay Service (FIRS) at 1–800–877–8339.

Individuals with disabilities may obtain this notice in an alternative format (*e.g.,* Braille, large print, audiotape, or computer diskette) on request to the contact person listed in the preceding paragraph.

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Program Authority: 29 U.S.C. 773(b).

Dated: May 8, 2001.

Francis V. Corrigan,

Deputy Director, National Institute on Disability and Rehabilitation Research.

[FR Doc. 01–11996 Filed 5–11–01; 8:45 am]

BILLING CODE 4000–01–U

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC01–719B–000; FERC–719B]

Proposed Information Collection and Request for Comments

May 10, 2001.

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Request for Office of Management and Budget Emergency Processing of proposed information collection and request for comments.

SUMMARY: The Federal Energy Regulatory Commission (Commission) is providing notice of a request to the Office of Management and Budget (OMB) for emergency processing of a proposed collection of information in connection with the California electricity markets, and is soliciting public comment on that information collection.

DATES: Comments are requested on or before May 14, 2001.

ADDRESSES: Send comments to: (1) Michael Miller, Office of the Chief Information Officer, CI–1, Federal Energy Regulatory Commission, 888 First Street NE., Washington, DC 20426. Mr. Miller may be reached by telephone at (202) 208–1415 and by e-mail at *mike.miller@ferc.fed.us*; and (2) Amy Farrell, FERC Desk Officer, Office of Information and Regulatory Affairs, Office of Management and Budget, Room 10202 NEOB, 725 17th Street NW., Washington, DC 20503. Ms. Farrell may be reached by telephone at (202) 395–7318 or by fax at (202) 395–7285.

FOR FURTHER INFORMATION CONTACT: Stuart Fischer, Office of the General Counsel, Federal Energy Regulatory Commission, (202) 208–2103.

SUPPLEMENTARY INFORMATION: The Federal Power Act directs the Commission to ensure just and

reasonable rates for transmission and wholesale sales of electricity in interstate commerce. See 16 U.S.C. 824e(a). To enable the Commission to fulfill this duty, the Federal Power Act also authorizes the Commission to conduct investigations of, and collect information from, public utilities. See 16 U.S.C. 825, 825c, 825f, and 825j. Commission staff has been investigating the California electricity market, which is in a state of emergency with prices at extremely high levels and, on some days, rotating blackouts.

One of the likely reasons for the high prices is forced and scheduled outages by electric generators in California. Each day, for the past few months, the California Independent System Operator (ISO) has reported outages of well over 10,000 megawatts for generating plants in California. In addition to causing higher prices, the outages limit the availability of electric power in California, leading the ISO to order rotating blackouts in the state to preserve the transmission system. The ISO ordered rotating blackouts on May 7 and 8, 2001, and many more such blackouts are anticipated over the next few months if increased summer demand is not matched by generation supply. Further, in 2000 electricity prices continued to be high even after the summer cooling season, and the same pattern may recur this year.

Commission staff believes that it is in the public interest to monitor generation outages in California to assess their causes, particularly during the summer cooling season when electricity demand is at its highest. Commission staff proposes to do so by requesting that selected generators in the state of California electronically provide to the Commission information on total or partial generation unit outages within 24 hours of their occurrence, whether scheduled, forced or otherwise.

Specifically, Commission staff will be requesting information only from generators that own, operate or control in California an individual generation unit with a generating capacity of 30 MW or more or generation units aggregating capacity of 50 MW or more. Commission staff will not request information concerning generation units owned by the independent transmission utilities in California (Pacific Gas and Electric Company, San Diego Gas & Electric Company and Southern California Edison Company). For the purposes of this data collection, Commission staff considers an outage partial if it reduces the available output of a generation unit below its nameplate rated capacity or below the reliable capacity of the unit as determined by contract with the California ISO. The Commission staff will treat information provided by the generators as non-public pursuant to the provisions of 18 CFR 1b.9.

Commission staff will be requesting that the information be provided through a template that will be mailed to the generators and that can be requested from Commission staff at the E-Mail address *CALoutages@ferc.fed.us.* That electronic address is also the address to which Commission staff is requesting that the generators send the outage information. To further assist monitoring efforts, Commission staff will be requesting that generators provide the information on the template for all outages that are current as of the date they receive the letter containing the template. Although Commission staff will be requesting information from municipalities concerning their generation units in California, Commission staff is requesting such data on a voluntary basis and is not questioning the jurisdictional status of those entities.

Because Commission staff is requesting information from a large number of generators (over 100) concerning future outages, the data collection may be subject to the Paperwork Reduction Act, which requires OMB to review certain federal reporting requirements. 44 U.S.C. 3507. In light of the critical condition of the California electricity markets, particularly during the summer heating season, Commission staff will be requesting emergency processing of this proposed information collection. If the Commission followed the regular provisions of the Paperwork Reduction Act, Commission staff would be unable to collect this information until most of the summer cooling season was over.

The electronic template asks for the following data: Date of Report; Outage Report Type (Beginning or Ending); Company Name; Name of the Contact Person and Telephone Number; Unit Name; Year Unit Was Built; Unit Type; Is the Unit RMR (Reliability-Must-Run) or Non-RMR; Fuel Type; Nameplate Capacity; Re-Rated Capacity; Output Before Outage; Outage Type (Forced or Scheduled); Complete or Partial Outage; Megawatts Out; Date Outage Began; Time Outage Began; Date Outage Ended or Expected to End; Time Outage Ended or Expected to End; Reason for Outage; and whether a post-outage report was created. Most of the information asked for on the template, such as the identification and operating characteristics of a generation unit, would remain constant and would not require additional time to compile after the first report. The only new data in later reports would be in those fields asking for information about an outage.

Commission staff estimates that between 100 and 125 entities owning generation could be subject to this reporting request, and that during any given week, only 15–25 of those entities would likely have an outage to report. However, many entities own several generation units, so that actual number of reports submitted by each entity would vary. Based on information compiled by the California ISO, for the seven day period between May 2 and May 8, 2001, there were 157 instances in which a report would have been submitted pursuant to the proposed information collection. Therefore, for the 180 days the reporting request would be in place, Commission staff anticipates that a maximum of approximately 4,082 reports would be filed.

Because Commission staff has created a pre-existing template, generators need not take any time to develop a reporting format. Commission staff estimates that it would take each generator approximately one hour to fill out an initial report for a generation unit, but, as most of the unit information will remain constant (such as its name, fuel type and megawatt rating), it should take 20 minutes or less to fill out and send each subsequent report.

The outage reports are to be submitted electronically within 24 hours of when a total or partial unit outage begins or ends. As stated above, based on information compiled by the California ISO, for the seven day period between May 2 and May 8, 2001, there were 157 instances in which a report would have been submitted. Assuming the same number of instances for the 180 days for which this information collection is requested, the total number of hours it would take to comply with the reporting requirement would be approximately 1,465 hours (157 hours for initial submission and 1,308 hours for subsequent submissions, assuming 20 minutes per submission). Commission staff estimates a cost of $50 per hour for complying with the reporting requirement, based on salaries for professional and clerical staff, as well as direct and indirect overhead costs. Therefore, the total estimated cost of compliance would be $73,250.

Commission staff will submit this reporting requirement to OMB for approval. OMB's regulations describe the process that federal agencies must follow in order to obtain OMB approval of reporting requirements. See 5 CFR Part 1320. The standards for emergency

processing of information collections appear at 5 CFR 1320.13. If OMB approves a reporting requirement, it will assign an information collection control number to that requirement. If a request for information subject to OMB review does not display a valid control number, or if the agency has not provided a justification as to why the control number cannot be displayed, then the recipient is not required to respond.

OMB requires federal agencies seeking approval of reporting requirements to allow the public an opportunity to comment on the proposed reporting requirement. 5 CFR 1320.5(a)(1)(iv). Therefore, comments are being solicited on:

(1) Whether the collection of the information is necessary for the proper performance of the Commission's functions, including whether the information will have practical utility;

(2) The accuracy of Commission staff's estimate of the burden of the collection of this information, including the validity of the methodology and assumptions used;

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

(4) How to minimize the burden of the collection of this information on respondents, including the use of appropriate automated electronic, mechanical, or other forms of information technology.

David P. Boergers,

Secretary.

[FR Doc. 01–12175 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–407–000]

Algonquin Gas Transmission Company; Notice of Tariff Filing

May 8, 2001.

Take notice that on May 4, 2001, Algonquin Gas Transmission Company (Algonquin) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1, the following tariff sheets proposed to be effective June 4, 2001:

Ninth Revised Sheet No. 600
Original Sheet No. 718
Sheet Nos. 719–798

Algonquin states that the purpose of this filing is to amend its tariff, as suggested by the Commission in its April 12, 2001, Order Denying Clarification and Rehearing in Docket No. CP95–218–004, to include a generic waiver of the ''shipper must have title'' rule and a general statement that it will only transport for others on off-system capacity pursuant to its existing tariff and rates.

Algonquin states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said 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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11983 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–410–000]

Algonquin LNG, Inc.; Notice of Tariff Filing

May 8, 2001.

Take notice that on May 4, 2001, Algonquin LNG, Inc. (ALNG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets proposed to be effective June 4, 2001:

Fourth Revised Sheet No. 29
Original Sheet No. 84
Sheet Nos. 85–88

ALNG states that the purpose of this filing is to amend its tariff, as suggested by the Commission in its April 12, 2001, Order Denying Clarification and Rehearing in Docket No. CP95–218–004, to include a generic waiver of the ''shipper must have title'' rule and a general statement that it will only transport for others on off-system capacity pursuant to its existing tariff and rates.

ALNG states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said 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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the web 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.

Linwood Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11986 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EC01–94–000]

American Electric Power Service Corp.; Notice of Filing

May 8, 2001.

Take notice that on April 27, 2001, American Electric Power Service Corporation, on behalf of West Texas Utilities Company, Public Service Company of Oklahoma and Southwestern Electric Power Company, filed with the Federal Energy Regulatory Commission an application pursuant to section 203 of the Federal Power Act requesting authorization to transfer operational control of certain jurisdictional transmission facilities to

the Southwest Power Pool Regional Transmission Organization as proposed and described in the filing made by the Southwest Power Pool on October 13, 2000 in Docket No. RT01–34–000.

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 May 18, 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 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 Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–12023 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–408–000]

East Tennessee Natural Gas Company; Notice of Tariff Filing

May 8, 2001.

Take notice that on May 4, 2001, East Tennessee Natural Gas Company (East Tennessee) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, the following tariff sheets proposed to be effective June 4, 2001:

Sixth Revised Sheet No. 101
Third Revised Sheet No. 177

East Tennessee states that the purpose of this filing is to amend its tariff, as suggested by the Commission in its April 12, 2001, Order Denying Clarification and Rehearing in Docket No. CP95–218–004, to include a generic waiver of the ''shipper must have title'' rule and a general statement that it will only transport for others on off-system capacity pursuant to its existing tariff and rates.

East Tennessee states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said 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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11984 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1771–001]

Idaho Power Company; Notice of Filing

May 8, 2001.

Take notice that on April 25, 2001, Idaho Power Company (Idaho Power) tendered for filing under its Market-Based Rates Tariff the First Amendment to the Power Purchase Agreement between Idaho Power, 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 February 8, 2001 and executed February 27, 2001.

Idaho Power requests an effective date of February 1, 2001.

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 May 16, 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.*

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11971 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP01–311–000]

Kinder Morgan Interstate Gas Transmission, LLC; Notice of Application

May 8, 2001.

Take notice that on April 27, 2001, Kinder Morgan Interstate Gas Transmission LLC (KMIGT), P.O. Box 281304, Lakewood, Colorado 80228, filed in Docket No. CP01–311–000 an application pursuant to Section 7(b) of the Natural Gas Act (NGA) for permission and approval to abandon by sale, certain secondary lateral pipelines, measuring and tap facilities located in various counties of the State of Nebraska. KMIGT further requests a finding that the facilities to be sold to Kinder Morgan Inc. (KMI), the purchasing party, nor KMI itself, would be subject to the Commission's jurisdiction under the NGA as a result of KMI's purchase of the facilities, all as more fully set forth in the application which is on file with the Commission and open to public inspection. This filing may be viewed on the web at

http://www.ferc.fed.us/online/rims.htm (call 202–208–2222 for assistance).

KMIGT states that the facilities proposed for abandonment are currently utilized by KMIGT to make deliveries of natural gas to KMI at its local distribution systems. KMIGT further states that the secondary laterals are basically an extension of KMI's existing distribution systems and would better serve its retail customers if they were owned and operated by KMI.

It is said that the abandonment of these facilities would serve the public interest by enabling KMIGT to reconfigure its interstate pipeline into more of a typical trunkline system and would facilitate and simplify business transactions. The reconfiguration of assets, it is said, would provide KMIGT with more accurate and timely metering information. It is further said that the abandonment would have no material impact on KMIGT's cost of service nor would it result in or cause any interruption, disruption, or termination of the transportation service presently rendered by KMIGT.

Any questions regarding this application should be directed in writing to Skip George, Manager, Certificates, Kinder Morgan Interstate Gas Transmission, LLC, P.O. Box 281304, Lakewood, Colorado 80228–8304 or by telephone at (303) 914–4969.

Any person desiring to be heard or any person desiring to make any protests with reference to said application should on or before May 29, 2001, file with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, a motion to intervene or protest in accordance with the requirements of the Commission's Rules of Practice and Procedure (18 CFR 385.214 or 385.211) and the Regulations under the Natural Gas Act (18 CFR 157.10). All protests filed with the Commission will be considered by it in determining the appropriate action to be taken but will not serve to make the protestants parties to the proceeding. Any person wishing to become a party to a proceeding or to participate as a party in any hearing therein must file a motion to intervene in accordance with the Commission's Rules. 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.*

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Energy Regulatory Commission by Sections 7 and 15 of the Natural Gas Act and the Commission's Rules of Practice and Procedure, a hearing will be held without further notice before the Commission or its designee on this application if no motion to intervene is filed within the time required herein, if the Commission on its own review of the matter finds that permission and approval for the proposed abandonment are required by the public convenience and necessity. If a motion for leave to intervene is timely filed, or if the Commission on its own motion believes that a formal hearing is required, further notice of such hearing will be duly given.

Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for KMIGT to appear or be represented at the hearing.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11974 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–409–000]

Maritimes & Northeast Pipeline, L.L.C.; Notice of Tariff Filing

May 8, 2001.

Take notice that on May 4, 2001, Maritimes & Northeast Pipeline L.L.C. (Maritimes) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheets proposed to be effective June 4, 2001:

First Revised Sheet No. 201
Original Sheet No. 309
Sheet Nos. 310–399

Maritimes states that the purpose of this filing is to amend its tariff, as suggested by the Commission in its April 12, 2001, Order Denying Clarification and Rehearing in Docket No. CP95–218–004, to include a generic waiver of the ''shipper must have title'' rule and a general statement that it will only transport for others on off-system capacity pursuant to its existing tariff and rates.

Maritimes states that copies of its filing have been mailed to all affected customers and interested state commissions.

Any person desiring to be heard or to protest said 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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web 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

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11985 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP99–176–034]

Natural Gas Pipeline Company of America; Notice of Negotiated Rate

May 8, 2001.

Take notice that on April 30, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing as part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets, with an effective date of May 1, 2001.

Natural states that the purpose of this filing is to implement three negotiated rate transactions with Duke Energy Lee, LLC under Natural's Rate Schedule FTS and FRSS pursuant to Section 49 of the General Terms and Conditions of Natural's tariff.

Natural states that copies of the filing are being mailed to its customers, interested state commissions and all parties set out on the Commission's official service list in Docket No. RP99–176.

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the

Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11980 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–405–000]

Natural Gas Pipeline Company of America; Notice of Proposed Changes in FERC Gas Tariff

May 8, 2001.

Take notice that on May 4, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to be part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets, to be effective June 4, 2001.

Natural states that the purpose of this filing is to revise Rate Schedule DSS and the in-ground transfer provisions of the General Terms and Conditions of Natural's Tariff to provide Shippers under Rate Schedule DDS with greater injection flexibility.

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

Any person desiring to be heard or to protest said filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web 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)(l)(iii) and the instructions on the Commission's web site at http://www.ferc.fed.us/efi/doorbell.htm.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11981 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–406–000]

Natural Gas Pipeline Company of America; Notice of Proposed Change in FERC Gas Tariff

May 8, 2001.

Take notice that on May 4, 2001, Natural Gas Pipeline Company of America (Natural) tendered for filing to become a part of its FERC Gas Tariff, Sixth Revised Volume No. 1, certain tariff sheets, to be effective June 4, 2001.

Natural states that the purpose of this filing is to make several minor revisions to Natural's Tariff including changes to the General Terms and Conditions, to pro forma service agreements and to several rate schedules. These changes correct or clarify various provisions of Natural's Tariff and remove or modify outdated provisions.

Natural states that copies of the filing have been mailed to its customers and interested state commissions.

Any person desiring to be heard or to protest said 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 Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may be viewed on the web 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11982 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–73–000]

Northeast Texas Electric Cooperative, Inc., Rusk County Electric Cooperative, Inc., Upshur-Rural Electric Cooperative, Inc., Wood County Electric Cooperative, Inc., Notice of Filing

May 7, 2001.

Take notice that on May 1, 2001, Northeast Texas Electric Cooperative, Inc., Rusk County Electric Cooperative, Inc., Upshur-Rural Electric Cooperative, Inc. and Wood County Electric Cooperative, Inc. tendered for filing with the Federal Energy Regulatory Commission (Commission), a Petition for a Declaratory Order in the above-captioned proceeding.

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 May 31, 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. 01–11970 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP99–580–002]

Southern LNG Inc.; Notice of Site Visit

May 8, 2001.

On May 17, 2001, at 9 a.m., staff from the Office of Energy Projects (OEP) will conduct a pre-certification site visit of the proposed Sendout Modification Project at Southern LNG Inc.'s (Southern LNG) existing liquefied natural gas import terminal on Elba Island near Savannah, Georgia. Representatives of Southern LNG will accompany the OEP staff.

At 1:30 p.m. on May 17, 2001, OEP staff and Southern LNG will conduct an informal Plant Open House to discuss general LNG issues.

All interested parties may attend the site visit and/or open house. Those planning to attend must provide their own transportation. For further information on attending the site visit or open house, please contact the Commission's Office of External Affairs at (202) 208–0004.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11973 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP98–233–001]

Transwestern Pipeline Company; Notice of Motion To Vacate

May 8, 2001.

On December 11, 2000, Transwestern Pipeline Company (Transwestern), P.O. Box 3330, Omaha, NE 68103, filed a Motion to Vacate the Abandonment Order issued by the Commission in Docket Nos. CP98–233–000, *et al.* On December 22, 1998, the Commission issued an Order Approving Abandonment and Authorizing Facilities Under Blanket Certificate (December 22 order). In such order, the Commission granted permission and approval for Transwestern to abandon by sale the Lipscomb Mocane and Leedy Lateral facilities to KN Interstate Gas Transmission Co. (KN Interstate), and for KN Interstate's prior notice request to acquire and operate such facilities. Transwestern states that the sale of the subject facilities was never completed under the Asset Purchase Agreement; and therefore, Transwestern is requesting the Commission vacate the December 22 Order, all as more fully set forth in the application which is on file with the Commission and open to public inspection. The filing may be viewed at *http://www.ferc.fed.us/online/rims.htm* (call 202–208–2222 for assistance).

Any questions regarding this application should be directed to Keith L. Petersen, Director, Certificates and Reporting for Transwestern, P.O. Box 3330, Omaha, Nebraska 68103, at (402) 398–7421.

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

Comments and protests may be filed electronically via the internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.*

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

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11972 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–75–000]

Cities of Vernon, California v. California Independent System Operator Corp. Notice of Complaint

May 8, 2001.

Take notice that on May 7, 2001, the City of Vernon, California (Vernon) tendered for filing a Complaint Requesting Fast Track Processing against the California Independent System Operator Corporation (ISO). The Vernon Complaint seeks an order from the Commission that the ISO may not require Vernon to interrupt firm service to Vernon customers so that energy scheduled by Vernon for that load may be appropriated and provided to other utilities that have chosen not to procure or schedule in advance sufficient resources to serve their loads.

Any person desiring to be heard or to protest this filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests must be filed on or before May 18, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection in the Public Reference Room. This filing may also be viewed on the Internet at http://www.ferc.fed.us/online/rims.htm (call 202–208–2222) for assistance. Answers to the complaint shall also be due on or before May 18, 2001. 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–12022 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1936–000, et al.]

PJM Interconnection, L.L.C., et al; Electric Rate and Corporate Regulation Filings

May 7, 2001.

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

1. PJM Interconnection, L.L.C.

[Docket No. ER01–1936–000]

Take notice that on May 1, 2001, PJM Interconnection, L.L.C. (PJM) tendered for filing proposed amendments to the PJM Open Access Transmission Tariff and the Amended and Restated Operating Agreement of PJM Interconnection, L.L.C. to amend its station power service rules.

Copies of this filing have been served on all PJM Members and the state electric regulatory commissions in the PJM control area.

Comment date: May 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Entergy Services, Inc.

[Docket No. ER01–1937–000]

Take notice that on May 1, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., Entergy Gulf States, Inc., Entergy Louisiana, Inc., Entergy Mississippi, Inc., and Entergy New Orleans, Inc., (collectively, the Entergy Operating Companies) tendered for filing a Non-Firm Point-To-Point Transmission Service Agreement and a Short-Term Firm Point-To-Point Transmission Service Agreement both between Entergy Services, Inc., as agent for the Entergy Operating Companies, and Calpine Energy Services, L.P.

Comment date: May 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Southern Indiana Gas & Electric Company

[Docket No. ER01–1938–000]

Take notice that on May 1, 2001, Southern Indiana Gas & Electric Company (SIGECO), tendered for filing revisions to its Open Access Transmission Tariff (OATT) to: (1) Revise the rates for ancillary services in OATT Schedules 1, 2, 3, 5 and 6 to better reflect the current costs of providing these services; (2) restate and amend OATT Schedule 4 to make Schedule 4 more consistent with recent Commission decisions regarding Energy Imbalance Service; (3) restate and amend OATT Schedules 7 and 8 to better reflect the current costs of providing these services; (4) establish Schedule 9 for Power Factor Correction Service; (5) revise the annual transmission revenue requirement contained in Attachment H; (6) establish a new OATT Attachment J that provides procedures for interconnecting new generating facilities to SIGECO's system or increasing an existing generators output; and (7) revise the OATT as necessary to make the OATT consistent with the changes made to the Schedules and Attachments.

Copies of the filing were served upon the public utility's jurisdictional customers who took service under the OATT and the Indiana Utility Regulatory Commission.

Comment date: May 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Citizens Communications Company

[Docket No. ER01–1939–000]

Take notice that on May 2, 2001, Citizens Communications Company (Citizens) tendered for filing two service agreements: (i) A Service Agreement with Sheldon Springs Hydro for Non-Firm Point-to-Point Transmission Service, designated as Service Agreement No. 9 under Citizens' Vermont Electric Division's Open Access Transmission Tariff, Electric Tariff Original Vol. 2; and (ii) a Service Agreement with Village of Swanton Village Electric Department for Non-Firm Point-to-Point Transmission Service, designated as Service Agreement No. 10 under Citizens' Vermont Electric Division's Open Access Transmission Tariff, Electric Tariff Original Vol. 2. Citizens also filed First Revised Sheet No. 182 (Attachment E, Index of Point to Point Transmission Service Customers) to Citizens' Vermont Electric Division's Open Access Transmission Tariff, Electric Tariff Original Vol. 2, replacing Original Sheet No. 182.

The filing relates to transmission service that Citizens' Vermont Electric Division (VED) provided to Sheldon Springs Hydro and Village of Swanton Village Electric Department during an emergency VELCO transmission outage on April 21 and 22, 2001. Citizens requests waiver of the Commission's prior notice requirements, and an effective date of April 20, 2001 for the service agreements and revised tariff sheet.

Copies of this filing were served on the wholesale customers, state commission, and other entities listed on the certificate of service attached to the filing. In addition, a copy of the rate schedule is available for inspection at the offices of Citizens' Vermont Electric Division during regular business hours.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Arizona Independent Scheduling Administrator Association

[Docket No. ER01–1940–000]

Take notice that on May 2, 2001, the Arizona Independent Scheduling Administrator Association (Az ISA) tendered for filing with the Federal Energy Regulatory Commission (Commission), pursuant to Section 205 of the Federal Power Act, four service agreements: two with Arizona Public Service Company and two with Tucson Electric Power Company. Also included in the filing are revised tariff sheets to reflect modifications to the definitions of Market Price and System Incremental Cost (SIC) in the Az ISA Protocols Manual. Az ISA requests that all of the foregoing be permitted to take effect May 3, 2001.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Entergy Services, Inc.

[Docket No. ER01–1941–000]

Take notice that on May 2, 2001, Entergy Services, Inc., on behalf of Entergy Arkansas, Inc., tendered for filing an Interconnection and Operating Agreement with Duke Energy Hot Spring, LLC (Duke Hot Spring), and a Generator Imbalance Agreement with Duke Hot Spring.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. New York Independent System Operator, Inc.

[Docket No.ER01–1942–000]

Take notice that on May 2, 2001, the New York Independent System Operator, Inc. (NYISO) tendered for filing revisions to Attachment F of its Open Access Transmission Tariff in order to specify its treatment of requests for confidential information from a court or regulatory body with appropriate jurisdiction. The NYISO has requested an effective date of May 2, 2001 for the filing.

The NYISO has served a copy of this filing upon all parties that have executed service agreements under the NYISO's OATT and Services Tariff.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. American Transmission Company LLC

[Docket No. ER01–1943–000]

Take notice that on May 2, 2001 (ATCLLC) tendered for filing a Firm and Non-Firm Point-to-Point Service Agreement between ATCLLC and Minnesota Municipal Power Agency. ATCLLC requests an effective date of April 5, 2001.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Western Systems Power Pool

[Docket No. ER01–1944–000]

Take notice that on May 2, 2001, the Western Systems Power Pool, Inc. (WSPP) tendered for filing changes to the WSPP Agreement intended to modify certain commercial terms pertaining to the sale of power. WSPP seeks an effective date of July 1, 2001, for these changes.

Copies of this filing have been served on all WSPP members and on all state commissions within the United States. This filing also has been posted on the WSPP homepage (www.wspp.org).

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Ameren Energy Marketing Company

[Docket No. ER01–1945–000]

Take notice that on May 2, 2001, Ameren Energy Marketing Company (AEM) tendered for filing amendments to an existing rate schedule to allow sales of certain ancillary services at flexible/market-based rates and requested certain blanket approvals and waivers of certain regulations promulgated under the FPA. AEM seeks an effective date of May 3, 2001, for the amendments and related market-based rate authorization.

Copies of this filing were served on the affected state utility commissions.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. New England Power Pool

[Docket No. ER01–1946–000]

Take notice that on May 2, 2001, the New England Power Pool (NEPOOL) Participants Committee tendered for filing in the above-captioned docket, a correction to Sections A.1 and A.1.b of Supplement 1 to NEPOOL Tariff Ancillary Service Schedule 16 (System Restoration and Planning Service from Generators). The correction deletes an incorrect reference to a non-existent FERC account in a portion of the formula for determining the Schedule 16 revenue requirement, and inserts a reference to the correct FERC accounts to be used in the formula. NEPOOL requests that this filing be made effective retroactive to September 1, 1998, the same date that Schedule 16 was ordered into effect.

The NEPOOL Participants Committee states that copies of these materials were sent to the NEPOOL Participants and the six New England state governors and regulatory commissions.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Southwest Power, Inc.

[Docket No. ER01–1947–000]

Take notice that on May 2, 2001, Southwest Power Pool, Inc. (SPP) tendered for filing two executed service agreements for Firm Point-to-Point Transmission Service with Exelon (PECO Energy) (Transmission Customer), as Service Agreement Nos. 544 and 545, respectively. SPP requests an effective date of June 1, 2001, for Service Agreement No. 544, and January 1, 2002, for Service Agreement No. 545.

A copy of this filing was served on the Transmission Customer.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Entergy Services, Inc.

[Docket No. ER01–1948–000]

Take notice that on May 2, 2001, Entergy Services, Inc. (Entergy Services), as agent for System Energy Resources, Inc. (SERI), tendered for filing the annual informational update (Update) containing the 2001 redetermination of the Monthly Capacity Charges, prepared in accordance with the provisions of SERI's Power Charge Formula (PCF) Tariff. Entergy Services states that the Update redetermines the formula rate in accordance with the annual rate redetermination provisions of section 2(B) of the PFC.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Power Provider LLC

[Docket No. ER01–1949–000]

Take notice that on May 2, 2001, Power Provider LLC tendered for filing, pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's regulations, an application for authorization to make sales of capacity and/or electric energy at market-based rates.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. American Electric Power Service Corporation

[Docket No. ER01–1970–000]

Take notice that on April 30, 2001, the American Electric Power Service Corporation (AEPSC), tendered for filing executed Firm and Non-Firm Point-to-Point Transmission Service Agreements for EnergyUSA–TPC. These agreements are pursuant to the AEP Companies' Open Access Transmission Service Tariff (OATT) that has been designated as the Operating Companies of the American Electric Power System FERC Electric Tariff Second Revised Volume No. 6.

AEPSC requests waiver of notice to permit the Service Agreements to be made effective for service billed on and after April 1, 2001.

A copy of the filing was served upon the Parties and the state utility regulatory commissions of Arkansas, Indiana, Kentucky, Louisiana, Michigan, Ohio, Oklahoma, Tennessee, Texas, Virginia and West Virginia.

Comment date: May 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Elwood Energy II, LLC, Elwood Energy III, LLC

[Docket No. ER01–1051–001 and Docket No. ER01–1055–001]

Take notice that on May 2, 2001, Elwood Energy II, LLC and Elwood Energy III, LLC tendered for filing revised market-based rate tariffs to include a prohibition on sales to an affiliated traditional utility absent a separate section 205 filing.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Arizona Independent Scheduling Administrator Association

[Docket No. ER00–3583–003]

Take notice that on May 2, 2001, the Arizona Independent Scheduling Administrator Association (Az ISA) tendered for filing with the Federal Energy Regulatory Commission (Commission) a compliance filing that revises certain portions of the Az ISA Tariff and provides information on start-up costs as required by the Commission's Order issued in this case on November 30, 2000.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Alliant Energy Corporate Services, Inc.

[Docket No. ER01–870–003]

Take notice that on May 2, 2001, Alliant Energy Corporate Services, Inc.

(Alliant Energy Corporate Services) on behalf of IES Utilities Inc. (IES), Interstate Power Company (IPC) and Wisconsin Power and Light Company (WPL), tendered for filing in compliance with the Federal Energy Regulatory Commission's (Commission) Order dated April 13, 2001, in Docket Nos. ER01–870–001 and ER01–870–002, 95 FERC ¶ 61,064.

A copy of this filing has been served upon the Illinois Commerce Commission, the Minnesota Public Utilities Commission, the Iowa Department of Commerce, the Public Service Commission of Wisconsin, and all parties listed on the service list as compiled by the Secretary in this proceeding.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Central Maine Power Company

[Docket No. ER01–1741–001]

Take notice that on May 2, 2001, Central Maine Power Company (CMP), tendered for filing as an initial rate schedule pursuant to Section 35.12 of the Federal Energy Regulatory Commission's (the Commission) regulations, 18 C.F.R. § 35.12, (i) an unexecuted Form of Service Agreement for Non-Firm Local Point-to-Point Transmission Service between CMP and S.D. Warren Company (S.D. Warren), and (ii) an unexecuted Form of Service Agreement for Non-Firm Local Point-to-Point Transmission Service between CMP and Engage Energy America LLC (Engage), designated as Original Service Agreements 123 and 124, respectively, to CMP's FERC Electric Tariff, Fifth Revised Volume No. 3.

CMP is requesting that these unexecuted transmission service agreements become effective March 30, 2001.

Copies of this filing have been served upon the Commission, the Maine Public Utilities Commission, S.D. Warren, and Engage.

Comment date: May 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. Callaway Golf Company

[Docket No. ER01–1701–001]

Take notice that on May 2, 2001, Callaway Golf Company (Callaway) petitioned the Commission for acceptance of Callaway Rate Schedule FERC No. 1; the granting of certain blanket approvals, including the authority to sell electricity at market-based rates; and the waiver of certain Commission regulations.

Callaway intends to engage in wholesale electric power and energy purchases and sales as a marketer. Callaway is not in the business of generating or transmitting electric power. Callaway and its subsidiaries and affiliates are in the business of designing, manufacturing, marketing, distributing and selling golf equipment.

Callaway requests that the Callaway Rate Schedule FERC No. 1 be made effective April 26, 2001, as originally requested.

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

21. Warren Power, LLC

[Docket No. EG01–202–000]

Take notice that on May 3, 2001, Warren Power, LLC, Parkwood Two Building, Suite 150, 10055 Grogan's Mill Road, the Woodlands, Texas, 77380, filed with the Federal Energy Regulatory Commission (Commission) an application for determination of exempt wholesale generator status pursuant to Section 329(a)(1) of the Public Utility Holding Company Act of 1935, as amended. The applicant is a limited liability company that will be engaged directly or indirectly and exclusively in the business of developing and ultimately owning and/or operating a 340 megawatt gas-fired, simple cycle electric generating facility located in Vicksburg, Mississippi and selling electric energy at wholesale.

Comment date: May 29, 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.

22. Zion Energy LLC

[Docket No. EG01–203–000]

Take notice that on May 2, 2001, Zion Energy LLC (Zion) filed with the Federal Energy Regulatory Commission an application for determination of exempt wholesale generator status pursuant to Part 365 of the Commission's regulations.

Zion, a Delaware limited liability company, proposes to own and operate an 825 MW electric generating facility and sell the output at wholesale to electric utilities, an affiliated power marketer and other purchasers. The facility is a natural gas-fired, simple cycle generating facility, which is under development in Lake County, Illinois.

Comment date: May 29, 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.

23. Western Systems Coordinating Council, Southwest Regional Transmission Association, Western Regional Transmission Association

[Docket No. EL01–74–000]

Take notice that on May 3, 2001, Western Systems Coordinating Council WSCC), Southwest Regional Transmission Association (SWRTA) and Western Regional Transmission Association (WRTA), tendered for filing with the Federal Energy Regulatory Commission (Commission), a Petition For Declaratory Order or For An Order Approving The Transfer Of Certain WSCC, WRTA and SWRTA Functions To The Western Electricity Coordinating Council (Petition).

The Petition describes in detail the anticipated structure and function of the Western Electricity Coordinating Council (WECC), and the petitioners' plan for their merger into WECC. On the grounds that the merging regional organizations are not currently regulated by the Commission and the merger will not substantially alter existing functions performed by WSCC, WRTA and SWRTA, petitioners request an order approving the transfer of those functions to WECC.

Comment date: June 4, 2001, in accordance with Standard Paragraph E at the end of this notice.

24. California Independent System Operator Corporation

[Docket No. ER01–1953–000]

Take notice that on May 3, 2001, the California Independent System Operator Corporation, on May 3, 2001, tendered for filing a Participating Generator Agreement between the ISO and Point Arguello Pipeline Company for acceptance by the Commission.

The ISO states that this filing has been served on Point Arguello Pipeline Company and the California Public Utilities Commission.

The ISO is requesting the Participating Generator Agreement be made effective April 25, 2001.

Comment date: May 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

25. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–1958–000]

Take notice that on April 30, 2001, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy), submitted for filing a Notice of Cancellation of the Service Agreement

between GPU Energy and Woodruff Oil Company (d/b/a Woodruff Energy), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 79.

GPU Energy requests that cancellation be effective the 27th day of June 2001.

Comment date: May 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

26. Jersey Central Power & Light Company, Metropolitan Edison Company, Pennsylvania Electric Company

[Docket No. ER01–1959–000]

Take notice that on April 30, 2001, Jersey Central Power & Light Company, Metropolitan Edison Company and Pennsylvania Electric Company (individually doing business as GPU Energy) submitted for filing a Notice of Cancellation of the Service Agreement between GPU Service Corporation and Eastex Power Marketing, Inc. (now El Paso Merchant Energy, L.P.), FERC Electric Tariff, Original Volume No. 1, Service Agreement No. 40.

GPU Energy requests that cancellation be effective the June 27, 2001.

Comment date: May 21, 2001, in accordance with Standard Paragraph E at the end of this notice.

27. ANP Bellingham Energy Company, LLC (Successor to ANP Bellingham Energy Company)

[Docket No. ER01–1967–000]

Take notice that on May 1, 2001, ANP Bellingham Energy Company, LLC tendered for filing a Notice of Succession to succeed to the market-based rate tariff of ANP Bellingham Energy Company, effective April 24, 2001.

Comment date: May 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

28. ANP Blackstone Energy Company, LLC (Successor to ANP Blackstone Energy Company)

[Docket No. ER01–1968–000]

Take notice that on May 1, 2001, ANP Blackstone Energy Company, LLC tendered for filing a Notice of Succession to succeed to the market-based rate tariff of ANP Blackstone Energy Company, effective April 24, 2001.

Comment date: May 22, 2001, in accordance with Standard Paragraph E at the end of this notice.

29. Ameren Services Company

[Docket No. ER01–1969–000]

Take notice that on May 1, 2001, Ameren Services Company (ASC) tendered for filing an unexecuted Service Agreement for Network Integration Transmission Service and an unexecuted Network Operating Agreement between ASC and Wayne-White Counties Electric Cooperative, Inc. (Customer). ASC asserts that the purpose of the Agreement is to permit ASC to provide transmission service to customer pursuant to Ameren's Open Access Tariff.

ASC requests that the Network Service Agreement and Network Operating agreement, subject to refund, become effective April 1, 2001.

Comment date: May 22, 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.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11969 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

May 8, 2001.

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

a. *Application Type:* Amendment of License.

b. *Project No.:* 2145–041.

c. *Date Filed:* May 3, 2001.

d. *Applicant:* Public Utility District No. 1 of Chelan County, Washington.

e. *Name of Project:* Rocky Reach Hydroelectronic Project.

f. *Location:* On the Columbia River near the city of Wenatchee, in Chelan and Douglas Counties, in Washington state. The project occupies lands managed by the Bureau of Land Management and the U.S. Forest Service.

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

h. *Applicant Contact:* Robert A. Salter, Public Utility District No. 1 of Chelan County, Washington, P.O. Box 1231, Wenatchee, WA, 98807; (509) 663–8121.

i. *FERC Contact:* Questions about this notice can be answered by Vince Yearick at (202) 219–3073 or e-mail address: *vince.yearick@ferc.fed.us.* The Commission cannot accept comments, recommendations, motions to intervene or protests sent by e-mail; these documents must be filed as described below.

j. *Deadline for filing comments, motions to intervene, and protests:* 14 days from the issuance date of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, 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.*

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

k. *Description of Filing:* Public Utility District No. 1 of Chelan County, Washington, has filed an application requesting that its license for the Rocky Reach project be amended to allow for a temporary, 1-year increase of 1-foot in the maximum normal reservoir pool elevation (from 707 to 708 feet above sea level). The applicant also proposes to install a 1.5-foot splashguard on top of

each of 12 existing spillway tainter gates to reduce winter ice buildup from wave action. The splashguards would remain in place after the reservoir is returned to a normal pool level 707 feet. Comments and reply comments on the Amendment of License are due on the dates listed in item j above.

l. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room at 888 First Street NE., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on the web at http://www.ferc.fed.us/online/rims.htm. Call (202) 208–2222 for assistance. A copy is also available for inspection and reproduction at the address in item (h) above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

Any filings must bear in all capital letters the title ''COMMENTS,'' ''RECOMMENDATIONS FOR TERMS AND CONDITIONS,'' ''PROTEST,'' or ''MOTION TO INTERVENE,'' as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11975 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

May 8, 2001.

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

a. *Application Type:* Amend the project boundaries for the Middle Chattahoochee Hydroelectric Project.

b. *Project No.* 2177–045.

c. *Dates Filed:* April 18, 2001.

d. *Applicant:* Georgia Power Company.

e. *Name of Project:* Chattahoochee Hydroelectric Project.

f. *Location:* The Project is located on the Chattahoochee River, in Lee and Russell Counties Alabama, and in Harris and Muscogee Counties, Georgia.

g. *Filed Pursuant to:* 18 CFR 4.201.

h. *Applicant Contact:* Mike A. Phillips, Land Resources Supervisor, Georgia Power Company, Bin 10151, 241 Ralph McGill Boulevard, Atlanta, Georgia 03308–3374; (404) 506–2392.

i. *FERC Contact:* Any questions on the notice should be addressed to Robert Shaffer at (202) 208–0944 or by e-mail at Robert.Shaffer@ferc.fed.us.

j. *Deadline for filing comments and/or motions:* 30 Days from the issuance of this notice.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington DC 20426. Comments, 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.*

Please include the project number (P–2177–045) on any comments or motions filed.

k. *Description of Filing:* Georgia Power Company is proposing to revise the project boundary by sale of approximately 7.948 acres that is adjacent to Lake Oliver to Mr. Donald Peek.

l. *Locations of the Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street NW., Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on *http://www.ferc.fed.us/online/rims.htm* [call (202) 208–2222 for assistance]. A copy is also available for inspection and reproduction at the address in item h above.

m. Individuals desiring to be included on the Commission's mailing list should so indicate by writing to the Secretary of the Commission.

n. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

o. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''RECOMMENDATIONS FOR TERMS AND CONDITIONS'', ''PROTEST'', OR ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. A copy of any motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

p. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11976 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Notice of Application Soliciting Motions to Intervene, Protests, Comments, Recommendations, and Terms and Conditions

May 8, 2001.

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

a. *Type of Application:* Conduit Exemption.

b. *Project No.:* 11897–000.

c. *Date filed:* February 26, 2001.

d. *Applicant:* Francis Carrington.

e. *Name of Project:* Buckhorn Ranch Project.

f. *Location:* On Mill Ditch, in Shasta County, California. Project has no Federal lands.

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

h. *Applicant Contact:* Robert Smythe, 14824 Fern Road, Whitmore, California, 90096, phone (530) 472–1931.

i. *FERC Contact:* Robert W. Bell (202) 219–2806.

j. *Deadline for filing motions to intervene, protests and comments:* June 15, 2001.

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, motions to intervene, and protests may be electronically filed via the internet in lieu of paper. See 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site at *http://www.ferc.fed.us/efi/doorbell.htm.* Please include the project number (P–11897–000) on any comments or motions filed.

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

k. *Description of Project:* The proposed project consists of a proposed powerhouse on a pipe section of Mill Ditch with one new generating unit having an installed capacity of 500-kW and will be discharged into a stock pond. The applicant would sell all the power generated to a local utility. The average annual generation would be 4,336,200 kWh.

l. *Competing Application:* Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified deadline date for the particular application, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified deadline date for the particular application. Applications for preliminary permits will not be accepted in response to this notice.

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

n. *Protests or Motions to Intervene:* Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

o. *Filing and Service of Responsive Documents:* The application is ready for environmental analysis at this time, and the Commission is requesting comments, reply comments, recommendations, terms and conditions, and prescriptions.

The Commission directs, pursuant to Section 4.34(b) of the Regulations (see Order No. 533 issued May 8, 1991, 56 FR 23108, May 20, 1991) that all comments, recommendations, terms and conditions and prescriptions concerning the application be filed with the Commission within 30 days from the issuance date of this notice. All reply comments must be filed with the Commission within 45 days from the date of this notice. Anyone may obtain an extension of time for these deadlines from the Commission only upon a showing of good cause of extraordinary circumstances in accordance with 18 CFR 385.2008.

p. All filings must (1) bear in all capital letters the title ''PROTEST'', ''MOTION TO INTERVENE'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''COMMENTS'', ''REPLY COMMENTS'', ''RECOMMENDATIONS'', ''TERMS AND CONDITIONS'', ''PRESCRIPTIONS''; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. Any of these documents must be filed by providing the original and the number of copies required by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed in the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

q. *Available Locations of Application:* A copy of the application is available for inspection and reproduction at the Commission's Public Reference and Files Maintenance Branch, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. This filing may be viewed on *http://www.ferc.fed.us/online/rims.htm* (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address shown in item h above.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11977 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

May 8, 2001.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11966–000.

c. *Date filed:* April 18, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name and Location of Project:* The Keyhold Dam Hydroelectric Project would be located on the Belle Fourche River in Crook County, Wyoming. The

project would utilize the U.S. Bureau of Reclamation's existing Keyhold Dam.

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

g. *Applicant Contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

h. *FERC Contact:* James Hunter, (202) 219–2839.

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

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. Comments, protests, and motions to intervene 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.

Please include the project number (P–11966–000) on any comments or motions filed.

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

j. *Description of Project:* The proposed project, using the existing Keyhole Dam, would consist of: (1) an 800-foot-long, 6-foot-diameter steel penstock liner; (2) a concrete powerhouse containing one generating unit with an installed capacity of 1.5 megawatts; (3) a tailrace; (4) a two-mile-long, 15-kV transmission line; and (5) appurtenant facilities. The project would have an average annual generation of 7.9 GWh.

k. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

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

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

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

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

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified date for the particular application.

q. Filing and Service of Responsive Documents—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. Any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the Applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the applicant. If an agency does not file comments within the time specified for filing comments, if will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11978 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

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

May 8, 2001.

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

a. *Type of Application:* Preliminary Permit.

b. *Project No.:* 11968–000.

c. *Date filed:* April 18, 2001.

d. *Applicant:* Symbiotics, LLC.

e. *Name and Location of Project:* The Corbett Dam Hydroelectric Project would be located on the Shoshone River in Park County, Wyoming. The project would utilize the U.S. Bureau of

Reclamation's existing Corbett Diversion Dam.

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

g. *Applicant Contact:* Mr. Brent L. Smith, Northwest Power Services, Inc., P.O. Box 535, Rigby, ID 83442, (208) 745–8630.

h. *FERC Contact:* James Hunter, (202) 219–2839.

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

All documents (original and eight copies) should be filed with: David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. Comments, protests, and motions to intervene 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.

Please include the project number (P–11968–000) on any comments or motions filed.

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

j. *Description of Project:* The proposed project, using the existing Corbett Diversion Dam, would consist of: (1) a 200-foot-long, 12-foot-diameter steel penstock; (2) a concrete powerhouse containing one generating unit with an installed capacity of 2 megawatts; (3) a tailrace; (4) a 1.5-mile-long, 15–kV transmission line; and (5) appurtenant facilities. The project would have an average annual generation of 8.8 GWh.

k. A copy of the application is available for inspection and reproduction at the Commission's Public Reference Room, located at 888 First Street, NE, Room 2A, Washington, DC 20426, or by calling (202) 208–1371. The application may be viewed on http://www.ferc.fed.us/online/rims.htm (call (202) 208–2222 for assistance). A copy is also available for inspection and reproduction at the address in item g above.

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

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

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

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

p. Comments, Protests, or Motions to Intervene—Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who filed a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

q. Filing a Service of Responsible Document—Any filings must bear in all capital letters the title ''COMMENTS'', ''NOTICE OF INTENT TO FILE COMPETING APPLICATION'', ''COMPETING APPLICATION'', ''PROTEST'', or ''MOTION TO INTERVENE'', as applicable, and the Project Number of the particular application to which the filing refers. any of the above-named documents must be filed by providing the original and the number of copies provided by the Commission's regulations to: The Secretary, Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426. An additional copy must be sent to Director, Division of Hydropower Administration and Compliance, Federal Energy Regulatory Commission, at the above-mentioned address. A copy of any notice of intent, competing application or motion to intervene must also be served upon each representative of the applicant specified in the particular application.

r. Agency Comments—Federal, state, and local agencies are invited to file comments on the described application. A copy of the application may be obtained by agencies directly from the Applicant. If an agency does not file comments within the time specified for filing comments, it will be presumed to have no comments. One copy of an agency's comments must also be sent to the Applicant's representatives.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–11979 Filed 5–11–01; 8:45 am]

BILLING CODE 6717–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Sunshine Act Meeting

May 9, 2001

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

AGENCY HOLDING MEETING: Federal Energy Regulatory Commission.

DATE AND TIME: May 16, 2001, 10 a.m.

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

STATUS: Open.

MATTERS TO BE CONSIDERED: Agenda.

Note: Items listed on the agenda may be deleted without further notice.

CONTACT PERSON FOR MORE INFORMATION: David P. Boergers, Secretary, Telephone (202) 208–0400, for a recording listing items stricken from or added to the meeting, call (202) 208–1627.

This is a list of matters to be considered by the commission. It does not include a listing of all papers relevant to the items on the agenda; however, all public documents may be examined in the reference and information center.

766th—Meeting May 16, 2001 Regular Meeting, 10 a.m.

Consent Agenda—Markets, Tariffs and Rates—Electric

CAE–1.
DOCKET# ER01–1677 000 PUBLIC SERVICE COMPANY OF NEW MEXICO
CAE–2.
DOCKET# ER01–1579 000 CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
OTHER#S ER01–1579 001 CALIFORNIA INDEPENDENT SYSTEM OPERATOR CORPORATION
CAE–3.
DOCKET# ER01–1587 000 CONSUMERS ENERGY COMPANY
CAE–4.
DOCKET# ER01–1619 000 DUKE ENERGY MOHAVE, LLC
CAE–5.
DOCKET# ER01–1615 000 SOUTHERN POWER COMPANY
OTHER#S ER00–2998 001 SOUTHERN COMPANY SERVICES, INC.; ER00–2999 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3000 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3001 001 SOUTHERN COMPANY SERVICES, INC.
CAE–6.
DOCKET# ER01–1671 000 PJM INTERCONNECTION, L.L.C.
CAE–7.
DOCKET# ER01–1654 000 NINE MILE POINT NUCLEAR STATION, LLC
CAE–8.
OMITTED
CAE–9.
DOCKET# ER01–1681 000 CINCINNATI GAS & ELECTRIC COMPANY
CAE–10.
DOCKET# ER01–1405 000 MISSISSIPPI POWER COMPANY AND SOUTHERN COMPANY SERVICES, INC.
OTHER#S ER01–1405 001 MISSISSIPPI POWER COMPANY AND SOUTHERN COMPANY SERVICES, INC.; ER00–2998 001 SOUTHERN COMPANY SERVICES, INC.; ER00–2999 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3000 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3001 001 SOUTHERN COMPANY SERVICES, INC.
CAE–11.
DOCKET# ER01–1284 000 MISSISSIPPI POWER COMPANY AND SOUTHERN COMPANY SERVICES, INC.
OTHER#S ER01–1284 001 MISSISSIPPI POWER COMPANY AND SOUTHERN COMPANY SERVICES, INC.; ER00–2998 001 SOUTHERN COMPANY SERVICES, INC.; ER00–2999 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3000 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3001 001 SOUTHERN COMPANY SERVICES, INC.
CAE–12.
DOCKET# ER01–1801 000 TUCSON ELECTRIC POWER COMPANY
OTHER#S ER00–2998 001 SOUTHERN COMPANY SERVICES, INC.; ER00–2999 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3000 001 SOUTHERN COMPANY SERVICES, INC.; ER00–3001 001 SOUTHERN COMPANY SERVICES, INC.
CAE–13.
DOCKET# ER00–2621 000 ENTERGY LOUISIANA, INC.
OTHER#S ER00–3671 000 ENTERGY SERVICES, INC.
CAE–14.
OMITTED
CAE–15.
DOCKET# ER01–1521 000 PJM INTERCONNECTION, L.L.C.
OTHER#S ER01–1521 001 PJM INTERCONNECTION, L.L.C.
CAE–16.
DOCKET# ER01–1209 000 COMMONWEALTH EDISON COMPANY
CAE–17.
DOCKET# ER01–1586 000 EDISON SAULT ELECTRIC COMPANY
CAE–18.
DOCKET# EL00–40 002 DIGHTON POWER ASSOCIATES LIMITED PARTNERSHIP, FPL ENERGY, L.L.C., SOUTHERN ENERGY NEW ENGLAND, L.L.C. AND SOUTHERN ENERGY KENDALL, L.L.C. V. ISO NEW ENGLAND, INC.
CAE–19.
OMITTED
CAE–20.
DOCKET# EL00–83 005 NSTAR SERVICES COMPANY V. NEW ENGLAND POWER POOL
OTHER#S EL00–62 023 ISO NEW ENGLAND, INC.; ER00–2052 010 ISO NEW ENGLAND, INC.; ER00–2811 005 ISO NEW ENGLAND, INC.; ER00–2937 003 ISO NEW ENGLAND, INC.
CAE–21.
DOCKET# ER01–179 002 PJM INTERCONNECTION, L.L.C.
CAE–22.
DOCKET# EL01–22 001 IDAHO POWER COMPANY
CAE–23.
DOCKET# ER99–993 001 MID-CONTINENT AREA POWER POOL
CAE–24.
DOCKET# ER99–1374 002 NEW ENGLAND POWER POOL
OTHER#S ER99–1556 002 NEW ENGLAND POWER POOL; ER99–1609 002 NEW ENGLAND POWER POOL
CAE–25.
DOCKET# ER98–3853 005 NEW ENGLAND POWER POOL
CAE–26.
DOCKET# RM87–3, 038, ANNUAL CHARGES UNDER THE OMNIBUS BUDGET RECONCILIATION ACT OF 1986 (KOCH ENERGY TRADING, INC., ET AL.)
OTHER#S RM87–3, 039, ANNUAL CHARGES UNDER THE OMNIBUS BUDGET RECONCILIATION ACT OF 1986 (KOCH ENERGY TRADING, INC, ET AL.); RM87–3, 041, ANNUAL CHARGES UNDER THE OMNIBUS BUDGET RECONCILIATION ACT OF 1986 (KOCH ENERGY TRADING, INC., ET AL.)
CAE–27.
DOCKET# ER99–3206, 002, ISO NEW ENGLAND, INC.
CAE–28.
DOCKET# EC99–53, 001, FIRST OPERATING COMPANIES (THE CLEVELAND ELECTRIC ILLUMINATING COMPANY, TOLEDO EDISON COMPANY, OHIO EDISON COMPANY AND PENNSYLVANIA POWER COMPANY) AND AMERICAN TRANSMISSION SYSTEMS, INC.
CAE–29.
DOCKET# ER00–565, 001, PACIFIC GAS AND ELECTRIC COMPANY
CAE–30.
DOCKET# ER00–1378, 001, MIDWEST GENERATION, LLC
CAE–31.
DOCKET# EL00–62, 004, ISO NEW ENGLAND, INC.
OTHER#S ER00–2052, 005, ISO NEW ENGLAND, INC.; ER00–2016, 002, NEW ENGLAND POWER POOL; EL00–59, 002, CENTRAL MAINE POWER COMPANY, NORTHEAST UTILITIES SERVICE COMPANY, UNITED ILLUMINATING COMPANY, UNITIL POWER CORPORATION, FITCHBURG GAS AND ELECTRIC LIGHT COMPANY AND VERMONT ELECTRIC POWER COMPANY V. NEW ENGLAND POWER POOL AND ISO NEW ENGLAND, INC.; ER00–2005, 002, CENTRAL MAINE POWER COMPANY, NORTHEAST UTILITIES SERVICE COMPANY, UNITED ILLUMINATING COMPANY, UNITIL POWER CORPORATION, FITCHBURG GAS AND ELECTRIC LIGHT COMPANY AND VERMONT ELECTRIC POWER COMPANY V. NEW ENGLAND POWER POOL AND ISO NEW ENGLAND, INC.
CAE–32.
OMITTED
CAE–33.
DOCKET# EC00–106, 001, ENTERGY POWER MARKETING CORPORATION AND KOCH ENERGY TRADING, INC.
CAE–34.
DOCKET# ER00–3691, 002, SITHE EDGAR LLC, SITHE NEW BOSTON LLC, SITHE FRAMINGHAM LLC, SITHE WEST MEDWAY LLC, SITHE WYMAN LLC, SITHE MYSTIC LLC, AG-ENERGY, L.P., POWER CITY PARTNERS, L.P., SENECA POWER PARTNERS, L.P., STERLING POWER PARTNERS, L.P., SITHE POWER MARKETING, L.P. AND SITHE POWER MARKETING, INC.
CAE–35.
DOCKET# RT01–74, 001, CAROLINA POWER & LIGHT COMPANY, DUKE ENERGY CORPORATION, SOUTH CAROLINA ELECTRIC & GAS COMPANY AND GRIDSOUTH TRANSCO, LLC

CAE–36.
DOCKET# EL01–53, 000, PPL LEASING COMPANY, LLC
CAE–37.
DOCKET# EL01–49, 000, COGEN LYONDELL, INC., COGEN POWER, INC., OYSTER CREEK LIMITED, DYNEGY POWER CORPORATION, AES DEEPWATER, INC., BAYTOWN ENERGY CENTER, L.P., CHANNEL ENERGY CENTER, L.P., CLEAR LAKE COGENERTION, L.P., CORPUS CHRISTI COGENERATION, PASADENA COGENERATION, L.P., TEXAS CITY COGENERATION, L.P., CALPINE CORPORATION, CONOCO, INC., THE DOW CHEMICAL COMPANY AND GREGORY POWER PARTNERS, L.P.
OTHER#S EL01–60, 000, TEXAS PUBLIC UTILITY COMMISSION OF TEXAS
CAE–38.
DOCKET# EL01–46, 000, AXIA ENERGY, LP V. SOUTHWEST POWER POOL, INC.
CAE–39.
DOCKET# EL01–52, 000, BARNET HYDRO COMPANY, COMTU FALLS, DODGE FALLS ASSOCIAATES L.P., EMERSON FALLS HYDRO, INC., HYDRO ENERGIES CORPORATION, KILLINGTON HYDROELECTRIC COMPANY, KINGSBURY HYDRO, MARTINSVILLE WATER POWER, MORETOWN ENERGY COMPANY, MISSISSIPPI ASSOCIATES, NANTANNA MILL, NEWBURY HYRO, OTTAUQUECHEE HYDRO COMPANY, INC., RYEGATE ASSOCIATES, SPRINGFIELD HYDROELECTRIC COMPANY, WINOOSKI HYDROELECTRIC COMPANY, WINOOSKI ONE PARTNERSHIP, WOODSIDE HYDRO, WORCESTER HYDRO AND VERMONT MARBLE POWER DIVISION OF OMYA, INC. V. CENTRAL VERMONT PUBLIC SERVICE CORPORATION, BARTON VILLAGE INCORPORATED ELECTRIC DEPARTMENT, VILLAGE OF ENOSBURG FALLS ELECTRIC LIGHT DEPARTMENT, VILLAGE OF HYDE PARK ELECTRIC DEPARTMENT, VILLAGE OF JACKSONVILLE ELECTRIC DEPARTMENT, VILLAGE OF JOHNSON ELECTRIC LIGHT DEPARTMENT, VILLAGE OF LUDLOW ELECTRIC LIGHT DEPARTMENT, VILLAGE OF LYNDONVILLE ELECTRIC DEPARTMENT, VILLAGE OF MORRISVILLE WATER & LIGHT DEPARTMENT, NORTHFIELD ELECTRIC DEPARTMENT, VILLAGE OF ORLEANS ELECTRIC DEPARTMENT, TOWN OF READSBORO ELECTRIC DEPARTMENT, STOWE ELECTRIC DEPARTMENT AND VILLAGE OF SWANTON ELECTRIC DEPARTMENT
CAE–40.
DOCKET# EL97–19, 000, VILLAGE OF BELMONT, CITY OF JUNEAU, CITY OF PLYMOUTH, CITY OF REEDSBURG, CITY OF SHEBOYGAN FALLS, CITY WISCONSIN RAPIDS, WISCONSIN, ADAMS-COLUMBIA ELECTRIC COOPERATIVE, CENTRAL WISCONSIN ELECTRIC COOPERATIVE AND THE ROCK COUNTY ELECTRIC COOPERATIVE V. WISCONSIN POWER & LIGHT COMPANY
OTHER#S SC97–3, 000, VILLAGE OF BELMONT, CITY OF JUNEAU, CITY OF PLYMOUTH, CITY OF REEDSBURG, CITY OF SHEBOYGAN FALLS, CITY WISCONSIN RAPIDS, WISCONSIN, ADAMS-COLUMBIA ELECTRIC COOPERATIVE, CENTRAL WISCONSIN ELECTRIC COOPERATIVE AND THE ROCK COUNTY ELECTRIC COOPERATIVE V. WISCONSIN POWER & LIGHT COMPANY
CAE–41.
DOCKET# EL99–14, 000, SOUTHWESTERN ELECTRIC COOPERATIVE, INC. V. SOYLAND POWER COOPERATIVE, INC.
OTHER#S EL99–14, 001, SOUTHWESTERN ELECTRIC COOPERATIVE, INC. V. SOYLAND POWER COOPERATIVE, INC.
CAE–42.
DOCKET# EL01–58, 000, POWEREX CORPORATION V. U.S. DEPARTMENT OF ENERGY—WESTERN AREA POWER ADMINISTRATION, ROCKY MOUNTAIN REGION/WESTERN AREA COLORADO MISSOURI
CAE–43.
DOCKET# EL01–47, 000, REMOVING OBSTACLES TO INCREASED ELECTRIC GENERATION AND NATURAL GAS SUPPLY IN THE WESTERN UNITED STATES
OTHER#S EL01–47, 001, REMOVING OBSTACLES TO INCREASED ELECTRIC GENERATION AND NATURAL GAS SUPPLY IN THE WESTERN UNITED STATES
CAE–44.
DOCKET# EL00–95, 020, SAN DIEGO GAS & ELECTRIC COMPANY V. SELLERS OF ENERGY AND ANCILLARY SERVICES INTO MARKETS OPERATED BY THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR AND THE CALIFORNIA POWER EXCHANGE
OTHER#S EL00–98, 019, INVESTIGATION OF PRACTICES OF THE CALIFORNIA INDEPENDENT SYSTEM OPERATOR AND THE CALIFORNIA POWER EXCHANGE; EL01–47, 002, REMOVING OBSTACLES TO INCREASED ELECTRIC GENERATION AND NATURAL GAS SUPPLY IN THE WESTERN UNITED STATES; EL01–72, 000, SECTION 210(d) PROCEEDING APPLICABLE TO ELECTRIC UTILITIES IN CALIFORNIA
CAE–45.
OMITTED
CAE–46.
DOCKET# ER01–1572, 000, THE DETROIT EDISON COMPANY AND DTE ENERGY TRADING, INC.
CAE–47.
DOCKET# ER01–1385, 000, CONSOLIDATED EDISON COMPANY OF NEW YORK
OTHERS EL01–45, 000, CONSOLIDATED EDISON COMPANY OF NEW YORK
CAE–48.
DOCKET# ER01–1740, 000, NEW YORK INDEPENDENT SYSTEM OPERATOR, INC.
CAE–49.
OMITTED

Consent Agenda—Markets, Tariffs and Rates—Gas

CAG–1.
DOCKET# RP01–379, 000, TUSCARORA GAS TRANSMISSION COMPANY
CAG–2.
DOCKET# RP98–430, 000, TRANSCONTINENTAL GAS PIPE LINE CORPORATION
CAG–3.
DOCKET# RP00–632, 001, DOMINION TRANSMISSION, INC.
OTHERS RP00–632, 000, DOMINION TRANSMISSION, INC.
CAG–4.
DOCKET# RP93–151, 028, TENNESSEE GAS PIPELINE COMPANY
CAG–5.
DOCKET# RP00–162, 011, PANHANDLE EASTERN PIPE LINE COMPANY
CAG–6.
DOCKET# OR99–5, 000, COLONIAL PIPELINE COMPANY
CAG–7.
DOCKET# RP96–347, 021, NORTHERN NATURAL GAS COMPANY
OTHER#S RP01–382, 000, NORTHERN NATURAL GAS COMPANY
CAG–8.
DOCKET# RP97–406, 031, DOMINION TRANSMISSION, INC.
OTHER#S RP01–74, 006, DOMINION TRANSMISSION, INC.
CAG–9.
DOCKET# RP98–42, 015, ANR PIPELINE COMPANY
OTHER#S RP98–42, 020, ANR PIPELINE COMPANY
CAG–10.
DOCKET# RP00–543, 002, TEXAS EASTERN TRANSMISSION CORPORATION
OTHER#S RP00–543, 001, TEXAS EASTERN TRANSMISSION CORPORATION
CAG–11.
OMITTED
CAG–12.
DOCKET# MG00–7, 002, TEXAS GAS TRANSMISSION CORPORATION
CAG–13.
DOCKET# OR01–2, 000, BIG WEST OIL COMPANY V. FRONTIER PIPELINE COMPANY AND EXPRESS PIPELINE PARTNERSHIP
OTHER#S OR01–3, 000, BIG WEST OIL COMPANY V. ANSCHUTZ RANCH EAST PIPELINE, INC. AND EXPRESS PIPELINE PARTNERSHIP; OR01–4, 000, CHEVRON PRODUCTS COMPANY V. FRONTIER PIPELINE COMPANY AND EXPRESS PIPELINE PARTNERSHIP; OR01–5, 000, CHEVRON PRODUCTS COMPANY V. ANSCHUTZ RANCH EAST PIPELINE, INC. AND EXPRESS PIPELINE PARTNERSHIP
CAG–14.
DOCKET# RP01–377, 000, NORTHERN BORDER PIPELINE COMPANY

Consent Agenda—Energy Projects—Hydro

CAH–1.
DOCKET# P–2035, 008, CITY AND COUNTY OF DENVER, COLORADO

CAH–2.
DOCKET# P–11855, 001, JLH HYDRO INC.
CAH–3.
DOCKET# P–9100, 016, JAMES M. KNOTT
CAH–4. OMITTED
CAH–5. OMITTED
CAH–6. OMITTED

Consent Agenda—Energy Projects—Certificates

CAC–1.
DOCKET# CP00–138, 000, NORTHWEST NATURAL GAS COMPANY
CAC–2.
OMITTED
CAC–3.
OMITTED
CAC–4.
DOCKET# CP00–471, 000, WYOMING INTERSTATE COMPANY, LTD.
CAC–5.
DOCKET# CP01–1, 000, COLORADO INTERSTATE GAS COMPANY
CAC–6.
DOCKET# CP01–64, 000, TRAILBLAZER PIPELINE COMPANY
CAC–7.
DOCKET# CP01–70, 000, COLUMBIA GAS TRANSMISSION CORPORATION
CAC–8.
DOCKET# CP01–23, 000, NORTH BAJA PIPELINE LLC
OTHER#S CP01–22, 000, NORTH BAJA PIPELINE LLC; CP01–24, 000, NORTH BAJA PIPELINE LLC; CP01–25, 000, NORTH BAJA PIPELINE LLC
CAC–9.
DOCKET# CP01–50, 000, THE MONTANA POWER COMPANY AND THE MONTANA POWER, L.L.C.
OTHER#S CP01–51, 000, THE MONTANA POWER COMPANY AND THE MONTANA POWER, L.L.C.
CAC–10.
DOCKET# CP00–401, 001, SUPREX ENERGY CORPORATION AND ALTAGAS FACILITIES (U.S.), INC.
CAC–11.
DOCKET# CP00–233, 002, SOUTHERN NATURAL GAS COMPANY

Energy Projects—Hydro Agenda

H–1.
RESERVED

Energy Projects—Certificates Agenda

C–1.
RESERVED

Markets, Tariffs and Rates—Electric Agenda

E–1.
RESERVED

Markets, tariffa and Rates—Gas Agenda

G–1.
RESERVED

David P. Boergers,

Secretary.

[FR Doc. 01–12178 Filed 5–10–01; 11:14 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–6977–9]

Agency Information Collection Activities: Submission for OMB Review; Comment Request; Indoor Air Quality Practices in Schools Survey

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*), this document announces that the following Information Collection Request (ICR) has been forwarded to the Office of Management and Budget (OMB) for review and approval: Title: Indoor Air Quality Practices in Schools Survey, The ICR describes the nature of the information collection and its expected burden and cost; where appropriate, it includes the actual data collection instrument.

DATES: Comments must be submitted on or before June 13, 2001.

FOR FURTHER INFORMATION CONTACT: For a copy of the ICR contact Sandy Farmer at EPA by phone at (202) 260–2740, by email at *farmer.sandy@epamail.epa.gov,* or download off the Internet at *http://www.epa.gov/icr* and refer to EPA ICR No. 1885.01. For technical questions about the ICR contact John Guevin at EPA by phone at (202) 564–9055.

SUPPLEMENTARY INFORMATION:

Title: Indoor Air Quality Practices in Schools Survey, EPA ICR No. 1885.01. This is a new collection.

Abstract: As part of its authorization under Title IV of SARA, 1986, EPA has been working to promote more effective approaches for preventing, identifying, and solving indoor air quality (IAQ) problems in schools and has developed low-cost guidance entitled IAQ Tools for Schools for that purpose.

The Indoor Air Quality Practices in Schools Survey will allow EPA to gain information regarding the number of schools that have implemented sound IAQ-management practices, such as those activities recommended in its guidance. These data are essential for measuring the effectiveness of EPA's outreach efforts against the Agency's established GPRA goal. EPA is working towards achieving the implementation of sound IAQ practices in 15 percent (or 16,650) of the nation's public and private schools by 2005.

This survey is voluntary. EPA does not expect to receive confidential information from the schools voluntarily participating in the Survey. However, if a respondent does consider the information submitted to be of a proprietary nature, EPA will assure its confidentiality based on the provisions of 40 CFR Part 2, Subpart B, ''Confidentiality of Business Information.''

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for EPA's regulations are listed in 40 CFR Part 9 and 48 CFR Chapter 15. The **Federal Register** document required under 5 CFR 1320.8(d), soliciting comments on this collection of information was published on 10/20/2000 (FR–6886–3); 1 comment was received.

Burden Statement: The annual public reporting and record keeping burden for this collection of information is estimated to average 1.3 hours per response for completing the survey by mail and 0.8 hours per response for completing the survey by telephone. Burden means the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a Federal agency. This includes the time needed to review instructions; develop, acquire, install, and utilize technology and systems for the purposes of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; adjust the existing ways to comply with any previously applicable instructions and requirements; train personnel to be able to respond to a collection of information; search data sources; complete and review the collection of information; and transmit or otherwise disclose the information.

Respondents/Affected Entities: Public and private elementary and secondary schools operating in the United States.

Estimated Number of Respondents: 1,612.

Frequency of Response: Twice.

Estimated Total Annual Hour Burden: 564 hours.

Estimated Total Annualized Capital and O&M Cost Burden: $0.

Send comments on the Agency's need for this information, the accuracy of the provided burden estimates, and any suggested methods for minimizing respondent burden, including through the use of automated collection techniques to the following addresses. Please refer to EPA ICR No. 1885.01 in any correspondence.

Ms. Sandy Farmer, U.S. Environmental Protection Agency, Office of Environmental Information,

Collection Strategies Division (2822), 1200 Pennsylvania Avenue, NW., Washington, DC 20460.

and

Office of Information and Regulatory Affairs, Office of Management and Budget, Attention: Desk Officer for EPA, 725 17th Street, NW., Washington, DC 20503.

Dated: May 3, 2001.

Oscar Morales,

Director, Collection Strategies Division.

[FR Doc. 01–12047 Filed 5–11–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[AD–FRL–6977–5]

RACT/BACT/LAER Clearinghouse: Notice of Public Workshops

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of public workshops.

SUMMARY: The EPA operates a clearinghouse of air pollution control technology information known as the Reasonably Available Control Technology (RACT), Best Available Control Technology (BACT), Lowest Achievable Emission Rate (LAER) Clearinghouse (RACT/BACT/LAER Clearinghouse or RBLC). The RBLC has recently received funding needed to implement major improvements and gather missing information. To effectively use these resources, the RBLC needs to communicate with and consider the needs of its users and potential clients. Consequently, several public workshops will be held in 2001 to get user input. The purpose of this notice is to announce the dates and locations of the initial workshops.

DATES: The first two public workshops are scheduled for June 6, 2001 and June 13, 2001. Two additional workshops are under consideration for July 2001 and August 2001.

ADDRESSES: The first workshop will be held in the Ronald Reagan Building in Washington, DC. The second workshop will be held in the EPA's Environmental Research Center in Research Triangle Park, North Carolina. Both workshops will run from 9 a.m. until 5 p.m., Eastern Daylight time, with registration from 8:30 a.m. to 9 a.m. Two other workshops are tentatively scheduled to be held in Denver, Colorado and Chicago, Illinois.

FOR FURTHER INFORMATION CONTACT: The Clean Air Technology Center (CATC) website at *http://www.epa.gov/ttn/catc* contains detailed information regarding each workshop. Alternatively, you may send an e-mail to catcmail@epa.gov or call the CATC hotline at 919–541–0800 with general questions. A pre-registration form is available on the website. Participants are encouraged to pre-register for the workshops.

SUPPLEMENTARY INFORMATION: The terms RACT, BACT, and LAER indicate emission control and pollution prevention measures required by different provisions of the Clean Air Act. New Source Review (NSR) requirements are case-by-case decisions or determinations based on the requirements of the applicable regulation. The NSR BACT requirements apply to major new and modified sources located in attainment areas (i.e., areas attaining the National Ambient Air Quality Standards (NAAQS)) and subject to Prevention of Significant Air Quality Deterioration (PSD) permitting requirements. The NSR LAER requirements apply to major new and modified sources located in nonattainment areas (i.e., areas that do not meet a NAAQS). Existing sources located in nonattainment areas are subject to RACT requirements. The RACT determinations may also be made on a case-by-case basis, but typically RACT requirements have been prescribed by State and local rules and regulations. The RBLC is primarily a Clearinghouse for air pollution control and pollution prevention technology determinations required for major new and modified sources subject to NSR (BACT & LAER) permitting requirements.

The RBLC will be hosting several public workshops in 2001 to get user input for our efforts to implement improvements to the RBLC. Permitting agency staff represent about one-third of those using the RBLC. The remaining two-thirds of users represent industry, consultants and lawyers preparing NSR permit applications or searching for good technology options for their air pollution abatement problems. The first public workshop will be held in Washington, DC on June 6, 2001. The second public workshop will be held in Research Triangle Park, NC on June 13, 2001. Two other workshops under consideration are tentatively scheduled for Denver, CO in July 2001 and Chicago, IL in August 2001.

Further information regarding the public workshops can be found on EPA's Clean Air Technology Center (CATC) website at http://www.epa.gov/ttn/catc. The website contains the details of the first two workshops (location, agenda, etc.) and will include information on additional workshops after arrangements have been made. We will not publish a separate **Federal Register** notice to announce future workshops. The website contains a pre-registration form, and we encourage participants to pre-register for the workshops. In addition to the website, you may contact us via e-mail at catcmail@epa.gov or call the CATC hotline at 919–541–0800.

Dated: April 27, 2001.

Thomas C. Curran,

Acting Director, Office of Air Quality, Planning and Standards.

[FR Doc. 01–12046 Filed 5–11–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Sunshine Act Meeting

May 8, 2001.

Deletion of Agenda Item From May 10th Open Meeting

The following item has been deleted from the list of agenda items scheduled for consideration at the May 10, 2001, Open Meeting and previously listed in the Commission's Notice of May 3, 2001.

ITEM NO: 2.

BUREAU: Mass Media.

SUBJECT:

TITLE: Cross-Ownership of Broadcast Stations and Newspapers; and Newspaper/Radio Cross-Ownership Waiver Policy (MM Docket No. 96–197).

SUMMARY: The Commission will consider a Notice of Proposed Rule Making proposing to modify, eliminate, or retain its rule that prohibits common ownership of broadcast stations and newspapers within the same geographic area.

Federal Communications Commission.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–12157 Filed 5–10–01; 9:58 am]

BILLING CODE 6712–01–M

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1354–DR]

Arkansas; Amendment No. 10 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster for the State of Arkansas, (FEMA–1354–DR), dated December 29, 2000, and related determinations.

EFFECTIVE DATE: April 24, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: The notice is hereby given that as authorized by the President in a letter dated March 1, 2001, FEMA is extending the time period for Federal funding for debris removal at 100 percent of total eligible costs through June 28, 2001.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Lacy E. Suiter,

Executive Associate Director.

[FR Doc. 01–12031 Filed 5–11–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1365–DR]

Mississippi; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Mississippi (FEMA–1365–DR), dated April 17, 2001, and related determinations.

EFFECTIVE DATE: April 17, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–3772.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated April 17, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121, as follows:

I have determined that the damage in certain areas of the State of Mississippi, resulting from severe storms and flooding on April 3–5, 2001, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Mississippi.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes, such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance, Public Assistance, and Hazard Mitigation in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance or Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

Notice is hereby given that pursuant to the authority vested in the Director of the Federal Emergency Management Agency under Executive Order 12148, I hereby appoint John D. Hannah of the Federal Emergency Management Agency to act as the Federal Coordinating Officer for this declared disaster.

I do hereby determine the following areas of the State of Mississippi to have been affected adversely by this declared major disaster:

Attala, Holmes, and Lee Counties for Individual Assistance.

Attala, Holmes, Leake, Lee, and Neshoba Counties for Public Assistance.

All counties within the State of Mississippi are eligible to apply for assistance under the Hazard Mitigation Grant Program.

(The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 83.537, Community Disaster Loans; 83.538, Cora Brown Fund Program; 83.539, Crisis Counseling; 83.540, Disaster Legal Services Program; 83.541, Disaster Unemployment Assistance (DUA); 83.542, Fire Suppression Assistance; 83.543, Individual and Family Grant (IFG) Program; 83.544, Public Assistance Grants; 83.545, Disaster Housing Program; 83.548, Hazard Mitigation Grant Program)

Joe M. Allbaugh,

Director.

[FR Doc. 01–12032 Filed 5–11–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

Open Meeting of the Federal Interagency Committee on Emergency Medical

Services (FICEMS)

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Notice of open meeting.

SUMMARY: FEMA announces the following open meeting.

Name: Federal Interagency Committee on Emergency Medical Services (FICEMS).

Date of Meeting: June 7, 2001.

Place: Room N–408, Building N, National Emergency Training Center (NETC), 16825 South Seton Avenue in Emmitsburg, Maryland 21727.

Time: 10:30 a.m.

Proposed Agenda: Review and submission for approval of previous FICEMS Committee Meeting Minutes; Ambulance Design Subcommittee and Technology Subcommittee Reports; presentation of member agency reports; reports of other Interested parties; and a discussion on Data Collection on the Use of Automatic External Defibrillators (AED) by Federal agencies.

SUPPLEMENTARY INFORMATION: This meeting will be open to the public with limited seating available on a first-come, first-served basis. Members of the general public who plan to attend the meeting should contact Cindy Wivell, United States Fire Administration, 16825 South Seton Avenue, Emmitsburg, Maryland 21727, (301) 447–1083, on or before Tuesday, June 5, 2001.

Minutes of the meeting will be prepared and will be available upon request 30 days after they have been approved at the next FICEMS Committee Meeting on September 6, 2001. The minutes will also be posted on the United States Fire Administration website at *http://www.usfa.fema.gov/ems/ficems.htm* within 30 days after their approval at the September 6, 2001 FICEMS Committee Meeting.

Dated: May 4, 2001.

Kenneth O. Burris, Jr.,

Acting U.S. Fire Administrator, United States Fire Administration.

[FR Doc. 01–12034 Filed 5–11–01; 8:45 am]

BILLING CODE 6718–08–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Mine Safety and Health Research Advisory Committee (MSHRAC): Notice of Recharter

This gives notice under the Federal Advisory Committee Act (Public Law 92–463) of October 6, 1972, that the Mine Safety and Health Research Advisory Committee, National Institute for Occupational Safety and Health, of the Department of Health and Human Services, has been rechartered for a 2-year period, through November 30, 2002.

For further information, contact Larry Grayson, Ph.D., Executive Secretary, MSHRAC, CDC, 200 Independence Avenue, SW., Room 715–H, Humphrey Building, Washington, DC 20201. Telephone 202/401–2192, fax 202/260–4464, e-mail *lhg9@cdc.gov*.

The Director, Management Analysis and Services office has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: May 8, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–12000 Filed 5–11–01; 8:45 am]

BILLING CODE 4163–19–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01086]

Centers of Excellence for Autism and Other Developmental Disabilities Epidemiology; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for Centers of Excellence for Autism and Other Developmental Disabilities Epidemiology. This program addresses the ''Healthy People 2010'' focus area Maternal, Infant, and Child Health.

The purpose of the program is to collect and analyze epidemiologic data on the prevalence, correlates, and causes of autism and other developmental disabilities. The Centers will be part of a collaborative network investigating autism spectrum disorder (ASD) and other developmental disabilities. The Centers will conduct active population-based surveillance; multi-Center analytic case-control studies; and Center-initiated special studies (see Attachment II for Background).

B. Eligible Applicants

Assistance will be provided only to the Health Departments of States or their bona fide agents, including the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, American Samoa, Guam, federally recognized Indian tribal governments, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau.

Competition is limited to State Health Departments because they maintain public health responsibility for these health conditions, and their record systems and expertise are essential to program success. State agencies, or their bona fide agents, applying under this announcement, that are other than the official State Health Department must provide written concurrence on the application from the official State Health Department.

Only one application from each State or Territory may be submitted.

Applicants must document a study population of at least 30,000 live births per year within a State, a contiguous area of a State (such as the catchment of a local health agency), or a contiguous area comprised of a combination of States.

Applicants who are unable to document the minimum study population size based on live birth data from their State Health Department or proxy data from the US Census Bureau (based on 1999 Postcensal estimates) will be determined ineligible. The applicant should include this information as part of the abstract. If it is not included, then the application will be determined as non-responsive and returned without review.

C. Availability of Funds

Approximately $2,000,000 will be available in FY 2001 to fund approximately four awards. It is expected that the average award will be $500,000, ranging from $400,000 to $700,000. It is expected that the awards will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

Funding Preferences

Priority consideration may be given to the establishment of Centers of Excellence in different geographic areas of the United States, its Territories, and Indian tribal governments to assure a broad geographic representation insofar as possible. This is based on legislative intent as provided in the Children's Health Act of 2000. Additional priority consideration may be given to the selection of Centers of Excellence which, as a group, provide for a diverse racial and ethnic population.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), CDC will be responsible for the activities listed under 2. (CDC Activities). A Coordinating Committee will be established to coordinate cross-Center activities as listed under 3. (Collaborative Responsibilities).

1. Recipient Activities

A. Surveillance System

1. Develop or enhance a population-based epidemiologic surveillance system for ASD and other developmental disabilities to generate timely population-based data. Activities may include, but not be limited to, development or enhancement of surveillance case definitions, multiple source case ascertainment methods (e.g., from educational and medical sources), and data collection instruments.

2. Establish or enhance a multiple-source methodology for case ascertainment by developing collaborative relationships with appropriate professionals and organizations.

3. Develop or enhance a plan for training community service providers to improve case ascertainment.

4. Implement or enhance quality assurance procedures to ensure that study protocols are followed.

5. Develop or enhance an evaluation plan for estimating the validity and completeness of the surveillance system.

6. Develop, implement, and evaluate a plan to use surveillance data to

improve community and service provider awareness of ASD and other developmental disabilities and/or access of children with ASD and other developmental disabilities to comprehensive, community-based, family-centered care.

B. Collaborative Case-Control Study

Collaborate with other Centers funded by this announcement to design, implement, analyze, and evaluate joint case-control studies based on a pooled study data base (see 3., Collaborative Responsibilities, below). The pooled data will be used by Centers funded under this announcement to address a variety of epidemiologic research issues related to ASD and other developmental disabilities. It is anticipated that the collaborative protocol would be developed and initiated in the first year of the grant award. Each Center will be responsible independently for on-site activities, such as selection and enrollment of study subjects, implementation of the joint study protocol, quality assurance procedures, data management, and timely submission of computerized data to a central repository for inclusion in a pooled data set (see 3., Collaborative Responsibilities, below).

C. Center-Initiated Special Studies

Develop, implement, and evaluate a Center-initiated special study drawing on special strengths and expertise of Center staff. It is anticipated that development of the special study would be initiated in Year 2 of the grant award and utilize the Center's surveillance and case-control study infrastructure. The study could include, but may not be limited to, the following issues related to ASD or other developmental disabilities:

1. Evaluation of pre-, peri-, and/or postnatal risk factors, including genetic factors and environmental exposures.

2. Evaluation of natural history, including associated developmental disabilities and secondary conditions.

3. Identification of biomarkers.

4. Evaluation of economic costs.

5. Development, implementation, and evaluation of intervention programs for children with ASD and their families.

D. Disseminate Findings of the Surveillance, Collaborative Case Control, and Center-Initiated Special Studies Activities for the Professional Community and the Public to Increase Public Health Awareness

E. Coordinating Committee (CC)—Participate Fully in the Establishment and Operation of the CC, Comprised of Principle Investigators of the Centers of Excellence (see 3., Collaborative Responsibilities, below)

2. CDC Activities

A. Surveillance Activities

1. Assist recipient, as requested, in the development and implementation of surveillance activities including the development of standardized surveillance case definitions.

2. Provide current information on surveillance methods, as requested, including the identification of potential sources for surveillance.

3. Assist recipient, as requested, in the development of quality assurance procedures.

4. Provide assistance, as requested, in the development of an evaluation plan for the completeness and validity of data from the surveillance system.

5. Facilitate communication/coordination among Centers, as requested, to improve efficiency of activities and quality of surveillance data.

6. Provide technical consultation regarding data analyses as requested.

B. Collaborative Case-Control Studies

1. Assist recipients as requested in developing a plan for on-site activities, such as selection and enrollment of study subjects, implementation of the joint study protocol, quality assurance procedures, data management, and timely submission of computerized data to a central repository for inclusion in a pooled data set.

2. Obtain Center for Disease Control Institutional Review Board clearances and OMB clearance as necessary.

C. Coordinating Committee

Provide assistance as requested to the Centers in the establishment and conduct of activities carried out by the CC.

3. Collaborative Responsibilities (Coordinating Committee)

The CC will provide leadership and collaborative work to: (1) Enhance surveillance efforts across all Centers, including establishment of a multi-Center pooled data set, (2) develop a plan for the multi-Center case-control study, and (3) enhance communication and collaboration among Centers. The CC will combine the expertise and resources of the Centers to achieve a more integrated and effective program in surveillance and epidemiologic studies of ASD and other developmental disabilities. It is anticipated that critical issues for understanding the epidemiology of ASD and other developmental disabilities will be better defined through the deliberations of the CC. Periodic scientific meetings and proceedings of these meetings will be used to advance the state of knowledge in the field of ASD and developmental disabilities epidemiology. The CC may designate working groups for specific purposes, made up of staff members from the Centers. The working groups could include, but may not be limited to:

1. Surveillance work groups to establish common case definitions and surveillance data elements for a multi-Center pooled surveillance data set;

2. For the collaborative case-control study, working groups to establish (a) suitable study hypotheses, (b) case and control definitions, (c) study protocol and methodology, such as collection of biosamples, and/or (d) data collection instruments.

A plan will be developed by the CC for a Center-funded repository for the pooled surveillance and case-control study data for common use by all Centers. The CC, or a designated work group, will establish procedures for management, access and use of the repository and it's pooled data.

E. Application Content

Applicants should 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 for applicants to follow them in laying out the program plan. Forms are in the application kit.

F. Submission and Deadline

Letter of Intent

A letter of intent (LOI) is requested to enable CDC to determine the level of interest in the announcement. Include name, address, and telephone number.

The LOI is requested on or before June 11, 2001. Submit the letter of intent to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Application

Submit the original and five copies of PHS 398 (OMB Number 0925–0001) on

or before July 09, 2001, to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement. Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the Objective Review Panel. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Understanding the Problem (15 Points)

a. Extent to which applicant has a clear, concise understanding of the requirements and purpose of the cooperative agreement;

b. Extent to which applicant understands the issues, challenges, and barriers associated with developing and implementing population-based surveillance and epidemiologic studies for ASD and other developmental disabilities;

c. Extent to which applicant understands the issues, challenges, and barriers associated with case ascertainment for ASD; and

d. Extent to which applicant describes the need for funds to develop/enhance ASD and other developmental disability surveillance and epidemiologic studies in their State.

2. Goals and Objectives (15 Points)

a. Extent to which applicant clearly describes the short-term and long-term goals and measurable objectives of the project;

b. Extent to which applicant's goals and objectives are realistic and are consistent with the stated goals and purpose of this announcement;

c. The degree to which applicant has met the CDC policy requirements regarding the inclusion of women, ethnic and racial groups in the proposed research. This includes:

i. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

ii. The proposed justification when representation is limited or absent.

iii. A statement as to whether the design of the study is adequate to measure differences when warranted.

iv. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

3. Description of Program and Methodology (30 Points)

a. Extent to which applicant describes the methods they will use to (1) identify all relevant sources for surveillance case ascertainment for ASD and other developmental disabilities within the study area; (2) obtain permission to access records from relevant sources; (3) develop standard case definitions for ASD and other developmental disabilities and implement a strategy to conduct multiple-source case ascertainment; (4) train community service providers to improve case ascertainment; (5) develop and implement quality assurance procedures and an evaluation plan for the surveillance system; (6) develop and implement a plan to use surveillance data to improve public awareness of ASD and other developmental disabilities and/or access to care of affected children; and (7) develop an analytic and dissemination plan, and prepare manuscripts.

b. Extent to which applicant describes the plan for implementing the collaborative case-control study, including selection and enrollment of cases and controls from the applicant's study population.

c. Extent to which the applicant describes the objectives, based on special strengths and expertise of the applicant, for a Center-initiated special study.

4. Collaborative Efforts (15 Points)

a. Extent to which applicant demonstrates the ability to collaborate with multiple sources such as school systems, diagnostic centers, health/mental health service providers and other intervention service providers for the purpose of case ascertainment (include written assurances).

b. Extent to which applicant demonstrates their willingness to collaborate with other Centers to develop joint project efforts and carry out the joint project efforts in a manner that allows for pooling of standardized data.

c. Extent to which recipient identifies possible collaborative relationships with existing surveillance and research programs that may enhance recipients' future research activities (e.g., birth defects surveillance, NIH CPEAs, PROS).

d. Extent to which collaborative efforts with other relevant programs are documented (such as Part C, State developmental disabilities programs, genetics programs etc.)

5. Evaluation Plan (10 Points)

a. Extent to which applicant describes an evaluation plan that will monitor reliability, progress, timeliness, and completeness of the objectives and activities of the project.

b. Extent to which applicant describes a study to evaluate the completeness of ascertainment of children for the surveillance portion of the study.

6. Staffing and Management System (15 Points)

a. Extent to which key personnel have qualifications, skills and experience in epidemiologic methods, public health surveillance, data management and analysis to develop and implement surveillance and analytic studies in ASD and other developmental disabilities.

b. Extent to which applicant has the ability to manage and coordinate surveillance, research, and integration components of the project.

c. Extent to which applicant demonstrates expertise in abstracting and reviewing records.

d. Extent to which there is appropriate dedicated staff time to develop and implement the project.

e. Extent to which applicant provides an appropriate time line and includes activities and personnel responsibilities.

f. Extent to which applicant demonstrates an organizational structure (include an organizational chart) and facilities/space/equipment that are adequate to carry out the activities of the program.

7. Human Subjects Review (Not Scored)

Does the applicant adequately address the requirements of 45 CFR Part 46 for the protection of human subjects?

8. Budget (Not Scored)

The extent to which the budget is reasonable, clearly justified, and consistent with the intended use of funds. Applicants should include in their first year budget two trips to CDC, Atlanta for up to two persons and two days each trip.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Progress reports (semiannual);
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.

For descriptions of the following Other Requirements, see Attachment I.

AR–1 Human Subjects Requirements
AR–2 Requirements for Inclusion of Women and Racial and Ethnic Minorities in Research
AR–7 Executive Order 12372 Review
AR–9 Paperwork Reduction Act Requirements
AR–10 Smoke-Free Workplace Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under sections 301 and 317 of the Public Health Service Act [42 U.S.C. sections 241 and 247b] as amended, and Section 102 of the Children's Health Act of 2000 (Pub. L. 106–310). 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 receive additional written information and to request an application kit, call 1–888–GRANTS4 (1–888–472–6874). You will be asked to leave your name and address and will be instructed to identify the Announcement number of interest.

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Nancy Pillar, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: 770–488–2721, Email: nfp6@cdc.gov.

For program technical assistance, contact: Diana Schendel, Ph.D., National Center on Birth Defects and Developmental Disabilities, 4770 Buford Highway, Mail Stop F–15, Atlanta, Georgia 30341, Telephone number: 770–488–7359, Email: dcs6@cdc.gov.

Dated: May 8, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01095]

Building Quality Parent Components for School-Based Health Programs in Elementary and Middle Schools; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement program for Building Quality Parent Components for School-Based Health Programs in Elementary and Middle Schools. This program addresses the ''Healthy People 2010'' focus areas of Family Planning, HIV, Nutrition and Over weight, Physical Activity and Fitness, Sexually Transmitted Disease, and Tobacco Use. A goal of this program is to eliminate health disparities among different segments of the population.

The purpose of this cooperative agreement is to develop and evaluate parent-focused intervention components to be used as a supplement for school-based sexual risk reduction and chronic disease risk factor prevention programs in elementary and middle schools. These intervention components would be designed to assist parents in reducing the risk behaviors of their children. The risk factors among young people being targeted by this program are sexual risk behaviors and chronic disease risk factors which include tobacco use, physical inactivity, poor nutrition, and being overweight or at risk of becoming overweight. Interventions will target parents (i.e., primary caregivers) of elementary or middle school students.

For the purposes of this announcement, parents are defined as primary caregivers who are biological parents or legal guardians (e.g., adoptive parent, stepparent, grandparent) of elementary and middle school students. Primary caregivers are individuals who take primary responsibility for providing care for their children. Parents (i.e., primary care-givers) are eligible for the study if their elementary or middle school children currently reside with them and if they have lived in the same residence with their elementary or middle school children for at least one year prior to the study.

Sexual risk reduction interventions are programs that show promise of success or have demonstrated evidence of efficacy in delaying initiation of sexual activity among young people, increasing condom or contraceptive use among sexually active young people, or decreasing frequency of intercourse or number of sexual partners among sexually active young people. Chronic disease risk factor prevention interventions are programs that show promise of success or have demonstrated evidence of efficacy in preventing initiation or promoting a decrease of tobacco use among young people, increasing physical activity, increasing healthy eating, or decreasing the number of children who are overweight or at risk of becoming overweight. Youth tobacco use prevention programs are included in this announcement, however, youth tobacco cessation programs are not within the scope of this announcement.

Please reference to Appendix 1 for background information relevant to this program announcement.

B. Eligible Applicants

Applications may be submitted by public and private nonprofit organizations and by governments and their agencies; that is, universities, colleges, research institutions, hospitals, other public and private nonprofit organizations, State, territorial, and local governments or their bona fide agents, and federally recognized Indian tribal governments, Indian tribes, or Indian tribal organizations.

Successful applicants shall demonstrate a history of conducting evaluation research in partnership with interdisciplinary groups of health researchers and local racial and ethnic minority communities on applied social and behavioral science projects.

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.

A. Availability of Funds

Approximately $300,000 is available in FY 2001 to fund one award. It is expected that the award will begin on or about August 31, 2001, and will be made for a 12-month budget period within a project period of up to five years. First year funding will be approximately $300,000 because the first year of the project is expected to be a planning year.

Subsequent funding years are expected to be funded at approximately $700,000. Funding estimates may vary and are subject to change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and the availability of funds.

B. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Establish and maintain appropriate staff positions allocated to specific responsibilities including a Research Director and a Project Director with research and training experience and allocated time sufficient to achieve the objectives of this program announcement.

b. Lead an expert panel of individuals with demonstrated experience in conducting research on parental influences on adolescent risk behaviors or who have developed and implemented parent-based interventions. The purpose of the panel should be to refine and further develop the parent intervention components. Develop final version of the parent components.

c. Develop a quasi-experimental or experimental evaluation design in which sites or individual participants (or some other justified unit) will be randomized to the control or comparison condition or the experimental condition. An evaluation plan should be developed to include both process and outcome evaluation components. Refine research questions, conceptual frameworks, measurement and analysis strategies, and intervention protocols to meet program goals. Develop strategies to maintain an adequate response rate through the follow-up period.

d. Collaborate and coordinate efforts with appropriate school, parent, and community organizations to identify schools to participate in the study and obtain approvals. Efforts should be made to include members of the targeted population in developing and revising the research and intervention activities whenever appropriate and feasible. Plans to collaborate with schools to sustain successful interventions beyond the duration of the project should be made.

e. Develop a research protocol for local and CDC Institutional Review Board review.

f. Recruit participants into the study. Conduct intervention components designed to assist parents in reducing sexual risk behavior and preventing chronic disease risk factors among young people in elementary or middle school.

g. Collect data from participants at baseline (i.e., prior to the delivery of the intervention), immediately following the completion of the intervention, and 12 months following the completion of the intervention.

h. Analyze data according to planned strategies in order to measure the success of interventions with targeted populations in comparison to a control/comparison group, which should consist of the existing sexual risk reduction and chronic disease risk factor prevention programs without the parent component supplements. Behavioral outcomes (e.g., increasing condom use, preventing tobacco initiation, increasing healthy eating) should be measured, on both parents and children. Knowledge and attitude assessment may be included, in additional to behavioral outcomes. Parental outcomes (e.g., measures of parental monitoring, communication, parental modeling) should be measured with both parents and children.

i. Develop a plan for disseminating results of the research to members of the scientific, programmatic, and targeted communities through scientific publications, presentations and other appropriate methods.

2. CDC Activities

a. Assist in selection of the student interventions. Participate in an expert panel to refine and further develop the parent intervention components. Assist with the development of the final version of the parent components.

b. Assist in the development of research and evaluation protocols for the study and for IRB review by all cooperating institutions participating in the research project. The CDC IRB will review the protocol initially and on at least an annual basis until the research project is completed.

c. Assist with the scientific and technical coordination of the general operation of the research project, including data management support.

d. Assist in the analysis of data gathered from program activities and the reporting of results.

e. Collaborate in the dissemination of evaluation findings through scientific publications and presentations.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections and the instructions and format provided below to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 30 double-spaced pages, printed on one side, with one inch margins, and unreduced font.

The application should include an abstract and general introduction, followed by one narrative subsection per application content element (1–7) in the order in which the elements appear below. Each narrative subsection should be labeled with the element title and contain all of the information needed to evaluate that element of the application (except for curriculum vitae, references, intervention descriptions and materials, and letters of support). The referenced exception materials should be placed in the appendices section of the application.

1. Specific Aims, Background and Significance

a. List the broad, long-term objectives and what the specific research proposed in this application is intended to accomplish. State the hypotheses to be tested.

b. Provide a review of the relevant literature to specify a theoretical and empirical justification for the proposed research, and clearly describe how the proposed intervention will advance efforts to reduce sexual risk behaviors and prevent chronic disease risk factors among young people in elementary or middle school by intervening with parents (i.e., primary caregivers) of elementary or middle school young people. Specifically, the application should include explicit models (with schematic drawings) that illustrate factors to be modified through the intervention and that explain the mechanisms by which outcome effects are produced.

2. Intervention Plan

a. Describe, in detail, the school-based sexual risk reduction and chronic

disease risk factor prevention curricula to which a parent component will be added. Provide evidence that the selected programs have been found to be efficacious or promising with elementary or middle school students. Describe the proposed potential parent components to be added to these curricula and how these will fit into the proposed interventions for young people. Provide evidence justifying inclusion of the proposed parent components as promising strategies to reduce risk behaviors.

b. Discuss why the planned parent intervention components are promising. Intervention descriptions should be provided if possible. Discuss feasibility and acceptability of the intervention in a school setting and among parents and why it is expected that the planned intervention components will avoid the problems of parent recruitment and retention encountered by other parent programs.

3. Research Plan

a. Describe all aspects of the study design and methods, including the evaluation design (both process and outcome), and how threats to validity will be handled; a detailed description of the targeted population, including but not limited to age, grade, sex, race, socioeconomic status, and how the population will be accessed; instrumentation; the sampling strategy (including a justification for the sampling unit, sample size, power analysis justifying the sample size, an indication of expected effect sizes, and the randomization strategy); and training plans for individuals collecting data, and data collection plans, including but not limited to, linking participants' responses between measurement periods.

b. Describe plans for recruitment and retention of both parents and children into the study, including expected sample attrition during both intervention and measurement phases. Describe how study participants will be tracked and what strategies will be used to increase retention.

c. Describe how the intervention implementation process will be measured and how the findings will be used to monitor implementation and provide feedback to staff, and to explicate other findings. Include plans to maintain detailed records of the costs involved in implementation such that cost-effectiveness and cost-benefit analyses can be performed.

d. Describe the plans and quality assurance monitoring for data management, plans for data analysis, and interpretation.

e. Describe the potential limitations of the results given the complexity of the research focus, the targeted population, and the applied nature of the evaluation; to whom the findings will be generalizeable; and how they can be used to develop national recommendations for including parents in efforts to reduce sexual risk behaviors and prevent chronic disease risk factors among children in elementary and middle schools.

f. Discuss how the proposed study will meet the CDC Policy requirements regarding the inclusion of women, ethnic, and racial groups in the proposed research. This includes:

1. The proposed plan for the inclusion of both sexes and racial and ethnic minority populations for appropriate representation.

2. The proposed justification when representation is limited or absent.

3. A statement as to whether the design of the study is adequate to measure differences when warranted.

4. A statement as to whether the plans for recruitment and outreach for study participants include the process of establishing partnerships with community(ies) and recognition of mutual benefits.

4. Research and Intervention Capacity

a. Demonstrate the feasibility of the proposed research by providing a detailed time-line, with specific products, specifying which staff person will be responsible for which task.

b. Describe the research team and show that the proposed research staff for the project represents an interdisciplinary team of behavioral and social scientists with the scientific training and the previous scientific and practical experience needed to conduct and complete high quality research within the specified time-line, as evidenced by the successful completion of past research in the areas proposed in this application. Describe previous service or research conducted with this population.

c. Demonstrate the adequacy of the proposed staff, through curriculum vitae and position descriptions that detail responsibilities, to carry out all proposed activities (i.e., sufficient in number, percentage of time commitments, behavioral or social scientists in key project positions, and qualifications).

d. Describe the facilities, data processing and analysis capacity, and systems for management of data security and participant confidentiality.

5. Collaboration, Sustainability, and Dissemination

a. Describe how academic, program, and community partners will participate in developing, conducting, and evaluating the proposed research. Specifically, describe the involvement of appropriate key organizations and members of the targeted population and discuss previous work of the proposed collaborators. Include letters of support from proposed collaborating organizations indicating willingness to participate in the proposed research, including but not limited to, evidence of past successful collaboration, willingness to be randomized to a control/comparison or experimental condition, and the number and demographic characteristics of young people served.

b. Define the responsibilities of collaborating partners and identify a primary contact within collaborating organizations.

c. Discuss efforts to be made throughout the project period to ensure that the intervention will be sustained once Federal funding ends.

d. Provide a clear dissemination plan to include, but not limited to, the timely sharing of findings with local partners; and include a plan to work with other sites to ensure that analysis and production of scientific papers and reports give priority to findings that can be used to develop national prevention recommendations for inclusion of parents in efforts to reduce sexual risk behavior and prevent chronic disease risk factors among young people in elementary or middle school. Describe key dissemination products including peer-reviewed publications and presentations that can be used by program planners, policy makers, and other interested parties.

6. Budget with Justification

Provide a detailed budget with a line-item justification that is consistent with the proposed activities.

7. Human Subjects

Does the applicant adequately address the requirements of Title 45 CFR Part 46 for the protection of human subjects?

F. Submission and Deadline

Application

Submit the original and five copies of PHS 398 (OMB Number 0925–0001). Forms are available at the following Internet address: http://forms.psc.gov, or in the application kit.

On or before June 22, 2001, submit the application to the Grants Management Specialist identified in the ''Where to

Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria (Total 100 Points)

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC:

1. Specific Aims, Background, and Significance (10 points)

a. The extent to which the specific aims and objectives of the proposed research are clearly stated and justified and the stated hypotheses are testable.

b. The extent to which a comprehensive review of the relevant literature and specification of a theoretical and empirical justification for the proposed research is provided.

2. Intervention Plan (25 points)

a. The extent to which the applicant adequately describes the school-based sexual risk reduction and chronic disease risk factor prevention intervention curricula to which a parent component will be added and describes the proposed parent components. The extent to which evidence is provided that the selected programs have been found to be efficacious or promising with elementary or middle school students.

b. The extent to which the applicant addresses the issues of feasibility and acceptability of the intervention in a school setting and among parents. The extent to which the planned intervention components can be expected to avoid the problems of parent recruitment and retention encountered by other parent programs.

3. Research Plan (30 points; a–e, 25 pts.; f, 5 pts.)

a. The extent to which the study and evaluation design (both process and outcome) and methods are scientifically sound. Demonstrated ability to access the target population. The adequacy of the proposed instrumentation; the sampling strategy; training plans for individuals collecting data, and data collection plans.

b. The adequacy with which study participants will be tracked, and the extent to which strategies presented are likely to produce adequate recruitment and retention of participants (includes expected attrition).

c. The extent to which the intervention implementation process can be measured and findings used to monitor implementation and provide feedback to staff as well as to replicate the intervention in other settings, including the ability to perform cost-effectiveness and cost-benefit analyses.

d. The extent to which the plans for data management, data analysis, and interpretation are clear, appropriate and are monitored adequately for quality.

e. The extent to which the evaluation will provide results that are scientifically sound, generalizeable, and useful for developing national recommendations for the inclusion of parent components in school programs.

f. The extent to which the applicant has met the CDC Policy requirements regarding the inclusion of women and ethnic and racial groups in the proposed research.

4. Research and Intervention Capacity (20 points)

a. The feasibility of the proposed research plan and the adequacy of the time-line with specific products, specifying which staff person will be responsible for which task.

b. The extent to which the proposed research staff represents an interdisciplinary team of behavioral and social scientists with the scientific training and the previous experience needed to conduct high quality research within the specified time-line.

c. The adequacy of the proposed staff, as evidenced by curriculum vitae and position descriptions that detail responsibilities, to conduct all proposed activities (i.e., sufficient in number, percentage of time commitments, behavioral scientists in key project positions, and qualifications).

d. The adequacy of facilities, data processing and analysis capacity, and systems for management of data security and participant confidentiality.

5. Collaboration, Sustainability, and Dissemination (15 points)

a. The extent to which the applicant includes academic and community partners in developing, conducting, and evaluating the proposed research, and includes the involvement of appropriate key organizations and members of the targeted population. Degree to which applicant includes letters of support from proposed collaborating organizations. The extent to which the responsibilities of collaborating partners are defined.

b. The adequacy of efforts to be made throughout the project period to ensure that the intervention will be sustained once Federal funding ends.

c. The extent to which the dissemination plan is clearly articulated and includes the timely sharing of findings with local partners.

6. Budget (Not Scored)

Extent to which the budget is reasonable, itemized, clearly justified, and consistent with the intended use of the funds.

7. 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 original plus two copies of

1. Progress reports (annual, semiannual, or quarterly);

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.

For a description of the following Other Requirements, 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–4 HIV/AIDS Confidentiality Provisions
AR–5 HIV Program Review Panel Requirements
AR–8 Public Health System Reporting Requirements
AR–9 Paperwork Reduction Act Requirements
AR–11 Healthy People 2010
AR–12 Lobbying Restrictions
AR–14 Accounting System Requirements
AR–15 Proof of Non-Profit Status
AR–22 Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under Sections 301(a), 311(b) and (c) and 317(k)(2)[42 U.S.C. section 241(a), 243(b) and (c), and 247b(k)(2)], of the Public Health Service Act, as amended. The Catalog of Federal Domestic Assistance number is 93.938.

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.''

For more information on effective programs, visit the Department of Justice website, http://www.usdoj.gov, the Department of Education website, http://www.ed.gov and CDC's ''Programs That Work'' website, http://www.cdc.gov/nccdphp/dash/rtc/index.htm.

Should you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Cynthia Collins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Announcement 01095, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: 770–488–2757, E-mail address: coc9@cdc.gov.

For program technical assistance, contact: Patricia Dittus, Ph.D., Division of Adolescent and School Health, Centers for Disease Control and Prevention, 4770 Buford Highway NE, MS K–33, Atlanta, GA 30341, Telephone number: 770–488–6196, E-Mail address: pdittus@cdc.gov.

Dated: May 08, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–11998 Filed 5–11–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01061]

Longitudinal Studies of Rodent Reservoirs of Hantaviruses in the Southwestern United States; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for a cooperative agreement to provide assistance for longitudinal studies of rodent reservoirs of hantaviruses in the Southwestern United States. This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Diseases.

The purpose of the program is to continue to improve understanding of the ecological dynamics of the transmission cycle of hantaviruses in their natural host populations and to provide precise data linking environmental changes to changes in rodent population densities and prevalence of infection. These data will be used to parameterize mathematical models that will use satellite-derived environmental descriptors to predict changes in risk of hantavirus disease at precise times and places in North America.

The preliminary success of the current studies in identifying environmental factors that lead to increased risk of human disease has illustrated that (1) more precise and detailed measurements of environmental variables are required as input parameters and to calibrate accurate, predictive, mathematical models of disease risk; (2) mathematical models must be calibrated using data from many years and geographically dispersed sites; and (3) fine-scale remotely sensed (satellite) data must be used in order to make predictive models generalizable and applicable across wide geographic areas.

B. Eligible Applicants

Assistance will be provided only to the University of New Mexico (UNM), Colorado State University (CSU), and Yavapai College (YC).

Hantaviruses have been shown in the United States to be responsible for serious human disease, specifically, Hantavirus Pulmonary Syndrome (HPS). There have been over 280 identified cases of HPS, the majority of which have occurred in the Southwestern United States. Other North American species of Hantavirus have now been described from various sigmodontine rodent reservoirs, including Sigmodon hispidus, Peromyscus leucopus, Oryzomys palustris, Peromyscus boylii, and Reithrodontomys megalotis. All of these species, except O. palustris, coexist in the Southwestern U.S.

A complete understanding of the cycle of HPS in humans will require knowledge of the dynamics of viral infection in the rodent reservoir. Cross-sectional studies have identified several reservoir species, demonstrated the widespread distribution of infection in populations of these species and shown that the prevalence of infection is highly variable on a spacial scale. Long-term studies of reservoir populations are necessary to determine temporal patterns of infection, incidence rates, mechanisms of transmission, effects of climate, habitat quality, and host populations dynamics on the transmission cycle, and effects of infection on host movements, growth, longevity and population dynamics.

Longitudinal mark-recapture studies of reservoir populations have been conducted at established trapping sites in Arizona, Colorado, and New Mexico since 1994 through separate cooperative agreements with UNM, CSU, and YC. These academic institutions established the trapping sites, performed the research, collected and interpreted the data, and published the results in peer-reviewed scientific literature. Due to the inherent temporal variability in environmental, climatological, and population parameters at the sites, comparative data must be collected over a period of many years for the objectives of long-term studies to be met.

The previous longitudinal studies have greatly improved understanding of hantivirus-host ecology and have elucidated general patterns that implicate environmental factors that are associated with increased risk of human hantaviral disease. Nevertheless, these data have shown that discerned patterns vary tremendously both spatially and temporally. In addition, many environmental changes are extremely rare events and conditions that lead to rodent population irruptions and human epidemics are infrequent. Thus, the ultimate usefulness of these studies depends upon adequate replication in time and space and their long-term maintenance.

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 $625,000 is available in FY 2001 to fund approximately three awards. It is expected that the average award will be $208,000, ranging from $100,000 to $250,000. It is expected that the awards will begin on or about September 30, 2001, and will be made for a 12-month budget period within a project period of up to five years. Funding estimates may change.

Continuation awards within an approved project period will be made on the basis of satisfactory progress as evidenced by required reports and availability of funds.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient shall be responsible for the activities under 1. (Recipient Activities), and CDC shall be responsible for conducting activities under 2. (CDC Activities).

1. Recipient Activities

a. Conduct longitudinal mark recapture studies of rodents on existing established webs in the Southwestern United States to identify and determine the dynamics of populations of rodents that are confirmed or potential reservoirs of hantaviruses.

b. Develop a plan that will use ecological techniques that will provide continuity of rodent sampling and processing so that data can be appropriately analyzed and integrated with previously collected ecological data from the established sites. Ecological techniques should include capture-mark-release and may be supplemented by radio-tracking.

c. Collect and submit blood samples on all captured animals for further laboratory analysis and storage.

d. Identify, characterize, and archive samples of all rodents collected. Perform morphological measurements, karyotypes, allozyme studies, molecular genetic studies, and other appropriate studies necessary for characterization of rodents.

e. Design and conduct concurrent/parallel studies of vertebrate populations at sites of future HPS investigations as appropriate, including identification, characterization, and archiving of samples.

f. Carefully monitor environmental variables that are likely to be associated with changes in rodent population density and prevalence of hantavirus infection. Variables should include, but are not limited to: Local precipitation, temperature, and humidity; vegetative cover and greenness; availability of food items (seeds of grasses and forbs; oak, pinyon, and juniper mast; arthropod biomass).

g. Collaborate with all partners to analyze and publish study results.

2. CDC Activities

a. Provide consultation and scientific and technical assistance in the design, conduct, and evaluation of the project.

b. As necessary, perform appropriate laboratory testing and analysis of blood samples from captured animals.

c. Collaborate with the recipient to analyze and publish study results, as requested.

E. Application Content

Use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections to develop the application content. Your application will be evaluated on the criteria listed, so it is important to follow them in laying out your program plan. The narrative should be no more than 14 double-spaced pages, printed on one side, with one-inch margins, and unreduced font.

F. Submission and Deadline

Submit the original and five copies of PHS–398 (OMB Number 0925–0001) (adhere to the instructions on the Errata Instruction Sheet for PHS 398). Forms are in the application kit.

On or before June 30, 2001, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

Deadline: Applications shall be considered as meeting the deadline if they are either:

(a) Received on or before the deadline date; or

(b) Sent on or before the deadline date and received in time for submission to the independent review group. (Applicants must request a legibly dated U.S. Postal Service postmark or obtain a legibly dated receipt from a commercial carrier or U.S. Postal Service. Private metered postmarks shall not be acceptable as proof of timely mailing.)

Late Applications: Applications which do not meet the criteria in (a) or (b) above are considered late applications, will not be considered, and will be returned to the applicant.

G. Evaluation Criteria

Each application will be evaluated individually against the following criteria by an independent review group appointed by CDC.

1. Background and Need (33 Points)

Extent to which applicant demonstrates a clear understanding of the purpose and objectives of this proposed cooperative agreement and demonstrates a clear understanding of the requirements, responsibilities, interactions, problems, constraints, complexities, etc., that may be encountered in conducting the project and performing the studies.

2. Capacity and Personnel (33 Points)

Extent to which applicant demonstrates experience and qualifications of professional personnel in are suitable for conducting the studies proposed in this cooperative agreement. Extent to which applicant demonstrates it has adequate administrative personnel and support. Extent to which applicant demonstrates it has adequate scientific resources and facilities to successfully conduct the activities.

3. Objectives and Technical Approach (34 Points)

Extent to which applicant describes objectives of the proposed project which are consistent with the purpose and goals of this grant/cooperative agreement program and which are measurable and time-phased. Extent to which applicant presents a detailed operational plan for initiating and conducting the project, which clearly and appropriately addresses all Recipient Activities. Extent to which applicant clearly identifies specific assigned responsibilities of all key professional personnel. Extent to which the plan clearly describes applicant's technical approach/methods for conducting the proposed studies and extent to which the plan is adequate to accomplish the objectives. Extent to which applicant describes specific study protocols or plans for the development of study protocols that are appropriate for achieving project objectives. Extent to which applicant describes adequate and appropriate collaboration with CDC and/or others during various phases of the project. Extent to which applicant provides a detailed and adequate plan for evaluating study results and for evaluating progress toward achieving project objectives.

4. Budget (Not Scored)

Extent to which applicant presents a detailed, line-item budget with a detailed narrative justification (by line-item) that is consistent with the purpose and objectives of this cooperative agreement.

5. Animal Subjects (Not Scored)

Does the application adequately address the requirements of PHS Policy on Humane Care and Use of Laboratory Animals by Awardee Institutions?

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of

1. Progress reports semiannually;
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–3 Animal Subjects Requirements
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

This program is authorized under section(s) 301a (42 U.S.C. 241(a)), 311 (42 U.S.C. 243), 317 (k)(3) (42 U.S.C. 247b(k)(3), and 319(a)) of the Public Health Service Act, 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: Gladys Gissentanna, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, Room 3000, 2920 Brandywine Road, Atlanta, GA 30341–4146, Telephone number: 770–488–2753, Email address: gcg4@cdc.gov.

For program technical assistance, contact: Dr. James Mills, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Atlanta, GA 30333, Telephone number: 404–639–1396, Email address: jum0@cdc.gov.

Dated: May 8, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–12002 Filed 5–11–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01082]

School Health Programs; Notice of Availability of Funds

A. Purpose

The Centers for Disease Control and Prevention (CDC) announces the availability of fiscal year (FY) 2001 funds for grant programs entitled ''School Health Programs''. This program addresses ''Healthy People 2010,'' focus areas of Access to Quality Health Care, Educational and Community-Based Programs, and Health Communication.

The purpose of the program is to establish and strengthen school programs to prevent serious health problems among youth.

B. Eligible Applicants

Assistance will be provided only to the organizations listed below. No other applications are solicited. The Conference Report H.R. 4577, Consolidated Appropriations Act, 2001, specified these funds for the organizations listed below.

1. Loyola University of Chicago in collaboration with Proviso East High School, Maywood, Illinois, and the Cook County Board of Health to improve the delivery of on-site primary care, preventive care and health outreach to low-income parents and students in the community. ($135,980).
2. Forum Health of Youngstown, Ohio, for a pediatric/adolescent asthma school program and an adult Diabetes preventive care assessment program. ($879,782).
3. Cross Roads Foundation, for a pilot project to sponsor single mothers self-help groups to improve parenting skills. ($8,740).

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 $1,024,502 is available in FY 2001 to fund three awards. It is expected that the award will begin on or about July 15, 2001, and will be made for a 12-month budget period within a one year project period. Funding estimates may change.

D. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address http://www.cdc.gov. Click on Funding then Grants and Cooperative Agreements.

To obtain business management technical assistance contact: Cynthia Collins, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Program Announcement 01082, Centers for Disease Control and Prevention (CDC), 2920 Brandywine Road, Room 3000, MS E–18, Atlanta, GA 30341–4146, Telephone: (770) 488–2757, Email Address: coc9@cdc.gov.

For program technical assistance, contact: Holly Conner, Division of Adolescent and School Health, National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), 4770 Buford Highway, NE, MS K–31, Atlanta, Georgia 30341, Telephone: (770) 488–3195, E-Mail Address: hcc3@cdc.gov.

Dated: May 8, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–11999 Filed 5–11–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01068]

Texas-Mexico Border Infectious Disease Monitoring Program; 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 for a Texas-Mexico Border Infectious Disease Monitoring Program. This program addresses the ''Healthy People 2010'' focus area of Immunization and Infectious Diseases.

The purpose of the program is to initiate emerging infectious disease

surveillance and related activities along the Texas-Mexico border, focusing on infectious diseases and conditions that are important in the region.

B. Eligible Applicants

Assistance will be provided to the University of Texas Medical Branch at Galveston (UTMB–G). No other applications are solicited. Eligibility is limited to UTMB–G because fiscal year 2001 Federal appropriations specifically directs CDC to award this applicant funds to conduct a project to monitor infectious diseases along the Texas-Mexico border.

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 $961,000 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. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—*http://www.cdc.gov.* Click on ''Funding'' then ''Grants and Cooperative Agreements.''

To obtain business management technical assistance, contact: Merlin Williams, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, Atlanta, GA 30341–4146, Telephone number: (770) 488–2765, Email address: *mqw6@cdc.gov.*

For program technical assistance, contact: Greg Jones, M.P.A., Office of the Director, National Center for Infectious Diseases, Centers for Disease Control and Prevention, 1600 Clifton Road, NE., Mailstop C–12, Atlanta, GA 30333, Telephone number: (404) 639–4180, Email address: *gjj1@cdc.gov.*

Dated: May 8, 2001.

Henry S. Cassell III,

Acting Director, Procurement and Grants Office, Centers for Disease Control and Prevention (CDC).

[FR Doc. 01–12001 Filed 5–11–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

National Vaccine Advisory Committee, Subcommittee on Future Vaccines, Subcommittee on Immunization Coverage, and Subcommittee on Vaccine Safety and Communication Meetings

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Centers for Disease Control and Prevention (CDC) announces the following Federal advisory committee meetings.

Name: National Vaccine Advisory Committee (NVAC).

Times and Dates: 9 a.m.–2:15 p.m., June 5, 2001.

8:30 a.m.–1:15 p.m., June 6, 2001.

Place: Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Notice: In the interest of security, the Department has instituted stringent procedures for entrance to the Hubert H. Humphrey Building by non-government employees. Thus, persons without a government identification card should plan to arrive at the building each day either between 8 a.m. and 8:30 a.m. or 12:30 p.m. and 1 p.m. Entrance to the meeting at other times during the day cannot be assured.

Purpose: This committee advises and makes recommendations to the Director of the National Vaccine Program on matters related to the Program responsibilities.

Matters to be Discussed: Agenda items will include: a report from the National Vaccine Program Office (NVPO) and the Interagency Vaccine Workgroup; a report from the Acting Assistant Secretary for Health; Pediatric and Adult Immunization Standards Action: Approval; discussions on Autism and Measles-Mumps-Rubella (MMR); Vaccine Safety and Communication Subcommittee report; Immunization Coverage Subcommittee report; Future Vaccines Subcommittee report; update on the Vaccine Supply Workgroup; an update on the Pandemic Plan; a report on the Polio Laboratory Containment Workgroup; reports from Advisory Commission on Childhood Vaccines/Division of Vaccine Injury Compensation, Vaccine Related Biological Products Advisory Committee/Food and Drug Administration, Advisory Committee on Immunization Practices/National Immunization Program/National Center for Infectious Diseases.

Name: Subcommittee on Future Vaccines.

Time and Date: 2:15 p.m.–5 p.m., June 5, 2001.

Place: Hubert H. Humphrey Building, Room 305A, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee develops policy options and guides national activities that lead to accelerated development, licensure, and the best use of new vaccines in the simplest possible immunization schedules.

Matters to be Discussed: Agenda items will include plans for the September 5–6, meeting on rotavirus and intussusception; position paper based on the CMV Workshop; Stability of the vaccine supply—where do new vaccines fit in; and a discussion of topic for 2002 Workshop.

Name: Subcommittee on Immunization Coverage.

Time and Date: 2:15 p.m.–5 p.m., June 5, 2001.

Place: Hubert H. Humphrey Building, Room 325A, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee will identify and propose solutions that provide a multifaceted and holistic approach to reducing barriers that result in low immunization coverage for children.

Matters to be Discussed: Agenda items will include discussions on Immunization Among Prison Populations; A report on the Introduction of New Vaccines Workgroup; discussions on Influenza Supply Issues; an update on the Mandatory Immunization Guidelines Workgroup; discussion of Td/DTaP Supply Issues; an IOM Report: Calling the Shots; an update on Registry Issues and Unmet Needs Priority Setting.

Name: Subcommittee on Vaccine Safety and Communication.

Time and Date: 2 p.m.–5 p.m., June 5, 2001.

Place: Hubert H. Humphrey Building, Room 800, 200 Independence Avenue, SW., Washington, DC 20201.

Status: Open to the public, limited only by the space available.

Purpose: This subcommittee reviews issues relevant to vaccine safety and adverse reactions to vaccines.

Matters to be Discussed: Review of the agenda; review of National Infant Immunization Week; discussion on strengthening the vaccine supply; follow-up to the ''Workshop on Vaccine Communications''; review of the IOM report on MMR Vaccine and Autism, discussion of the process for suggesting and selecting immunization safety issues for review by the IOM in 2002; public comment on immunization safety issues for review in 2002; and committee discussion.

Special Note: The Subcommittee on Vaccine Safety and Communications will provide a forum for input from the public regarding potential issues and topics for review in 2002 by the IOM's Immunization Safety Review Committee. This will be the first opportunity for the public to provide comments on the hypotheses that are being considered for future review.

Agenda items are subject to change as priorities dictate.

Contact Person for More Information: Gloria Sagar, Committee Management Specialist, NVPO, CDC, 1600 Clifton Road,

NE, M/S D–66, Atlanta, Georgia 30333, telephone 404/687–6672.

The Director, Management Analysis and Services Office, has been delegated the authority to sign **Federal Register** Notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

Dated: May 8, 2001.

Carolyn J. Russell,

Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–12003 Filed 5–11–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

[Program Announcement No. ACYF–CCB–2201–04]

Child Care Policy Research Discretionary Grants

AGENCY: Administration on Children, Youth, and Families (ACYF), ACF, DHHS.

ACTION: Announcement of the availability of funds and request for applications for Field Initiated Child Care Research Projects, Child Care Research Scholars, and State Child Care Data and Research Capacity Projects.

SUMMARY: The purpose of this program announcement is to announce the availability of $3.7 million in fiscal year 2001 funds for child care research, demonstration, and evaluation activities. Grants will be funded in the following three priority areas: (1) Field Initiated Child Care Research Projects; (2) Child Care Research Scholars; and (3) State Child Care Data and Research Capacity Projects. Universities and colleges, public agencies, non-profit organizations, and for-profit organizations agreeing to waive their fees are invited to submit applications for Field Initiated Child Care Research Projects. Accredited universities and colleges may submit a Child Care Research Scholar application on behalf of a doctoral student conducting dissertation research on a child care policy topic. Child Care and Development Fund Lead Agencies seeking to improve their capacity for data analysis and policy-relevant research are invited to submit applications for the State Child Care Data and Research Capacity Projects.

Projects funded under each of the priority areas are expected to address critical questions with implications for children and families, especially low-income working families and families transitioning off welfare. In addition, projects will contribute to a comprehensive research agenda designed to increase the capacity for child care research at the national, State, and local levels and promote better linkages among research, policy, practice, and outcomes for children and families.

Statutory authority: The Child Care and Development Block Grant Act of 1990 as amended (CCDBG Act); section 418 of the Social Security Act; Consolidated Appropriations Act, 2001 (P.L. 106–554).

DATES: The closing date for submission of applications is June 28, 2001. Mailed applications postmarked after the closing date will be classified as late.

Note: The full announcement, including all the Standard Federal Forms can be downloaded from the Internet at *http://www.acf.dhhs.gov/programs/ccb* or by contacting ACYF's Operations Center at 1–800–351–2293. For each priority area, the required Standard Federal Forms are identified under ''Project Description and Application Requirements.''

Notice of Intent to Submit Application: If you intend to submit an application, please contact ACYF's Operations Center at 1–800–351–2293 with the number and title of this announcement; your organization's name and address; and your contact person's name, phone number, fax number, and Email address. The information will be used to determine the number of expert reviewers need to evaluate applications and to update the mailing list for program announcements.

FOR FURTHER INFORMATION CONTACT: For information about the application process contact ACYF Operations Center, 1815 North Fort Myer Drive, Suite 300, Arlington, VA 22209, Phone: 800–351–2293. For program information contact Dr. Ivelisse Martinez-Beck, Policy Fellow, Administration for Children and Families, Child Care Bureau, Room 2046, Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20447, Phone: 202–690–7885, Fax: 202–690–5600, Email: *imartinezbeck@acf.dhhs.gov.* or Dr. Patricia L. Divine, Program Specialist, Administration for Children and Families, Child Care Bureau, Room 2046, Mary E. Switzer Building, 330 C Street, SW., Washington, DC 20447, Phone: 202–690–6705, Fax: 202–690–5600, Email: *pdivine@acf.dhhs.gov.*

SUPPLEMENTARY INFORMATION:

Priority Area 1: Field Initiated Child Care Research Projects

A. Number of Awards

Approximately 7–10 grants will be awarded during fiscal Year 2001, for an initial budget period of twelve months, subject to the availability of funds and results of the evaluation process.

B. Project Duration, Funding Levels and Budget Periods

This priority area is soliciting applications for project periods up to three years. Awards, on a competitive basis, will be for a one-year budget period, although project periods may be for three years. Application for continuation grants funded under these awards beyond the one-year budget period, but within the three year project period, will be entertained in subsequent years on a non-competitive basis, subject to the availability of funds, satisfactory progress of the grantee, and a determination that continued funding would be in the best interest of the government. Significant findings by the end of the first budget period will be necessary to demonstrate satisfactory progress on the part of the grantee.

Funding for Field Initiated Child Care Research Projects will range between $150,000 and $250,000 for the first budget period and up to $200,000 per year (12 months) in subsequent periods.

C. Federal State

To maximize the Federal investment in Field Initiated Child Care Research Projects and in the interest of project sustainability, a financial commitment by the applicant organization (or other participating entities) is required. The Grantee must provide at least 20 percent of the total approved cost of the project. The total approved cost is the sum of the Federal share and the non-Federal share. Therefore, a project requesting $250,000 for the first budget period must include a match of at least $62,500. A project receiving the maximum total of $650,000 for the three-year project period must include a match of at least $162,500 for the three-year project period. Applicants are encouraged to meet their match requirements through cash contributions. However, the non-Federal share may also be in-kind contributions of staff time, employee benefits, facilities, utilities, equipment, materials, supplies or other forms of project support. Grantees will be held accountable for the commitment of non-Federal resources and failure to provide the required amount will result in

disallowance of unmatched Federal funds.

D. Eligible Applicants

Eligible applicants include public agencies, non-profit organizations, and for-profit entities that agree to waive their fees.

1. Public agencies include state or local child care agencies; education agencies, welfare or other human services agencies, public schools, colleges and universities; and other public agencies with an interest in child care.

2. Non-profit agencies include, but are not limited to, community child care and early childhood programs, child care resource and referral programs, professional organizations, schools, colleges and universities, civic and community groups, and foundations.

3. For-profit entities include, but are not limited to, child care businesses, private research corporations, and other profit-making organizations. These entities are only eligible to receive a grant directly if they agree to waive their fees. However, they may participate in projects as subcontractors, sub-grantees, or consultants without such a waiver.

Criterion 1: Objectives and Need for Assistance (Maximum of 20 points)

In this section, applicants demonstrate their understanding of the relevant literature on critical issues and existing knowledge, describe their objectives, and demonstrate the significant of their proposal.

Applicants are expected to show how their proposal will address the Child Care Bureau's research agenda and priorities, answer key questions, and contribute to the child care research infrastructure. Specifically, applicants are expected to demonstrate a command of the policy and research literature in child care, as well as emerging issues. The proposal is expected to demonstrate understanding of current policies and programs, to show how the proposed research would further understanding, and to suggest practical applications which might be derived from the findings.

Applications should clearly show how the research would build on the current knowledge base and contribute to policy, practice, and future research. Applicants are asked to consider the significance, reliability, and validity of existing data pertaining to key questions. In addition, applicants should identify important gaps in the literature and areas in which findings are contradictory or ambiguous. It will also be important to consider what demographic, economic, and social data are available as a context for the proposed child care research. A bibliography of relevant literature must be supplied.

Criterion 2: Approach (Research Design and Methodology) (Maximum of 30 Points)

This section of the Project Narrative Statement requires that the applicant describe the technical approach for addressing issues and achieving objectives described in Criterion 1 above. In this section the applicant should clearly demonstrate their ability to produce significant and usable results within the first 12-month budget period.

The methodological discussion must include technical details of the proposed research design, including (as relevant): (1) Conceptual framework for the research; (2) research questions, hypotheses, and variables; (3) data sources and sampling plan; (4) new data on human subjects; (5) administrative data; (6) secondary analysis of existing data sets; (7) linkages with other research; (8) data collection; (9) data processing and statistical analysis; and, (10) product development and information dissemination. Qualitative studies with well-defined methodology are invited as well as those that use quantitative methodology. As part of the design section, applicants should discuss the strengths and limitations of all proposed approaches and techniques. Applicants are also asked to provide a flow chart or table showing interrelationships among the proposed research issues, questions, variables, and data elements.

Criterion 3: Approach (Management Plan) (Maximum of 10 Points)

The Management Plan is expected to describe a sound and workable plan of action for how the proposed project will be carried out. This section should detail how the project will be structured and managed.

Applicants should provide a diagram showing the organizational structure of the project and the functional relationships among components. If the project is a collaborative, describe how the project will be managed by the lead organization to ensure that members of the collaborative operate as a cohesive research team and that cross-cutting goals of the project are carried out efficiently and cost-effectively. Describe the make-up and role of any steering or management committees, technical work groups, advisory panels, and other coordinating bodies.

Produce a project management chart that lays out sequence and timing of the major tasks and subtasks, including startup activities such as staffing and procurement of services, responsibilities and time commitments to staff, important milestones, reports, and completion dates. Explain how timeliness of activities will be ensured, how quality control will be maintained, and how costs will be controlled.

Applicants should discuss their management of the project as a whole, and the management and coordinating roles of any collaborating entities. Discuss potential problems or difficulties with the proposed management approach, including factors which may affect the quality of the research or its outcomes, may undermine the ability of different entities to collaborate effectively, and may hinder the early spring, review and dissemination of information.

Criterion 4: Staff and Position Data (Maximum of 20 Points)

In this section, applicants must provide evidence that project staff have the experience, expertise and commitment of sufficient time to carry out the proposed project on time, within budget, and with a high degree of quality.

Identify all key staff positions for this project, the professional requirements for each, the proportion of time staff holding these positions will be committed to the project, the period of time they will be employed, and whether continued employment will be dependent solely on the funds to be awarded under this announcement.

Include a position description for each key position, outlining the qualifications necessary to carry out the duties and responsibilities of each. Include letters of commitment from any key individuals who have been selected but not yet hired. Describe the makeup of the data collection team, what expertise will be represented, and how individuals will be selected. Identify all proposed consultants or advisors, document their expertise, and describe how their services will be utilized. Include letters of commitment or intent if possible. And, identify the authors of the proposal and describe their continuing role in the project, if funded.

Criterion 5: Organizational Profiles (Maximum of 10 Points)

In this section, the applicant must demonstrate that the official grantee has the organizational capacity and fiscal resources to successfully carry-out the project on time and to a high standard of quality, including the capacity to resolve a wide variety of technical and management problems that may occur.

Provide evidence of sufficient organizational resources to ensure successful project management, compliance with terms and conditions of the grant, and oversight of the proper use of Federal funds.

If the project is a collaborative, provide evidence that all collaborators have the ability, willingness and flexibility to collaborate effectively with one another in carrying out the proposed project. Include examples of past or current collaborations that demonstrate the ability to carry out collaborative research. Describe how each entity was included in the planning of the project. Include letters of specific commitment or support from each entity. Describe all cooperative agreements, subcontracts and other formal relationships within the collaborative. Entities who will provide access to data or records must provide a letter stipulating the terms of their agreement with the researchers. Describe the future commitment each entity will make to ensure success of the collaboration as it evolves. Include a separate two-page organizational capability statement for each participating entity that documents the entity's ability to carry out its assigned roles and functions.

Describe the relationship between this project and other relevant work planned, anticipated or underway by the applicant or its collaborators. Include funding sources for work in progress. Provide a list of research and financial partners including the name and address of each organization, the names of its director and primary contact for this proposal, and the telephone, fax and internet numbers of each.

Criterion 6: Budget and Budget Justification (maximum of 10 points)

Describe the nature and extent of financial participation from all sources during the proposed project period. Present a detailed budget for each 12-month interval of the proposed project period, i.e., the 12 month budget period to be funded under this announcement and subsequent budget period that may be funded under a non-competing continuation process. Include a detailed budget narrative that describes and justifies line time expenses within the object class categories listed on the Standard Form 424A. (Line item allocations and justification are required for both Federal and non-Federal funds.) If project funds will be subcontracted, a detailed budget for the use of those funds must be also included. In estimating costs, applicant should consider down time due to staff vacancies, administrative processes, etc. The budget should include funds to allow key representatives from Field Initiate Child Care Research Projects to participate in the Child Care Bureau Annual Policy Research Meeting in Washington, DC.

Describe the extent to which funds, staff time, in-kind services, and other resources have been committed to the research effort during the planning period. Describe what other resources are expected to help support the proposed research, including existing commitments and negotiations in progress. Describe anticipated efforts to obtain other funding partners throughout the project.

Priority Area 2: Child Care Research Scholars

A. Number of Awards

Up to 5 scholarships will be awarded. No individual educational institution will be funded for more than one candidate unless applications from different universities or colleges do not qualify for support.

B. Project Period

The project period will be for a period of up to 24 months (9/30/01–9/29/03). For 24 month projects, the first 12 months will be funded through this competition. The subsequent year awards (12 months) will be considered on a non-competitive basis subject to the availability of funds from future appropriations, satisfactory progress of the grantee, and a determination that continued funding is in the best interest of the government. Significant findings by the end of the first budget period will be necessary to demonstrate satisfactory progress on the part of the grantee. A subsequent year award will not be approved if the student has graduated by the end of the first year.

C. Funding Levels

Up to $30,000 will be awarded to each successful applicant for a 12-month budget period. If the applicant expects to receive a doctorate by the end of the first one-year budget period, the application should request funding for a single grant period.

D. Matching Requirements and Non-Federal Share

There are no matching requirements.

E. Maximum Federal Share

The maximum federal share is $30,000 for the first 12-month budget period and $20,000 for one subsequent 12-month period.

All monies must be used for the dissertation research including required personnel costs, travel, and other expenses directly related to the research.

F. Eligible Applicants

Eligible applicants include universities or colleges on behalf of doctoral candidates conducting dissertation research on a child care topic consistent with the research goals described in Part II of the full announcement, and who anticipate completing the child care-related dissertation within the two-year scholarship period.

To be eligible to administer the grant on behalf of the student, the institution must be fully accredited by one of the regional accrediting commissions recognized by the Department of Education. Although the faculty advisor will be listed as the Principal Investigator, this grant is intended for dissertation work being conducted by a doctoral candidate. Information about both the graduate student and the student's faculty advisor is required as part of this application. Any resultant grant award is not transferable to another student.

Criterion 1: Objectives and Need for Assistance (Maximum of 20 Points)

The extent to which the application reflects a solid understanding of critical issues, information needs, and research goals.

- The extent to which the conceptual model, research issues, objectives and hypotheses are significant, well formulated and appropriately linked, reflect the Child Care Bureau's research agenda and priorities, and will contribute new knowledge and understanding.
- The extent to which the proposed project framework is appropriate, feasible, and would significantly contribute to the importance, comprehensiveness, and quality of the proposed research.
- The effectiveness with which the proposal articulates the current state of knowledge relative to issues being addressed, including: critical child care issues and the complex interrelationships among major variables; the significance of these issues and variables for child care policies and programs; how current knowledge would be brought to bear on the proposed research; and how the research would benefit various audiences.
- The importance of research priorities identified for the first budget period, the degree to which early findings would be useful for policy and practice, and the significance of these

data for the ongoing research goals if the project is continued beyond the first 17-month period.

Criterion 2: Approach (Research Design and Methodology) (Maximum of 40 Points)

The extent to which the applicant's proposed research design:

- Appropriately links critical research issues, questions, variables, data sources, samples, and analyses;
- Employs technically sound and appropriate approaches, design elements and procedures;
- Reflects sensitivity to technical, logistical, cultural and ethical issues that may arise;
- Includes realistic strategies for the resolution of difficulties;
- Adequately protects human subjects, confidentiality of data, and consent procedures, as appropriate;
- Includes an effective plan for the dissemination and utilization of information by researchers, policy-makers, and practitioners in the field; and,
- Effectively utilizes collaborative strategies, as appropriate to the project goals and design.

Criterion 3: Approach (Management Plan) (Maximum of 20 Points)

The extent to which the project summary provides a management plan that:

- Presents a sound, workable and cohesive plan of action demonstrating how the work would be carried out on time, within budget and with a high degree of quality;
- Includes a reasonable schedule of target dates and accomplishments;
- Presents a sound administrative framework for maintaining quality control over the implementation and ongoing operations of the study; and,
- Demonstrate the ability to gain access to necessary organizations, subjects, and data.

Criterion 4: Organizational Profile (Applicant Qualifications and Commitment) (maximum of 10 points).

The extent to which the applicant:

- Demonstrates competence in areas addressed by the proposed research, including relevant background, experience, training and work on related research or similar projects; and
- Demonstrates necessary expertise in research design, sampling, field work, data processing, statistical analysis, reporting, and information dissemination.

Criterion 5: Budget and Budget Justification (maximum of 10 points). The extent to which proposed project costs are reasonable, the funds are appropriately allocated across component areas, and the budget is sufficient to accomplish the objectives. The budget should include funds to allow the research scholar to participate in the Child Care Bureau's Annual Policy Research Meeting in Washington, DC.

Priority Area 3: State Child Care Data and Research Capacity Projects

A. Eligible Applicants

State and Territorial Lead Agencies administering child care programs under the Child Care and Development Block Grant (CCDBG) of 1990 as amended.

B. Number of Awards

Five to six State Child Care Data and Research Capacity Grants will be funded in Fiscal Year 2001, subject to availability of funds and results of the evaluation process.

C. Project Duration, Funding Levels and Budget periods

State Child Care Data and Research Capacity Grants will be awarded for project periods of up to three years. The Child Care Bureau expects to invest up to $250,000 during the initial 12-month funding period for each project. Non-competitive applications for continuation of State Child Care Data and Research Capacity Projects will be considered in fiscal years 2002 and 2003 with up to $250,000 per project being available for a 12-month period. Applications for continuation grants funded beyond the 12-month budget period, but within the 36-month project period, will be entertained in the subsequent year on a noncompetitive basis, subject to the availability of funds from future appropriations, satisfactory progress of the grantee, and a determination that continued funding is the best interest of the government.

D. Federal Share

To maximum the Federal investment in the State Child Care Data and Research Capacity Projects and in the interest of project sustainability, a financial commitment by the applicant organization (or other participating entity) is required. The grantee must provide at least 20 percent of the total approved cost of the project. The total approved cost is the sum of the Federal share and the non-Federal share. Therefore, a project requesting $250,000 per budget period must include a match of at least $62,500. A project receiving the maximum $750,000 during the three-year project period must include a match of at least $187,500 for the three-year project period. Applicants are encouraged to meet their match requirements through cash contributions. However, the non-Federal share may be in-kind contributions. Grantees will be held accountable for the commitment of non-Federal resources and failure to provide the required amount will result in a disallowance of unmatched Federal funds.

Criterion 1: Objectives and Need for Assistance (35 Points)

In this section, applicants are expected to provide a clear and comprehensive description of their agency's current capacity to collect, analyze and report child care administrative data. This description should include data collection, analysis and reporting required by the State and Federal governments, as well as reports designed for the legislature and other constituencies. Applicants are encouraged to provide a description of the internal and external information needs of the agency, constituencies for information, and the types of data required or requested by these agencies, organizations or groups.

Applicants are expected to describe the current structure, management, and process for collecting, analyzing and reporting data. This description should include a consideration of the strengths and weaknesses of the current operating system and analytic components. The need for assistance should be clearly stated.

In addition, applicants should describe the research and evaluation that would be conducted by the proposed analysis unit. Applicants are encouraged to identify specific research questions to be addressed by the unit and explain how the agency's data systems would be used to answer these questions.

Criterion 2: Approach (30 points)

In this section, applicants are expected to describe in detail how they will implement the proposed analysis unit, improve the State's capacity for collection, analysis, interpretation, and reporting of data, and conduct child care policy-relevant research. Applicants are advised to present their assessment of the advantages and disadvantages of an in-house analysis unit versus a contractual partner. Applicants should describe in detail why they have selected one approach over the other. The justification should include a description of how the chosen

approach will mesh with current information demands, operations and procedures, management structure, staffing and other resources.

Regardless of the approach selected (in-house or contractual), the applicant is expected to present an implementation plan and describe in detail how the unit will be established, managed, operated and evaluated. This section should also include a plan for sustaining the unit after Federal funding has ceased.

This section of the Project Narrative Statement also requires that the applicant describe the technical approach for addressing issues and achieving the objectives described in Criterion above. This should include a detailed plan that identifies goals and objectives, relates those goals and objectives to the strengths and weakness identified regarding the State's current methods and systems used to collect and compile administrative data, and provides a work plan identifying specific activities necessary to accomplish the stated goals and objectives. The plan must demonstrate that each of the project objectives and activities support the needs identified and can be accomplished with the available or expected resources during the proposed project period.

For any research that is proposed within the project period, a methodological discussion must be provided that includes technical details of the proposed research design, including: (1) conceptual framework for the research; (2) research questions, hypotheses and variables; (3) data sources; (4) linkages with other research; (5) data processing and statistical analysis; and (6) product development and information dissemination. (For more details on the information required in this section, see Criterion 2, Research Design and Methodology, in Evaluation Criteria for Field Initiated Child Care Research Projects.)

Criterion 3: Organization Profiles (25 Points)

Applicants need to demonstrate that they have the capacity to implement the proposed project. This criterion consist of the three broad topics: (1) Management plan, (2) staff qualifications and commitment, and (3) organizational capacity and resources.

Management Plan

Overview

Applicants are expected to present a sound and feasible management plan for implementing the analysis unit. This section should detail how the unit will be structured and managed, how the timeliness of activities will be ensured, how quality control will be maintained, and how costs will be controlled. The role and responsibilities of the lead agency should be clearly defined and, if appropriate, applicants should discuss the management and coordination of activities carried out by any partners, subcontractors and consultants.

Applicants are required to provide a plan that describes the role, responsibilities and time commitments of each proposed staff position, including consultants, subcontractors and/or partners. The plan should include a list of organizations and consultants who will work with the program along with a short description of the nature of their effort or contribution.

Applicants are expected to have the project fully staffed and ready for implementation as quickly as possible after notification of the grant award. Therefore, strategies for ensuring timely staffing and implementation should be clearly and succinctly presented in the management plan. The narrative should include a description of the timeline for hiring and procurement in the State, and methods that the applicant will use to expedite the process.

Applicants are also expected to produce a timeline that presents a reasonable schedule of target dates, accomplishments and deliverables by quarter. The timeline should include the sequence and timing of the major tasks and subtasks, important milestones, reports, and completion dates. The proposal should also discuss factors that may affect project implementation or the outcomes and present realistic strategies for the resolution of these difficulties. For instance, downtime due to staff vacancies at start should be reflected. Additional, if appropriate, applicants should present a plan for training project staff, as well as stuff of cooperating organizations.

Staff Qualifications and Commitment (10 Points)

Overview

In this section, applicants should describe the qualifications of the project manager and key staff, including analysts who will staff the analysis unit and the positions they will fill. Applicants are also expected to describe the educational background and professional experience of other professionals who will form the interdisciplinary analysis unit or organization. (Brief resumes should be provided.) The proposed staff should include persons with educational backgrounds and professional experiences in early childhood services, child development, social work, public policy, economics and other social science disciplines such that the analysis unit or organization will be able to conduct research on a broad range of child care issues and approaches.

Organizational Capacity and Resources (5 Points)

Overview

Applicants must show that they have the organizational capacity and resources to form, manage, operate, evaluate and sustain an analysis unit, including the capacity to resolve a wide variety of technical and management problems that may occur. If the proposal involves partnering and/or subcontracting with other agencies/organizations, then the proposal should include an organizational capability statement for each participating organization documenting the ability of the partners/and or subcontractors to carry out their assigned roles and functions.

Criterion 4: Budget and Budget Justification (10 Points)

Applicants are expected to present a budget with reasonable project costs, appropriately allocated across component areas, and sufficient to accomplish the objectives. They should demonstrate that costs for the proposed project are reasonable and justified in terms of the proposed tasks and the anticipated results and benefits. Applicants should refer to the budget information as presented on Standard Forms 424 and 424A and the budget justification.

The proposed budget should include sufficient funding to cover travel expenses for a key person from the project and the evaluator to attend two two-day meetings of grantees in the Washington DC area hosted by the Child Care Bureau. Attendance at these meetings is a grant requirement.

Required Notification of the State Single Point of Contact

This program is covered under Executive Order 12372, Intergovernmental Review of Federal Programs, and 45 CFR part 100, Intergovernmental Review of Department of Health and Human Services Program and Activities. Under there Order, States may design their own process for reviewing and commenting on proposed Federal assistance under covered programs.

* All States and Territories except Alabama, Alaska, Colorado, Connecticut, Hawaii, Idaho, Kansas, Louisiana, Massachusetts, Minnesota, Montana, Nebraska, New Jersey, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Vermont, Virginia, Washington, American Samoa and Palau have elected to participate in the Executive Order process and have established Single Points of Contact (SPOCs). Applicants from these twenty-four jurisdictions need take no action regarding E.O. 12372. Applicants for projects to be administered by Federally-recognized Indian Tribes are also exempt from the requirements of E.O. 12372. Otherwise, applicants should contact their SPOCs as soon as possible to alert them of the prospective applications and receive any necessary instructions. Applicants must submit any required material to the SPOCs as soon as possible so that the program office can obtain and review SPOC comments as part of the award process. It is imperative that the applicant submit all required materials, if any, to the SPOC and indicate the date of this submittal (or the date of contact if no submittal is required) on the Standard Form 424, item 16a.

Under 45 CFR 100.8(a)(2), a SPOC has 60 days from the application deadline to comment on proposed new or competing continuation awards.

SPOCs are encouraged to eliminate the submission of routine endorsements as official recommendations.

Additionally, SPOCs are requested to clearly differentiate between mere advisory comments and those official State process recommendations which may trigger the accommodation or explain rule.

When comments are submitted directly to ACF, they should be addressed to: Marguerite Pridgen, Office of Grants Management, 330 C Street, SW., Washington, DC 20447, Attn: Child Care Policy Research Discretionary Grants. A list of the Single Points of Contact (SPOCs) for each State and Territory can be found on the following web site: *http://www.whitehouse.gov/omb/grants/spoc.html.*

The Catalog of Federal Domestic Assistance number for all priority areas is 93.647.

Dated: May 8, 2001.

James A. Harrell,

Acting Commissioner, Administration on Children, Youth and Families.

[FR Doc. 01–12010 Filed 5–11–01; 8:45 am]

BILLING CODE 4184–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 98E–0476]

Determination of Regulatory Review Period for Purposes of Patent Extension; Infergen

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) has determined the regulatory review period for Infergen and is publishing this notice of that determination as required by law. FDA has made the determination because of the submission of an application to the Commissioner of Patents and Trademarks, Department of Commerce, for the extension of a patent which claims that human biological product.

ADDRESSES: Submit written comments and petitions to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852.

FOR FURTHER INFORMATION CONTACT: Claudia Grillo, Regulatory Policy Staff (HFD–007),Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–5645.

SUPPLEMENTARY INFORMATION: The Drug Price Competition and Patent Term Restoration Act of 1984 (Public Law 98–417) and the Generic Animal Drug and Patent Term Restoration Act (Public Law 100–670) generally provide that a patent may be extended for a period of up to 5 years so long as the patented item (human drug product, animal drug product, medical device, food additive, or color additive) was subject to regulatory review by FDA before the item was marketed. Under these acts, a product's regulatory review period forms the basis for determining the amount of extension an applicant may receive.

A regulatory review period consists of two periods of time: A testing phase and an approval phase. For human biological products, the testing phase begins when the exemption to permit the clinical investigations of the biological becomes effective and runs until the approval phase begins. The approval phase starts with the initial submission of an application to market the human biological product and continues until FDA grants permission to market the biological product. Although only a portion of a regulatory review period may count toward the actual amount of extension that the Commissioner of Patents and Trademarks may award (for example, half the testing phase must be subtracted as well as any time that may have occurred before the patent was issued), FDA's determination of the length of a regulatory review period for a human biological product will include all of the testing phase and approval phase as specified in 35 U.S.C. 156(g)(1)(B).

FDA recently approved for marketing the human biological product Infergen (interferon alfacon–1 or consensus interferon). Infergen is indicated for the treatment of chronic hepatitis C virus (HCV) infection in patients 18 years of age or older with compensated liver disease who have anti-HCV serum antibodies and/or presence of HCV RNA (ribonucleic acid). Subsequent to this approval, the Patent and Trademark Office received a patent term restoration application for Infergen (U.S. Patent No. 4,695,623) from Amgen, Inc., and the Patent and Trademark Office requested FDA's assistance in determining this patent's eligibility for patent term restoration. In a letter dated September 9, 1998, FDA advised the Patent and Trademark Office that this human biological product had undergone a regulatory review period and that the approval of Infergen represented the first permitted commercial marketing or use of the product. Later, the Patent and Trademark Office requested that FDA determine the product's regulatory review period.

FDA has determined that the applicable regulatory review period for Infergen is 4,394 days. Of this time, 3,849 days occurred during the testing phase of the regulatory review period, while 545 days occurred during the approval phase. These periods of time were derived from the following dates:

1. *The date an exemption under section 505(i) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(i)) became effective*: September 27, 1985. FDA has verified the applicant's claim that the date the investigational new drug application became effective was on September 27, 1985.

2. *The date the application was initially submitted with respect to the human biological product under section 351 of the Public Health Service Act (42 U.S.C. 262)*: April 10, 1996. FDA has verified the applicant's claim that the product license application (PLA) for Infergen (PLA 96–0486) was initially submitted on April 10, 1996.

3. *The date the application was approved*: October 6, 1997. FDA has verified the applicant's claim that PLA 96–0486 was approved on October 6, 1997.

This determination of the regulatory review period establishes the maximum potential length of a patent extension. However, the U.S. Patent and Trademark Office applies several statutory limitations in its calculations of the actual period for patent extension. In its application for patent extension, this applicant seeks 1,826 days of patent term extension.

Anyone with knowledge that any of the dates as published are incorrect may submit to the Dockets Management Branch (address above) written comments and ask for a redetermination by July 13, 2001. Furthermore, any interested person may petition FDA for a determination regarding whether the applicant for extension acted with due diligence during the regulatory review period by November 13, 2001. To meet its burden, the petition must contain sufficient facts to merit an FDA investigation. (See H. Rept. 857, part 1, 98th Cong., 2d sess., pp. 41-42, 1984.) Petitions should be in the format specified in 21 CFR 10.30.

Comments and petitions should be submitted to the Dockets Management Branch. Three copies of any information are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. Comments and petitions may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

Dated: February 26, 2001.

Jane A. Axelrad,

Associate Director for Policy, Center for Drug Evaluation and Research.

[FR Doc. 01–12025 Filed 5–11–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. 99D–3082]

International Conference on Harmonisation; Choice of Control Group and Related Issues in Clinical Trials; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing the availability of a guidance entitled ''E10 Choice of Control Group and Related Issues in Clinical Trials.'' The guidance was prepared under the auspices of the International Conference on Harmonisation of Technical Requirements for Registration of Pharmaceuticals for Human Use (ICH). The guidance sets forth general principles that are relevant to all controlled trials and are especially pertinent to the major clinical trials intended to demonstrate drug (including biological drug) efficacy. The guidance describes the principal types of control groups and discusses their appropriateness in particular situations. The guidance is intended to assist sponsors and investigators in the choice of control groups for clinical trials.

DATES: This guidance is effective May 14, 2001. Submit written comments on agency guidances at any time.

ADDRESSES: Submit written requests for single copies of the guidance to the Drug Information Branch (HFD–210), Center for Drug Evaluation and Research, Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, or the Office of Communication, Training and Manufacturers Assistance (HFM–40), Center for Biologics Evaluation and Research (CBER), 1401 Rockville Pike, Rockville, MD 20852–1448, 301–827–3844, FAX: 888–CBERFAX. Send two self-addressed adhesive labels to assist the office in processing your requests. Submit written comments on the guidance to the Dockets Management Branch (HFA–305), Food and Drug Administration, 5630 Fishers Lane, rm. 1061, Rockville, MD 20852. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance. Requests and comments should be identified with the docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT:

Regarding the guidance: Robert Temple, Center for Drug Evaluation and Research (HFD–4), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–594–6758.

Regarding the ICH: Janet J. Showalter, Office of International Affairs (HFG–1), Food and Drug Administration, 5600 Fishers Lane, Rockville, MD 20857, 301–827–0864.

SUPPLEMENTARY INFORMATION:

I. Background

In recent years, many important initiatives have been undertaken by regulatory authorities and industry associations to promote international harmonization of regulatory requirements. FDA has participated in many meetings designed to enhance harmonization and is committed to seeking scientifically based harmonized technical procedures for pharmaceutical development. One of the goals of harmonization is to identify and then reduce differences in technical requirements for drug development among regulatory agencies.

ICH was organized to provide an opportunity for tripartite harmonization initiatives to be developed with input from both regulatory and industry representatives. FDA also seeks input from consumer representatives and others. ICH is concerned with harmonization of technical requirements for the registration of pharmaceutical products among three regions: The European Union, Japan, and the United States. The six ICH sponsors are the European Commission, the European Federation of Pharmaceutical Industries Associations, the Japanese Ministry of Health and Welfare, the Japanese Pharmaceutical Manufacturers Association, the Centers for Drug Evaluation and Research and Biologics Evaluation and Research, FDA, and the Pharmaceutical Research and Manufacturers of America. The ICH Secretariat, which coordinates the preparation of documentation, is provided by the International Federation of Pharmaceutical Manufacturers Associations (IFPMA).

The ICH Steering Committee includes representatives from each of the ICH sponsors and the IFPMA, as well as observers from the World Health Organization, the Canadian Health Protection Branch, and the European Free Trade Area.

In accordance with the agency's regulation on good guidance practices (GGP) (21 CFR 10.115; 65 FR 56468, September 19, 2000), this document is being called a guidance, rather than a guideline.

To facilitate the process of making ICH guidances available to the public, the agency has changed its procedures for publishing ICH guidances. Beginning April 2000, we no longer include the text of ICH guidances in the **Federal Register**. Instead, we will publish a notice in the **Federal Register** announcing the availability of an ICH guidance. The ICH guidance is placed in the docket and can be obtained through regular agency sources (see the **ADDRESSES** section). Draft ICH guidances are left in the original ICH format. Final guidances are reformatted to conform to the GGP style before publication.

In the **Federal Register** of September 24, 1999 (64 FR 51767), FDA published a draft tripartite guidance entitled ''E10 Choice of Control Group in Clinical Trials.'' The notice gave interested persons an opportunity to submit comments by December 23, 1999.

After consideration of the comments received and revisions to the guidance, a final draft of the guidance was submitted to the ICH Steering Committee and endorsed by the three participating regulatory agencies in July 2000.

This guidance sets forth general principles that are relevant to all controlled trials and are especially pertinent to the major clinical trials intended to demonstrate drug (including biological drug) efficacy. The guidance includes a description of the five principal types of controls, a discussion of two important purposes of clinical trials, and an exploration of the critical issue of assay sensitivity, i.e., whether a trial could have detected a difference between treatments when there was a difference, a particularly important issue in noninferiority/equivalence trials. In addition, the guidance presents a detailed description of each type of control and considers, for each: (1) Its ability to minimize bias; (2) ethical and practical issues associated with its use; (3) its usefulness and the quality of inference in particular situations; (4) modifications of study design or combinations with other controls that can resolve ethical, practical, or inferential concerns; and (5) its overall advantages and disadvantages.

This guidance represents the agency's current thinking on the choice of control group in clinical trials. It does not create or confer any rights for or on any person and does not operate to bind FDA or the public. An alternative approach may be used if such approach satisfies the requirements of the applicable statutes and regulations.

II. Comments

Interested persons may submit to the Dockets Management Branch (address above) written comments on the guidance at any time. Two copies of any comments are to be submitted, except that individuals may submit one copy. Comments are to be identified with the docket number found in brackets in the heading of this document. The guidance and received comments may be seen in the Dockets Management Branch between 9 a.m. and 4 p.m., Monday through Friday.

III. Electronic Access

Persons with access to the Internet may obtain the document at http://www.fda.gov/cder/guidance/index.htm or http://www.fda.gov/cber/publications.htm.

Dated: May 4, 2001.

Margaret M. Dotzel,

Associate Commissioner for Policy.

[FR Doc. 01–12026 Filed 5–11–01; 8:45 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

Peripheral and Central Nervous System Drugs Advisory Committee; Notice of Meeting

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: This notice announces a forthcoming meeting of a public advisory committee of the Food and Drug Administration (FDA). The meeting will be open to the public.

Name of Committee: Peripheral and Central Nervous System Drugs Advisory Committee.

General Function of the Committee: To provide advice and recommendations to the agency on FDA's regulatory issues.

Date and Time: The meeting will be held on June 6, 2001, 8 a.m. to 5 p.m..

Location: Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD.

Contact: Sandra Titus, Food and Drug Administration, Center for Drug Evaluation and Research, (HFD–21), 5600 Fishers Lane, Rockville MD 20857, 301–827–7001, e-mail: Tituss@ cder.fda.gov. FAX 301–827–6801, or FDA Advisory Committee Information Line at 1–800–741–8138 (301–443–0572 in the Washington, DC area) code 12543. Please call the Information Line for up-to-date information on this meeting.

Agenda: On June 6, 2001, the committee will consider the safety and efficacy of new drug application (NDA) 21–196, Xyrem® (sodium oxybate, Orphan Medical, Inc.) proposed to reduce the incidence of cataplexy and to improve the symptom of daytime sleepiness for persons with narcolepsy. A main focus of the deliberations will be on risk management issues.

Procedure: Interested persons may present data, information, or views, orally or in writing, on issues pending before the committee. Written submissions may be made to the contact person by May 29, 2001. Oral presentations from the public will be scheduled between approximately 1 p.m. and 2 p.m. Time allotted for each presentation may be limited. Those desiring to make formal oral presentations should notify the contact person before May 29, 2001, and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names and addresses of proposed participants, and an indication of the approximate time requested to make their presentation.

Background material from the sponsor and FDA will be posted 24 hours before the meeting at the Peripheral and Central Nervous System Drugs Advisory Committee docket site at http://www.fda.gov/ohrms/dockets/ac/acmenu.htm. (Click on the year 2001 and scroll down to the Peripheral and Central Nervous Systems Drugs meetings.) This is the same Web site where you can find the minutes, transcript, and slides from the meeting. This material is generally posted about 3 weeks after the meeting.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Dated: May 8, 2001.

Linda A. Suydam,

Senior Associate Commissioner.

[FR Doc. 01–12085 Filed 5–10–01; 10:28 am]

BILLING CODE 4160–01–S

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Care Financing Administration

[Document Identifier: HCFA–R–267]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

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, has submitted to the Office of Management and Budget (OMB) the following proposal for the collection of information. Interested persons are invited to send comments regarding the 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: Reinstatement, with change, of a previously approved collection for which approval has expired; *Title of Information Collection:* Medicare Plus Choice Program Requirements Referenced in 42 CFR 422.000–422.700; *Form No.:* HCFA–R–0267 (OMB# 0938–0753); *Use:* Section 4001 of the Balanced Budget Act of 1997 added sections 1851 through 1859 to the Social Security Act to establish a new Part C of the Medicare Program, known as the Medicare+Choice program. Under this program, every individual entitled to Medicare Part A and enrolled under Part

B may elect to receive benefits through either the existing Medicare fee-for-service program or a Part C M+C plan. The regulations implementing these sections was published on June 26, 1998. The regulations revising these sections was published on February 17, 1999 and June 29, 2000.; *Frequency:* Other: as needed; *Affected Public:* Business or other for-profit, Individuals or Households, Not-for-profit institutions, Federal Government, and State, Local, or Tribal Government; *Number of Respondents:* 2,450; *Total Annual Responses:* 7,657,534; *Total Annual Hours:* 2,120,006.

To obtain copies of the supporting statement 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 and phone number, 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 designated at the following address: OMB Human Resources and Housing Branch, Attention: Allison Eydt, New Executive Office Building, Room 10235, Washington, DC 20503.

Dated: April 24, 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. 01–11967 Filed 5–11–01; 8:45 am]

BILLING CODE 4120–03–P

DEPARTMENT OF THE INTERIOR

National Park Service

Record of Decision: Final Environmental Impact Statement; Lake McDonald/Park Headquarters Wastewater Treatment System Rehabilitation, Glacier National Park, A Unit of Waterton-Glacier International Peace Park Flathead and Glacier Counties, MT

The Department of Interior, National Park Service (NPS) has prepared this Record of Decision on the Final Environmental Impact Statement on the Lake McDonald/Park Headquarters Wastewater Treatment System Rehabilitation for Glacier National Park, Montana. This Record of Decision is a statement of the decisions made as a result of environmental and socioeconomic analysis and consideration of public input. It describes the following: project background, the preferred alternative, other alternatives considered, the National Park Service decision and the basis for the decision, the environmentally preferable alternative, mitigation measures and the involvement of public, agencies and other nations.

Project Background

Glacier National Park (Park) attracts about 1.7 million visitors annually. Approximately 60 percent of these visitors enter the Park through the west entrance. The existing Lake McDonald wastewater treatment facility serves developed areas at Lake McDonald Lodge, Apgar Village, Sprague Creek, Apgar and Fish Creek Campgrounds, and Park Headquarters, park maintenance area, seasonal park and concession staff and year-round park employee residences.

In 1996, the Park determined that improvements and upgrades to the wastewater facility and collection system were needed to restore the original treatment capacity and protect resources from potential damage due to accidental wastewater discharges. Since 1997, the Park has upgraded lift stations at Lake McDonald Lodge and Sprague Creek Campground and has replaced the sewage collection system and made other improvements as necessary. The purpose of the proposed project is to rehabilitate and improve the existing wastewater treatment facility because it is no longer meeting its original treatment objectives or operating at the capacity it was originally designed for. In addition, the existing spray field used as part of the treatment process, is within the 100-year floodplain of McDonald Creek and the Middle Fork of the Flathead River and is only able to operate seasonally due to snow cover and or a high water table. The existing sewage storage lagoon is inadequate to store all the winter flow and precipitation during wet years, until the spray field is operational in the summer.

Decision (Selected Action)

The National Park Service will implement Alternative 3 as described in the Final Environmental Impact Statement on the Lake McDonald/park Headquarters Wastewater Treatment System Rehabilitation, with some minor clarifications and changes as indicated below to replace the existing wastewater treatment system with an advanced tertiary treatment wastewater facility that achieves the highest level of nutrient and pathogen removal of all the alternatives considered. The proposed wastewater treatment plant (WWTP) will incorporate sequencing batch reactors for nitrogen and phosphorus removal combined with chemicals that will remove additional phosphorus and suspended solids. In addition, UV disinfection will be used to kill pathogens prior to discharge. The proposed facility will require enlargement of the existing WWTP building to 60 feet × 100 feet. This method will insure that nutrients will be removed in accordance with treatment levels established by EPA and regulated by Montana DEQ.

In response to public comment received on the FEIS, the method for discharging the effluent has been changed from what was described in the FEIS. During the late spring, summer and early fall, when the plant will be treating up to 250,000 gallons of waste per day, the effluent will be treated to meet Montana DEQ standards for surface water discharge and will be disposed of by spray irrigation. Approximately 30 acres of the existing 58 acre spray field will be refurbished with new heads, pumps and controls and will cost approximately $150,000. Since the effluent will be treated to surface water discharge standards, irrigating the meadow by using the spray field is not part of the treatment process. However, it will provide a polishing effect. Any remaining nitrogen and phosphorus allowed by the discharge permit will be taken up by the plants and not enter the groundwater.

During the winter, when the plant will treat up to 12,000 gallons of waste per day, the effluent will be treated to a higher level to meet EPA underground injection control standards. To meet these higher standards, the effluent will be disinfected with ozone prior to filtration and then UV prior to discharge into an exfiltration gallery. The gallery (also known as a groundwater injection system) will be located southwest of the horse barn, within the vicinity of the existing spray field. The new plant's biological nutrient removal, filtration and disinfection process will achieve treatment standards set by EPA and regulated by DEQ. Chlorine and the disinfection by-products produced by chlorine will not be used or generated. Treated effluent discharges will meet Montana DEQ non-degradation water quality requirements in addition to EPA's underground injection control requirements.

The new site for the exfiltration gallery is within the area analyzed as part of the affected environment in the DEIS and FEIS. This site was not surveyed for the velvetleaf blueberry, although according to the park's

Ecologist, it is not expected velvetleaf blueberry habitat. Once the snows have melted and prior to construction, the site will be surveyed. If any plants are located, the site for the exfiltration gallery will be adjusted to avoid them.

The proposed exfiltration gallery, described in the FEIS that was located closer to the Middle Fork of the Flathead River, is no longer being considered. Concerns about adversely affecting the hyporheic community and continued perceptions by the public that we were putting waste into a wild and scenic river led the NPS to reconsider this part of the proposal. Continued consultation with Dr. Jack Stanford, EPA and DEQ also contributed to redesign of the effluent discharge system.

Other Alternatives Considered

Several alternative wastewater treatment systems were evaluated in the Draft and Final EIS. Alternatives 1A and 1B would continue to use a lagoon treatment system similar to the existing facility. Alternative 1A would add an additional aerated lagoon plus a new 13 acre spray field outside the 100-year floodplain. Treated effluent would be discharged into the existing and new spray fields during the summer. During the winter, sewage would be stored in holding ponds. Alternative 1B would add additional lagoons for winter sewage storage until the existing spray field was operational in the in the late spring or early summer. This alternative would require disturbance of about 16 acres of new land for construction of additional storage lagoons. Treated effluent discharge would meet Montana DEQ water quality standards.

Alternative 2 is an advanced water treatment facility similar to the preferred alternative, but does not include the chemical and filtration treatments for phosphorus removal. This facility would use a series of three rapid infiltration basins to discharge the treated effluent to ground water in a terrace outside of the 100-year floodplain. About 9 acres of forest would need to be cleared to construct the infiltration basins. Montana DEQ ground water discharge standards would be met.

The No Action Alternative would continue operation of the existing WWTP and spray field. Because this facility is no longer treating to original design criteria, biological oxygen demand and suspended sediment concentrations would continue to increase. Occasional sewage spills from the lagoon may occur during wet springs when storage capacity is exceeded and the spray field cannot be operated. To reduce the potential for spills, it may be necessary to restrict Park or concession operations in the winter or early spring. The current facility would continue to meet state water quality requirements. The existing facility may not meet future demand because it is no longer capable of operating at the original capacity it was designed for.

The selected action (Alternative 3) is discussed in detail above, however several options for the discharge of the treated effluent were considered for this alternative. These were use of a constructed wetland, construction of an artificial pond or channel for infiltration, continued use of the existing spray field in the floodplain, direct discharge into the Middle Fork of the Flathead River and an exfiltration gallery in the floodplain of the Middle Fork of the Flathead River. Because the effluent is treated to the highest degree possible with available technology, (tertiary treatment), the type of discharge outlet is not a critical factor necessary to achieve treatment objectives. A constructed wetland would only be functional during a relatively short growing season, would require disturbance of approximately 2 acres, and may be difficult to operate efficiently because of the wide fluctuations in effluent discharges over the year. Furthermore it is not expected to substantially improve the quality of the effluent discharge since it is already being treated to the highest degree possible. Construction of infiltration ponds or channels would require clearing about 10 acres of forested land and would introduce a large visual artificial drainage feature to the landscape.

Environmental Preferred Alternative

The environmentally preferable alternative is defined as ''the alternative that will promote the national environmental policy as expressed in the National Environmental Policy Act's section 101. Typically, this means the alternative that causes the least damage to the biological, and physical environment. It also means the alternative that best protects, preserves and enhances historic, cultural and natural resources'' (Forty Most Asked Questions Concerning Council of Environmental Quality's (CEQ) National Environmental Policy Act Regulations, 1981).

Each of the action alternatives provides an environmentally preferable alternative in comparison to continued operation of the existing WWTP under the No Action Alternative. However, the selected action (Alternative 3) and the modifications made to the discharge of effluent, that has become the NPS decision, provides the highest level of sewage treatment of all the alternatives under consideration, with the least amount of adverse impacts to resources. In addition to biological nutrient removal, filtration and disinfection, the selected action (Alternative 3) disposes of effluent via land application. Protection of our surface and ground water is greatly enhanced by allowing the plants in the spray field to naturally uptake any nutrients remaining in the waste system. This provides the highest level of treatment possible.

National Park Service Decision

The National Park Service will implement the Alternative 3 (the preferred alternative) as described in the Final EIS and this ROD with the changes as explained above. The final decision on how to discharge the effluent was not described in the DEIS or FEIS. However, the area affected by this change in the preferred alternative was analyzed in the EIS, and there will be no additional or new impacts on resources from this change. Therefore a supplemental FEIS will not be prepared. The effluent discharge system as described in the FEIS would have adversely affected the hyporheic community located in the floodplain of the Middle Fork of the Flathead River. The basis for this decision is discussed below.

Basis for the Decision

Although each of the action alternatives evaluated in the FEIS would meet the purpose and need of the project, Alternative 3 provides the highest level of treatment (tertiary) and has the least impact on Park resources including the Middle Fork of the Flathead River, a Wild and Scenic River. Alternative 3 provides for biological and chemical treatment to remove both nitrogen and phosphorus and ozone and UV disinfection to kill pathogens. The water quality of treated effluent will meet Montana DEQ non-degradation requirements and further be polished by irrigating the pasture, so there will be no adverse impact to the Middle Fork of the Flathead River or groundwater. Construction of the exfiltration gallery southwest of the horse barn will cause temporary disturbance during construction of about .4 hectares (1 acre). Although this site is located within the 100 year floodplain of the Middle Fork of the Flathead River and McDonald Creek, it will be buried to avoid any adverse impacts to the floodplain and is exempt from compliance with NPS Guidelines for EO

11988. A floodplain permit will be obtained from the Flathead Regional Development Office to install the exfiltration gallery.

Alternative 3 will not have an adverse effect on the outstanding and remarkable values and qualities inherent within the recreational segment of the Middle Fork of the Flathead Wild and Scenic River, because there will be no adverse impact to water quality, scenic values, recreational use, or the free-flowing status of the river.

Alternative 3 will not adversely affect any federally listed threatened or endangered species or state listed species. There will be no long-term loss of Park natural resources. Adverse impacts to natural resources will be temporary and occur within an already disturbed area. The existing wastewater treatment building will be enlarged within an already disturbed area. The site where the exfiltration gallery will be buried will be revegetated.

Why the Other Alternatives Were Not Selected

Alternatives 1A and 1B would improve the quality of the treated effluent, meet anticipated water demands, and eliminate potential adverse environmental effects associated with the existing WWTP. However construction of new lagoons and spray fields would require a long-term surface disturbance. This would add an additional unnatural disturbance to the Park and would eliminate or modify plant communities and wildlife habitat. Several velvetleaf blueberry plants (a species listed as rare by the State of Montana) would be adversely affected and destroyed if these alternatives were implemented. There also would be minor changes in the visual landscape with the construction of new lagoons and forest clearing for a new spray field. These alternatives require the continued use of the existing 54 acre spray field within the 100 year floodplain of the Middle Fork of the Flathead River and the artificial irrigation of meadow habitat. Alternatives 1A and 1B were not selected because of the environmental effects associated with the need for additional ground disturbance and the desire to discontinue use of the existing spray field as part of the treatment process and provide a higher level of sewage treatment.

Alternative 2 is an advanced water treatment facility similar to Alternative 3, but does not include additional treatment to remove phosphorus. In addition, about 9 acres of forest would need to be cleared to construct the infiltration basins. Alternative 2 was not selected because of the larger disturbance and associated loss of natural plant communities and wildlife habitat that would be required.

The No Action alternative was rejected because continuation of the existing situation places park resources at significant risk and because the existing WWTP is no longer operating at the level of treatment, efficiency or capacity for which it was originally designed. Continued use of the facility may result in significant adverse effects on park resources, and result in limitations on Park and visitor operations.

The proposed exfiltration gallery, described in the FEIS, was located closer to the Middle Fork of the Flathead River, is no longer being considered. Concerns about adversely affecting the hyporheic community and continued perceptions by the public that we were putting waste into a wild and scenic river led the NPS to reconsider this part of the proposal. Further consultation with Dr. Jack Stanford, EPA and DEQ also contributed to the redesign of the effluent discharge system.

Measures To Minimize Environmental Harm

Measures to minimize environmental effects that could result from implementation of Alternative 3 have been incorporated into the decision. The NPS selected action minimizes environmental effects primarily by avoiding sensitive habitat and confining the area of disturbance to previously disturbed areas. This includes locating the WWTP building addition within the existing parking area, and burying the effluent discharge pipe and gallery within an already disturbed area in the vicinity of the horse barn. All areas disturbed by construction will be revegetated with native plant species. Restrictions in the timing and season of construction activity will be used to minimize impacts to wildlife species. Specific mitigation measures will be incorporated into construction specifications to prevent the introduction of hazardous materials and noxious and exotic plant material to the environment. Other protective measures will be used to prevent attracting wildlife and to minimize the potential for human/wildlife conflicts during construction. Environmental effects to water quality, groundwater, the hyporheic community and the Wild and Scenic River, will be minimized by the selection of the alternative that offers the highest level of sewage treatment available with current technology and incorporating a treatment level necessary to meet EPA and Montana DEQ non-degradation requirements.

Finding on Impairment of Park Resources and Values

In addition to determining the environmental consequences of the preferred and other alternatives, National Park Service policy (Management Policies 2001) requires analysis of potential effects to determine whether or not actions would impair park resources. Because implementation of the preferred alternative will not result in any major, adverse impacts to a resource or value whose conservation is (1) necessary to fulfill specific purposes identified in the establishing legislation of Glacier National Park; (2) key to the natural or cultural integrity of the park or to opportunities for enjoyment of the park; or (3) identified as a goal in the park's general management plan or other relevant National Park Service planning documents, there will be no impairment of Glacier National Park's resources or values.

Public and Interagency Involvement

A Notice of Intent was published in the **Federal Register** on October 18, 1999. Two public open houses were held in October 1999 to conduct scoping and solicit input from the public on the proposed improvements to the wastewater treatment facility. The draft EIS was released in January 2000 and two additional public open houses were held in March 2000. A Notice of Availability for the Draft EIS was issued in the **Federal Register** on February 7, 2000. And a Notice of Availability for the Final EIS appeared in the **Federal Register** on August 28, 2000.

Consultation and coordination was held with the U. S. Forest Service, U.S. Fish and Wildlife Service, U.S. Army Corps of Engineers, Environmental Protection Agency, Montana Department of Environmental Quality, Flathead Regional Development Office, Flathead County Department of Health and Dr. Jack Stanford (Director of the Flathead Lake Biological Station at Yellow Bay). A Biological Assessment was submitted to the US Fish and Wildlife Service in April 2000. On September 21, 2000, they wrote stating they concurred with our determination of ''not likely to adversely effect'' grizzly bears, gray wolves, Canada Lynx and bald eagles. They agreed with the ''no effect'' determination for bull trout. On July 17, 2000 the Army Corps of Engineers surveyed the site for wetlands and found no evidence that they were present. On October 23, 2000, NPS

Ecologist, Tara Williams conducted a wetland survey on additional lands in the area to determine if an existing wetland could be used as part of the treatment process. None were found.

Comments received on the Final EIS also concluded that the Environmental Protection Agency supported the Preferred Alternative. They also recommended that the ultimate sludge disposal location be identified and selected. A subsequent phone call clarified they did not intend for the NPS to delay in issuing the Record of Decision before resolving this, but to explain in the ROD our progress to date in locating a site. The NPS has continued to communicate with local landfills and sewage treatment plants throughout the Flathead Valley. Columbia Falls and Kalispell indicated that they will take the sludge, however they are unwilling to sign a contract today for sludge disposal that won't be necessary for another 8 years.

Two letters were also received from the Coalition for Canyon Preservation during the 30 day no-action period on the FEIS. One of these letters raised a new concern about impacts to groundwater that had not been raised in their comments on the Draft EIS. Groundwater resources and impacts were addressed in the Draft and Final EIS under the heading Water Resources and Floodplains. Specific references to groundwater are found on pages 45, 58, 59, 60, 62. Specific references to the hyporheic community that also lives in the groundwater are found on pages 67, 68, 69. The NPS decision and preferred alternative, as described in the FEIS and ROD, provides for treatment of wastewater at the highest level that technology allows. Concerns raised by CCP and other members of the public contributed to the NPS taking another look at how best to protect the hyporheic community and the Wild and Scenic River. This resulted in further modification of the effluent discharge method described in the FEIS. The new location for the exfiltration gallery and the use of the spray field during the spring, summer and fall months as described in this ROD, will result in an even better treatment system than proposed in the DEIS or FEIS.

Neither direct discharge to the Middle Fork of the Flathead River or constructing an exfiltration gallery just outside the 10 year floodplain of the River will be further considered.

As described in this record of decision treating the effluent during the late spring, summer and early fall to surface water standards and then discharging it through the existing spray field (which is not part of the treatment process) will ensure that the groundwater and hyporheic communities are not adversely affected. Use of an exfiltration gallery (near the horse barn) and treatment of the effluent to meet drinking water standards, will ensure that groundwater is not adversely affected. It will also provide protection to the water quality of the wild and scenic river and the values for which it was designated a wild and scenic river.

Concerns were also raised by the CCP about development within floodplains. The exfiltration gallery will be buried 6 feet below the surface in an already disturbed area within the existing spray field. It will not present an obstruction within the floodplain. This is also exempted from compliance with the Executive Order 11988, in accordance with NPS Guidelines for implementing the executive order, because it is water dependent. Siting it within an already disturbed area was suggested by CCP in a letter dated October 12, 2000.

All comments received on this project are on file at Park headquarters in West Glacier, Montana. Public and agency comments were obviously an important component of this project and greatly assisted with modification and selection of Alternative 3 and the NPS decision.

Conclusion

Alternative 3 with the changes described in this record of decision, provides the most comprehensive and effective method among the alternatives considered for rehabilitating the wastewater treatment system in the Lake McDonald/Park Headquarters area. The selection of Alternative 3 as reflected by the analysis contained in the environmental impact statement, would not result in the impairment of park resources and will allow the National Park Service to conserve park resources and provide for their enjoyment by visitors.

Recommended:
Dated: March 30, 2001.

Suzanne Lewis,

Superintendent, Glacier National Park, National Park Service.

Approved:
Dated: April 9, 2001.

Michael D. Synder,

Regional Director, Intermountain Regional Office, National Park Service.

[FR Doc. 01–12013 Filed 5–11–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Public Scoping for Proposed Construction of a Two-Unit Vault Toilet Comfort Station To Replace the Existing Portable Chemical Toilets at Gravelly Point, a Unit of the George Washington Memorial Parkway (GWMP)

AGENCY: National Park Service Interior.

ACTION: Availability of the proposal for the construction of a two-unit vault toilet comfort station to replace the existing portable chemical toilets at Gravelly Point.

SUMMARY: Pursuant to Council on Environmental Quality regulations and National Park Service policy, the National Park Service announces the availability of a proposal for the construction of a two-unit vault toilet comfort station to replace the existing portable chemical toilets at Gravelly Point within the George Washington Memorial Parkway (GWMP). The proposal is examining several alternatives for the specific location of the temporary vault toilet unit. The National Park Service is soliciting comments on this proposal. These comments will be considered in preparing the Environmental Assessment pursuant to the National Environmental Policy Act (NEPA).

DATES: The proposal will remain available for public comment on or before June 13, 2001. Written comments should be post marked no later than this date.

ADDRESSES: Comments on this Environmental Assessment should be submitted in writing to: Ms. Audrey F. Calhoun, Superintendent, George Washington Memorial Parkway, Turkey Run Park, McLean, Virginia 22101. The Environmental Assessment will be available for public inspection Monday through Friday, 8 a.m. through 4 p.m. at GWMP Headquarters, Turkey Run Park, McLean, VA, on the National Park Service Website www.nps.gov/gwmp and at various libraries in the City of Alexandria and Arlington County, Virginia.

SUPPLEMENTARY INFORMATION: The National Park Service proposes to construct a two-unit vault toilet comfort station to replace the existing 2–4 portable chemical toilets at Gravelly Point within the GWMP and the possible relocation of an area designated as Governors Grove. An estimated 1 million visitors per year use the Gravelly Point area, which is accessible from the northbound GWMP as well as

the Mount Vernon Trail (MVT). Since there is no water or sewer available at Gravelly Point, the National Park Service currently provides 4 portable toilets between April and November and 2 portable toilets December through March on a rental basis. The NPS would like to replace these rental units with an alternative that is less likely to cause environmental concern from being tipped over, that is fully accessible in accordance with the Americans with Disabilities Act and that have a larger holding capacity than the portable toilets. This would reduce the number of portable toilets needed and the frequency of pumping them. The intent of the proposed two-unit vault toilet comfort station is to provide an environmentally sound and fully accessible comfort station for visitors to this site that will better serve the public until a more permanent solution is found such as water and sewer eventually being brought to Gravelly Point. The overall goal is to meet this visitor need while preserving the viewshed from the GWMP, a property listed on the National Register of Historic Places, protecting the integrity of cultural landscape features such as Governors Grove and preventing interference with ground radar at National Airport (height restrictions). The proposed action is based on observations by National Park Service staff that existing conditions are in need of improvement at this location.

All interested individuals, agencies, and organizations are urged to provide comments on the proposal. The National Park Service, in preparing an EA regarding this matter, will consider all comments received by the closing date.

FOR FURTHER INFORMATION CONTACT: Mr. Dan Sealy (703) 289–2531.

Dottie Marshall,

Acting Superintendent, George Washington Memorial Parkway.

[FR Doc. 01–12083 Filed 5–11–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF INTERIOR

National Park Service

Saint-Gaudens National Historic Site, Cornish, NH: Environmental Assessment—Purple Loosestrife Management; Notice of Availability and Public Comment Period

In accordance with the National Environmental Policy Act (Pub. L. 91–190) the National Park Service (NPS) announces that the document ''Environmental Assessment, Purple Loosestrife Management, Saint-Gaudens National Historic Site'' will be available for public review and comment for thirty days from the date of its publication in the **Federal Register.**

The document presents four alternatives for managing the non-native, invasive plant, purple loosestrife (*Lythrum salicaria*) at the site. Ultimately, an alternative will be selected that will guide the park in the management of this invasive species.

During the thirty-day comment period, interested persons may review the document and provide written comments to the Superintendent, Saint-Gaudens National Historic Site, RR 3, Box 73, Cornish, NH 03745.

The NPS will distribute a summary of the Environmental Assessment to the site's mailing list, interested individuals and institutions. The NPS will then distribute a complete version of the document to federal, state, regional, and local agencies. Both versions will be available at local libraries and at the Saint-Gaudens National Historic Site.

Queries and requests for copies of the complete Environmental Assessment or of the summary document should be directed to the Saint-Gaudens National Historic Site at (603) 675–2175.

Dated: April 30, 2001.

John H. Dryfhout,

Superintendent, Saint-Gaudens NHS.

[FR Doc. 01–12014 Filed 5–11–01; 8:45 am]

BILLING CODE 4310–70–P

DEPARTMENT OF THE INTERIOR

National Park Service

Correction—Native American Graves Protection and Repatriation Review Committee: Meeting

AGENCY: National Park Service, Interior.

ACTION: Correction.

Notice is hereby given in accordance with the Federal Advisory Committee Act (FACA), 5 U.S.C. Appendix (1988), that a meeting of the Native American Graves Protection and Repatriation Review Committee will be held on May 31, and June 1 and 2, 2001, in Kelseyville, CA. This notice corrects the agenda, and the telephone number and e-mail address of the Assistant Director, Cultural Resources Stewardship and Partnerships in the meeting notice published on March 26, 2001.

The third paragraph of the March 26, 2001, notice is corrected as follows:

The agenda for the meeting will include discussion of the 1999/2000 and 2001 reports to Congress, Federal agency compliance, status of pending disputes, contamination of cultural items, reburial on Federal lands, and implementation of the statute in the western United States.

The seventh paragraph of the March 26, 2001, notice is corrected as follows:

Persons wishing further information concerning this meeting may contact Mr. John Robbins, Assistant Director, Cultural Resources Stewardship and Partnerships, 1849 C Street NW., 350 NC, Washington, DC 20240, telephone **(202) 343–3388**, fax (202) 343–5260, e-mail **john_robbins@nps.gov**. Transcripts of the meeting will be available for public inspection approximately eight weeks after the meeting at the office of the Assistant Director, Cultural Resources Stewardship and Partnerships, 800 North Capitol Street NW., Suite 350, Washington, DC 20001.

Dated: May 1, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–12015 Filed 5–11–01; 8:45 am]

BILLING CODE 4310–70–F

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 28, 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 29, 2001.

Carol D. Shull,

Keeper of the National Register Of Historic Places.

ARIZONA

Pinal County

Grewe Site, Address Restricted, Coolidge, 01000565

FLORIDA

St. Lucie County

Fort Pierce Old Post Office, 500 Orange Ave., Fort Pierce, 01000567

IDAHO

Bonner County

Olson, Charles A. and Mary, House, 401 Church St., Sandpoint, 01000566

Minidoka County

Empire School, (Public School Buildings in Idaho MPS) 300 South 50 East, Rupert, 01000568

ILLINOIS

Champaign County

Warm Air Research House, 1108 W. Stoughton St., Urbana, 01000595

Cook County

Chicago Telephone Company Kedzie Exchange, 17 S. Homan Ave., Chicago, 01000594

Lake County

Lake Forest Cemetery, 1525 N. Lake Rd., Lake Forest, 01000597

Paddock, Henry I., House, 346 Sheridan Rd., Winthrop Harbor, 01000596

Marion County

Bachmann, Charles and Naomi, House, 401 S. Walnut St., Salem, 01000598

Randolph County

Piney Creek Site, (Native American Rock Art Sites of Illinois MPS) Address Restricted, Campbell Hill, 01000601

Piney Creek South Site, (Native American Rock Art Sites of Illinois MPS) Address Restricted, Campbell Hill, 01000602

Piney Creek West Site, (Native American Rock Art Sites of Illinois MPS) Address Restricted, Campbell Hill, 01000600

Tegtmeyer Site, (Native American Rock Art Sites of Illinois MPS) Address Restricted, Campbell Hill, 01000599

LOUISIANA

St. James Parish

Mather House, (Louisiana's French Creole Architecture MPS) 5666 LA 44, Convent, 01000569

MICHIGAN

Lenawee County

Jackson Branch Bridge No. 15, Southern Michigan RR over River Raisin, Raisin Township, 01000572

Mason County

Scottville School, 209 N. Main St., Scottville, 01000571

Wayne County

New Amsterdam Historic District, 435, 450 Amstersam; 440, 41–47 Burroughs; 5911–5919, 6050–6160 Cass; 6100–6200 Second; 425 York, Detroit, 01000570

NEVADA

Douglas County

Gale, Lena N., Cabin, 726 Cedar St., Zephyr Cove, 01000586

Washoe County

Bethel AME Church, 220 Bell St., Reno, 01000587

NEW YORK

Albany County

Lainhart Farm Complex and Dutch Barn, 6755 Lainhart, Altamont, 01000579

Newtonville United Methodist Church, Louden Rd. at Maxwell Rd., Colonie, 01000580

Van Derheyden House, 823 Delaware Ave., Delmar, 01000582

Delaware County

Skene Memorial Library, Main St.—Old NY 28, Fleischmanns, 01000576

Onondaga County

First Baptist Church of Camillus, 23 Genesee St., Camillus, 01000573

Rockland County

Philadelphia Toboggan Company Carousel Number 15, 1000 Palisades Center, West Nyack, 01000583

Schoharie County

Gallupville Methodist Church, Factory St., Schoharie, 01000584

Seneca County

Wilson, Aaron, House, 2037 Wilson Rd., Ovid, 01000577

St. Lawrence County

Childwold Memorial Presbyterian Church, Bancroft Rd., Piercefield, 01000585

Sullivan County

First Methodist Episcopal Church of Parksville, 10 Short Ave., Parksville, 01000575

Hebrew Congregation of Mountaindale Synagogue, NY 55, Mountaindale, 01000578

Roscoe Presbyterian Church and Westfield Flats Cemetery, Old NY 17, Roscoe, 01000574

Ulster County

Jenkins-DuBois Farm and Mill Site, Jenkinstown Rd., Gardiner, 01000581

NORTH DAKOTA

Walsh County

State Bank of Edinburg, 300 Main Ave., Edinburg, 01000588

OHIO

Clermont County

Harmony Hill Dairy House, 299 S. Third St., Williamsburg, 01000592

Columbiana County

East Liverpool Downtown Historic District, (East Liverpool Central Business District MRA) Roughly bounded by W. Sixth St., Dresden Ave., Welch Ave., Broadway, Walnut St., E. Fourth St., and East Alley, East Liverpool, 01000591

Perry County

New Straitsville School, 402 Clark St., New Straitsville, 01000590

Warren County

Corwin Council House and Jail, 946 Harveysburg Rd., Corwin, 01000589

PENNSYLVANIA

Allegheny County

Frew, John, House, 105 Sterrett St., Pittsburgh, 01000593

Bradford County

Protection of the Flag Monument, 715 S. Main St., Athens, 01000604

Somerset County

Stoystown Historic District, (Lincoln Highway Heritage Corridor Historic Resources: Franklin to Westmoreland Counties MPS) Roughly bounded by W & E Forbes Rds., E Main St., Meadow St. E Penn Ave, S Sommerset St., W Penn Ave. and W Main St., Stoystown Borough, 01000605

Washington County

Parkinson, Robert, Farm, PA 18, 0.4 mi. N of Old Concord Village, Morris Township, 01000603

SOUTH CAROLINA

Beaufort County

Beaufort Historic District, Bounded by Beaufort River, Hamar St., and Boundary St., Beaufort, 01000608

Florence County

Jamestown Historic District, Approx. 1 mi. N of US76/301, Florence, 01000610

Hampton County

Bank of Hampton, 15 Elm St., E, Hampton, 01000606

Marion County

Teasley, J.C., House, (Flue-Cured Tobacco Production Properties TR) 131 E. Wine St., Mullins, 01000609

Union County

Woodland Plantation, 3435 Santuc-Carlisle Hwy-SC 215, Carlisle, 01000607

TEXAS

Fannin County

Lake Fannin Organizational Camp, 1 mi. W jct of Cty. Rd. 2025 and State Farm-to-Market Rd. 2554, Caddo National Grasslands, Duplex, 01000611

Travis County

Cox-Craddock House, 720 E. 32nd St., Austin, 01000612

VIRGINIA

Norfolk Independent city Downtown Norfolk Historic District (Boundary Increase), Granby, Freemason, Charlotte, Bute, and York Sts., College Pl. and Monticello Ave., Norfolk (Independent City), 01000613

A request for REMOVAL has been made for the following resources:

ARIZONA

Maricopa County

Smurthwaite House 602 N. 7th St. (Nineteenth Century Residential Buildings in Phoenix MPS) Phoenix, 94001539

VIRGINIA

Albemarle County

Enniscorthy VA 627 .5 mi. S of jct with VA 712 Keene vicinity, 92001273

[FR Doc. 01–12012 Filed 5–11–01; 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 Colorado Historical Society, Denver, CO

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 Colorado State Historical Society, Denver, CO.

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 and associated funerary objects was made by Colorado Historical Society professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Tribe of the Southern Ute Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah. The following tribes were invited, but were unable to participate in consultations: Apache Tribe of Oklahoma; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Shoshone Tribe of the Wind River Reservation, Wyoming; and Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma.

In August 1994, human remains representing one individual were observed by a Colorado Springs man and his children in an arroyo slump in Colorado Springs, CO. Without disturbing the remains, the man contacted the Colorado Springs sheriff, who visited the site to collect all of the visible remains. The Office of the State Archaeologist was contacted on August 26 and, with the assistance of local archaeologists, the remaining portions of the burial were excavated between August 26 and 30, 1994. The remains, consisting of the nearly complete skeleton of an adult male, were originally buried in a flexed position. The teeth show unusually heavy wear and polish on all sides, with wear patterns on the front teeth suggestive of their use as tools. The totality of these circumstances supports the identification of this individual as Native American. No known individual was identified. The six associated funerary objects are a jasper biface, a ground and polished animal scapula, three flakes, and a piece of stone shatter.

Based on the totality of the circumstances surrounding the acquisition of these human remains and associated funerary objects, and evidence of traditional territories, oral traditions, archaeological context, material culture, and dentition, officials of the Colorado Historical Society have determined that the burial dates to the prehistoric period, and that there is cultural affiliation with the present-day tribes who jointly claim a presence in the region prior to and during the contact period. Official representatives of 12 tribes signed and submitted a document to the Colorado Historical Society on October 12, 2000, jointly claiming cultural affiliation to these human remains and associated funerary objects. The 12 tribes are the Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

Based on the above-mentioned information, officials of the Colorado Historical Society have 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. Officials of the Colorado Historical Society also have determined that, pursuant to 43 CFR 10.2(d)(2), the six 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, pursuant to 43 CFR 10.2(e), officials of the Colorado Historical Society have determined that, based upon traditional territories and oral traditions, there is a relationship of shared group identity that can be reasonably traced between these Native American human remains and the Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah.

This notice has been sent to officials of the Apache Tribe of Oklahoma; Arapahoe Tribe of the Wind River Reservation, Wyoming; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Comanche Indian Tribe, Oklahoma; Crow Tribe of Montana; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Fort Sill Apache Tribe of Oklahoma; Hopi Tribe of Arizona; Jicarilla Apache Tribe of the Jicarilla Apache Indian Reservation, New Mexico; Kiowa Indian Tribe of Oklahoma; Mescalero Apache Tribe of the Mescalero Reservation, New Mexico; Navajo Nation, Arizona, New Mexico & Utah; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Pueblo of Acoma, New Mexico; Pueblo of Cochiti, New Mexico; Pueblo of Isleta, New Mexico; Pueblo of Jemez, New Mexico; Pueblo of Laguna, New Mexico; Pueblo of Nambe, New Mexico; Pueblo of Picuris, New Mexico; Pueblo of Pojoaque, New Mexico; Pueblo of San Felipe, New Mexico; Pueblo of San Juan, New Mexico;

Pueblo of San Ildefonso, New Mexico; Pueblo of Sandia, New Mexico; Pueblo of Santa Ana, New Mexico; Pueblo of Santa Clara, New Mexico; Pueblo of Santo Domingo, New Mexico; Pueblo of Taos, New Mexico; Pueblo of Tesuque, New Mexico, Pueblo of Zia, New Mexico; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Shoshone Tribe of the Wind River Reservation, Wyoming; Shoshone-Bannock Tribes of the Fort Hall Reservation of Idaho; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Standing Rock Sioux Tribe of North & South Dakota; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah; Wichita and Affiliated Tribes (Wichita, Keechi, Waco & Tawakonie), Oklahoma; and Zuni Tribe of the Zuni Reservation, New Mexico. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Anne W. Bond, Director of Collections and Exhibitions, Colorado Historical Society, 1300 Broadway, Denver, CO 80203–2137, telephone (303) 866–4691, before June 13, 2001. Repatriation of the human remains to the Cheyenne-Arapaho Tribes of Oklahoma; Comanche Indian Tribe, Oklahoma; Fort Sill Apache Tribe of Oklahoma; Kiowa Indian Tribe of Oklahoma; Northern Cheyenne Tribe of the Northern Cheyenne Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Southern Ute Indian Tribe of the Southern Ute Reservation, Colorado; Three Affiliated Tribes of the Fort Berthold Reservation, North Dakota; Ute Indian Tribe of the Uintah & Ouray Reservation, Utah; and Ute Mountain Tribe of the Ute Mountain Reservation, Colorado, New Mexico & Utah may begin after that date if no additional claimants come forward.

Dated: April 27, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–12019 Filed 5–11–01; 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 Kansas State Historical Society, Topeka, KS

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 Kansas State Historical Society, Topeka, KS.

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 Kansas State Historical Society professional staff in consultation with representatives of the Pawnee Nation of Oklahoma.

In 1975, human remains representing four individuals were donated to the Kansas State Historical Society by Jerry Bobey who reportedly excavated these human remains from a low rock-filled earthen mound at the Bobey site, 14RP325, on a bluff above Salt Creek in Republic County, KS. No known individuals were identified. The 68 associated funerary objects are pottery shards, a pipebowl section, chipped stone tools and debris, and 12 pieces of limestone.

Based on osteological analysis, the reported archeological context, and the associated funerary objects, these individuals have been identified as Native American. Based on geographic location and material culture, particularly pottery characteristics, the Bobey site has been identified as a manifestation of the Central Plains Tradition (C.E. 900–1400). Based on temporal position and continuities of material culture, the Central Plains Tradition has been identified as ancestral to the present-day Pawnee Nation of Oklahoma.

Based on the above-mentioned information, officials of the Kansas State Historical Society have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of four individuals of Native American ancestry. Officials of the Kansas State Historical Society also have determined that, pursuant to 43 CFR 10.2(d)(2), the 68 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 Kansas State Historical Society 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 Pawnee Nation of Oklahoma. This notice has been sent to officials of the Pawnee Nation of Oklahoma. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains and associated funerary objects should contact Randall M. Thies, Archaeologist, Kansas State Historical Society, 6425 Southwest Sixth Avenue, Topeka, KS 66615–1099, telephone (785) 272–8681, extension 267, before June 13, 2001. Repatriation of the human remains and associated funerary objects to the Pawnee Nation of Oklahoma may begin after that date if no additional claimants come forward.

Dated: April 20, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–12018 Filed 5–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Correction—Notice of Inventory Completion for Native American Human Remains and Associated Funerary Objects in the Possession of the Peabody Museum of Archaeology and Ethnology, Harvard University, Cambridge, MA

AGENCY: National Park Service, Interior

ACTION: Correction

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 Peabody Museum of Archaeology and Ethnology, Cambridge, 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 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.

This notice corrects the list of tribes in the Notice of Inventory Completion published April 3, 2001 (Federal Register Document 01-8170, pages 17733-17735) to whom repatriation of the human remains may begin after May 3, 2001 if no additional claimants come forward. In the last paragraph of the April 3, 2001, notice, add the following tribe to the list of tribes following ''Repatriation of the human remains to . . .'': **Spirit Lake Tribe, North Dakota.**

Dated: April 23, 2001

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships

[FR Doc. 01–12020 Filed 5–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF THE INTERIOR

National Park Service

Notice of Intent to Repatriate Cultural Items in the Possession of the Putnam Museum of History and Natural Science, Davenport, IA

AGENCY: National Park Service, Interior.

ACTION: Notice.

Notice is hereby given under the Native American Graves Protection and Repatriation Act, 43 CFR 10.10 (a)(3), of the intent to repatriate cultural items in the possession of the Putnam Museum of History and Natural Science, Davenport, IA, that meet the definition of ''sacred objects'' under Section 2 of the Act.

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 cultural items. The National Park Service is not responsible for the determinations within this notice.

The cultural items are two gourd rattles (catalog number AE 103 A–B, accession number 1957–35). The handles are made of hand-carved wood and have been stained black. The top of each gourd has been removed so that the handle fits snugly into the neck of the gourd. The handles form the axis with 1.75 inches protruding at the top. There are small brown beads inside each of the rattles. One gourd has a dyed blackish-brown knotted rope (0.25 inches in diameter) tied to the handle.

The rattles were purchased by A. Lang Baily during the summer of 1956 at Tama, IA. The rattles were donated to the Davenport Public Museum (now the Putnam Museum of History and Natural Science) on October 22, 1957, by his wife, Kay Baily.

Cultural affiliation with the Sac and Fox Tribe of the Mississippi in Iowa is indicated by the rattles' acquisition at Tama, IA, where the Sac and Fox Tribe of the Mississippi in Iowa settlement is located. Also, according to the accession record as well as to the catalog card the objects are designated as being ''Mesquaki,'' which is the name the Fox use for themselves.

Correspondence with the Sac and Fox Tribe of the Mississippi in Iowa indicates that the rattles are sacred according to past and current traditional practices and standards of Sac and Fox religious integrity. Furthermore, information presented in the consultation indicates that these rattles are specific ceremonial objects that are needed by the present-day adherents of traditional Sac and Fox religious practices. Correspondence with the tribe further suggests these rattles may also be objects of cultural patrimony since the objects were tribal property at the time of alienation.

Based on the above-mentioned information, officials of the Putnam Museum of History and Natural Science have determined that, pursuant to 43 CFR 10.2(d)(3), these rattles are specific ceremonial objects needed by traditional Native American religious leaders for the practice of traditional Native American religions by their present-day adherents. Officials of the Putnam Museum of History and Natural Science also 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 rattles and the Sac and Fox Tribe of the Mississippi in Iowa.

This notice has been sent to officials of the Sac and Fox Tribe of the Mississippi in Iowa; the Sac and Fox Nation of Missouri in Kansas and Nebraska; and the Sac and Fox Nation, Oklahoma. Representatives of any other Native American tribe that believes itself to be culturally affiliated with these sacred objects should contact Janice Hall, Chief Curator, Putnam Museum of History and Natural Science, 1717 West 12th Street, Davenport, IA 52804, telephone (563) 324–1054, before June 13, 2001. Repatriation of these sacred objects to the Sac and Fox Tribe of the Mississippi in Iowa may begin after that date if no additional claimants come forward.

Dated: April 13, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–12016 Filed 5–11–01; 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 San Diego Museum of Man, San Diego, CA

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 San Diego Museum of Man, San Diego, CA.

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 San Diego Museum of Man professional staff in consultation with representatives of the Klamath Indian Tribe of Oregon, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Warm Springs Reservation of Oregon, Fort Bidwell Indian Community of the Fort Bidwell Reservation of California, and Quartz Valley Indian Community of the Quartz Valley Reservation of California.

In 1922, human remains representing one individual were recovered from beneath the lakebed of Tule Lake, Siskiyou County, CA, by George Redicial. At some time after 1922, Mr. Redicial donated these human remains to the San Diego Museum of Man, San Diego, CA. No known individual was identified. No associated funerary objects are present.

Based on skeletal morphology, condition of the remains, and the lakebed recovery location, these human remains have been determined to be Native American from the pre-contact period. The Tule Lake area is located within the ancestral lands of the Modoc people, represented by the Klamath Indian Tribe of Oregon and the Modoc Tribe of Oklahoma. The Modoc Tribe of Oklahoma has authorized the Klamath Indian Tribe of Oregon to represent the Modoc Tribe of Oklahoma regarding all NAGPRA issues and repatriations.

Based on the above-mentioned information, officials of the San Diego Museum of Man have 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. Officials of the San Diego Museum of Man also 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 Klamath Indian Tribe of Oregon. This notice has been sent to officials of the Klamath Indian Tribe of Oregon, Confederated Tribes of the Grand Ronde Community of Oregon, Confederated Tribes of the Warm Springs Reservation of Oregon, Fort Bidwell Indian Community of the Fort Bidwell Reservation of California, and Quartz Valley Indian Community of the Quartz Valley Reservation of California. Representatives of any other Indian tribe that believes itself to be culturally affiliated with these human remains should contact Jennifer Luksic, NAGPRA Coordinator, San Diego Museum of Man, 1350 El Prado, San Diego, CA 92101, telephone (619) 239-2001, before June 13, 2001. Repatriation of the human remains to the Klamath Indian Tribe of Oregon may begin after that date if no additional claimants come forward.

Dated: April 25, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–12021 Filed 5–11–01; 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 University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO

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 University of Denver Department of Anthropology and Museum of Anthropology, Denver, CO.

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 the University of Denver Department of Anthropology and Museum of Anthropology professional staff in consultation with representatives of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; and Yankton Sioux Tribe of South Dakota.

In 1933, human remains representing three individuals were recovered from an unknown location in Nebraska by an unknown person. The remains were given to Dr. E.B. Renaud, founder of the University of Denver Department of Anthropology, who brought them to the museum. No known individuals were identified. No associated funerary objects are present.

The physical anthropological characteristics of these remains indicate that they are Native American. The museum's records of Dr. Renaud's research and collecting in Nebraska show that he collected remains only in western Nebraska, making it likely that these remains are from that portion of the state.

In 1933, human remains representing two individuals were recovered from an unknown site in Bridgeport, Morrill County, NE, by Paul Henderson. The remains were given to Dr. E.B. Renaud, of the University of Denver Department of Anthropology, who brought them to the museum. No known individuals were identified. No associated funerary objects are present.

The physical anthropological characteristics of these remains indicate that they are Native American.

In 1933, human remains representing one individual were recovered from Benkelman, Dundy County, NE, by Dr. E.B. Renaud, of the University of Denver Department of Anthropology. No known individual was identified. No associated funerary objects are present.

The physical anthropological characteristics of these remains indicate that they are Native American.

Collections documentation is nonexistent concerning possible dates, cultural affiliation(s), or the circumstances under which these Native American human remains were found. The ''Indian Land Areas Judicially Established 1978 Map'' indicates the legal claim to land based upon traditional use for the Southern Cheyenne, Southern Arapaho, Northern Cheyenne, Northern Arapaho, Sioux, and Pawnee. The ''Early Indian Tribes, Culture Areas, and Linguistic Stocks Map'' establishes the presence of the Arapaho, Sioux, and Pawnee at the time of contact with Europeans. Representatives of the Pawnee Nation presented oral testimony connecting the Pawnee geographically to western Nebraska. Representatives of seven Sioux tribes presented oral testimony during consultation that placed the Sioux in Nebraska, which was the site of many conflicts. The seven Sioux tribes are the Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Rosebud

Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; and Yankton Sioux Tribe of South Dakota.

Based on the above-mentioned information, officials of the University of Denver Department of Anthropology and Museum of Anthropology have determined that, pursuant to 43 CFR 10.2(d)(1), the human remains listed above represent the physical remains of six individuals of Native American ancestry. Officials of the University of Denver Department of Anthropology and Museum of Anthropology also 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 Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; and Yankton Sioux Tribe of South Dakota.

This notice has been sent to officials of the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; 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 Jan I. Bernstein, Collections Manager and NAGPRA Coordinator, University of Denver Department of Anthropology and Museum of Anthropology, 2000 Asbury, Sturm Hall S–146, Denver, CO 80208–2406, e-mail jbernste@du.edu, telephone (303) 871–2543, before June 13, 2001. Repatriation of the human remains to the Arapahoe Tribe of the Wind River Reservation, Wyoming; Assiniboine and Sioux Tribes of the Fort Peck Indian Reservation, Montana; Cheyenne-Arapaho Tribes of Oklahoma; Cheyenne River Sioux Tribe of the Cheyenne River Reservation, South Dakota; Crow Creek Sioux Tribe of the Crow Creek Reservation, South Dakota; Flandreau Santee Sioux Tribe of South Dakota; Lower Brule Sioux Tribe of the Lower Brule Reservation, South Dakota; Lower Sioux Indian Community of Minnesota Mdewakanton Sioux Indians of the Lower Sioux; Oglala Sioux Tribe of the Pine Ridge Reservation, South Dakota; Pawnee Nation of Oklahoma; Prairie Island Indian Community of Minnesota Mdewakanton Sioux Indians of the Prairie Island Reservation, Minnesota; Rosebud Sioux Tribe of the Rosebud Indian Reservation, South Dakota; Santee Sioux Tribe of the Santee Reservation of Nebraska; Shakopee Mdewakanton Sioux Community of Minnesota (Prior Lake); Sisseton-Wahpeton Sioux Tribe of the Lake Traverse Reservation, South Dakota; Spirit Lake Tribe, North Dakota (formerly known as the Devils Lake Sioux Tribe); Standing Rock Sioux Tribe of North and South Dakota; Upper Sioux Indian Community of the Upper Sioux Reservation, Minnesota; and Yankton Sioux Tribe of South Dakota may begin after that date if no additional claimants come forward.

Dated: April 20, 2001.

John Robbins,

Assistant Director, Cultural Resources Stewardship and Partnerships.

[FR Doc. 01–12017 Filed 5–11–01; 8:45 am]

BILLING CODE 4310–70–F

DEPARTMENT OF LABOR

Employment and Training Administration

Section 167, Workforce Investment Act: Migrant and Seasonal Farmworker Housing Programs

AGENCY: Employment and Training Administration, Department of Labor.

ACTION: Notice of availability of funds and solicitation for grant applications.

SUMMARY: The U.S. Department of Labor, Employment and Training Administration (ETA), announces the availability of $3,666,667 to award competitive grants for projects that assist farmworkers in seeking and securing temporary or permanent housing. This program is supported by funds made available pursuant to Section 167, of the Workforce Investment Act (WIA).

DATES: Applications for grant awards will be accepted commencing May 15, 2001. The closing date for receipt of applications shall be June 15, 2001 at 2 p.m. (Eastern Standard Time) at the address below.

ADDRESSES: Submit an original and four copies of the application to: U.S. Department of Labor, Employment and Training Administration, Office of Grants and Contract Management, Division of Federal Assistance, 200 Constitution Avenue, NW., Room S–4203, Washington, DC 20210. ATTN: Ms. Serena Boyd, Reference SGA/DAA 01–108

FOR ADDITIONAL INFORMATION CONTACT: Ms. Serena Boyd, telephone (202) 693–3338 (this is not a toll-free number) or email *SBoyd@doleta.gov).* This solicitation will be published on the internet on the Employment and Training Administration's Home Page at *http://doleta.gov.* Award notifications will also be published on this Home Page.

SUPPLEMENTARY INFORMATION: This Solicitation for Grant Applications (SGA) consists of five parts. Part I provides the background, objectives and allowable activities of the Farmworker

Housing Assistance program. Part II describes the content of the technical proposal and the selection criteria used in reviewing proposals. Part III describes the financial proposal and other required documents of the proposal. Part IV sets forth the application process. Part V describes the reporting requirements. This notice contains all information required to submit a grant application.

Part I—Background

To meet the problems of agriculture-related unemployment and underemployment, the Congress has directed the Secretary of Labor to establish employment and training programs specifically for migrant and seasonal farmworkers. Under section 167 of WIA, the Department of Labor (DOL) provides employment, training and supportive services to eligible migrant and seasonal farmworkers in the conterminous forty-eight (48) States, the State of Hawaii, and the Commonwealth of Puerto Rico.

Housing needs are a primary barrier to employment and job retention for many farmworkers. Farmworker housing assistance has been an authorized activity under the Job Training Partnership Act (JTPA) and continues to be under WIA section 167. To further support this needed service, the DOL has long invested in strategic efforts to increase farmworker access to rental housing and home ownership opportunities. The DOL awarded a total of $3,000,000 in farmworker housing assistance grants for Program Year (PY) 2000 in support of this effort. DOL also awarded $333,333 for support of the staff who operated the Hope Migrant Rest Center in PY 2000.

In the past year, working in coordination with current Migrant and Seasonal Farmworker (MSFW) housing assistance grantees, DOL has reviewed the farmworker housing program allowable activities to ensure continued appropriateness under WIA section 167. The activities acceptable for implementation in PY 2001 fall in two categories: (1) activities which serve to leverage funds leading to increased farmworker housing stock, and (2) farmworker housing activities directly delivered to farmworkers.

Applications must show how proposed activities promote and expand housing to migrant and seasonal farmworkers. Proposed activities are limited to the two categories of direct housing activities and leveraging. The farmworkers eligible for housing assistance are those who are employed in agricultural labor that is characterized by chronic unemployment and underemployment.

In Program Year 2001, the DOL will award up to nine grants for a total of $3,666,667. DOL will consider applications from regional consortia or applications that feature sub-grant arrangements to facilitate services within a proposed service delivery area. Inasmuch as some grant applications may contain proposed service areas which geographically overlap the service areas of other prospective grantees, the Department reserves the right to determine the service area for each prospective grantee.

Overall Objectives

As this farmworker housing grant program continues into a new program year there will be increased emphasis on efficiency and reliance on quantifiable (hence measurable) results.

Part II—Technical Proposal and Rating Criteria

The technical proposal shall consists of four (4) sections. The rating criteria and points are described immediately following each respective section.

1. Statement of Need

The Statement of Need sets forth the objectives, general specification and conditions for providing farmworker housing assistance during Program Year 2001 grant period.

The applicant must describe the proposed geographic service delivery area and the demographics of the farmworker population in the proposed service delivery area. The description of demographics must include (but is not limited to) the number and type (migrant or seasonal) of farmworkers; family status (single or families), income range, type of work and approximate length of time the farmworkers are generally engaged in. The statement of need must clearly describe the housing needs of the farmworker population in the specific service delivery area and, the housing needs which are the most critical for the population in this area.

Rating Criteria for Statement of Need—20 Points: Clear and descriptive response to each of the above identified categories of information.

2. Program Design

The applicant's program design must include:

A. The service or activities to be provided and rationale for the selection of the proposed activities/services proposed, relative to the identified needs.

B. The services/activities proposed must be within the following categories of activities:

(1) Direct assistance to farmworkers leading to access and maintenance of affordable rental homes or home ownership;

(2) Leveraging of resources

- Leading to increased farmworker housing stock, and/or
- Maintenance of current farmworker housing stock.

C. The applicant must set measurable (quantitative) goals by category, for each activity identified, for each quarter of the program year (funding period).

D. *Budget Narrative:* The applicant must include in this section an itemized, line item annual budget with a narrative description of the costs supporting each line item. Proposed expenditures must be consistent with and fully support the proposed housing activities. Total budget costs shall be equal to the total Federal Assistance requested in the applicant's financial proposal.

Rating Criteria for Program Design—50 Points: Rating will be based on the completeness, applicability, and appropriateness of the applicant response to the elements in items A through D.

3. Technical and Organizational Capacity

The applicant must demonstrate technical capacity to provide proposed services by providing a descriptive narrative of:

(a) The specific types of farmworker housing activities and services it has provided for no less than the past five years; and

(b) The outcomes achieved through the above activities.

If the applicant constitutes a consortium of agencies/organizations where the expertise lies with the consortium members, items (a) and (b) above must also apply to the consortium members who will be the deliverers of the service, a descriptive narrative demonstrating this must be included as an addendum to this application package.

Applicants must demonstrate organizational capacity in the delivery of services by providing a listing of all federal grants it has administered in the past five years. The list must include: project name, objectives, grant number and amount, grant period, and grant funding source. Each applicant must also include in this section the applicant's organizational chart and a list of names of key agency officials and all staff to be specifically funded with this proposed project. For each agency

official and staff to be specifically funded (in whole or in part) by this proposal, please include a resume and the position description. For any position to be funded by this proposal but for which a staff person has not yet been identified, please include a position description.

Rating Criteria for Technical and Organizational Capacity—20 Points: Rating will be based on the completeness of the applicant's response to each of the specific items of information requested in this section. Secondly, the application will also be rated on the technical and organizational experience which is directly related to farmworker housing services and activities documented by the applicant.

4. Linkages and Coordination

The applicant should identify and demonstrate (including letters of support) linkages with farmworker organizations and specifically with NFJP grantees. Additionally, the applicant should fully describe the direct connection between the identified linkages and services the applicant will provide to farmworkers. For purposes of the application, simply listing the services the linkage provides will not suffice. Linkages and coordinative efforts relevant to this application and considered for rating purposes must directly correspond to the proposed services and needs of the population to be served, and must directly enhance the applicant's capacity to provide such services.

Rating Criteria for Linkages and Coordination—10 Points: Rating will be based on the completeness of the applicant's response, and the relevancy of the linkages to meeting the needs identified in the application.

Part III—Financial Proposal

The financial proposal must include a completed ''Application for Federal Assistance'' (SF–424), and Budget Information Sheet. Both required forms are attached to this SGA. For purposes of this application, the Catalog of Federal Domestic Assistance Number is 17.255.

Rating Criteria for Part III—0 points: No points are allocated to the Financial Proposal however, incomplete information to this part will render the application non-responsive and thereby it will not be considered for funding. A budget narrative is required as specified in the Technical Proposal of this application under the Program Design discussion.

Part IV—Application Process

A. Eligible Applicants

Eligible applicants for grant funds under this SGA include public organizations and private nonprofit organizations authorized by their charters or articles of incorporation to provide housing assistance services to the migrant and seasonal farmworker community. Entities described in Section 501(c)(4) of the Internal Revenue Code that engage in lobbying activities are not eligible to receive funds under this SGA. The Lobbying Disclosure Act of 1995, 2 U.S.C. 1601 *et,* prohibits the award of federal funds to 501(c)(4) entities.

B. Application Procedures

(1) Submission of Proposal

All instructions and information required for submission of this application are included in this announcement.

The application package shall consist of two (2) separate and distinct parts. Part I, The Financial Proposal and Part II the Technical Proposal. The Financial Proposal must contain the SF–424, ''Application for Federal Assistance'' (Attachment No. 1) and Budget (Attachment No. 2). The Catalog of Federal Domestic Assistance Number is 17.255. The budget must include on separate page(s) a cost analysis of the budget, identifying in detail the amount of each budget line item attributable to each cost category. The technical proposal as described in Part II, must demonstrate the applicant's capability to provide the services described in this SGA.

The Technical Proposal is limited to forty (40) doubled spaced, single-sided, 8.5 inch x 11 inch pages with 1 inch margins and 12-point text type. Appendices, which are separately numbered, must not exceed twenty (20) pages.

Applications not meeting these requirements will be considered non-responsive. Final decisions on the awards will be based on what is most advantageous to the Federal Government as determined by the Grant Officer.

(2) Hand-Delivered Proposals

Proposals may be mailed or delivered by hand. Hand delivered proposals will be accepted if they are received by 2 p.m., Eastern Standard Time on *June 15, 2001.* All overnight 9 mail will be considered to be hand-delivered and must be received at the designated place by the specified time on the closing date. Applications transmitted by electronic mail, telegraph, facsimile and/or faxed will not be honored. Except as provided in paragraph 3 below, failure to adhere to these instructions will render a proposal non-responsive.

(3) Late Proposals

An application not received by the specified time and date and reaching the designated place, will not be considered, unless it is received before funds are awarded and was either:

(a) Sent by U. S. Postal Service registered or Certified mail no later than the fifth (5th) calendar day before the date specified for receipt of application; or

(b) Was sent by U.S. Postal Express Mail Next Day Service through a U.S. Post Office to the addressee, no later than 5 p.m. at the place of mailing two working days (excludes week-ends and U.S. Federal holidays) prior to the closing date for receipt of proposals.

The only acceptable evidence for establishing the date of mailing by the U.S. Postal Service for applications received after the closing date and time is the U.S. Postmark. The U.S. Postmark must be on the envelope or wrapper and on the original receipt from the U.S. Postal Service with a clearly legible date. ''Postmark'' means a printed, stamped, or otherwise placed impression (exclusive of postage meter machine impression) that is readily identifiable without further action as having been supplied and affixed by employees of the U.S. Postal Service on the date of mailing. Therefore, applicants should request the postal clerk to place a legible hand 10 cancellation ''bull's eye'' postmark on both the receipt and the envelope.

(4) Period of Performance

The period of performance will be 12 months beginning July 1, 2001, and continuing through June 30, 2002.

(5) Option To Extend

The Department reserves the right to extend this grant for an additional one year, based on the availability of funds, a grantee's success in completing work under this SGA, and the needs of the Department.

Part V—Reporting Requirements

Recipients of grant funds under this SGA will be required to submit reports, as determined by the Division of Migrant and Seasonal Farmwork Programs, Office of National Programs, Employment and Training

Administration, U. S. Department of Labor.

Lorraine H. Saunders,

Grant Officer, Division of Federal Assistance.

BILLING CODE 4510–30–P

ATTACHMENT 1

OMB Approval No. 0348-0043

APPLICATION FOR FEDERAL ASSISTANCE

1. TYPE OF SUBMISSION: Application ☐ Construction ☐ Non-Construction / Preapplication ☐ Construction ☐ Non-Construction	2. DATE SUBMITTED	Applicant Identifier
	3. DATE RECEIVED BY STATE	State Application Identifier
	4. DATE RECEIVED BY FEDERAL AGENCY	Federal Identifier

5. APPLICANT INFORMATION

Legal Name:	Organizational Unit:
Address (give city, county, State and zip code):	Name and telephone number of the person to be contacted on matters involving this application (give area code):

6. EMPLOYER IDENTIFICATION NUMBER (EIN):

☐☐-☐☐☐☐☐☐☐

7. TYPE OF APPLICANT: (enter appropriate letter in box) ☐

A. State
B. County
C. Municipal
D. Township
E. Interstate
F. Intermunicipal
G. Special District
H. Independent School Dist.
I. State Controlled Institution of Higher Learning
J. Private University
K. Indian Tribe
L. Individual
M. Profit Organization
N. Other (Specify): _____

8. TYPE OF APPLICATION:
☐ New ☐ Continuation ☐ Revision

If Revision, enter appropriate letter(s) in box(es): ☐ ☐

A. Increase Award B. Decrease Award C. Increase Duration
D. Decrease Duration Other (specify):

_____

9. NAME OF FEDERAL AGENCY:

10. CATALOG OF FEDERAL DOMESTIC ASSISTANCE NUMBER:

☐☐-☐☐☐

TITLE:

11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT:

12. AREAS AFFECTED BY PROJECT (cities, counties, States, etc.):

13. PROPOSED PROJECT:		14. CONGRESSIONAL DISTRICTS OF:	
Start Date	Ending Date	a. Applicant	b. Project

15. ESTIMATED FUNDING:	
a. Federal	$ .00
b. Applicant	$ .00
c. State	$ .00
d. Local	$ .00
e. Other	$ .00
f. Program Income	$ .00
g. TOTAL	$ .00

16. IS APPLICATION SUBJECT TO REVIEW BY STATE EXECUTIVE ORDER 12372 PROCESS?

a. YES. THIS PREAPPLICATION/APPLICATION WAS MADE AVAILABLE TO THE STATE EXECUTIVE ORDER 12372 PROCESS FOR REVIEW ON

DATE _____

b. NO. ☐ PROGRAM IS NOT COVERED BY E.O. 12372

☐ OR PROGRAM HAS NOT BEEN SELECTED BY STATE FOR REVIEW

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT?

☐ Yes If "Yes," attach an explanation. ☐ No

18. TO THE BEST OF MY KNOWLEDGE AND BELIEF, ALL DATA IN THIS APPLICATION/PREAPPLICATION ARE TRUE AND CORRECT. THE DOCUMENT HAS BEEN DULY AUTHORIZED BY THE GOVERNING BODY OF THE APPLICANT AND THE APPLICANT WILL COMPLY WITH THE ATTACHED ASSURANCES IF THE ASSISTANCE IS AWARDED.

a. Typed Name of Authorized Representative	b. Title	c. Telephone number
d. Signature of Authorized Representative		e. Date Signed

Previous Editions Not Usable

Standard Form 424 (REV 4-88)
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ATTACHMENT 2

PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

	(A)	(B)	(C)
1. Personnel			
2. Fringe Benefits (Rate %)			
3. Travel			
4. Equipment			
5. Supplies			
6. Contractual			
7. Other			
8. Total, Direct Cost (Lines 1 through 7)			
9. Indirect Cost (Rate %)			
10. Training Cost/Stipends			
11. TOTAL Funds Requested (Lines 8 through 10)			

SECTION B - Cost Sharing/ Match Summary (if appropriate)

	(A)	(B)	(C)
1. Cash Contribution			
2. In-Kind Contribution			
3. TOTAL Cost Sharing / Match (Rate %)			

NOTE: Use Column A to record funds requested for the initial period of performance (i.e. 12 months, 18 months, etc.); Column B to record changes to Column A (i.e. requests for additional funds or line item changes; and Column C to record the totals (A plus B).

INSTRUCTIONS FOR PART II - BUDGET INFORMATION

SECTION A - Budget Summary by Categories

1. **Personnel:** Show salaries to be paid for project personnel.

2. **Fringe Benefits**: Indicate the rate and amount of fringe benefits.

3. **Travel**: Indicate the amount requested for staff travel. Include funds to cover at least one trip to Washington, DC for project director or designee.

4. **Equipment**: Indicate the cost of non-expendable personal property that has a useful life of more than one year with a per unit cost of $5,000 or more.

5. **Supplies**: Include the cost of consumable supplies and materials to be used during the project period.

6. **Contractual**: Show the amount to be used for (1) procurement contracts (except those which belong on other lines such as supplies and equipment); and (2) sub-contracts/grants.

7. **Other**: Indicate all direct costs not clearly covered by lines 1 through 6 above, including consultants.

8. **Total, Direct Costs**: Add lines 1 through 7.

9. **Indirect Costs**: Indicate the rate and amount of indirect costs. Please include a copy of your negotiated Indirect Cost Agreement.

10. **Training /Stipend Cost:** (If allowable)

11. **Total Federal funds Requested**: Show total of lines 8 through 10.

SECTION B - Cost Sharing/Matching Summary

Indicate the actual rate and amount of cost sharing/matching when there is a cost sharing/matching requirement. Also include percentage of total project cost and indicate source of cost sharing/matching funds, i.e. other Federal source or other Non-Federal source.

NOTE:

PLEASE INCLUDE A DETAILED COST ANALYSIS OF EACH LINE ITEM.

[FR Doc. 01–12011 Filed 5–11–01; 8:45 am]
BILLING CODE 4510–30–C

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meeting

May 8, 2001.

TIME AND DATE: 10 a.m., Wednesday, May 16, 2001.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Alan Good,* Docket Nos. WEST 2000–44–M, etc. (Issues include whether the judge erred when he found that Alan Good violated (1) 30 CFR 56.11002 for failure to provide handrails on elevated platforms, (2) 30 CFR 56.14101(a)(3) for an inoperative parking brake on a front-end loader, and (3) 30 CFR 56.14107(a) for inadequate guards on moving machine parts).

TIME AND DATE: 2 p.m., Thursday, May 17, 2001.

PLACE: Room 6005, 6th Floor, 1730 K Street, NW., Washington, DC.

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following:

1. *Sec'y of Labor on behalf of Bernardyn* v. *Reading Anthracite Co.,* Docket Nos. PENN 99–129–D, etc. (Issues include whether substantial evidence supports the judge's finding that the operator's discharge of the complainant did not violate section 105(c) of the Mine Act).

Any person attending an open meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Jean Ellen (202) 653–5629/(202) 708–9300 for TDD Relay/1–800–877–8339 for toll free.

Sandra G. Farrow,

Acting Chief Docket Clerk.

[FR Doc. 01–12195 Filed 5–10–01; 12:15 pm]

BILLING CODE 6735–01–M

NATIONAL CREDIT UNION ADMINISTRATION

Notice of Meetings

TIME AND DATE: 10 a.m., Thursday, May 17, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Open.

MATTERS TO BE CONSIDERED:

1. Request from a Federal Credit Union to Convert to a Community Charter.
2. Request from a Corporate Federal Credit Union for a National Field of Membership.

RECESS: 11:15 a.m.

TIME AND DATE: 11:30 a.m., Thursday, May 17, 2001.

PLACE: Board Room, 7th Floor, Room 7047, 1775 Duke Street, Alexandria, VA 22314–3428.

STATUS: Closed.

MATTERS TO BE CONSIDERED:

1. Administrative Action under Part 704 of NCUA's Rules and Regulations. Closed pursuant to exemption (8).
2. Two (2) Personnel Matters. Closed pursuant to exemptions (2) and (6).

FOR FURTHER INFORMATION CONTACT: Becky Baker, Secretary of the Board, Telephone 703–518–6304.

Becky Baker,

Secretary of the Board.

[FR Doc. 01–12230 Filed 5–10–01; 2:48 pm]

BILLING CODE 7535–01–M

NATIONAL FOUNDATION ON THE ARTS AND THE HUMANITIES

National Endowment for the Arts; Combined Arts Advisory Panel

Pursuant to Section 10(a)(2) of the Federal Advisory Committee Act (Public Law 92–463, as amended, notice is hereby given that a meeting of the Combined Arts Advisory Panel, Folk Arts Section (Creativity and Organizational Capacity categories) will be held from 9 a.m.–4:30 p.m. on Friday, June 8, 2001 in Room 716 at the Nancy Hanks Center, 1100 Pennsylvania Avenue, NW., Washington, DC 20506.

This meeting is for the purpose of Panel review, discussion, evaluation, and recommendations on financial assistance under the National Foundation on the Arts and the Humanities Act of 1965, as amended, including information given in confidence to the agency. In accordance with the determination of the Chairman of May 12, 2000, these sessions will be closed to the public pursuant to subsection (c)(4), (6) and (9)(B) of section 552b of Title 5, United States Code.

Further information with reference to this meeting can be obtained from Ms. Kathy Plowitz-Worden, Panel Coordinator, National Endowment for the Arts, Washington, DC 20506, or call 202/682–5691.

Dated: August 4, 2001.

Kathy Plowitz-Worden,

Panel Coordinator, Panel Operations, National Endowment for the Arts.

[FR Doc. 01–12052 Filed 5–11–01; 8:45 am]

BILLING CODE 7537–01–M

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–289]

Amergen Energy Company, LLC, Three Mile Island Nuclear Station, Unit 1; Exemption

1.0 Background

AmerGen Energy Company, LLC (the licensee or AmerGen) is the holder of Facility Operating License No. DPR–50 which authorizes operation of the Three Mile Island Nuclear Station, Unit 1 (TMI–1). The license provides, among other things, that the facility is subject to all rules, regulations, and orders of the U.S. Nuclear Regulatory Commission (NRC, the Commission) now or hereafter in effect.

The facility consists of a pressurized-water reactor located in Dauphin County in Pennsylvania.

2.0 Purpose

Title 10 of the Code of Federal Regulations (10 CFR), Part 50, Section 50.44, ''Standards for combustible gas control system in light-water-cooled power reactors,'' requires, among other items, that each boiling or pressurized light-water nuclear power reactor fueled with oxide pellets within cylindrical zircaloy or ZIRLO cladding must, as provided in paragraphs (b) through (d) of that section, include means for control of hydrogen gas that may be generated, following a postulated loss-of-coolant accident (LOCA) by—(1) Metal-water reaction involving the fuel cladding and the reactor coolant, (2) Radiolytic decomposition of the reactor coolant, and (3) Corrosion of metals.

Section 50.46, ''Acceptance criteria for emergency core cooling systems for light-water nuclear power reactors,'' requires, among other items, that each boiling or pressurized light-water nuclear power reactor fueled with uranium oxide pellets within cylindrical zircaloy or ZIRLO cladding must be provided with an emergency core cooling system (ECCS) that must be designed so that its calculated cooling performance following postulated LOCAs conform to the criteria set forth in paragraph (b) of that section. ECCS cooling performance must be calculated in accordance with an acceptable evaluation model and must be

calculated for a number of postulated LOCAs of different sizes, locations, and other properties sufficient to provide assurance that the most severe postulated LOCAs are calculated.

Appendix K of Part 50, ''ECCS Evaluation Models,'' requires, among other items, that the rate of energy release, hydrogen generation, and cladding oxidation from the metal/water reaction shall be calculated using the Baker-Just equation (Baker, L., Just, L.C., ''Studies of Metal Water Reactions at High Temperatures, III. Experimental and Theoretical Studies of the Zirconium-Water Reaction,'' ANL–6548, page 7, May 1962) and implicitly assumes that either zircaloy or ZIRLO shall be used as the fuel rod cladding material.

Sections 50.44, and 50.46, and Appendix K of 10 CFR Part 50, make no provisions for use of fuel rods clad with other than zircaloy or ZIRLO. The licensee has requested the use of Framatome Cogema Fuels (FCF) ''M5'' advanced alloy for fuel rod cladding for the TMI–1 Cycle 14 operation. In order to accommodate the high fuel rod burnups that are required for today's modern fuel management schemes and core designs, FCF developed the M5 advanced fuel rod cladding and fuel assembly structural material. The M5 alloy is a proprietary zirconium-based alloy comprised of primarily zirconium (~99 percent) and niobium (~1 percent). The elimination of tin has resulted in superior corrosion resistence and reduced irradiation induced growth relative to both standard Zircaloy and low-tin Zircaloy. The addition of niobium increases ductility. Since the chemical composition of the M5 alloy differs from the specifications of Zircaloy or ZIRLO, a plant-specific exemption is required to allow the use of the M5 alloy as a fuel rod cladding material at TMI–1. The M5 would also be used for fuel assembly spacer grids, fuel rod end plugs and fuel assembly guide and instrument tubes.

3.0 Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR Part 50, when (1) the exemptions are authorized by law, will not present an undue risk to public health or safety, and are consistent with the common defense and security; and (2) when special circumstances are present. Special circumstances are present whenever application of the regulations in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of Section 50.46 is to ensure that facilities have adequate acceptance criteria for ECCS. FCF demonstrated in its topical report, BAW–10227P–A, ''Evaluation of Advanced Cladding and Structural Material (M5) in PWR Reactor Fuel,'' dated September 30, 1997, and approved on February 4, 2000, that the effectiveness of the ECCS will not be affected by a change from zircaloy fuel rod cladding to M5 fuel rod cladding. The analysis described in BAW–10227P–A also concludes that the ECCS acceptance criteria applied to reactors fueled with zircaloy fuel are also applicable to reactors fueled with M5 fuel rod cladding.

The underlying purposes of Section 50.44 and Appendix K, paragraph I.A.5, are to ensure that cladding oxidation and hydrogen generation are appropriately limited during a LOCA and conservatively accounted for in the ECCS evaluation model. Specifically, Appendix K requires that the Baker-Just equation be used in the ECCS evaluation model to determine the rate of energy release, cladding oxidation, and hydrogen generation. In BAW–10227P–A, FCF demonstrated that the Baker-Just model is conservative in all post-LOCA scenarios with respect to the use of M5 advanced alloy as fuel rod cladding material. The licensee has stated that the amount of hydrogen generated in an M5-clad core will remain within the TMI–1 design basis. The NRC staff has reviewed the FCF's advanced cladding and structural material, M5, for pressurized water reactor fuel mechanical designs as described in BAW–10227P–A. In its February 4, 2000, safety evaluation, the NRC staff concluded that, to the extent specified and with limitations noted in the NRC staff's evaluation, the assumptions related to M5 material properties and mechanical design methodology are acceptable for referencing in fuel reload licensing applications. The NRC staff has determined that since the licensee and FCF have ongoing processes which assure that LOCA analysis input values for peak cladding temperature-sensitive parameters bound the as-operated plant values for those parameters at TMI–1 and also have ongoing processes to determine mixed-core penalties as needed, the methodologies and analyses described in BAW–10227P–A apply to TMI–1 and the plant can be safely operated within the bounds of those analyses with mixed- and full-core loadings of M5 clad fuel and other M5 core structures. The NRC staff further concluded that since fuel assemblies which utilize the two different alloys (M5 and zircaloy) and which will be co-resident in the core have only slight geometry differences, there will be virtually no thermal-hydraulic effect, and a mixed core penalty in LOCA evaluations would not have to be assessed to compensate for the material differences. Therefore, based on the information described above, the NRC staff has determined that the underlying purposes of Section 50.44, and 50.46, and Appendix K of 10 CFR Part 50 have been achieved through the use of M5 advanced alloy as fuel rod cladding material and core structure material, and that the special circumstances required by 10 CFR 50.12(a)(2)(ii) for granting exemptions from 50.44, and 50.46, and Appendix K of 10 CFR Part 50 exist.

4.0 Conclusion

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a)(ii), the exemption is authorized by law, will not endanger life or property or common defense and security, and is, otherwise, in the public interest. Also, special circumstances are present. Therefore, the Commission hereby grants AmerGen Energy Company, LLC, an exemption from the requirements of 10 CFR 50.44, 10 CFR 50.46, and Appendix K to 10 CFR Part 50, for Three Mile Island Nuclear Station, Unit 1, as to the use of M5 cladding and core structures in lieu of Zircaloy or ZIRLO as currently specified or implied in those regulations.

Pursuant to 10 CFR 51.32, the Commission has determined that the granting of this exemption will not have a significant effect on the quality of the human environment (66 FR 23279).

This exemption is effective upon issuance.

Dated at Rockville, Maryland, this 8th day of May 2001.

For the Nuclear Regulatory Commission.

John A. Zwolinski,

Director, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–12035 Filed 5–11–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–272 and 50–311]

PSEG Nuclear LLC, Salem Nuclear Generating Station, Unit Nos. 1 and 2; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering

issuance of an exemption from certain requirements of Title 10 of the Code of Federal Regulations (10 CFR) Part 50, Appendix G, for Facility Operating License Nos. DPR–70 and DPR–75, issued to PSEG Nuclear LLC (the licensee), for operation of the Salem Nuclear Generating Station (Salem), Unit Nos. 1 and 2. The facility is located at the licensee's site on the southern end of Artificial Island in Lower Alloways Creek Township, Salem County, New Jersey. Salem, New Jersey is located approximately 7.5 miles northeast of the site.

Environmental Assessment

Identification of the Proposed Action

Title 10 of the Code of Federal Regulations, Part 50, Appendix G, requires that pressure-temperature (P–T) limits be established for reactor pressure vessels (RPVs) during normal operating and hydrostatic or leak rate testing conditions. Specifically, 10 CFR Part 50, Appendix G, states, ''The appropriate requirements on both the pressure-temperature limits and the minimum permissible temperature must be met for all conditions.'' The purpose of 10 CFR Part 50, Appendix G, is to protect the integrity of the reactor coolant pressure boundary in nuclear power plants. This is accomplished through these regulations that, in part, specify fracture toughness requirements for ferritic materials of the reactor coolant pressure boundary. Appendix G of 10 CFR Part 50 specifies that the requirements for these limits are the American Society of Mechanical Engineers (ASME) Boiler and Pressure Vessel Code (Code), Section XI, Appendix G limits.

The proposed action would exempt the licensee from implementing specific requirements of 10 CFR Part 50, Appendix G, for operation of Salem, Unit Nos. 1 and 2. In conjunction with the staff granting the proposed exemption to the requirements of 10 CFR Part 50, Appendix G, the licensee is proposing to substitute ASME Code Case N–640, ''Alternative Reference Fracture Toughness for Development of P/T Limit Curves for ASME Section XI, Division I.''

The proposed action is in accordance with the licensee's application for exemption dated November 10, 2000, as supplemented by letters dated March 28 and April 2, 2001.

The Need for the Proposed Action

ASME Code Case N–640 is needed to revise the method used to determine the reactor coolant system (RCS) P–T limits, since continued use of the present curves unnecessarily restricts the P–T operating window. The methodology currently used to determine the lower bound fracture toughness of RPV material for development of P–T limit curves is based on the K_{Ia} fracture toughness curve of ASME Section XI, Appendix G, Figure G–2210–1. The licensee has determined that the use of the K_{Ia} curve provided appropriate conservatism when it was codified in 1974 due to the limited knowledge of RPV materials. However, since that time, additional knowledge has been gained about RPV materials, that demonstrates that the lower bound on fracture toughness provided by the K_{Ia} curve is well beyond the margin of safety required to protect the public health and safety from potential RPV failure. Implementation of ASME Code Case N–640 would provide an alternative to the methodology used to develop P–T limit curves. The code case methodology uses the K_{Ic} fracture toughness curve shown in ASME Section XI, Appendix A, Figure A–2200–1, in lieu of the K_{Ia} fracture toughness curve of ASME Section XI, Appendix G. Other margins involved with the ASME Section XI, Appendix G process for establishing P–T limit curves would remain unchanged. P–T curves based on the K_{Ic} curve would enhance overall plant safety by opening the P–T operating window with the greatest safety benefit in the region of low temperature operations. The operating window through which the operator heats up and cools down the RCS is determined by the difference between the maximum allowable pressure determined by ASME Section XI, Appendix G, and the minimum required pressure for the reactor coolant pump (RCP) seals adjusted for instrument uncertainties.

The staff has determined that, pursuant to 10 CFR 50.12(a)(2)(ii), the underlying purpose of the regulation to protect the integrity of the reactor coolant pressure boundary will continue to be served with the implementation of Code Case N–640.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes that the exemption and implementation of the proposed alternative as described is consistent with the intent of the applicable regulations and would provide an acceptable margin of safety against brittle failure of the Salem, Unit Nos. 1 and 2 RPV material.

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 offsite, and there is no significant increase in occupational or public radiation exposure. Therefore, there are no significant radiological environmental impacts associated with the proposed action.

With regard to potential nonradiological environmental impacts, the proposed action does not involve any historic sites. It does not affect nonradiological plant effluents and has no other environmental impact. Therefore, there are no significant nonradiological impacts associated with the proposed action.

Accordingly, the NRC concludes that there are no significant environmental impacts associated with the proposed action.

Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.*, the ''no-action'' alternative). Denial of the application would result in no change in current environmental impacts. The environmental impacts of the proposed action and the alternative action are similar.

Alternative Use of Resources

This action does not involve the use of any resources not previously considered in the Final Environmental Statement for the Salem Nuclear Generating Station, dated April 1973.

Agencies and Persons Consulted

In accordance with its stated policy, on May 1, 2001, the staff consulted with the New Jersey State official, Mr. R. Pinney of the New Jersey Department of Environmental Protection, regarding the environmental impact of the proposed action. The State official had no comments.

Finding of No Significant Impact

On the basis of the environmental assessment, the NRC concludes that the proposed action will not have a significant effect on the quality of the human environment. Accordingly, the NRC has determined not to prepare an environmental impact statement for the proposed action.

For further details with respect to the proposed action, see the licensee's letter dated November 10, 2000, as supplemented by letters dated March 28 and April 2, 2001. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from

the ADAMS Public Library component on the NRC Web site, *http:www.nrc.gov* (the Electronic Reading Room).

Dated at Rockville, Maryland, this 8th day of May 2001.

For the Nuclear Regulatory Commission.

Robert J. Fretz,

Project Manager, Section 2, Project Directorate I, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–12036 Filed 5–11–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Meeting on an Overview of Activities Related to the Potential High-Level Waste Repository at Yucca Mountain, NV

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meeting in Mesquite, Nevada.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) staff will hold a public meeting on the high-level waste repository licensing process. The meeting is intended to foster a common understanding among the stakeholders on issues that would be associated with the licensing process, should the U.S. Department of Energy (DOE) submit a license application to the NRC for a possible geologic repository at Yucca Mountain, Nevada. All meetings will be facilitated by Francis X. Cameron, Special Counsel for Public Liaison, of the NRC Office of the General Counsel.

The meeting is primarily to acquaint the public with the NRC's high-level waste licensing process. It will begin with an overview of the licensing process, followed by NRC presentations on the role of the NRC technical staff in evaluating the DOE license application, and the NRC role with respect to the transportation of high-level waste. An opportunity for questions will be provided. In addition, members of the NRC staff will be available for informal discussion with members of the public. The time, date, and location of the Public Meeting is shown below.

Time/Date: Thursday, May 24, 2001, from 5:30 p.m.–7 p.m. (Pacific time).

Place: Mesquite City Hall, Council Chamber, 10 E. Mesquite Boulevard, Mesquite, Nevada.

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington DC 20555–0001, or by telephone: (301) 415–1642 or e-mail: fxc@nrc.gov.

Dated at Rockville, Maryland this 8th day of May, 2001.

For the Nuclear Regulatory Commission,

Newton K. Stablein,

Acting Chief, High-Level Waste and Performance Assessment Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–12037 Filed 5–11–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Public Meetings on Issues Associated With the Licensing Process for a Possible High-Level Waste Repository at Yucca Mountain, Nevada; Overview of NRC's Formal Hearing Process

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice of public meetings in Pahrump, Nevada and Las Vegas, Nevada.

SUMMARY: In response to public requests, the U.S. Nuclear Regulatory Commission (NRC) staff will continue its series of public meetings on the high-level waste repository licensing process. The next meetings are intended to foster an understanding of the hearing process that the NRC would use to decide whether to issue a construction authorization for a possible repository at Yucca Mountain, Nevada, if the U.S. Department of Energy (DOE) were to submit a license application to the NRC. On April 15, 2001, the Commission announced its intent to retain a formal hearing process for evaluating a potential license application for a geologic repository. Both meetings will be facilitated by Francis X. Cameron, Special Counsel for Public Liaison, of the NRC Office of the General Counsel.

Two meetings on this topic will be conducted to acquaint the public with the NRC's high-level waste hearing process. They will begin with an overview of the events that would have to take place before NRC would initiate a formal hearing, a general review of the NRC's licensing role, and a general description of the NRC's formal hearing process. These presentations will be followed by a question and answer period. In addition, members of the NRC staff will be available for informal discussion with members of the public. The time, date, and location of the Public Meetings are shown below.

Time/Date: Tuesday, May 22, 2001, from 6:30 p.m. to 9 p.m. (Pacific time).

Place: Mountain View Casino and Bowl, 1750 Pahrump Valley Boulevard, Pahrump, Nevada 89048.

Time/Date: Wednesday, May 23, 2001, from 1 p.m. to 4 p.m. (Pacific time).

Place: Regional Transportation Commission Building (Next to Clark County Government Center) Room 108, 600 South Grand Central Parkway, Las Vegas, Nevada 89155.

FOR FURTHER INFORMATION CONTACT: Francis X. Cameron, Special Counsel for Public Liaison, Office of the General Counsel, U.S. Nuclear Regulatory Commission, Washington, DC 20555–001, or by telephone: (301) 415–1642 or e-mail *fxc@nrc.gov.*

Dated at Rockville, Maryland this 8th day of May 2001.

For the Nuclear Regulatory Commission.

C. William Reamer,

Chief, High-Level Waste Branch, Division of Waste Management, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 01–12038 Filed 5–11–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Nuclear Regulatory Commission.

DATE: Weeks of May 14, 21, 28, June 4, 11, 18, 2001.

PLACE: Commissioner's Conference Room, 11555 Rockville Pike, Rockville, Maryland.

STATUS: Public and Closed.

MATTERS TO BE CONSIDERED:

Week of May 14, 2001

There are no meetings scheduled for the Week of May 14, 2001.

Week of May 21, 2001—Tentative

There are no meetings scheduled for the Week of May 21, 2001.

Week of May 28, 2001—Tentative

Wednesday, May 30, 2001

10:25 a.m. Affirmation Session (Public Meeting) (If needed)

Week of June 4, 2001—Tentative

Tuesday, June 5, 2001

9:25 a.m. Affirmation Session (Public Meeting) (If needed)

2 p.m. Discussion of Management Issues (Closed-Ex. 2)

Wednesday, June 6, 2001

10:30 a.m. All Employees Meeting (Public Meeting)

1:30 p.m. All Employees Meeting (Public Meeting)

Week of June 11, 2001—Tentative

Thursday, June 14, 2001

9:25 a.m. Affirmation Session (Public Meeting) (If needed)
9:30 a.m. Meeting with Nuclear Waste Technical Review Board (Public Meeting)
1:30 p.m. Briefing on License Renewal Program (Public Meeting) (Contact: David Solorio, 301–415–1973)

Week of June 18, 2001—Tentative

There are no meetings scheduled for the Week of June 18, 2001.

The schedule for Commission meetings is subject to change on short notice. To verify the status of meetings call (recording)—(301) 415–1292. Contact person for more information: David Louis Gamberoni (301) 415–1651.

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The NRC Commission Meeting Schedule can be found on the Internet at: http://www.nrc.gov/SECY/smj/schedule.htm

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This notice is distributed by mail to several hundred subscribers; if you no longer wish to receive it, or would like to be added to the distribution, please contact the Office of the Secretary, Washington, DC 20555 (301–415–1969). In addition, distribution of this meeting notice over the Internet system is available. If you are interested in receiving this Commission meeting schedule electronically, please send an electronic message to dkw@nrc.gov.

Dated: May 9, 2001.

David Louis Gamberoni,

Technical Coordinator, Office of the Secretary.

[FR Doc. 01–12190 Filed 5–10–01; 11:40 am]

BILLING CODE 7590–01–M

SECURITIES AND EXCHANGE COMMISSION

[Rel. IC–24974; File No. 812–12154]

Western-Southern Life Assurance Co., et al.

May 7, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order pursuant to Section 26(b) of the Investment Company Act of 1940 (the ''1940 Act'') approving substitution of securities.

SUMMARY OF APPLICATION: Applicants request an order approving the proposed substitution of shares of the Touchstone Variable Series Trust's (''TVST'') Touchstone High Yield Portfolio for shares of TVST's Touchstone Income Opportunity Portfolio held by Western-Southern Life Assurance Company Separate Account 1 (''Separate Account 1'') and Western-Southern Life Assurance Company Separate Account 2 (''Separate Account 2'') to support certain variable annuity contracts (the ''Contracts'').

APPLICANTS: Western-Southern Life Assurance Company (''WSLAC''), Separate Account 1 and Separate Account 2.

FILING DATE: The application was filed on June 30, 2000 and amended on April 13, 2001, and April 27. 2001.

HEARING OR NOTIFICATION OF HEARING: An order granting the application will be issued unless the Commission orders a hearing. Interested parties may request a hearing on this application by writing to the Secretary of the Commission and serving Applicants with a copy of the request, in person or by mail. Hearing requests must be received by the Commission by 5:30 p.m. on June 1, 2001, and accompanied by proof of service on the Applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the interest, the reason for the request and the issues contested. Persons may request notification of a hearing by writing to the Secretary of the Commission.

ADDRESSES: Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants, c/o Donald J. Wuebbling, Esq., Western-Southern Life Assurance Company, 400 Broadway, Cincinnati, Ohio 45202, and Kevin L. Cooney, Esq., Frost Brown Todd LLC, 2200 PNC Center, 201 East Fifth Street, Cincinnati, Ohio 45202.

FOR FURTHER INFORMATION CONTACT: Joyce M. Pickholz, Senior Counsel, or Keith E. Carpenter, Branch Chief at (202) 942–0670, Office of Insurance Products, Division of Investment Management.

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application is available for a fee from the Public Reference Branch of the Commission, 450 Fifth Street, NW., Washington, DC 20549 (tel. (202) 942–8090).

Applicants' Representations

1. WSLAC is a stock life insurance company organized under the laws of the State of Ohio on December 1, 1980. WSLAC is a wholly owned subsidiary of The Western and Southern Life Insurance Company, a stock life insurance company originally organized under the laws of the State of Ohio on February 23, 1888 (''WSLIC''). WSLAC is in the business of issuing insurance and annuity contracts. WSLAC is the depositor and sponsor, as those terms have been interpreted by the Commission with respect to variable annuities separate accounts, of both Separate Account 1 and Separate Account 2.

2. Separate Account 1 and Separate Account 2 (together, the ''Separate Accounts'') were established by WSLAC as separate investment accounts under Ohio law. The board of directors of WSLAC established Separate Account 1 on July 27, 1992 and Separate Account 2 on June 1, 1994. The Separate Accounts are registered under the 1940 Act as unit investment trusts and interests in the Separate Accounts are offered through the Contracts which are registered under the Securities Act of 1933 (the ''1933 Act'') on Form N–4. Each Separate Account is currently divided into 19 sub-accounts. Contract owners also may invest in a fixed rate option, backed by the general assets of WSLAC. Each sub-account invests exclusively in shares representing an interest in a separate corresponding portfolio of (''TVST'') or certain unaffiliated investment companies.

3. The Contracts include three variable annuity contracts identified as Touchstone Gold Variable Annuity (the ''Gold Contract''), Touchstone Select Variable Annuity (the ''Select Contract'') and Touchstone Advisor Variable Annuity (the ''Advisor Contract'').

4. The Gold Contract is a flexible purchase payment contract designed for individual investors and group plans. Payments made by owners of a Gold Contract are invested in one more sub-accounts of Separate Account 1 or in a fixed-rate option through WSLAC's general account (the ''Fixed Account''). The Gold Contract offers four fixed annuity income options and a death benefit payable to the designated beneficiary if the annuitant dies prior to the Income Date as defined in the Gold Contract. Withdrawals from a Gold Contract generally are subject to a contingent deferred sales charge ranging from 7% on amounts withdrawn less than one year after the date of the purchase payment to 0% on amounts withdrawn at least seven years after the date of the purchase payment. Additional charges related to the Gold Contract are: a Contract Maintenance charge of $35 each year during the first ten years of the Contract and the lesser of $35 and 0.17% of Contract Value after the tenth anniversary of the Contract Date; a Contract Administration charge at an effective annual rate of 0.15%; and

a Mortality and Expense Risk charge at an effective annual rate of 1.20%.

5. The Select Contract is a flexible premium contract designed for individual investors and group plans. Payments made by owners of a Select Contract are invested in one or more sub-accounts of Separate Account 1 or in the Fixed Account. The Select Contract offers five income payment options and three death benefit options payable to the designated beneficiary if the owner dies prior to the Income Date as defined in the Select contract. Withdrawals from a Select Contract generally are subject to a contingent deferred sales charge ranging from 8% on amounts withdrawn less than one year after the date of the purchase payment to 0% on amounts withdrawn at least seven years after the date of the purchase payment. Additional charges related to the Select Contract are: A Contract Maintenance charge of $40 each year during the first ten years of the Contract and the lesser of $40 and 0.14% of Contract Value after the tenth anniversary of the Contract Date; a Contract Administration charge at an effective annual rate of 0.15%; and a Mortality and Expense Risk charge with a standard death benefit an effective annual rate of 1.20%, an annual step up death benefit an effective annual rate of 1.30%, and a 6% accumulating death benefit an effective annual rate of 1.40%.

6. The Advisor Contract is a flexible purchase payment contract designed for individual investors and group plans. Payments made by owners of an Advisor Contract are invested in one or more sub-accounts of Separate Account 2. Withdrawals from an Advisor Contract are not subject to a contingent deferred sales charge. The Advisor Contract offers four fixed annuity income options and a death benefit payable to the designated beneficiary if the annuitant dies prior to the Income Date as defined in the Advisor Contract. Charges related to the Select Contract are: A Contract Maintenance charge of $35 each year; a Contract Administration charge at an effective annual rate of 0.10%; and a Mortality and Expense Risk charge at an effective annual rate of 0.70%.

7. Subject to certain limitations, an owner of any Contract may transfer all or part of the Contract Value among the sub-accounts and, if applicable, the Fixed Account. The owner of a Contract is limited to one transfer among sub-accounts in a 30-day period, a minimum transfer amount generally of $250, one transfer from one or more sub-accounts to the Fixed Account per Contract Year, and one transfer from the Fixed Account to one or more sub-accounts per Contract Year with a maximum transfer amount of 25% of the Fixed Account value.

8. TVST was organized as a Massachusetts business trust as of February 7, 1994. TVST is registered under the 1940 Act as an open-end diversified management investment company and the shares offered by TVST are registered under the 1933 Act.

9. TVST is currently comprised of 11 investment portfolios (each a ''TVST Portfolio,'' and together the ''TVST Portfolios''): Touchstone Small Cap Value, Touchstone Emerging Growth, Touchstone International Equity, Touchstone Income Opportunity, Touchstone High Yield, Touchstone Value Plus, Touchstone Growth & Income, Touchstone Enhanced 30, Touchstone Balanced, Touchstone Bond and Touchstone Standby Income, all of which are investment options under each of the Contracts.

10. Touchstone Advisors, Inc. (''Touchstone''), an indirect subsidiary of WSLAC, serves as the investment advisor and sponsor for the TVST Portfolios. Touchstone has engaged sub-advisers for each TVST Portfolio for which it acts as adviser and the sub-advisers are responsible for the day-to-day investment management of the assets of those TVST Portfolios. The sub-adviser of the Touchstone Income Opportunity Portfolios is Alliance Capital management L.P. The sub-adviser of Touchstone High Yield Portfolio is Fort Washington Investment Advisors, Inc. (''Fort Washington''). Fort Washington is a subsidiary of WSLIC, which is also the parent of WSLAC and Touchstone.

11. The investment objective of the Touchstone High Yield Portfolio is to seek to achieve a high level of current income as a main goal with capital appreciation as a secondary goal. To achieve this objective, the Touchstone High Yield Portfolio invests primarily (at least 65% of total assets) in non-investment grade debt securities of domestic corporations. The Portfolio's investments may include: (a) Securities of foreign companies (up to 15%), but only up to 5% of its assets in securities of foreign companies that are denominated in a currency other than the U.S. dollar; (b) debt securities of issuers in emerging market countries (up to 10%); (c) mortgage-related securities and other types of loans and loan participations; and (d) securities issued by the U.S. government, its agencies or instrumentalities and securities of foreign governments.

12. Expense and performance information for the Touchstone High Yield Portfolio from the date it commenced operations (May 1, 1999) through December 31, 2000, and information about its size and portfolio composition at December 31, 1999, and December 31, 2000, is set forth in the tables below.

[In percent]

	Touchstone high yield portfolio	
	For the year ended 12/31/00	For the period ended 12/31/99
Expense Information:		
Expense ratio before waiver and reimbursement	1.50	1.53
Expense ratio after waiver and reimbursement	0.80	0.80
Contractual Management Fee	0.60	0.60
12b–1 Fees	None	None
Other expenses	0.20	0.20
Performance Information:		
Total return*	(0.70)	(8.11)

*Exclusive of charges that apply to the sub-accounts.

	Touchstone high yield portfolio	
	12/31/00	12/31/99
Asset Information:		
Net assets	$15,748,310	$14,915,932
Portfolio Composition as a percentage of net assets:		
Corporate debt (percent)	87.5	95.6
Convertible debt (percent)	02.2	00.0
Cash and other assets net of liabilities (percent)	10.3	04.4

13. The investment objective of the Touchstone Income Opportunity Portfolio is to seek to achieve a high level of current income as a main goal and to increase the value of its shares, if consistent with its main goal. To achieve this objective, the Touchstone Income Opportunity Portfolio invests primarily in debt securities. The debt securities will generally be more risky non-investment grade corporate and government securities (up to 100% of total assets). Government securities include both domestic and foreign government securities. The Touchstone Income Opportunity Portfolio's investment may include: (a) Securities of foreign companies (up to 100%), but only up to 30% of its assets in securities of foreign companies that are denominated in a currency other than the U.S. dollar; (b) debt securities that are emerging market securities (up to 65%); (c) mortgage-related securities, loans and loan participations; and (d) currency futures and option contracts.

14. Expense and performance information for the Touchstone Income Opportunity Portfolio for the last four fiscal years, and information about its size and portfolio composition at December 31, 1999, and December 31, 2000, is set forth in the tables below.

[In percent]

	Touchstone income opportunity portfolio for the year ended			
	12/31/00	12/31/99	12/31/98	12/31/97
Expense Information:				
Expense ratio before waiver and reimbursement	1.36	1.29	1.25	1.72
Expense ratio after waiver and reimbursement	0.85	0.85	0.85	0.85
Contractual Management Fee	0.65	0.65	0.65	0.65
12b–1 Fees	None	None	None	None
Other Expenses	0.20	0.20	0.20	0.20
Performance Information:				
Total return *	(1.10)	2.74	(12.27)	12.03

[1] Exclusive of charges that apply to the sub-accounts.

	Touchstone income opportunity portfolio	
	12/31/00	13/21/99
Asset Information:		
Net assets	$18,888,658	$25,487,559
Portfolio Composition as a percentage of net assets:		
Corporate debt (percent)	42.6	52.2
Sovereign government obligations (percent)	41.1	45.3
Warrants (percent)	00.0	00.0
Cash and other assets net of liabilities (percent)	16.3	02.5

15. WSLAC has been informed that the Board of Trustees of TVST has determined that as of an appropriate date after the issuance of the requested order from the Commission, it does not intend to offer the Touchstone Income Opportunity Portfolio as an available investment to the sub-accounts of Separate Account 1 and Separate Account 2. WSLAC, on behalf of Separate Account 1 and Separate Account 2, has determined that it would be in the best interest of the Contract owners to effect the proposed substitution.

16. WSLAC, on its own behalf and on behalf of Separate Account 1 and Separate Account 2, proposes to substitute shares of TVST Touchstone High Yield Portfolio for shares of TVST Touchstone Income Opportunity Portfolio currently held by corresponding sub-accounts of Separate Account 1 and Separate Account 2.

Applicant's Legal Analysis

1. The Applicants request an order pursuant to section 26(b) of the 1940 Act approving the proposed substitution. Section 26(b) provides, in pertinent part, that ''it shall be unlawful for any depositor or trustee of a registered unit investment trust holding the security of a single issuer to substitute another security for such security unless the Commission shall have approved such substitution.'' Section 26(b) also provides that the Commission shall approve the substitution of the evidence establishes that the substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act.

2. Applicants submit that the Touchstone High Yield Portfolio is the Portfolio with the investment objective that is most similar to the investment objective of the Touchstone Income Opportunity Portfolio. Both Portfolios seek to achieve a high level of current

income, with capital appreciation as a secondary consideration.

3. Applicants assert that the investment strategies of the two Portfolios are similar in many respects. Both Portfolios invest primarily in non-investment grade debt securities. Both Portfolios may invest in debt securities of domestic companies, foreign companies, the U.S. government and foreign governments. The investment strategy of the Touchstone High Yield Portfolio and the Touchstone Income Opportunity Portfolio differ. For example, the Touchstone High Yield Portfolio must invest at least 65% of its total assets in debt securities of domestic corporations. The Touchstone Income Opportunity Portfolio, on the other hand, may invest up to 100% of its assets in debt securities of either foreign companies or foreign governments or a combination thereof. In addition, the Touchstone Income Opportunity Portfolio may invest up to 65% of its assets in debt securities that are emerging market securities, while the Touchstone High Yield Portfolio must limit its investments in debt securities of issuers in emerging market countries to 10% of its assets.

4. Applicants state that the proposed substitution of Contract Values and Account Values to the Touchstone High Yield Portfolio will be made in the same manner as any other transfer among sub-accounts, except no transfer charge otherwise applicable will be made. The substitution will not count against any limit on the permitted number of transfers. In connection with the substitution, shares remaining in the Touchstone Income Opportunity sub-accounts will be redeemed and the cash proceeds thereof will be applied to the purchase of shares of the Touchstone High Yield Portfolio, in each case at the net asset value determined in accordance with the requirements of the 1940 Act.

5. According to the Applicants, the current expense levels of the Touchstone High Yield Portfolio are more favorable to the affected Contract owners. The current expense ratio of the Touchstone High Yield Portfolio after waiver and reimbursement is 0.80%, which is 0.05% lower than the current expense ratio of the Touchstone Income Opportunity Portfolio after waiver and reimbursement. Touchstone has agreed to waive its fees under the sponsor agreement between Touchstone and TVST or to reimburse certain other fees and expenses of the Touchstone High Yield Portfolio, such that after such waivers and reimbursements, the aggregate operating expenses of the Touchstone High Yield Portfolio do not exceed 0.80% of its average daily net assets on an annualized basis. Touchstone has agreed that it will continue to waive fees and reimburse the Touchstone High Yield Portfolio as described above through December 31, 2001.

6. WSLAC or Touchstone will pay all expenses and transaction costs of the substitution, including any related brokerage fees. Contract owners will not bear any expenses, transaction costs or fees in connection with the substitution.

7. Applicants submit that the substitution will not cause the fees and charges under the Contracts currently being paid by Contract owners to be greater after the substitution than before the substitution. The rights of the Contract owners and the obligations of WSLAC under the Contracts will not be altered in any way.

8. Applicants represent that in the event that the TVST Touchstone High Yield Portfolio has operating expenses (taking into account expense waivers and reimbursements) for any fiscal period (not to exceed a fiscal quarter) during the 24 months following the date of the proposed substitutions equal on an annualized basis to an amount greater than 0.85%, WSLAC will make adjustments to the expenses for the sub-accounts that invest in the TVST Touchstone High Yield Portfolio for those Contract owners who were Contract owners on the date of substitution. These adjustments will limits those Contract owners' expenses so that the amount of the new portfolio's operating expenses together with the corresponding sub-account's asset-based expenses paid during such period on an annualized basis will be no greater than the sum of the replaced portfolio's expenses after waivers and reimbursements (i.e., 0.85%) together with the corresponding sub-account's asset-based expenses during the fiscal year preceding the proposed substitution, which were as follows:

Contract	Sub-account expense limit (as a percentage of average daily net asset sub-account value on an annual basis)
Gold Contract	1.35
Select Contract:	
Option 1	1.35
Option 2	1.45
Option 3	1.55
Advisor Contract	.80

In addition, for those Contract owners who were Contract owners on the date of the substitution, WSLAC will not increase asset-based or non-asset-based expenses for a period of 24 months following the date of the substitution, except to the extent of any increase in premium taxes charged by one or more states. The non-asset-based expenses include the Contract Maintenance Charge and Surrender Charges.

9. Applicants submit that the proposed substitution will not result in any adverse tax consequences to any Contract owner.

10. Applicants state that WSLAC has notified Contract owners of the proposed substitution and will permit Contract owners to make one transfer from the Touchstone Income Opportunity sub-account to any of the other available sub-accounts at any time before the proposed substitution is completed without the assessment of any charge that might otherwise apply. Within 5 days after the proposed substitution is completed, WSLAC will send to Contract owners who were affected by the substitution a notice informing them that they may transfer all amounts that were transferred from the TVST Touchstone Income Opportunity sub-account to the TVST Touchstone High Yield sub-account as part of the substitution, such additional transfer will not count against any limit on the number of permitted transfers, and no charges that might otherwise apply will be imposed on such additional transfer. The Contract owners who were affected by the substitution will have 30 days from the date of such post-substitution notice to make this additional ''free'' transfer from the TVST Touchstone High Yield sub-account.

11. The Applicants submit that the proposed substitution is consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the 1940 Act and is not the type of substitution that section 26(b) was designed to prevent. Unlike traditional unit investment trusts where a depositor could only substitute an investment security in a manner that permanently affected all the investors in the trust, the Contracts provide each Contract owner with the right to exercise his or her own judgment and transfer account values into other sub-accounts. Moreover, WSLAC will offer contract owners the opportunity to transfer amounts out of the Touchstone Income Opportunity sub-account without cost or other disadvantage. The proposed substitution, therefore, will not result in the type of costly forced redemption that section 26(b) was designed to prevent. In addition, other factors that may have influenced a Contract owner to purchase a Contract, such as the reputation of WSLAC and

the type of insurance coverage and benefits provided by the Contract, will remain the same.

Conclusion

Applicants assert that, for the reasons summarized above, the terms of the proposed substitution meet the standards set forth in section 26(b) of the 1940 Act.

For the Commission, by the Division of Investment Management, pursuant to delegated authority.

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–12024 Filed 5–11–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44269; File No. SR–BSE–00–22]

Self-Regulatory Organizations; Order Granting Approval of Proposed Rule Change by the Boston Stock Exchange, Inc. Relating to Minimum Equity Requirements for Derivative-Based Products

May 7, 2001.

On January 3, 2001, the Boston Stock Exchange, Inc. (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b-4 thereunder,[2] a proposed rule change relating to minimum equity requirements for derivative-based products.

The proposal amends the Rules of the Board of Governors of the Exchange to reduce from $1,000,000 to $200,000 the minimum equity requirement for firms trading Portfolio Depositary Receipts (''PDRs''), if the firm arranges to clear its trades through another forum and obtains Exchange approval to do so.

Notice of the proposed rule change was published for comment in the **Federal Register** on April 5, 2001.[3] No comments were received on the proposed rule change.

The Commission finds that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange.[4] In particular, the Commission believes that the proposal is consistent with Section 6(b)(5) of the Act,[5] which requires, among other things, that the rules of an exchange be designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest. The proposed rule change would reduce capital requirements for firms trading PDRs pursuant to clearing arrangements approved by the Exchange, while ensuring maintenance of adequate capital.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[6] that the proposed rule change (File No. SR–BSE–00–12) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[7]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–11988 Filed 5–11–01; 8:45 am]

BILLING CODE 8010–01–M

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 44101 (March 26, 2001), 66 FR 18126 (April 5, 2001).

[4] In approving this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78(c)(f).

[5] 15 U.S.C. 78f(b)(5).

[6] 15 U.S.C. 78s(b)(2).

[7] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Statement of Organization, Functions and Delegations of Authority; Correction

AGENCY: Social Security Administration.

ACTION: Notice; correction.

SUMMARY: The Social Security Administration published a document in the **Federal Register** of April 24, 2001, regarding the Statement of Organization, Functions and Delegations of Authority. The document contained an incorrect title for the Division of Information Technology Integration in the Office of Management in the Office of Hearings and Appeals (OHA).

Corrections

In the **Federal Register** of April 24, 2001, in FR Doc. 01–10081, on page 20703, in the first column, H. 5. Correct the title to read:

5. The ''Office Automation Support Staff'' as ''Division of Information Technology Integration'' (TAHE7).

In the **Federal Register** of April 24, 2001, in FR Doc. 01–10081, on page 20703, in the second column, under ''Functions'' item H.5. Correct the title to read:

5. The ''Office of Automation Support Staff'' as ''Division of Information Technology Integration'' (TAHE7).

In the **Federal Register** of April 24, 2001, in FR Doc. 01–10081, on page 20703, in the third column, line 12: Remove the period between the word ''needs'' and the word ''and''.

Dated: May 4, 2001.

Lewis H. Kaiser,

Director, Center for Classification and Organization Management.

[FR Doc. 01–11962 Filed 5–11–01; 8:45 am]

BILLING CODE 4191–02–U

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Intent to Rule on Application (01–06–U–00–YKM) to Use the Revenue From a Passenger Facility Charge (PFC) at Yakima Air Terminal-McAllister Field, Submitted by the Yakima Air Terminal Board, Yakima Air Terminal-McAllister Field, Yakima, Washington

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of intent to rule on application.

SUMMARY: The FAA proposes to rule and invites public comment on the application to impose and use, PFC revenue at Yakima Air Terminal-McAllister Field under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

DATES: Comments must be received on or before June 13, 2001.

ADDRESSES: Comments on this application may be mailed or delivered in triplicate to the FAA at the following address: J. Wade Bryant, Manager; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW., Suite 250, Renton, Washington, 98055. In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Bob Clem, Airport Manager, at the following address: 2400 West Washington Avenue, Yakima, Washington 98903.

Air Carriers and foreign air carriers may submit copies of written comments previously provided to Yakima Air Terminal-McAllister Field, under § 158.23 of part 158.

FOR FURTHER INFORMATION CONTACT: Ms. Suzanne Lee-Pang; Seattle Airports District Office, SEA–ADO; Federal Aviation Administration; 1601 Lind Avenue SW., Suite 250, Renton,

Washington, 98055. The application may be reviewed in person at this same location.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the application 01–06–U–00–YKM to impose and use PFC revenue at Yakima Air Terminal-McAllister Field, under the provisions of 49 U.S.C. 40117 and part 158 of the Federal Aviation Regulations (14 CFR part 158).

On April 30, 2001, the FAA determined that the application to impose and use, the revenue from a PFC submitted by Yakima Air Terminal Board, Yakima, Washington, was substantially complete within the requirements of § 158.25 of part 158. The FAA will approve or disapprove the application, in whole or in part, no later than August 3, 2001.

The following is a brief overview of the application.

Level of the proposed PFC: $3.00.

Proposed charge effective date: June 1, 2000.

Proposed charge expiration date: February 1, 2002.

Total requested for use approval: $182,313.

Brief description of proposed project: Construct West Perimeter Road.

Class or classes of air carriers, which the public agency has requested not be required to collect PFC's: Air taxi/commercial operators filing FAA Form 1800–31.

Any person may inspect the application in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT** and at the FAA Regional Airports Office located at: Federal Aviation Administration, Northwest Mountain Region, Airports Division, ANM–600, 1601 Lind Avenue SW., Suite 540, Renton, WA 98055–4056.

In addition, any person may, upon request, inspect the application, notice and other documents germane to the application in person at the Yakima Air Terminal-McAllister Field.

Issued in Renton, Washington on April 30, 2001.

David A. Field,

Manager, Planning, Programming and Capacity Branch, Northwest Mountain Region.

[FR Doc. 01–11471 Filed 5–11–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34031]

Florida Midland Railroad Company—Acquisition and Operation Exemption—CSX Transportation, Inc.

Florida Midland Railroad Company (FMID), a Class III rail carrier, has filed a verified notice of exemption under 49 CFR 1150.41 to acquire from CSX Transportation, Inc. (CSXT) two rail lines described as follows: (1) The Lake Wales Line, extending (a) from milepost SV–863.28, in West Lake Wales, FL, to milepost SV–867.47, in Lake Wales, FL, and (b) from milepost AVC–843.30, in Lake Wales, to milepost AVC–857.50, in Frostproof, FL, a distance of approximately 18.39 miles; and (2) the Winter Haven Line, extending from milepost AW–842.0, in Winter Haven, FL, to milepost AW–848.0, in Gordonville, FL, a distance of approximately 6 miles. The total distance of the Lake Wales and Winter Haven Lines is approximately 24.39 miles. FMID will acquire only the track and track materials. CSXT will retain ownership of the real property underlying the right-of-way of the Lake Wales and Winter Haven Lines, and FMID will lease that underlying property from CSXT.[1]

The transaction is scheduled to be consummated shortly after May 7, 2001.

If the verified notice contains false or misleading information, the exemption is void *ab initio*. Petitions to reopen the proceeding to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction.

An original and 10 copies of all pleadings, referring to STB Finance Docket No. 34031, must be filed with the Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001. In addition, a copy of each pleading must be served on Thomas J. Litwiler, Esq., Fletcher & Sippel LLC, Two Prudential Plaza, Suite 3125, 180 North Stetson Avenue, Chicago, IL 60601–6721.

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: May 7, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–12050 Filed 5–11–01; 8:45 am]

BILLING CODE 4915–00–P

[1] FMID's operation of the Lake Wales and Winter Haven Lines was exempted in *Florida Midland Railroad Company-Acquisition and Operation Exemption-Rail Lines of CSX Transportation, Inc.,* Finance Docket No. 31151 (ICC served Nov. 27, 1987).

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Docket No. AB–31 (Sub No. 38)]

CSX Corporation and CSX Transportation, Inc.—Adverse Abandonment—Canadian National Railway Company and Grand Trunk Western Railroad Inc.

On April 24, 2001, CSX Corporation and CSX Transportation, Inc. (collectively, CSX) filed an adverse application under 49 U.S.C. 10903 requesting that the Surface Transportation Board (Board) authorize the abandonment by Canadian National Railway Company (CNR)[1] and its wholly owned affiliate Grand Trunk Western Railroad Incorporated (GTW), of a portion of a rail line known as Track No. 239 extending from milepost 26.4 to milepost 27.0 near 43rd Street and Damen Avenue, in Chicago, Cook County, IL, a distance of 2,952 feet. The track is situated on property leased from New York Central Lines, L.L.C. (NYC). The line traverses United States Postal Service ZIP Code 60609 and includes no stations. In the alternative, CSX seeks an order of adverse discontinuance against GTW's operations on the line.

CSX indicates that it filed the adverse abandonment application so that it could proceed with plans to utilize the track to service its new 59th Street intermodal facility. CSX asserts that serious congestion problems near its facility have magnified its need to access and control the right-of-way. CSX maintains that GTW ceased using the line in 1996. Under its Operating Agreement with NYC, CSX Transportation, Inc. is the operator of the leased property and the entity with rights to enforce the lease, acquired as part of CSX's acquisition of certain assets of Consolidated Rail Corporation (Conrail). CSX asserts that, although it has trackage rights over the line, GTW has not allowed it to make necessary changes to utilize the track, has refused in recent years to make rent payments due under the lease agreement, and has

[1] GTW states in its February 21, 2001 Reply to CSX's Petition for Waiver that it owns Track 239 and contends that CNR is not a proper party to this proceeding. That contention would properly be the subject of a motion to dismiss accompanied by supporting evidence.

refused to vacate the premises. CSX seeks to enforce a termination clause contained in the lease under state law.[2] This agency and its predecessor have long held that granting an adverse abandonment application would remove this agency's primary jurisdiction over the line, thereby subjecting the line to actions under state law.[3]

In a decision served in this proceeding on March 2, 2001, CSX was granted a waiver from many of the filing requirements of the Board's abandonment regulations at 49 CFR 1152 that were not relevant to its adverse abandonment application. Specifically, CSX was granted waiver from the notice requirements at 49 CFR 1152.20(a)(2)(i) and the content requirements at 49 CFR 1152.22(a)(5), (b), (c), (d), (e)(1), (e)(2), (e)(4), and (g). However, CSX was required to comply with the notice requirements at 49 CFR 1150.20(a)(1), (a)(2) and (b)(1) and 1152.21, the content requirements at 49 CFR 1152.22(e)(3), and the filing and service requirements at 1152.24(b). Also, the Board did not waive the environmental regulations at 49 CFR 1152.22(f).

CSX states that, to the best of its knowledge, the line does not contain federally granted rights-of-way. Any documentation in CSX's possession will be made available promptly to those requesting it. The applicant's entire case in chief for abandonment was filed with the application, and it describes alternative routing options that will be available to GTW should the application be granted.

The interests of railroad employees will be protected by the conditions set forth in *Oregon Short Line R. Co.—Abandonment-Goshen,* 360 I.C.C. 91 (1979).

Any interested person may file written comments concerning the proposed abandonment or protests (including protestant's entire opposition case) by June 8, 2001. All interested persons should be aware that, following any abandonment of rail service and salvage of the line, the line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 U.S.C. 10905 (49 CFR 1152.28) or for a trail use condition under 16 U.S.C. 1247(d) (49 CFR 1152.29) must be filed by June 8, 2001. Each trail use request must be accompanied by a $150 filing fee. *See* 49 CFR 1002.2(f)(27). However, in its application, CSX seeks an exemption from the following statutory provisions: 49 U.S.C. 10903(a)(2)(C), which requires a statement concerning interested subsidy or sale offers; section 10904, which relates to offers of financial assistance for the purchase of or subsidy for a rail line proposed for abandonment; and section 10905, which relates to offers for sale for public purposes of abandoned rail properties. These requests will be addressed in the decision on the merits.[4] The due date for applicant's reply is June 25, 2001.

Persons opposing the proposed adverse abandonment who wish to participate actively and fully in the process should file a protest. Persons who may oppose the abandonment but who do not wish to participate fully in the process by submitting verified statements of witnesses containing detailed evidence should file comments. Parties seeking information concerning the filing of protests should refer to section 1152.25.

All filings in response to this notice must refer to STB Docket No. AB–31 (Sub-No. 38) and must be sent to: (1) Surface Transportation Board, Office of the Secretary, Case Control Unit, 1925 K Street, NW., Washington, DC 20423–0001; and (2) David Coburn, Steptoe & Johnson LLP, 1330 Connecticut Av., NW., Washington, DC 20036–1795. The original and 10 copies of all comments or protests shall be filed with the Board with a certificate of service. Except as otherwise set forth in part 1152, every document filed with the Board must be served on all parties to the abandonment proceeding. 49 CFR 1104.12(a).

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Services at (202) 565–1592 or refer to the full abandonment or discontinuance regulations at 49 CFR part 1152.

The March 2 decision noted that CSX had requested waiver from the environmental requirements of 49 CFR 1152.22(f), arguing that its proposal has no environmental impact and therefore qualifies for treatment under 49 CFR 1105.6(c). However, the March 2 decision indicated that CSX should make that showing in its application, rather than seeking a waiver.

In its application, CSX asserts that the proposal is analogous to the discontinuance of trackage rights where the affected line will continue to be operated and, consequently, is exempt from environmental review under 49 CFR 1105.6(c). Nonetheless, CSX has prepared an Environmental Report in consultation with the Board's Section of Environmental Analysis (SEA). On the basis of that report, CSX urges the Board to find that a grant of this application will not have any significant or adverse environmental impacts. Questions concerning environmental issues may be directed to SEA at (202) 565–1545. [TDD for the hearing impaired is available at 1–800–877–8339.]

Board decisions and notices are available on our website at ''WWW.STB.DOT.GOV.''

Decided: May 8, 2001.

By the Board, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,

Secretary.

[FR Doc. 01–12049 Filed 5–11–01; 8:45 am]

BILLING CODE 4915–00–P

[2] Conrail exercised its lease termination rights to recover possession of the underlying land by giving 30 days' notice. It also sought possession of the track, pursuant to lease terms that allowed CSX to retain improvements on the property if GTW fails to remove all improvements within 10 days after the lease is terminated. Specifically, in May 2000, CSX filed a forcible entry and detainer action against GTW in the U.S. District Court for the Northern District Illinois, *CSX Transportation, Inc.* v. *Canadian National Railway Co., et. al,* Case No. OOC 1462 (N.D. Ill.). The District Court granted defendants' motion to dismiss concluding that the Board has exclusive jurisdiction to determine whether the track is subject to its regulatory jurisdiction.

[3] *See Modern Handcraft, Inc.—Abandonment,* 363 I.C.C. 969 (1981); *Kansas City Pub. Ser. Frgt. Operations Exempt.—Aban.,* 7 I.C.C.2d 216, 244–26 (1990); and *Chelsea Property Owners—Aban.—The Consol. R. Corp.,* 8 I.C.C.2d 773, 778 (1992), *aff'd sub nom. Conrail* v. *ICC,* 29 F.3d 706 (D.C. Cir. 1994).

[4] CSX also requests an exemption from statutory requirements at 49 U.S.C. 10903(a)(3) and 10903(c). However, because the Board has already ruled on CSX's previous request for waivers from corresponding Board regulations, that portion of the request will be dismissed as moot.

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1040 and Schedules A, B, C, C–EZ, D, D–1, E, EIC, F, H, J, R and SE

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1040, U.S. Individual Income Tax Return, and Schedules A, B, C, C–EZ, D, D–1, E, EIC, F, H, J, R, and SE.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Individual Income Tax Return.

OMB Number: 1545–0074.

Form Number: 1040A and Schedules A, B, C, C–EZ, D, D–1, E, EIC, F, H, J, R, and SE.

Abstract: These forms are used by individuals to report their income tax liability. The data is used to verify that the items reported on the forms are correct, and also for general statistics use.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 74,487,259.

Estimated Time Per Respondent: Varies.

Estimated Total Annual Burden Hours: 1,393,882,763.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 8, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12066 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Forms 945, 945–A, and 945–V

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 945, Annual Return of Withheld Federal Income Tax; Form 945–A, Annual Record of Federal Tax Liability; and Form 945–V, Form 945 Payment Voucher.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the forms and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Annual Return of Withheld Federal Income Tax (Form 945), Annual Record of Federal Tax Liability (Form 945–A), and Form 945 Payment Voucher (Form 945–V).

OMB Number: 1545–1430.

Form Numbers: 945, 945–A, and 945–V.

Abstract: Form 945 is used to report income tax witholding on nonpayroll payments including backup withholding and withholding on pensions, annuities, IRAs, military retirement, and gambling winnings. Form 945–A is used to report nonpayroll tax liabilities. Form 945–V is a payment voucher that is used by those taxpayers who submit a payment with their return.

Current Actions: There are no changes being made to the forms at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, individuals or households, not-for-profit institutions, farms, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 193,468.

Estimated Time Per Respondent: 10 hours, 20 minutes.

Estimated Total Annual Burden Hours: 2,001,199.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 2, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12067 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1040A and Schedules 1, 2, 3 and EIC

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1040A, U.S. Individual Income Tax Return, and Schedules 1, 2, 3 and EIC.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Individual Income Tax Return.

OMB Number: 1545–0085.

Form Number: 1040A and Schedules 1, 2, 3, and EIC.

Abstract: This form is used by individuals to report their income subject to income tax and to compute their correct tax liability. The data are used to verify that the income reported on the form is correct and are also for statistics use.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 26,780,076.

Estimated Time Per Respondent: Varies.

Estimated Total Annual Burden Hours: 278,723,537.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 1, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12068 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8655

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8655, Reporting Agent Authorization for Magnetic Tape/Electronic Filers.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Reporting Agent Authorization for Magnetic Tape/Electronic Filers.

OMB Number: 1545–1058.

Form Number: Form 8655.

Abstract: Form 8655 allows a taxpayer to designate a reporting agent to file certain employment tax returns electronically or on magnetic tape, to receive copies of notices and other tax information, and to submit Federal tax deposits. This form allows IRS to disclose tax account information and to provide duplicate copies of taxpayer correspondence to authorized agents.

Current Actions: There are no changes being made to this form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 110,000.

Estimated Time Per Respondent: 6 minutes.

Estimated Total Annual Burden Hours: 11,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or

included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 2, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12069 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 1065, Schedule D, and Schedule K–1

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 1065, U.S. Return of Partnership Income, Schedule D, Capital Gains and Losses, and Schedule K–1, Partner's Share of Income, Credits, Deductions, etc.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Carol Savage, (202) 622–3945, Internal Revenue Service, room 5242, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U.S. Return of Partnership Income (Form 1065), Capital Gains and Losses (Schedule D), and Partner's Share of Income, Credits, Deductions, etc. (Schedule K–1).

OMB Number: 1545–0099.

Form Number: 1065, Schedule D, and Schedule K–1.

Abstract: Internal Revenue Code section 6031 requires partnerships to file returns that show gross income items, allowable deductions, partners' names, addresses, and distribution shares, and other information. This information is used by the IRS to verify correct reporting of partnership items and for general statistics. The information is used by partners to determine the income, loss, credits, etc., to report on their tax returns.

Current Actions: There are no changes being made to the form or schedules at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations, farms, and individuals or households.

Estimated Number of Respondents: 1,487,900.

Estimated Time Per Respondent: Varies.

Estimated Total Annual Burden Hours: 1,196,492,929.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 3, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12070 Filed 5–14–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form W–4

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form W–4, Employee's Withholding Allowance Certificate.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Employee's Withholding Allowance Certificate.

OMB Number: 1545–0010.

Form Number: W–4.

Abstract: Employees file Form W–4 to tell employers their marital status, the number of withholding allowances claimed, the dollar amount they want withholding increased each pay period,

and if they are entitled to claim exemption from withholding. Employers use this information to figure the correct tax to withhold from the employee's wages.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households, business or other for-profit organizations, not-for-profit institutions, and Federal, state, local or tribal governments.

Estimated Number of Respondents: 54,209,079.

Estimated Time Per Respondent: 2 hours, 8 minutes.

Estimated Total Annual Burden Hours: 116,007,430.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 5, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12071 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–U

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8815

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8815, Exclusion of Interest From Series EE and I U.S. Savings Bonds Issued After 1989.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Exclusion of Interest From Series EE and I U.S. Savings Bonds Issued After 1989.

OMB Number: 1545–1173.

Form Number: Form 8815.

Abstract: If an individual redeems series I or series EE U.S. savings bonds issued after 1989 and pays qualified higher education expenses during the year, the interest on the bonds may be excludable from income. Form 8815 is used by the individual to figure the amount of savings bond interest that is excludable.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 25,000.

Estimated Time Per Respondent: 2 hours, 3 minutes.

Estimated Total Annual Burden Hours: 51,470.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 3, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12072 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8736

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

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

3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8736, Application for Automatic Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Automatic Extension of Time To File U.S. Return for a Partnership, REMIC, or for Certain Trusts.

OMB Number: 1545–1054.

Form Number: Form 8736.

Abstract: Form 8736 is used by partnerships, REMICs, and by certain trusts to request an automatic 3-month extension of time to file Form 1065, Form 1066 or Form 1041. Form 8736 contains data needed by the IRS to determine whether or not a taxpayer qualifies for such an extension.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 36,000.

Estimated Time Per Respondent: 4 hours, 3 minutes.

Estimated Total Annual Burden Hours: 145,800.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 2, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12073 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 8453

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 8453, U.S. Individual Income Tax Declaration for an IRS e-file Return.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: U. S. Individual Income Tax Declaration for an IRS e-file Return.

OMB Number: 1545–0936.

Form Number: Form 8453.

Abstract: Form 8453 is used to secure the taxpayer's signature and declarations in conjunction with the Electronic Filing program. This form, together with the electronic transmission, will comprise the taxpayer's income tax return. The information on Form 8453 will be used by the IRS to verify the electronic return, allow for direct deposit of any refund, provide consent for the IRS to disclose the status of the return to the Electronic Return Originator and/or transmitter, and obtain the required signatures.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 12,300,000.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 3,075,000.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 3, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12074 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Form 2350

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning Form 2350, Application for Extension of Time To File U.S. Income Tax Return.

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Application for Extension of Time To File U.S. Income Tax Return.

OMB Number: 1545–0070.

Form Number: Form 2350.

Abstract: Form 2350 is used to request an extension of time to file in order to meet either the bona fide residence test or the physical presence test to qualify for the foreign earned income exclusion and/or the foreign housing exclusion or deduction. The information furnished is used by the IRS to determine if the extension should be granted.

Current Actions: There are no changes being made to the form at this time.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or households.

Estimated Number of Respondents: 22,594.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 22,594.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 4, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12075 Filed 5–11–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[PS–127–86; PS–128–86; PS–73–88]

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995, Public Law 104–13 (44 U.S.C. 3506(c)(2)(A)). Currently, the IRS is soliciting comments concerning an existing final regulation, PS–127–86, PS–128–86, and PS–73–88 (TD 8644), Generation-Skipping Transfer Tax (§§ 26.2601–1, 26.2632–1, 26.2642–1, 26.2642–2, 26.2642–3, 26.2642–4, 26.2652–2, and 26.2662–1).

DATES: Written comments should be received on or before July 13, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection should be directed to Larnice Mack, (202) 622–3179, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION: *Title:* Generation-Skipping Transfer Tax.

OMB Number: 1545–0985.

Regulation Project Number: PS–127–86; PS–128–86; PS–73–88.

Abstract: This regulation provides rules relating to the effective date, return requirements, definitions, and certain rules covering the generation-skipping transfer tax. The information required by the regulation will require individuals and/or fiduciaries to report information on Forms 706, 706NA, 706GS(D), 706GS(D–1), 706GS(T), 709, and 843 in connection with the generation-skipping transfer tax. The information will facilitate the assessment of the tax and taxpayer examinations.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of OMB approval.

Affected Public: Individuals or households, and business or other for-profit organizations.

Estimated Number of Respondents: 7,500.

Estimated Time Per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 3,750.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection

of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: (a) Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: May 4, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–12076 Filed 5–11–01; 8:45 am]

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H.R. 132/P.L. 107–6

To designate the facility of the United States Postal Service located at 620 Jacaranda Street in Lanai City, Hawaii, as the ''Goro Hokama Post Office Building''. (Apr. 12, 2001; 115 Stat. 8)

H.R. 395/P.L. 107–7

To designate the facility of the United States Postal Service located at 2305 Minton Road in West Melbourne, Florida, as the ''Ronald W. Reagan Post Office of West Melbourne, Florida''. (Apr. 12, 2001; 115 Stat. 9)

Last List March 21, 2001

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§§ 1.301–1.400	(869–042–00080–3)	29.00	Apr. 1, 2000
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§§ 1.441-1.500	(869-042-00082-0)	36.00	Apr. 1, 2000
§§ 1.501–1.640	(869–042–00083–8)	32.00	Apr. 1, 2000
§§ 1.641–1.850	(869–042–00084–6)	41.00	Apr. 1, 2000
§§ 1.851–1.907	(869–042–00085–4)	43.00	Apr. 1, 2000
§§ 1.908–1.1000	(869–042–00086–2)	41.00	Apr. 1, 2000
§§ 1.1001–1.1400	(869–042–00087–1)	45.00	Apr. 1, 2000
§§ 1.1401–End	(869–042–00088–9)	66.00	Apr. 1, 2000
2–29	(869–042–00089–7)	45.00	Apr. 1, 2000
30–39	(869–042–00090–1)	31.00	Apr. 1, 2000
*40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–042–00092–7)	23.00	Apr. 1, 2000
300–499	(869–042–00093–5)	43.00	Apr. 1, 2000
500–599	(869–042–00094–3)	12.00	Apr. 1, 2000
600–End	(869–042–00095–1)	12.00	Apr. 1, 2000
27 Parts:			
1–199	(869–042–00096–0)	59.00	Apr. 1, 2000

Title	Stock Number	Price	Revision Date
200–End	(869–042–00097–8)	18.00	Apr. 1, 2000
28 Parts:			
0-42	(869–042–00098–6)	43.00	July 1, 2000
43-end	(869-042-00099-4)	36.00	July 1, 2000
29 Parts:			
0–99	(869–042–00100–1)	33.00	July 1, 2000
100–499	(869–042–00101–0)	14.00	July 1, 2000
500–899	(869–042–00102–8)	47.00	July 1, 2000
900–1899	(869–042–00103–6)	24.00	July 1, 2000
1900–1910 (§§ 1900 to 1910.999)	(869–042–00104–4)	46.00	[6]July 1, 2000
1910 (§§ 1910.1000 to end)	(869–042–00105–2)	28.00	[6]July 1, 2000
1911–1925	(869–042–00106–1)	20.00	July 1, 2000
1926	(869–042–00107–9)	30.00	[6]July 1, 2000
1927–End	(869–042–00108–7)	49.00	July 1, 2000
30 Parts:			
1–199	(869–042–00109–5)	38.00	July 1, 2000
200–699	(869–042–00110–9)	33.00	July 1, 2000
700–End	(869–042–00111–7)	39.00	July 1, 2000
31 Parts:			
0–199	(869–042–00112–5)	23.00	July 1, 2000
200–End	(869–042–00113–3)	53.00	July 1, 2000
32 Parts:			
1–39, Vol. I		15.00	[2] July 1, 1984
1–39, Vol. II		19.00	[2] July 1, 1984
1–39, Vol. III		18.00	[2] July 1, 1984
1–190	(869–042–00114–1)	51.00	July 1, 2000
191–399	(869–042–00115–0)	62.00	July 1, 2000
400–629	(869–042–00116–8)	35.00	July 1, 2000
630–699	(869–042–00117–6)	25.00	July 1, 2000
700–799	(869–042–00118–4)	31.00	July 1, 2000
800–End	(869–042–00119–2)	32.00	July 1, 2000
33 Parts:			
1–124	(869–042–00120–6)	35.00	July 1, 2000
125–199	(869–042–00121–4)	45.00	July 1, 2000
200–End	(869–042–00122–5)	36.00	July 1, 2000
34 Parts:			
1–299	(869–042–00123–1)	31.00	July 1, 2000
300–399	(869–042–00124–9)	28.00	July 1, 2000
400–End	(869–042–00125–7)	54.00	July 1, 2000
35	(869–042–00126–5)	10.00	July 1, 2000
36 Parts			
1–199	(869–042–00127–3)	24.00	July 1, 2000
200–299	(869–042–00128–1)	24.00	July 1, 2000
300–End	(869–042–00129–0)	43.00	July 1, 2000
37	(869–042–00130–3)	32.00	July 1, 2000
38 Parts:			
0–17	(869–042–00131–1)	40.00	July 1, 2000
18–End	(869–042–00132–0)	47.00	July 1, 2000
39	(869–042–00133–8)	28.00	July 1, 2000
40 Parts:			
1–49	(869–042–00134–6)	37.00	July 1, 2000
50–51	(869–042–00135–4)	28.00	July 1, 2000
52 (52.01–52.1018)	(869–042–00136–2)	36.00	July 1, 2000
52 (52.1019–End)	(869–042–00137–1)	44.00	July 1, 2000
53–59	(869–042–00138–9)	21.00	July 1, 2000
60	(869–042–00139–7)	66.00	July 1, 2000
61–62	(869–042–00140–1)	23.00	July 1, 2000
63 (63.1–63.1119)	(869–042–00141–9)	66.00	July 1, 2000
63 (63.1200–End)	(869–042–00142–7)	49.00	July 1, 2000
64–71	(869–042–00143–5)	12.00	July 1, 2000
72–80	(869–042–00144–3)	47.00	July 1, 2000
81–85	(869–042–00145–1)	36.00	July 1, 2000
86	(869–042–00146–0)	66.00	July 1, 2000
87-135	(869–042–00146–8)	66.00	July 1, 2000
136–149	(869–042–00148–6)	42.00	July 1, 2000
150–189	(869–042–00149–4)	38.00	July 1, 2000
190–259	(869–042–00150–8)	25.00	July 1, 2000
260–265	(869–042–00151–6)	36.00	July 1, 2000
266–299	(869–042–00152–4)	35.00	July 1, 2000
300–399	(869–042–00153–2)	29.00	July 1, 2000
400–424	(869–042–00154–1)	37.00	July 1, 2000
425–699	(869–042–00155–9)	48.00	July 1, 2000
700–789	(869–042–00156–7)	46.00	July 1, 2000
790–End	(869–042–00157–5)	23.00	[6]July 1, 2000
41 Chapters:			
1, 1–1 to 1–10		13.00	[3] July 1, 1984
1, 1–11 to Appendix, 2 (2 Reserved)		13.00	[3] July 1, 1984
3–6		14.00	[3] July 1, 1984
7		6.00	[3] July 1, 1984
8		4.50	[3] July 1, 1984
9		13.00	[3] July 1, 1984
10–17		9.50	[3] July 1, 1984
18, Vol. I, Parts 1–5		13.00	[3] July 1, 1984
18, Vol. II, Parts 6–19		13.00	[3] July 1, 1984
18, Vol. III, Parts 20–52		13.00	[3] July 1, 1984
19–100		13.00	[3] July 1, 1984
1–100	(869–042–00158–3)	15.00	July 1, 2000
101	(869–042–00159–1)	37.00	July 1, 2000
102–200	(869–042–00160–5)	21.00	July 1, 2000
201–End	(869–042–00161–3)	16.00	July 1, 2000
42 Parts:			
1–399	(869–042–00162–1)	53.00	Oct. 1, 2000
400–429	(869–042–00163–0)	55.00	Oct. 1, 2000
430–End	(869–042–00164–8)	57.00	Oct. 1, 2000
43 Parts:			
1–999	(869–042–00165–6)	45.00	Oct. 1, 2000
1000–end	(869–042–00166–4)	55.00	Oct. 1, 2000
44	(869–042–00167–2)	45.00	Oct. 1, 2000
45 Parts:			
1–199	(869–042–00168–1)	50.00	Oct. 1, 2000
200–499	(869–042–00169–9)	29.00	Oct. 1, 2000
500–1199	(869–042–00170–2)	45.00	Oct. 1, 2000
1200–End	(869–042–00171–1)	54.00	Oct. 1, 2000
46 Parts:			
1–40	(869–042–00172–9)	42.00	Oct. 1, 2000
41–69	(869–042–00173–7)	34.00	Oct. 1, 2000
70–89	(869–042–00174–5)	13.00	Oct. 1, 2000
90–139	(869–042–00175–3)	41.00	Oct. 1, 2000
140–155	(869–042–00176–1)	23.00	Oct. 1, 2000
156–165	(869–042–00177–0)	31.00	Oct. 1, 2000
166–199	(869–042–00178–8)	42.00	Oct. 1, 2000
200–499	(869–042–00179–6)	36.00	Oct. 1, 2000
500–End	(869–042–00180–0)	23.00	Oct. 1, 2000
47 Parts:			
0–19	(869–042–00181–8)	54.00	Oct. 1, 2000
20–39	(869–042–00182–6)	41.00	Oct. 1, 2000
40–69	(869–042–00183–4)	41.00	Oct. 1, 2000
70–79	(869–042–00184–2)	54.00	Oct. 1, 2000
80–End	(869–042–00185–1)	54.00	Oct. 1, 2000
48 Chapters:			
1 (Parts 1–51)	(869–042–00186–9)	57.00	Oct. 1, 2000
1 (Parts 52–99)	(869–042–00187–7)	45.00	Oct. 1, 2000
2 (Parts 201–299)	(869–042–00188–5)	53.00	Oct. 1, 2000
3–6	(869–042–00189–3)	40.00	Oct. 1, 2000
7–14	(869–042–00190–7)	52.00	Oct. 1, 2000
15–28	(869–042–00191–5)	53.00	Oct. 1, 2000
29–End	(869–042–00192–3)	38.00	Oct. 1, 2000
49 Parts:			
1–99	(869–042–00193–1)	53.00	Oct. 1, 2000
100–185	(869–042–00194–0)	57.00	Oct. 1, 2000
186–199	(869–042–00195–8)	17.00	Oct. 1, 2000
200–399	(869–042–00196–6)	57.00	Oct. 1, 2000
400–999	(869–042–00197–4)	58.00	Oct. 1, 2000
1000–1199	(869–042–00198–2)	25.00	Oct. 1, 2000
1200–End	(869–042–00199–1)	21.00	Oct. 1, 2000
50 Parts:			
1–199	(869–042–00200–8)	55.00	Oct. 1, 2000
200–599	(869–042–00201–6)	35.00	Oct. 1, 2000

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600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
CFR Index and Findings Aids	(869–042–00047–1)	53.00	Jan. 1, 2000
Complete 2000 CFR set		1,094.00	2000
Microfiche CFR Edition:			
Subscription (mailed as issued)		290.00	1999
Individual copies		1.00	1999
Complete set (one-time mailing)		247.00	1997
Complete set (one-time mailing)		264.00	1996

[1] Because Title 3 is an annual compilation, this volume and all previous volumes should be retained as a permanent reference source.

[2] The July 1, 1985 edition of 32 CFR Parts 1–189 contains a note only for Parts 1–39 inclusive. For the full text of the Defense Acquisition Regulations in Parts 1–39, consult the three CFR volumes issued as of July 1, 1984, containing those parts.

[3] The July 1, 1985 edition of 41 CFR Chapters 1–100 contains a note only for Chapters 1 to 49 inclusive. For the full text of procurement regulations in Chapters 1 to 49, consult the eleven CFR volumes issued as of July 1, 1984 containing those chapters.

[4] No amendments to this volume were promulgated during the period January 1, 2000, through January 1, 2001. The CFR volume issued as of January 1, 2000 should be retained.

[5] No amendments to this volume were promulgated during the period April 1, 1999, through April 1, 2000. The CFR volume issued as of April 1, 1999 should be retained.

[6] No amendments to this volume were promulgated during the period July 1, 1999, through July 1, 2000. The CFR volume issued as of July 1, 1999 should be retained..