AUTHENTICATED
U.S. GOVERNMENT
INFORMATION
GPO

Federal Register

7–16–01 Monday
Vol. 66 No. 136 July 16, 2001
Pages 36907–37102

The **FEDERAL REGISTER** is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, Washington, DC 20408, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 is the exclusive distributor of the official edition.

The **Federal Register** provides a uniform system for making available to the public regulations and legal notices issued by Federal agencies. These include Presidential proclamations and Executive Orders, Federal agency documents having general applicability and legal effect, documents required to be published by act of Congress, and other Federal agency documents of public interest.

Documents are on file for public inspection in the Office of the Federal Register the day before they are published, unless the issuing agency requests earlier filing. For a list of documents currently on file for public inspection, see http://www.nara.gov/fedreg.

The seal of the National Archives and Records Administration authenticates the Federal Register as the official serial publication established under the Federal Register Act. Under 44 U.S.C. 1507, the contents of the **Federal Register** shall be judicially noticed.

The **Federal Register** is published in paper and on 24x microfiche. It is also available online at no charge as one of the databases on GPO Access, a service of the U.S. Government Printing Office.

The online edition of the **Federal Register** is issued under the authority of the Administrative Committee of the Federal Register as the official legal equivalent of the paper and microfiche editions (44 U.S.C. 4101 and 1 CFR 5.10). It is updated by 6 a.m. each day the **Federal Register** is published and it includes both text and graphics from Volume 59, Number 1 (January 2, 1994) forward.

GPO Access users can choose to retrieve online **Federal Register** documents as TEXT (ASCII text, graphics omitted), PDF (Adobe Portable Document Format, including full text and all graphics), or SUMMARY (abbreviated text) files. Users should carefully check retrieved material to ensure that documents were properly downloaded.

On the World Wide Web, connect to the **Federal Register** at http://www.access.gpo.gov/nara. Those without World Wide Web access can also connect with a local WAIS client, by Telnet to swais.access.gpo.gov, or by dialing (202) 512-1661 with a computer and modem. When using Telnet or modem, type swais, then log in as guest with no password.

For more information about GPO Access, contact the GPO Access User Support Team by E-mail at gpoaccess@gpo.gov; by fax at (202) 512–1262; or call (202) 512–1530 or 1–888–293–6498 (toll free) between 7 a.m. and 5 p.m. Eastern time, Monday–Friday, except Federal holidays.

The annual subscription price for the **Federal Register** paper edition is $638, or $697 for a combined **Federal Register,** Federal Register Index and List of CFR Sections Affected (LSA) subscription; the microfiche edition of the **Federal Register** including the Federal Register Index and LSA is $253. Six month subscriptions are available for one-half the annual rate. The charge for individual copies in paper form is $9.00 for each issue, or $9.00 for each group of pages as actually bound; or $2.00 for each issue in microfiche form. All prices include regular domestic postage and handling. International customers please add 25% for foreign handling. Remit check or money order, made payable to the Superintendent of Documents, or charge to your GPO Deposit Account, VISA, MasterCard or Discover. Mail to: New Orders, Superintendent of Documents, P.O. Box 371954, Pittsburgh, PA 15250–7954.

There are no restrictions on the republication of material appearing in the **Federal Register.**

How To Cite This Publication: Use the volume number and the page number. Example: 66 FR 12345.

SUBSCRIPTIONS AND COPIES

PUBLIC	
Subscriptions:	
Paper or fiche	**202–512–1800**
Assistance with public subscriptions	**512–1806**
General online information	**202–512–1530; 1–888–293–6498**
Single copies/back copies:	
Paper or fiche	**512–1800**
Assistance with public single copies	**512–1803**
FEDERAL AGENCIES	
Subscriptions:	
Paper or fiche	**523–5243**
Assistance with Federal agency subscriptions	**523–5243**

Printed on recycled paper.

Contents

Federal Register

Vol. 66, No. 136

Monday, July 16, 2001

Agency for Toxic Substances and Disease Registry
NOTICES
Meetings:
Scientific Counselors Board, 37036

Agricultural Research Service
NOTICES
Committees; establishment, renewal, termination, etc.:
Agricultural Biotechnology Advisory Committee, 36992
Meetings:
Agricultural Biotechnology Advisory Committee, 36992

Agriculture Department
See Agricultural Research Service
See Federal Crop Insurance Corporation
See Foreign Agricultural Service
See Forest Service
RULES
Plant Protection Act and Agricultural Risk Protection Act; subpoenas, 36907–36908

Alcohol, Tobacco and Firearms Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 37093

Antitrust Division
NOTICES
Competitive impact statements and proposed consent judgments:
Thomson Corp. et al., 37051–37072
National cooperative research notifications:
RxHub LLC, 37072

Army Department
NOTICES
Environmental statements; availability, etc.:
Yuma Proving Ground, AZ, 37017

Census Bureau
NOTICES
Agency information collection activities:
Proposed collection; comment request, 36996–36999

Centers for Disease Control and Prevention
NOTICES
Grant and cooperative agreement awards:
Thailand Public Health Ministry, 37036–37039

Coast Guard
NOTICES
Meetings:
Chemical Transportation Advisory Committee, 37087–37088

Commerce Department
See Census Bureau
See Export Administration Bureau
See International Trade Administration
See National Oceanic and Atmospheric Administration
See Patent and Trademark Office
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 36995–36996

Committee for the Implementation of Textile Agreements
NOTICES
African Growth and Opportunity Act and United States-Caribbean Basin Trade Partnership Act:
Textile and apparel ''short supply'' provisions; request consideration procedures
Denial, 37013
Cotton, wool, and man-made textiles:
Bangladesh, 37014
Bulgaria, 37014
Indonesia, 37015
Macedonia, 37016
Oman, 37016

Commodity Futures Trading Commission
NOTICES
Meetings:
Global Markets Advisory Committee, 37017

Comptroller of the Currency
NOTICES
Agency information collection activities:
Proposed collection; comment request, 37094

Defense Department
See Army Department

Education Department
NOTICES
Meetings:
National Assessment Governing Board, 37017–37019

Energy Department
See Energy Efficiency and Renewable Energy Office
See Federal Energy Regulatory Commission

Energy Efficiency and Renewable Energy Office
PROPOSED RULES
Consumer products; energy conservation program:
Test procedures—
Central air conditioners and heat pumps, 36960

Environmental Protection Agency
RULES
Air pollutants, hazardous; national emission standards:
Polymers and resins—
Polymers manufacturing industry (Groups I and IV), 36924–36946
Air quality implementation plans; approval and promulgation; various States:
Alabama, 36919–36921
Texas, 36913–36919, 36921–36924
Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update, 36946–36947

PROPOSED RULES
Air quality implementation plans; approval and promulgation; various States:
Maryland, 36964–36966
Texas, 36963–36964
Superfund program:
National oil and hazardous substances contingency plan—
National priorities list update, 36966

Export Administration Bureau
RULES
Export administration regulations:
Definitions; harmonization, 36909–36913

Farm Credit Administration
RULES
Farm Credit System:
Eligibility and scope of financing for farm-related service businesses and non-farm rural homeowners
Effective date, 36908

Federal Aviation Administration
RULES
Class E airspace, 36908–36909
NOTICES
Meetings:
Aviation Rulemaking Advisory Committee, 37088

Federal Communications Commission
RULES
Radio stations; table of assignments:
Arizona, 36949
Wyoming, 36949–36950
PROPOSED RULES
Common carrier services:
Wireless telecommunications services—
E911 compatibility; public safety answering points, 36989–36991
NOTICES
Rulemaking proceedings; petitions filed, granted, denied, etc., 37029

Federal Crop Insurance Corporation
PROPOSED RULES
Administrative regulations:
Policies, provisions of policies, and rates of premium; submission procedures for reinsurance and subsidy approval, 36951–36960

Federal Deposit Insurance Corporation
NOTICES
Banking services, online delivery; banking regulations; comment request, 37029–37030

Federal Emergency Management Agency
RULES
Flood insurance; communities eligible for sale:
Various States, 36947–36949
NOTICES
Disaster and emergency areas:
Minnesota, 37030
Oklahoma, 37030–37031
Wisconsin, 37031

Federal Energy Regulatory Commission
NOTICES
Electric rate and corporate regulation filings:
CPV Cana, Ltd., et al., 37023–37026
Pierce Power LLC et al., 37026–37028
Environmental statements; availability, etc.:
Hancock Hydro Inc., 37028–37029
Applications, hearings, determinations, etc.:
Colorado Interstate Gas Co., 37019
Columbia Gulf Transmission Co., 37019–37020
Corn Belt Energy Corp., 37020
Dominion Transmission, Inc., 37020
Florida Gas Transmission Co., 37020
Kinder Morgan Interstate Gas Transmission LLC, 37021
Northern Natural Gas Co., 37021–37022
TransColorado Gas Transmission Co., 37022–37023
Transwestern Pipeline Co., 37023

Federal Reserve System
NOTICES
Banks and bank holding companies:
Formations, acquisitions, and mergers, 37031–37032

Federal Trade Commission
NOTICES
Meetings:
Factors that affect prices of refined petroleum products; public conference, 37032–37033

Federal Transit Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 37088–37089

Foreign Agricultural Service
NOTICES
Tariff-rate quotas:
Refined sugar; specialty sugar allocation, 36992–36993
Uruguay Round Agreements Act (URAA); agricultural safeguard trigger levels, 36993–36994

Forest Service
NOTICES
Environmental statements; notice of intent:
Dolores County, CO; road easement, etc., 36994–36995

Health and Human Services Department
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See National Institutes of Health
See Public Health Service
See Substance Abuse and Mental Health Services Administration
NOTICES
Grants and cooperative agreements; availability, etc.:
Healthy People 2010 Community Implementation Program, 37033–37036

Housing and Urban Development Department
PROPOSED RULES
Public and Indian housing:
Indian housing block grant allocation formula; negotiated rulemaking committee; intent to establish, 37097–37100
NOTICES
Agency information collection activities:
Proposed collection; comment request, 37049–37050
Grant funding programs; faith-based and community organizations participation; regulatory, contracting, and other programmatic obstacles; comment request, 37101–37102

Interior Department
See Land Management Bureau
PROPOSED RULES
Freedom of Information Act; implementation, 36966–36989

Internal Revenue Service
NOTICES
Agency information collection activities:
Proposed collection; comment request, 37094–37095
Grants and cooperative agreements; availability, etc.:
Low Income Taxpayer Clinic Program, 37095–37096

International Trade Administration
NOTICES
Antidumping:
Hot-rolled carbon steel flat products from—
Argentina, 37001–37002
South Africa, 37002–37004
Seamless carbon and alloy steel standard, line, and pressure pipe from—
Various countries, 37004–37007
Antidumping and countervailing duties:
Seamless carbon and alloy steel standard, line, and pressure pipe from—
Italy, 36999–37001
Countervailing duties:
Hot-rolled carbon steel flat products from—
Argentina, 37007–37009

International Trade Commission
NOTICES
Antidumping:
Structural steel beams from—
Various countries, 37050–37051
Senior Executive Service:
Performance Review Board; membership, 37051

Justice Department
See Antitrust Division

Land Management Bureau
NOTICES
Survey plat filings:
Michigan, 37050

National Institutes of Health
NOTICES
Inventions, Government-owned; availability for licensing, 37039–37041
Meetings:
National Cancer Institute, 37041
National Eye Institute, 37041–37042
National Heart, Lung, and Blood Institute, 37042
National Institute of Allergy and Infectious Diseases, 37042
National Institute of Child Health and Human Development, 37042–37043
National Institute of General Medical Sciences, 37043
National Institute of Mental Health, 37044
National Institute on Alcohol Abuse and Alcoholism, 37043–37044
National Institute on Drug Abuse, 37043
Scientific Review Center, 37044–37047

National Oceanic and Atmospheric Administration
NOTICES
Committees; establishment, renewal, termination, etc.:
Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council, 37009
Meetings:
Mid-Atlantic Fishery Management Council, 37009–37010
New England Fishery Management Council, 37010–37011
Pacific Fishery Management Council, 37011
Permits:
Endangered and threatened species, 37011–37012

Nuclear Regulatory Commission
NOTICES
Environmental statements; availability, etc.:
Duke Energy Corp., 37073–37074
Applications, hearings, determinations, etc.:
Duke Energy Corp., 37072
Florida Power & Light Co., 37073

Patent and Trademark Office
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 37012–37013

Public Health Service
See Agency for Toxic Substances and Disease Registry
See Centers for Disease Control and Prevention
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
NOTICES
National Toxicology Program:
Center for Evaluation of Risks to Human Reproduction—
Methanol Expert Panel report; comment request; and meeting, 37047–37048

Research and Special Programs Administration
NOTICES
Hazardous materials transportation:
Preemption determinations—
Kiesel Co., 37089–37093

Securities and Exchange Commission
NOTICES
Investment Company Act of 1940:
Exemption applications—
Northern Institutional Funds et al., 37074–37078
Self-regulatory organizations; proposed rule changes:
American Stock Exchange LLC, 37078–37079
Chicago Board Options Exchange, Inc., 37079–37081
Chicago Stock Exchange, Inc., 37081–37082
National Association of Securities Dealers, Inc., 37082–37083
Philadelphia Stock Exchange, Inc., 37083–37085

Social Security Administration
NOTICES
Agency information collection activities:
Submission for OMB review; comment request, 37085–37086

State Department
NOTICES
Meetings:
International Telecommunications Advisory Committee, 37086–37087

Substance Abuse and Mental Health Services Administration
NOTICES
Agency information collection activities:
Proposed collection; comment request, 37048–37049

Surface Transportation Board
NOTICES
Railroad operation, acquisition, construction, etc.:
Burlington Northern & Santa Fe Railway Co., 37093

Tennessee Valley Authority
NOTICES
Meetings; Sunshine Act, 37087

Textile Agreements Implementation Committee
See Committee for the Implementation of Textile Agreements

Toxic Substances and Disease Registry Agency
See Agency for Toxic Substances and Disease Registry

Transportation Department
See Coast Guard
See Federal Aviation Administration
See Federal Transit Administration
See Research and Special Programs Administration
See Surface Transportation Board

Treasury Department
See Alcohol, Tobacco and Firearms Bureau
See Comptroller of the Currency
See Internal Revenue Service

Veterans Affairs Department
PROPOSED RULES
Medical benefits:
Copayments for medications, 36960–36963

Separate Parts In This Issue

Part II
Department of Housing and Urban Development, 37097–37100

Part III
Department of Housing and Urban Development, 37101–37102

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, reminders, and notice of recently enacted public laws.

CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

7 CFR
1 36907
Proposed Rules:
400 36951

10 CFR
Proposed Rules:
430 36960

12 CFR
613 36908

14 CFR
71 36908

15 CFR
772 36909
774 36909

24 CFR
Proposed Rules:
1000 37098

38 CFR
Proposed Rules:
17 36960

40 CFR
52 (3 documents) 36913, 36919, 36921
63 36924
300 36946
Proposed Rules:
52 (3 documents) 36963, 36964
300 36966

43 CFR
Proposed Rules:
2 36966

44 CFR
64 36947

47 CFR
73 (2 documents) 36949
Proposed Rules:
20 36989

Rules and Regulations

Federal Register
Vol. 66, No. 136
Monday, July 16, 2001

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

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

DEPARTMENT OF AGRICULTURE

Office of the Secretary

7 CFR Part 1

[Docket No. 00–083–1]

Subpoenas Issued Under the Plant Protection Act and Title V of the Agricultural Risk Protection Act of 2000

AGENCY: Office of the Secretary, USDA.

ACTION: Final rule.

SUMMARY: We are amending the administrative regulations of the Office of the Secretary of Agriculture to reflect the provisions of the Plant Protection Act and Title V of the Agricultural Risk Protection Act of 2000 regarding subpoenas. Under the Plant Protection Act, the Secretary of Agriculture can subpoena witnesses and documents relating to the administration or enforcement of the Plant Protection Act or any matter being investigated in connection with the Plant Protection Act. Under Title V of the Agricultural Risk Protection Act of 2000, the Secretary of Agriculture can subpoena witnesses and documents relating to the enforcement of that title or the investigation of persons harming or interfering with animals used in official U.S. Department of Agriculture inspections. The final rule is necessary to establish regulations governing issuance of subpoenas under these authorities.

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Ms. Meredith Jones, Regulatory Coordination Specialist, Regulatory Coordination, APHIS Plant Health Programs, PPQ, APHIS, 4700 River Road Unit 141, Riverdale, MD 20737–1236; (301) 734–7467.

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS), through its Plant Protection and Quarantine program (PPQ), regulates plants and plant products and other commodities to prevent the importation or spread of diseases and pests. When it appears that PPQ regulations have been violated, APHIS conducts an investigation. Until the Plant Protection Act (PPA, 7 U.S.C. 7701–7772) became law, APHIS did not have authority to subpoena documents and other records for use in PPQ investigation cases. This sometimes hampered the Agency's ability to enforce its PPQ regulations.

Section 423 of the PPA (7 U.S.C. 7733) gives the Secretary of Agriculture (Secretary, USDA) authority to issue subpoenas for testimony and for documents and other records relating to administration or enforcement of the PPA. This authority has been delegated from the Secretary to the Under Secretary of Marketing and Regulatory Programs, and from the Under Secretary of Marketing and Regulatory Programs to the Administrator, APHIS (7 CFR 2.22 and 2.80). In addition, Title V of the Agricultural Risk Protection Act of 2000 authorizes the Secretary to subpoena witnesses and documents relating to the investigation or enforcement of section 501 of that title. Section 501 authorizes the Secretary to assess a civil penalty not to exceed $10,000 against any person who causes harm to, or interferes with, an animal used for official inspections by USDA.

The PPA and Title V of the Agricultural Risk Protection Act of 2000 require that we publish procedures for issuing subpoenas. According to § 422(e) of the PPA (7 U.S.C. 7733) and § 502(e) of Title V of the Agricultural Risk Protection Act of 2000, the procedures must ''include a requirement that subpoenas be reviewed for legal sufficiency and signed by the Secretary. If the authority to sign a subpoena is delegated, the agency receiving the delegation shall seek review for legal sufficiency outside that agency.''

In order to comply with these requirements, we are amending 7 CFR 1.29 and 1.131. Section 1.29 governs the issuance of subpoenas relating to investigations under statues administered by the Secretary. We are adding a new paragraph (3) to state that the Office of the General Counsel, USDA, will review for legal sufficiency subpoenas issued under the PPA and Title V of the Agricultural Risk Protection Act of 2000. Section 1.131 comes under subpart H of part. 1. Subpart H contains rules of practice for formal adjudicatory proceedings instituted by the Secretary under various statutes. We are amending § 1.131 to add the PPA and Title V of the Agricultural Risk Protection Act of 2000 to the list of covered statutes.

This rule relates to internal agency management. Therefore, this rule is exempt from the provisions of Executive Orders 12866 and 12988. Moreover, pursuant to 5 U.S.C. 553, notice of proposed rulemaking and opportunity for comment are not required for this rule, and it may be made effective less than 30 days after publication in the **Federal Register**. In addition, under 5 U.S.C. 804, this rule is not subject to congressional review under the Small Business Regulatory Enforcement Fairness Act of 1996, Pub. L. 104–121. Finally, this action is not a rule as defined by 5 U.S.C. 601 *et seq.*, the Regulatory Flexibility Act, and thus is exempt from the provisions of that Act.

Paperwork Reductions Act

This rule contains no information collections and recordkeeping requirements under the Paperwork Regulation Act of 1955 (44 U.S.C. 2501 *et seq.*).

List of Subjects in 7 CFR Part 1

Administrative practice and procedure, Agriculture, Antitrust, Blind, Claims, Concessions, Cooperatives, Equal access to justice, Federal buildings and facilities, Freedom of information, Lawyers, Privacy.

Accordingly, we are amending 7 CFR part 1 as follows:

PART 1—ADMINISTRATIVE REGULATIONS

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

Authority: 5 U.S.C. 301, unless otherwise noted.

Subpart B—Departmental Proceedings

2. In § 1.29, a new paragraph (a)(3) is added to read as follows:

§ 1.29 Subpoenas relating to investigations under statutes administered by the Secretary of Agriculture.

(a) * * *

(3) In the case of a subpoena issued under the Plant Protection Act (7 U.S.C. 7701–7772) or Title V of the Agricultural Risk Protection Act of 2000 (7 U.S.C. 2279e–2279f), the subpoena will be reviewed for legal sufficiency by the Office of the General Counsel, USDA.

* * * * *

Subpart H—Rules of Practice Governing Formal Adjudicatory Proceedings Instituted by the Secretary Under Various Statutes

3. The authority citation for Subpart H is revised to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 61, 87e, 149, 150gg, 162, 163, 164, 228, 268, 499o, 608c(14), 1592, 1624(b), 2151, 2279e, 2621, 2714, 2908, 3812, 4610, 4815, 4910, 6009, 6107, 6207, 6307, 6411, 6808, 7107, 7734; 15 U.S.C. 1828; 16 U.S.C. 620d, 1540(f), 3373; 21 U.S.C. 104, 111, 117, 120, 122, 127, 134e, 134f, 135a, 154, 463(b), 621, 1043; 43 U.S.C. 1740; 7 CFR 2.35, 2.41.

§ 1.131 [Amended]

4. In § 1.131, paragraph (a) is amended by adding, in alphabetical order, ''Plant Protection Act, section 424 (7 U.S.C. 7734),'' and ''Title V of the Agricultural Risk Protection Act of 2000, section 501(a) (7 U.S.C. 2279e).''

Dated: July 9, 2001.

Ann M. Veneman,

Secretary of Agriculture.

[FR Doc. 01–17652 Filed 7–13–01; 8:45 am]

BILLING CODE 3410–34–M

FARM CREDIT ADMINISTRATION

12 CFR Part 613

RIN 3052–AB90

Eligibility and Scope of Financing; Effective Date

AGENCY: Farm Credit Administration.

ACTION: Notice of effective date.

SUMMARY: The Farm Credit Administration (FCA or Agency), through the FCA Board (Board), issued a direct final rule with opportunity for comment under part 613 on May 24, 2001 (66 FR 28641) implementing the decision that the United States Court of Appeals for the District of Columbia issued on January 19, 1999. The opportunity for comment expired on June 25, 2001. The FCA received no comments and therefore, the final rule becomes effective without change. In accordance with 12 U.S.C. 2252, the effective date of the final rule is 30 days from the date of publication in the **Federal Register** during which either or both Houses of Congress are in session. Based on the records of the sessions of Congress, the effective date of the regulations is July 12, 2001.

EFFECTIVE DATE: The regulation amending 12 CFR part 613 published on May 24, 2001 (66 FR 28641) is effective July 12, 2001.

FOR FURTHER INFORMATION CONTACT: Robert Donnelly, Senior Accountant, Office of Policy and Analysis, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4498, TDD (703) 883–4444, or Richard A. Katz, Senior Attorney, Office of General Counsel, Farm Credit Administration, McLean, Virginia 22102–5090, (703) 883–4020, TDD (703) 883–4444.

(Authority: 12 U.S.C. 2252(a)(9) and (10)).

Dated: July 10, 2001.

Kelly Mikel Williams,

Secretary, Farm Credit Administration Board.

[FR Doc. 01–17694 Filed 7–13–01; 8:45 am]

BILLING CODE 6705–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Airspace Docket No. 2001–ASW–11]

Establishment of Class E Airspace; Clinton, AR

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Direct final rule; request for comments.

SUMMARY: This amendment establishes Class E airspace at Clinton, AR. The development of two area navigation (RNAV) global positioning system (GPS) standard instrument approach procedures (SIAP's), to Holley Mountain Airpark, Clinton, AR, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Holley Mountain Airpark, Clinton, AR.

DATES: Effective 0901 UTC, November 1, 2001. Comments must be received on or before August 30, 2001.

ADDRESSES: Send comments on the rule in triplicate to Manager, Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Docket No. 2001–ASW–11, Fort Worth, TX 76193–0520. The official docket may be examined in the Office of the Regional Counsel, Southwest Region, Federal Aviation Administration, 2601 Meacham Boulevard, Room 663, Fort Worth, TX, between 9 a.m. and 3 p.m., Monday through Friday, except Federal holidays. An informal docket may also be examined during normal business hours at the Airspace Branch, Air Traffic Division, Federal Aviation Administration, Southwest Region, Room 414, Fort Worth, TX.

FOR FURTHER INFORMATION CONTACT: Donald J. Day, Airspace Branch, Air Traffic Division, Southwest Region, Federal Aviation Administration, Fort Worth, TX 76193–0520, telephone 817–222–5593.

SUPPLEMENTARY INFORMATION: This amendment to 14 CFR part 71 establishes the Class E airspace at Clinton, AR. The development of two RNAV (GPS) SIAP's to Holley Mountain Airpark, Clinton, AR, has made this rule necessary. This action is intended to provide adequate controlled airspace extending upward from 700 feet or more above the surface for Instrument Flight Rules (IFR) operations to Holley Mountain Airpark, Clinton, AR.

Class E airspace designations are published in Paragraph 6005 of FAA Order 7400.9H, dated September 1, 2000, and effective September 16, 2000, which is incorporated by reference in 14 CFR § 71.1. The Class E airspace designation listed in this document will be published subsequently in the order.

The Direct Final Rule Procedure

The FAA anticipates that this regulation will not result in adverse or negative comment and therefore is issuing it as a direct final rule. A substantial number of previous opportunities provided to the public to comment on substantially identical actions have resulted in negligible adverse comments or objections. Unless a written adverse or negative comment, or a written notice of intent to submit an adverse or negative comment is received within the comment period, the regulation will become effective on the date specified above. After the close of the comment period, the FAA will publish a document in the **Federal Register** indicating that no adverse or negative comments were received and confirming the date on which the final rule will become effective. If the FAA does receive, within the comment period, an adverse or negative comment, or written notice of intent to submit such a comment, a document will be published in the **Federal Register**. This document may withdraw the direct final

rule in whole or in part. After considering the adverse or negative comment, we may publish another direct final rule or publish a notice of proposed rulemaking with a new comment period.

Comments Invited

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

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

Commenters wishing the FAA to acknowledge receipt of their comments submitted in response to this rule must submit a self-addressed, stamped postcard on which the following statement is made: ''Comments to Docket No. 2001–ASW–11.'' The postcard will be date stamped and returned to the commenter.

Agency Findings

The regulations adopted herein 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. Therefore, it is determined that this final rule will not have federalism implications under Executive Order 13132.

Further, the FAA has determined that this regulation is noncontroversial and unlikely to result in adverse or negative comments and only involves an established body of technical regulations that require frequent and routine amendments to keep them operationally current. Therefore, I certify that this regulation (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) 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. Since this rule involves routine matters that will only affect air traffic procedures and air navigation, it does not warrant preparation of a Regulatory Flexibility Analysis because the anticipated impact is so minimal.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

Adoption of the Amendment

Accordingly, pursuant to the authority delegated to me, the Federal Aviation Administration amends 14 CFR part 71 as follows:

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

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

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

§ 71.7 [Amended]

2. The incorporation by reference in 14 CFR 71.1 of the Federal Aviation Administration Order 7400.9H, *Airspace Designations and Reporting Points*, dated September 1, 2000, and effective September 16, 2000, is amended as follows:

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

* * * * *

ASW AR E5 Clinton, AR [New]

Clinton, Holley Mountain Airpark, AR
(Lat. 35°39′05″N., long. 92°24′24″W.)

That airspace extending upward from 700 feet above the surface within a 6.4-mile radius of Holley Mountain Airpark and within 3.7 miles either side of the 237° bearing from the airport extending from the 6.4-mile radius to 9.1 miles southwest of the airport and within 3.9 miles either side of the 057° bearing from the airport extending from the 6.4-mile radius to 9.1 miles northeast of the airport.

* * * * *

Issued in Fort Worth, TX, on June 29, 2001.

Albert L. Viselli,

Acting Manager, Air Traffic Division, Southwest Region.

[FR Doc. 01–17724 Filed 7–13–01; 8:45 am]

BILLING CODE 4910–13–M

DEPARTMENT OF COMMERCE

Bureau of Export Administration

15 CFR Parts 772 and 774

[Docket No. 010423100–1100–01]

RIN 0694–AC03

Harmonization of Definitions of Terms

AGENCY: Bureau of Export Administration, Commerce.

ACTION: Final rule.

SUMMARY: This regulation harmonizes the list of definitions of terms found in the Export Administration Regulations (EAR) with the terms found in the Wassenaar Arrangement list of dual-use items and terms found in the European Union List, as of 1999. Additional changes regarding definitions will be incorporated into other regulations of the EAR as necessary.

DATES: This rule is effective July 16, 2001.

ADDRESSES: Comments should be submitted in writing to: U.S. Department of Commerce, Bureau of Export Administration, Office of Exporter Services, 14th and Pennsylvania Ave., NW., Room 2705, Washington, DC 20230, Attention: Sharron Cook.

FOR FURTHER INFORMATION CONTACT: Sharron Cook, Regulatory Policy Division, Office of Exporter Services, Bureau of Export Administration, Telephone: (202) 482–2440.

SUPPLEMENTARY INFORMATION:

Background

This rule adds definitions to part 772 of the EAR and in some cases revises or removes definitions to harmonize with definitions found in the list of terms that accompanied the Wassenaar Arrangement list of dual-use items and the European Union List. In addition, revisions are made to the Related Definitions paragraph in the List of Items Controlled Section of certain Export Control Classification Numbers (ECCNs) to harmonize with the revisions being made to part 772. Also, language is added to the introduction to part 772 to clarify that terms that only appear in a single ECCN will be defined in the Related Definitions paragraph in

the List of Items Controlled Section of that ECCN, instead of in part 772.

Rule Making Requirements

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

2. Notwithstanding any other provision of law, no person is required to respond to nor 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 current valid OMB Control Number. This rule involves a collection of information subject to the Paperwork Reduction Act of 1980 (44 U.S.C. 3501 *et seq.*). This collection has been approved by the Office of Management and Budget under control number 0694–0088. There are neither additions nor subtractions to this collection due to this rule.

3. This rule does not contain policies with Federalism impacts as that term is defined in 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 (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 interim rule. Because a notice of proposed rulemaking and an opportunity for public comment are not required to be given for this rule under the Administrative Procedure Act 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, Office of Exporter Services, Bureau of Export Administration, Department of Commerce, P.O. Box 273, Washington, DC 20044.

List of Subjects in 15 CFR Parts 772 and 774

Exports, Foreign trade.

Accordingly, parts 772 and 774 of the Export Administration Regulations (15 CFR parts 730–774) are amended, as follows:

1. The authority citation for 15 CFR part 772 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. 106–508; 50 U.S.C. 1701 *et seq.*; E.O. 13206, 66 FR 18397, April 9, 2001.

2. The authority citation for 15 CFR part 774 continues to read as follows:

Authority: 50 U.S.C. app. 2401 *et seq.*; Pub. L. 106–508; 50 U.S.C. 1701 *et seq.*; 10 U.S.C. 7420; 10 U.S.C. 7430(e); 18 U.S.C. 2510 *et seq.*; 22 U.S.C. 287c, 22 U.S.C. 3201 *et seq.*, 22 U.S.C. 6004; 30 U.S.C. 185(s), 185(u); 42 U.S.C. 2139a; 42 U.S.C. 6212; 43 U.S.C. 1354; 46 U.S.C. app. 466c; 50 U.S.C. app. 5; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13206, 66 FR 18397, April 9, 2001.

PART 772—[AMENDED]

3. Section 772.1 is amended by revising the introductory text to § 772.1 and:

a. Revising the phrase ''A maximum'' to read ''A minimum'' in the definition for ''active pixel'';

b. Revising the phrase ''Cat 7 and 9'' to read ''Cat 1, 7, and 9'' in the definition for ''Aircraft'';

c. Revising the phrase ''(ATM)'' to read ''(''ATM'')'' and removing the parenthetical phrase ''(CCITT Recommendation L.113)'' in the definition for ''Asynchronous transfer mode'';

d. Revising the phrase ''Cat 7 and 9'' to read ''Cat 1, 7, and 9'' in the definition for ''Civil aircraft'';

e. Revising the phrase ''Cat 1, 6, 8, and 9'' to read ''Cat 1, 2, 6, 8 and 9'' in the definition for ''Composite'';

f. Revising the phrase ''Cat 4'' to read ''Cat 3 and 4'' in the definition for ''Composite theoretical performance'';

g. Amending the phrase ''numerically controlled'' by adding quotation marks around it in the definition for ''Contouring control'';

h. Revising the phrase ''variables:'' to read ''variables, perform all of the following:'' in the definition for ''Digital computer'';

i. Adding the parenthetical phrase ''(See also ''total digital transfer rate'')'' to the end of the definition for ''Digital transfer rate'';

j. Revising the phrase ''Cat 6'' to read ''Cat 5 and 6'' in the definition for ''Electronically steerable phased array antenna'';

k. Revising the phrase ''Cat 4'' to read ''Cat 4 and 7'' in the definition for ''Expert systems'';

l. Revising the phrase ''Cat 3'' to read ''Cat 3 and 5'' in the definition for ''Instantaneous bandwidth'';

m. Revising the phrase ''(Ref.: VDI/VDE 2617)'' to read ''(Ref.: ISO 10360–2 or VDI/VDE 2617)'' in the definition for ''Measurement uncertainty'';

n. Revising the phrase ''Cat. 1 and 7'' to read ''All Categories'' in the definition for ''Production'';

o. Revising the phrase ''Cat 2 and 4'' to read ''Cat 2, 4, 6, and 7'' in the definition for ''Real time processing'';

q. Revising the phrase ''As applied'' to read ''(General Technology Note)(Cat 4, 5, 6, and 9)—As applied'' in the definition for ''Required'';

r. Revising the phrase ''Cat 3, 4 and 5'' to read ''Cat 3, 4, 5, and 6'' in the definition for ''Signal processing'';

s. Revising the phrase ''Cat 4'' to read ''Cat 4, 5, 6, 7, and 9'' in the definition for ''Source Code'';

t. Revising the phrase ''Cat 4'' to read ''Cat 9'' in the definition for ''Object Code'';

u. Revising the phrase ''Cat 2, 4, and 5'' to read ''Cat 2, 4, 5, and 6'' in the definition for ''Program'';

v. Revising the phrase ''General Technology Note'' to read ''All categories and General Technology Note'' in the definition for ''Use'';

w. Revising the definition title ''Superalloys'' to read ''Superalloy''.

x. Revising the definitions for ''Asymmetric algorithm'', ''Basic gate propagation delay time'', ''Data signalling rate'', ''Personalized smart card''; and ''Program''.

y. Removing the definitions for ''Bandwidth of one voice channel'', ''Communications channel controller'', ''Computer using facility'', ''Cryptanalysis'', ''Datagram'', ''Family'', ''Fast select'', ''Generic software'', ''Most immediate storage'', ''PABX'', ''Private Automatic Branch Exchange'', ''Production facility'', ''Simple educational devices'', ''Swept frequency network analyzers'', ''Switch fabric'', ''Telecommunication transmission equipment'', ''Two dimensional Vector Rate'', ''SDH'', ''SONET'', ''Synchronous digital hierarchy'', ''Synchronous optical network''; and

z. Adding the following definitions in alphabetical order, to read as follows:

§ 772.1 Definitions of Terms as Used in the Export Administration Regulations (EAR).

The following are definitions of terms as used in the Export Administration Regulations (EAR). In this part, references to the EAR are references to 15 CFR chapter VII, subchapter C. Those terms in quotation marks refer to terms used on the Commerce Control List (CCL) (Supplement No. 1 to part 774 of the EAR). Parenthetical references following the terms in quotation marks (i.e., (Cat 5)) refer to the CCL category in which that term is found. If a term is used in only one Export Control Classification Number (ECCN) on the CCL, then that term will *not* appear in this part, but will be defined in the Related Definitions paragraph in the List

of Items Controlled Section of that ECCN.

* * * * *

''*All compensations available.*'' (Cat 2) means after all feasible measures available to the manufacturer to minimize all systematic positioning errors for the particular machine-tool model are considered.

* * * * *

''*Asymmetric algorithm.*'' (Cat 5) means a cryptographic algorithm using different, mathematically-related keys for encryption and decryption.

Technical Note: A common use of ''asymmetric algorithms'' is key management.

* * * * *

''*Basic gate propagation delay time.*'' (Cat 3) The propagation delay time value corresponding to the basic gate used in a ''monolithic integrated circuit.'' For a 'family' of ''monolithic integrated circuits'', this may be specified either as the propagation delay time per typical gate within the given 'family' or as the typical propagation delay time per gate within the given 'family'.

Technical Notes: 1. ''Basic gate propagation delay time'' is not to be confused with the input/output delay time of a complex ''monolithic integrated circuit.''

2. 'Family' consists of all integrated circuits to which all of the following are applied as their manufacturing methodology and specifications except their respective functions:

a. The common hardware and software architecture;

b. The common design and process technology; *and*

c. The common basic characteristics.

* * * * *

''*Carbon fiber preforms.*'' (Cat 1) means an ordered arrangement of uncoated or coated fibers intended to constitute a framework of a part before the ''matrix'' is introduced to form a ''composite.''

* * * * *

''*Data signalling rate.*'' (Cat 5) means the rate, as defined in ITU Recommendation 53–36, taking into account that, for non-binary modulation, baud and bit per second are not equal. Bits for coding, checking and synchronization functions are to be included.

Note: When determining the ''data signalling rate'', servicing and administrative channels shall be excluded.

Technical Note: It is the maximum one-way rate, i.e., the maximum rate in either transmission or reception.

* * * * *

''*Deformable mirrors.*'' (Cat 6) (also known as adaptive optic mirrors) means mirrors having:

a. A single continuous optical reflecting surface which is dynamically deformed by the application of individual torques or forces to compensate for distortions in the optical waveform incident upon the mirror; *or*

b. Multiple optical reflecting elements that can be individually and dynamically repositioned by the application of torques or forces to compensate for distortions in the optical waveform incident upon the mirror.

* * * * *

''*Depleted uranium.*'' (Cat 0) means uranium depleted in the isotope 235 below that occurring in nature.

* * * * *

''*Effective Gram.*'' (of ''special fissile material'') (Cat 0 and 1) means:

a. For plutonium isotopes and uranium-233, the isotope weight in grams;

b. For uranium enriched 1 percent or greater in the isotope uranium-235, the element weight in grams multiplied by the square of its enrichment expressed as a decimal weight fraction;

c. For uranium enriched below 1 percent in the isotope uranium-235, the element weight in grams multiplied by 0.0001.

* * * * *

''*Electronic assembly.*'' (Cat 3, 4, and 5) means a number of electronic components (i.e., 'circuit elements', 'discrete components', integrated circuits, etc.) connected together to perform (a) specific function(s), replaceable as an entity and normally capable of being disassembled.

Technical Notes: 1. 'Circuit element': a single active or passive functional part of an electronic circuit, such as one diode, one transistor, one resistor, one capacitor, etc.

2. 'Discrete component': a separately packaged 'circuit element' with its own external connections.

* * * * *

''*FADEC.*'' See ''full authority digital engine control.''

* * * * *

''*Flight control optical sensor array.*'' (Cat 7) is a network of distributed optical sensors, using ''laser'' beams, to provide real-time flight control data for on-board processing.

''*Flight path optimization.*'' (Cat 7) is a procedure that minimizes deviations from a four-dimensional (space and time) desired trajectory based on maximizing performance or effectiveness for mission tasks.

* * * * *

''*Full Authority Digital Engine Control.*'' (''FADEC'') (Cat 7 and 9) means an electronic control system for gas turbine or combined cycle engines utilizing a digital computer to control the variables required to regulate engine thrust or shaft power output throughout the engine operating range from the beginning of fuel metering to fuel shutoff.

* * * * *

''*Microcomputer microcircuit.*'' (Cat 3) means a ''monolithic integrated circuit'' or ''multichip integrated circuit'' containing an arithmetic logic unit (ALU) capable of executing a series of general purpose instructions from an internal storage, on data contained in the internal storage.

Technical Note: The ''microprocessor microcircuit'' normally does not contain integral user-accessible storage, although storage present on-the-chip may be used in performing its logic function.

Note: This definition includes chip sets which are designed to operate together to provide the function of a ''microprocessor microcircuit.''

* * * * *

''*Microorganisms.*'' (Cat 1 and 2) means bacteria, viruses, mycoplasms, rickettsiae, chlamydiae or fungi, whether natural, enhanced or modified, either in the form of isolated live cultures or as material including living material which has been deliberately inoculated or contaminated with such cultures.

* * * * *

''*Monospectral imaging sensors.*'' (Cat 6) are capable of acquisition of imaging data from one discrete spectral band.

* * * * *

''*Natural uranium.*'' (Cat 0) means uranium containing the mixtures of isotopes occurring in nature.

* * * * *

''*Nuclear reactor.*'' (Cat 0 and 2) includes the items within or attached directly to the reactor vessel, the equipment which controls the level of power in the core, and the components which normally contain, come into direct contact with or control the primary coolant of the reactor core.

* * * * *

''*Personalized smart card.*'' (Cat 5) A smart card containing a microcircuit which has been programmed for a specific application and cannot be reprogrammed for any other application by the user.

* * * * *

''*Previously separated.*'' (Cat 1) The application of any process intended to

increase the concentration of the controlled isotope.

''*Primary flight control.*'' (Cat 7) ''Aircraft'' stability or maneuvering control using force/moment generators, *i.e.,* aerodynamic control surfaces or propulsive thrust vectoring.

* * * * *

''*Program.*'' (Cat 2, 4, 5, and 6)—A sequence of instructions to carry out a process in, or convertible into, a form executable by an electronic computer.

* * * * *

''*SHPL.*'' (Cat 6) is equivalent to ''Super High Power Laser'', see definition for ''super high power laser.''

* * * * *

''*Special fissile material.*'' (Cat 0) means plutonium-239, uranium-233, ''uranium enriched in the isotopes 235 or 233'', and any material containing the foregoing.

Note: As defined by 10 CFR 110.2 of the Nuclear Regulatory Commission Regulations, ''Special fissile material'' means: plutonium, uranium-233 or uranium enriched above 0.711 percent by weight in the isotope uranium-235.

* * * * *

''*Total control of flight.*'' (Cat 7) means an automated control of ''aircraft'' state variables and flight path to meet mission objectives responding to real time changes in data regarding objectives, hazards or other ''aircraft.''

* * * * *

''*Toxins.*'' (Cat 1 and 2) means toxins in the form of deliberately isolated preparations or mixtures, no matter how produced, other than toxins present as contaminants of other materials such as pathological specimens, crops, foodstuffs or seed stocks of ''microorganisms.''

* * * * *

PART 774—[AMENDED]

4. In Supplement No. 1 to part 774, the Commerce Control List, Category 0 (Nuclear Materials, Facilities, and Equipment [and Miscellaneous Items]), Export Control Classification Number (ECCN) 0B001 is amended by revising the Related Definitions paragraph in the List of Items Controlled Section, to read as follows:

0B001 Plant for the Separation of Isotopes of ''NaturalUranium'' and ''Depleted Uranium'', ''Special Fissile Materials'' and ''Other Fissile Materials'', and Specially Designed or Prepared Equipment and Components Therefor, as Follows (see List of Items Controlled)

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: ''*Materials resistant to corrosion by* UF_6'' may be copper, stainless steel, aluminum, aluminum oxide, aluminum alloys, nickel or alloy containing 60 weight percent or more nickel and UF_6-resistant fluorinated hydrocarbon polymers, as appropriate for the type of separation process.

Items:

* * * * *

5. In Supplement No. 1 to part 774, the Commerce Control List, Category 1 (Materials, Chemicals, ''Microorganisms,'' and Toxins), Export Control Classification Number (ECCN) 1C012 is amended by revising the List of Items Controlled section, to read as follows:

1C012 Materials, as Follows (see List of Items Controlled)

* * * * *

List of Items Controlled

Unit: N/A.

Related Controls: N/A.

Related Definitions: These materials are typically used for nuclear heat sources.

Items:

a. Plutonium in any form with a plutonium isotopic assay of plutonium-238 of more than 50% by weight;

Note: 1C012.a does not control:

1. Shipments with a plutonium content of 1 g or less;

2. Shipments of 3 ''effective grams'' or less when contained in a sensing component in instruments.

b. Previously separated neptunium-237 in any form.

Note: 1C012.b does not control shipments with a neptunium-237 content of 1 g or less.

6. In Supplement No. 1 to part 774, the Commerce Control List, Category 4 (Computers), Export Control Classification Number (ECCN) 4A994 is amended by revising the Related Definitions paragraph in the List of Items Controlled section, to read as follows:

4A994 Computers, ''Electronic Assemblies'', and Related Equipment not Controlled by 4A001, 4A002, or 4A003, and Specially Designed Components Therefor

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: ''*Two dimensional vector rate*'' is the number vectors generated per second that have 10 pixel poly line vectors, clip tested, randomly oriented, with either integer or floating point X–Y coordinate values (whichever produces the maximum rate) (see paragraph (g) of this ECCN).

Items:

* * * * *

7. In Supplement No. 1 to part 774, the Commerce Control List, Category 5 (Telecommunications and ''Information Security'', Part I. Telecommunications), Export Control Classification Number (ECCN) 5A991 is amended by revising the Related Definitions paragraph in the List of Items Controlled section, to read as follows:

5A991 Telecommunication Equipment, not Controlled by 5A001

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: ''*Bandwidth of one voice channel*'' is data communication equipment designed to operate in one voice channel of 3,100 Hz, as defined in CCITT Recommendation G.151. ''*Communications channel controller*'' is the physical interface that controls the flow of synchronous or asynchronous digital information. It is an assembly that can be integrated into computer or telecommunications equipment to provide communications access. ''*Datagram*'' is a self-contained, independent entity of data carrying sufficient information to be routed from the source to the destination data terminal equipment without reliance on earlier exchanges between this source and destination data terminal equipment and the transporting network. ''*Fast select*'' is a facility applicable to virtual calls that allows data terminal equipment to expand the possibility to transmit data in call set-up and clearing ''*packets*'' beyond the basic capabilities of a virtual call, where a ''*packet*'' is a group of binary digits including data and call control signals that is switched as a composite whole. The data, call control signals, and possible error control information are arranged in a specified format.

Items:

* * * * *

8. In Supplement No. 1 to part 774, the Commerce Control List, Category 7 (Navigation and Avionics), Export Control Classification Number (ECCN) 7A003 is amended by revising the List of Items Controlled section, to read as follows:

7A003 Inertial Navigation Systems (Gimballed or Strapdown) and Inertial Equipment Designed for ''Aircraft'', Land Vehicle or ''Spacecraft'' for Attitude, Guidance or Control, Having any of the Following Characteristics (see List of Items Controlled), and Specially Designed Components Therefor

* * * * *

List of Items Controlled

Unit: $ value.

Related Controls: See also 7A103 and 7A994. Inertial navigation systems and inertial equipment, and specially designed components therefor specifically designed, modified or configured for military use are subject to the export licensing authority of the U.S. Department of State, Office of Defense Trade Controls. (See 22 CFR part 121.)

Related Definitions: N/A.

Items:

a. Navigation error (free inertial) subsequent to normal alignment of 0.8 nautical mile per hour (50% Circular Error Probable (CEP)) or less (better); or

b. Specified to function at linear acceleration levels exceeding 10 g.

Note: The parameters of 7A003.a are applicable with any of the following environmental conditions:

1. Input random vibration with an overall magnitude of 7.7 g rms in the first half hour and a total test duration of one and one half hour per axis in each of the three perpendicular axes, when the random vibration meets the following:

a. A constant power spectral density (PSD) value of 0.04 g^2/Hz over a frequency interval of 15 to 1,000 Hz; and

b. The PSD attenuates with frequency from 0.04 g^2/Hz to 0.01 g^2/Hz over a frequency interval from 1,000 to 2,000 Hz; or

2. A roll and yaw rate of equal to or more than +2.62 radian/s (150 deg/s); or

3. According to national standards equivalent to 1. or 2. of this note.

Note: 7A003 does not control inertial navigation systems that are certified for use on ''civil aircraft'' by civil authorities of a country in Country Group A:1.

9. In Supplement No. 1 to part 774, the Commerce Control List, Category 7 (Navigation and Avionics), Export Control Classification Number (ECCN) 7E004 is amended by revising the Related Controls paragraph in the List of Items Controlled section, to read as follows:

7E004 Other ''Technology'', as Follows (see List of Items Controlled)

* * * * *

List of Items Controlled

Unit: * * *

Related Controls: * * *

Related Definitions: ''*Primary flight control*'' means an ''aircraft'' stability or maneuvering control using force/moment generators, i.e., aerodynamic control surfaces or propulsive thrust vectoring.

Items:

* * * * *

Dated: July 5, 2001.

James J. Jochum,

Assistant Secretary for Export Administration.

[FR Doc. 01–17549 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–33–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–133–1–7493a; FRL–7011–6]

Approval and Promulgation of Implementation Plans; Texas; Houston/Galveston Volatile Organic Compound Reasonably Available Control Technology Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: The EPA is taking direct final action to approve revisions to the Texas State Implementation Plan (SIP). This rulemaking covers four separate actions approving revisions to the Texas Rules for Control of Air Pollution from Volatile Organic Compounds (VOC Rules), 30 TAC Chapter 115. First, EPA is approving amendments to sections 115.161, 115.162, 115.164–115.167, and 115.169, concerning Batch Processes. Second, EPA is approving amendments to sections 115.120, 115.122, 115.125–115.127, and 115.129, concerning control requirements for bakeries and testing requirements for vents. Third, we are approving amendments to section 115.449, concerning Offset Lithographic Printing. Finally, EPA is approving numerous minor administrative changes to the VOC rules. The Texas Natural Resource Conservation Commission (TNRCC or Commission) adopted these revisions to Chapter 115, concerning Control of Air Pollution from Volatile Organic Compounds (VOC), and to the State Implementation Plan (SIP) in order to meet the Clean Air Act (Act) Reasonably Available Control Technology (RACT) requirements and to control VOC emissions in the Houston/Galveston ozone nonattainment area (HGA). By approving these SIP revisions, EPA is finding that RACT will be implemented for VOC emissions resulting from the operation of batch processes, bakeries (vent gas control), and offset lithography printing sources in the HGA area accordance with the requirements of the Act. In addition, the changes to test methods for vent gas control and various other minor changes will clarify and strengthen the SIP.

DATES: This rule is effective on September 14, 2001 without further notice, unless EPA receives adverse comment by August 15, 2001. If EPA receives such adverse comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public the rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below.

Copies of the documents relevant to this action, including the Technical Support Document (TSD), are available for public inspection during normal business hours at the following locations:

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Region 6, Dallas, 1445 Ross Avenue, Texas 75202–2733, telephone: (214) 665–7214.

Texas Natural Resource Conservation Commission, 12100 Park 35 Circle, Austin, Texas 78711–3087.

Interested persons wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Boyce, Air Planning Section (6PD–L), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone: (214) 665–7259.

SUPPLEMENTARY INFORMATION:

Table of Contents

1. What action is EPA taking?
2. What is a Volatile Organic Compound (VOC)?
3. Why do we regulate Volatile Organic Compounds (VOCs)?
4. What do the Batch Processing Rules require?
5. Where can I find EPA guidelines for Batch Processes?
6. What are the revisions to the requirements for bakery ovens (vent gas controls)?

7. Where can I find EPA guidelines on bakery oven emissions?
8. What are the changes to the testing requirements for vent streams?
9. What are the changes to the offset lithography requirements?
10. Where can I find EPA guidelines on offset lithographic printing?
11. What other revisions are being approved here?
12. What are Alternative Control Techniques (ACTS)?
13. What is Reasonably Available Control Technology?
14. What is a State Implementation Plan (SIP)?
15. What is the Federal approval process for a SIP?
16. What does Federal approval of a SIP mean to me?
17. What areas in Texas will this action effect?

Throughout this document ''we,'' ''us,'' and ''our'' means EPA. Please note that if we receive adverse comment(s) on an amendment, paragraph, or section of this rule and if that provision is independent of the remainder of the rule, we may adopt as final those provisions of the rule that are not the subject of adverse comment.

1. What Action Is EPA Taking?

Texas submitted revisions to its Rules for Control of Air Pollution from Volatile Organic Compounds to the EPA in a letter dated December 20, 2000. We are approving these revisions as part of the Texas State Implementation Plan. Specifically, we are approving the following changes:

- Revisions to portions of sections 115.161, 115.162, 115.164–115.167, and 115.169 incorporating Reasonably Available Control Technology requirements to control emissions from batch processes in the Houston/Galveston (HGA) area.
- Revisions to portions of sections 115.122(a)(3), 115.126(5) revising the requirements for vent gas controls for bakery ovens in the HGA area.
- Revisions to vent gas testing, monitoring and recordkeeping requirements, found in section 115.125 and 115.126.
- Revisions to 115.449 to ensure that Reasonably Available Control Technology requirements of 115.440, 115.442, 115.443, 115.445, 115.446 and 115.449 are implemented on offset lithography sources that have potential to emit more than 25 tons/year or more in the HGA area.
- And several minor changes to various provisions of Chapter 115.

In this document, we are now approving revisions to the Texas SIP concerning control of VOC emissions from batch processing, bakery oven emissions and offset lithographic printing as meeting the Act's RACT requirements for controlling VOC emissions from such operations in the HGA ozone nonattainment area. For more information on the SIP revision and EPA's RACT evaluation, please refer to our TSD dated June 2001. We are not acting on the Attainment Demonstration Plan for HGA in this action.

2. What Is a Volatile Organic Compound (VOC)?

Volatile Organic Compound is a term used to describe a class of chemicals that react in the atmosphere in the presence of sunlight to form ozone. Sources include vehicle exhaust, gasoline vapors, oil-based paints and industrial operations. A regulatory definition of Volatile Organic Compounds can be found at 40 CFR 51.100(s). The definition in Texas can be found in 30 TAC section 115.10.

3. Why Do We Regulate Volatile Organic Compounds (VOCs)?

Oxygen in the atmosphere reacts with VOCs and Oxides of Nitrogen to form ozone, a key component of urban smog. Inhaling even low levels of ozone can trigger a variety of health problems including chest pains, coughing, nausea, throat irritation, and congestion. It also can worsen bronchitis and asthma. Exposure to ozone can also reduce lung capacity in healthy adults.

4. What Do the Batch Processing Rules Require?

The Texas rules, found in sections 115.161, 115.162, 115.164–115.167 and 115.169, provide control requirements for batch processes in Texas. The revisions being approved here extend the applicability of requirements currently in affect for the Beaumont/Port Arthur (BPA) area to the HGA area. Batch processes are those processes characterized by non-steady state conditions. Products are used to make pharmaceuticals and specialty chemicals. The products are made in batches rather than continuously. They generate emissions from vents, reactors and process vessels.

The rules require that the VOC emissions from the vents be reduced by 90%. Vents can be exempted from control based on the volumetric flow rate of the gas stream and the mass flow rate of the VOCs. The rules include equations that allow vent streams to be considered separately and in combination to determine whether it is cost effective to control the vents. The rules envision that several vent streams could be routed together to a common control device if in combination the streams are cost effective to control. If, based on the equations, control of a stream is not found to be cost effective, either individually or combined with other streams in the batch process, the stream is exempted from control. We are approving these rules as implementing RACT for batch processing in the HGA area. For a complete description of our review of the Batch Processing Rules please see the Technical Support Document for this action.

5. Where Can I Find EPA Guidelines for Batch Processes?

You can find our guidelines on batch processing in the document number EPA–450/R–94–020, ''Control of VOC's emissions from Batch Processes.'' We have evaluated the Texas batch processing rules against our guidance document and have determined that the Texas batch processing rules meet our RACT requirement for such sources.

6. What Are the Revisions to the Requirements for Bakery Ovens?

The intended purpose of these rules to reduce VOC emissions and comply with the RACT requirements of the Act. The previous bakery rules which EPA granted limited approval, 62 FR 27965 (May 22, 1997), called for 30 percent control in the HGA, Beaumont/Port Arthur, and Dallas/Fort Worth areas, and we did not consider the 30 percent control as meeting the RACT. The amendments to section 115.122, concerning Control Requirements, change the 30% emission reduction requirement from the 1990 baseline emission inventory for major source bakeries in HGA to an 80% emission reduction requirement from the uncontrolled VOC emission rate of the oven(s). EPA approves this revision as meeting RACT requirements for bakery ovens, and strenghtening the existing approved Texas SIP. For further discussion of our review see the TSD for this action dated June 2001. Bakeries in the HGA ozone nonattainment area must comply with this rule as soon as practicable, but no later than December 31, 2001. *See* 30 TAC section 115.122(a)(3)(A).

7. Where Can I Find EPA Guidelines on Bakery Oven Emissions?

You can find our guidelines on bakery oven emissions in the document number EPA–453/R–92–017, ''Alternative Control Technology for Bakery Oven Emissions.'' You can also refer to the Memorandum from John S. Seitz, Director of Air Quality Planning and Standards, dated February 15, 1995 (Bakery Memo), that addresses issues concerning bakery RACT requirements.

We have included a copy of the Bakery Memo in our TSD dated June, 2001, for reference purposes.

8. What Are the Changes to the Testing Requirements for Vent Streams?

The vent gas testing requirements have been revised to do the following:

- Section 115.125 has been modified to make clear the same test methods previously required in the nonattainment areas apply in all areas of the State.
- Establish New Source Performance Standard requirements set forth in 40 CFR 60.18 as the testing requirements for flares in the Beaumont/Port Arthur, Dallas/Fort Worth, and HGA ozone nonattainment areas.
- Section 126 has been modified to extend the monitoring and record keeping requirements for the nonattainment counties such as in the HGA area to Aransas, Bexar, Calhoun, Matagorda, San Patricio, Travis and Victoria counties.

We have reviewed the revisions to the test methods and are approving them on the basis of strengthening the SIP in the attainment counties. The changes to flare testing requirements are being approved as RACT in the Beaumont/Port Arthur area, Dallas/Fort Worth area and HGA.

9. What Are the Changes to the Offset Lithography Requirements?

The intended purpose of this rule is to reduce VOC emissions and comply with the requirements of the RACT. Specifically, this rule revision impacts sources located or operating in the HGA ozone nonattainment area. The amendments to sections 115.449(d) concerning Counties and Compliance Schedules, require the implementation of the offset lithographic printing rules contained in sections 115.440, 115.442, 115.443, 115.445, 115.446 in HGA for sources with VOC emissions equal to or greater than 25 tpy. The offset lithographic printing operations in the HGA ozone nonattainment area must comply with this rule as soon as practicable, but no later than December 31, 2002. *See* 30 TAC sections 115.449(d). The offset lithographic printing rule was originally adopted by Texas as contingency rule for HGA, meaning that it would only be implemented if the HGA missed a Rate of Progress milestone. After the effective date of these amendments, the rule will still be a contingency rule for offset lithographic printers in HGA with VOC emissions emitting less than 25 tpy to be implemented if the area misses a Rate of Progress Milestone. *See* 30 TAC section 115.449(e). We are approving this revision as implementing RACT for offset lithography sources in HGA.

10. Where Can I Find EPA Guidelines on Offset Lithographic Printing?

You can find our guidelines on offset lithographic printing in the document number EPA–453/R–94–054, ''Alternative Control Techniques Document: Offset Lithographic Printing.'' The TNRCC submitted its Offset Lithography Printing rules to us in August 1993. We have evaluated the Texas Offset Lithography Printing rules against our guidance document and have determined that the Texas Offset Lithography Printing rules meet our RACT requirement for such sources.

11. What Other Revisions Are Being Approved Here?

Texas made numerous minor revisions to the definitions used in the VOC rules, which are administrative in nature. These include:

- Moving definitions from the general definitions section contained at section 115.10 to the applicable rule sections 115.120, 115.240, and 115.430 where the definition is only used in that particular section.
- Deleting the definitions of flare and vapor combustor from chapter 115 because these terms are defined more clearly at in the TNRCC general rules 30 TAC 101.10.
- Clarifying the definitions of external and internal floating roofs in section 115.10.
- Adding a definition of incinerator to section 115.10 to clarify the difference between VOC vapor combustor for the purpose of VOC emission control and a solid or liquid waste incinerator.
- Adding a definition of Liquified Petroleum Gas (LPG) to clarify terms used in the VOC loading and unloading rules in section 115.10.
- Clarifying the definition of polymer and resin manufacturing process in section 115.10.
- Clarifying the definition of transport vessel in section 115.10.

We have reviewed these changes and are approving them as RACT.

12. What Are Alternative Control Techniques (ACTs)?

Section 183(c) of the Act provides that we will issue technical documents which identify alternative controls for stationary sources of VOC which emit, when uncontrolled, 25 tpy or more of this pollutant. We have to revise and update these ACT documents as needed. We generate the information in the ACT documents from our papers, literature sources and contacts, control equipment vendors, engineering firms, and Federal, State, and local regulatory agencies. States can use information in the ACT to develop their Reasonably Available Control Technology regulations. Sections 5, 7 and 10 of this document name the titles of EPA's ACT documents for batch processes, bakery oven emissions and offset lithographic printing operations.

13. What Is a Reasonably Available Control Technology?

The EPA has defined RACT as the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available, considering technological and economic feasibility. See 44 FR 53761 (September 17, 1979). RACT is required for major sources in ozone nonattainment areas and for minor sources where EPA has issued a Control Technique Guideline. A state may choose to develop its own RACT requirements on a case by case basis, considering the economic and technical circumstances of an individual source. Section 172(c)(1) of the Act contains general requirements for States to implement RACT in areas that do not meet the National Ambient Air Quality Standard (NAAQS). Section 182(b)(2) of the Act contains more specific requirements for moderate and above ozone nonattainment areas.

14. What Is a State Implementation Plan?

Section 110 of the Act requires States to develop air pollution regulations and control strategies to ensure that State air quality meets the NAAQS that EPA has established. Under section 109 of the Act, EPA established the NAAQS to protect public health. The NAAQS address six criteria pollutants. These criteria pollutants are: carbon monoxide, nitrogen dioxide, ozone, lead, particulate matter, and sulfur dioxide.

Each State must submit these regulations and control strategies to us for approval and incorporation into the federally enforceable SIP. Each State has a SIP designed to protect air quality. These SIPs can be extensive, containing State regulations or other enforceable documents and supporting information such as emission inventories, monitoring networks, and modeling demonstrations.

15. What Is the Federal Approval Process for a SIP?

When a State wants to incorporate its regulations into the federally enforceable SIP, the State must formally adopt the regulations and control

strategies consistent with State and Federal requirements. This process includes a public notice, a public hearing, a public comment period, and a formal adoption by a state-authorized rulemaking body.

Once a State adopts a rule, regulation, or control strategy, the State may submit the adopted provisions to us and request that we include these provisions in the federally enforceable SIP. We must then decide on an appropriate Federal action, provide public notice on this action, and seek additional public comment regarding this action. If we receive adverse comments, we must address them prior to a final action.

Under section 110 of the Act, when we approve a State's regulation(s) and supporting information, those State regulation(s) and supporting information become a part of the federally approved SIP. You can find records of these SIP actions in the Code of Federal Regulations at Title 40, part 52, entitled ''Approval and Promulgation of Implementation Plans.'' The actual State regulations that we approved are not reproduced in their entirety in the CFR but are ''incorporated by reference,'' which means that we have approved a given State regulation with a specific effective date.

16. What Does Federal Approval of a SIP Mean to Me?

A State may enforce State regulations before and after we incorporate those regulations into a federally approved SIP. After we incorporate those regulations into a federally approved SIP, both EPA and the public may also take enforcement action against violators of these regulations.

17. What Areas in Texas Will This Action Effect?

These changes to the rules for batch processing, offset lithography and bakeries that we are approving today will affect the HGA ozone nonattainment area. The HGA area is classified as severe ozone nonattainment and includes the following counties: Brazoria, Chambers, Fort Bend, Galveston, Harris, Liberty, Montgomery, and Waller. If you are in one of these counties, you need to refer to these rules to find out if and how these rules will affect you.

The test methods in section 115.125 now apply Statewide.

The changes to flare requirements apply in the HGA area, Beaumont/Port Arthur area, and Dallas/Fort Worth area.

The changes to the Vent Gas Monitoring and Recordkeeping requirements apply in the eight county HGA area, the Beaumont/Port Arthur nonattainment area (Jefferson, Hardin and Orange), the Dallas/Fort Worth nonattainment area (Dallas, Tarrant, Collin and Denton counties)the El Paso nonattainment area (El Paso county) and the following additional counties: Aransas, Bexar, Calhoun, Matagorda, Nueces, San Patricio, Travis and Victoria Counties.

The EPA is publishing this rule without prior proposal because we view this as a noncontroversial amendment and anticipate no adverse comments. However, in the ''Proposed Rules'' section of today's **Federal Register** publication, we are publishing a separate document that will serve as the proposal to approve the SIP revision if adverse comments are received. This rule will be effective on September 14, 2001 without further notice unless we receive adverse comment by August 15, 2001. If EPA receives adverse comments, we will publish a timely withdrawal in the **Federal Register** informing the public that the rule will not take effect. We will address all public comments in a subsequent final rule based on the proposed rule. We will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355, May 22, 2001). This action merely approves State law as meeting Federal requirements and imposes no additional requirements beyond those imposed by State law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule approves pre-existing requirements under State law and does not impose any additional enforceable duty beyond that required by State law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective September 14, 2001 unless EPA receives adverse written comments by August 15, 2001.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 14, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2) of the Act.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Carbon monoxide, Hydrocarbons, Nitrogen dioxide, Nitrogen oxides, Ozone, and Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: July 3, 2001.

Jerry Clifford,

Deputy Regional Administrator, Region 6.

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

PART 52—[AMENDED]

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

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

Subpart SS—Texas

2. In § 52.2270 the table in paragraph (c) is amended under Chapter 115 as follows:

a. Under Chapter 115 (Reg 5), Subchapter A, by removing the entry for ''Section 115.10'' and adding in its place a new entry for Section 115.10;

b. Under Subchapter B, by removing the heading ''Vent Gas Control'' and removing entries for Sections 115.121 to 115.129 and adding in their place the heading ''Division 2: Vent Gas Control'' and individual entries for Sections 115.120, 115.121, 115.122, 115.123, 115.125, 115.126, 115.127, and 115.129;

c. Under Subchapter B, Division 6, revising the entries for Sections 115.161, 115.162, 115.164, 115.165, 115.166, 115.167, 115.169;

d. Under Subchapter C, before Section 115.211, add the heading ''Division 1: Loading and Unloading of Volatile Organic Compounds'';

e. Under Subchapter C, Division 1, revise the individual entries for Sections 115.211, 115.212 and 115.216;

f. Under Subchapter C, by removing the entry for ''Section 115.241 to 115.249'' and adding in its place ''Division 4: Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities'' and individual entries for Sections 115.240, 115.241, 115.242, 115.243, 115.244, 115.245, 115.246, 115.247, 115.248, 115.249;

g. Under Subchapter E, by removing the entry for ''Section 115.432 to 115.439'' and adding in its place ''Division 3: Flexographic And Rotogravure Printing'' and individual entries for Sections 115.430, 115.432, 115.433, 115.435, 115.436, 115.437, and 115.439;

h. Under Subchapter E, by revising the heading ''Offset Lithographic Printing'' to read ''Division 4: Offset Lithographic Printing''.

i. Under Subchapter E, Division 4, by removing the individual entries for Sections 115.440, 115.443, 115.446, and 115.442 to 115.449, and adding in their place individual entries for Sections 115.440, 115.442, 115.443, 115.445, 115.446, and 115.449;

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/Subject	State approval/submittal date	EPA approval date	Explanation
*	*	*	*	*
Chapter 115 (Reg. 5)—Control of Air Pollution From Volatile Organic Compounds				
*	*	*	*	*
Subchapter A—Definitions				
Section 115.10	Definitions	36865	07/16/2001 66 FR 36917.	
Subchapter B—General Volatile Organic Compound Sources				
*	*	*	*	*
Division 2: Vent Gas Control				
Section 115.120	Vent Gas Definitions	36865	07/16/2001 66 FR 36917	
Section 115.121	Emission Specifications	35549	01/26/1999, 64 FR 03841	
Section 115.122	Control Requirements	36865	07/16/2001 66 FR 36918	
Section 115.123	Alternate Control Requirements	36214	04/26/2000, 65 FR 18007	
Section 115.125	Testing Requirements	36865	07/16/2001 66 FR 36917	
Section 115.126	Monitoring and Recordkeeping Requirements.	36865	07/16/2001 66 FR 36917	
Section 115.127	Exemptions	36865	07/16/2001 66 FR 36917	

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/submittal date	EPA approval date	Explanation
Section 115.129	Counties and Compliance Schedules.	36865	07/16/2001 66 FR 36918	
* *	* *	*	*	*
Division 6: Batch Processes				
Section 115.160	Batch Process Definitions	36459	12/20/2000, 65 FR 79749	
Section 115.161	Applicability	36865	[Insert publication date and Federal Register page number].	
Section 115.162	Control Requirements	36865	07/16/2001 66 FR 36918	
* *	* *	*	*	*
Section 115.164	Determination of Emissions and Flow Rates.	36865	07/16/2001 66 FR 36918	
Section 115.165	Approved Test Methods and Testing Requirements.	36865	07/16/2001 66 FR 36918	
Section 115.166	Monitoring and Recordkeeping Requirements.	36865	07/16/2001 66 FR 36918	
Section 115.167	Exemptions	36865	07/16/2001 66 FR 36918	
Section 115.169	Counties and Compliance Schedules.	36865	07/16/2001 66 FR 36918	
Subchapter C—Volatile Organic Compound Transfer Operations				
Division 1: Loading and Unloading of Volatile Organic Compounds				
Section 115.211	Emission Specifications	36865	07/16/2001 66 FR 36918	
Section 115.212	Control Requirements	36865	07/16/2001 66 FR 36918	
* *	* *	*	*	*
Section 115.216	Monitoring and Recordkeeping Requirements.	36865	07/16/2001 66 FR 36918	
* *	* *	*	*	*
Division 4: Control of Vehicle Refueling Emissions (Stage II) at Motor Vehicle Fuel Dispensing Facilities				
Section 115.240	Stage II Vapor Recovery Definitions	36865	07/16/2001 66 FR 36918.	
Section 115.241	Emission Specifications	33892	04/15/1994, 59 FR 17942.	
Section 115.242	Control Requirements	34282	05/22/1997, 62 FR 27967.	
Section 115.243	Alternate Control Requirements	34282	05/22/1997, 62 FR 27967.	
Section 115.244	Inspection Requirements	34282	05/22/1997, 62 FR 27967.	
Section 115.245	Testing Requirements	34282	05/22/1997, 62 FR 27967.	
Section 115.246	Recordkeeping Requirements	34282	05/22/1997, 62 FR 27967.	
Section 115.247	§ 115.247. Exemptions	34282	05/22/1997, 62 FR 27967.	
Section 115.248	Training Requirements	34282	05/22/1997, 62 FR 27967.	
Section 115.249	Counties and Compliance Schedules.	34282	05/22/1997, 62 FR 27967.	
* * * * * * *				
Subchapter E—Solvent-Using Processes				
* * * * * * *				
Division 3: Flexographic and Rotogravure Printing				
Section 115.430	Flexographic and RotogravurePrinting Definitions.	36865	07/16/2001 66 FR 36918.	
Section 115.432	Control Requirements	34457	05/22/1997, 62 FR 27968.	
Section 115.433	Alternate Control Requirements	35108	01/26/1999, 64 FR 03848.	
Section 115.435	Testing Requirements	35108	01/26/1999, 64 FR 03848.	
Section 115.436	Monitoring and Recordkeeping Requirements.	35108	01/26/1999, 64 FR 03849.	
Section 115.437	Exemptions	35108	01/26/1999, 64 FR 03848.	

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/Subject	State approval/submittal date	EPA approval date	Explanation
Section 115.439	Counties and Compliance Schedules.	35108	01/26/1999, 64 FR 03848.	
Division 4: Offset Lithographic Printing				
Section 115.440	Offset Printing Definitions	36214	04/06/2000, 65 FR 18008.	
Section 115.442	Control Requirements	35549	01/26/1999, 64 FR 03849.	
Section 115.443	Alternate Control Requirements	36214	04/06/2000, 65 FR 18008Requirements.	
Section 115.445	Approved Test Methods	35108	01/26/1999, 64 FR 03848.	
Section 115.446	Monitoring and Recordkeeping Requirements.	36214	04/06/2000, 65 FR 18008.	
Section 115.449	Counties and Compliance Schedules.	36865	07/16/2001 66 FR 36919.	

* * * * * * *

[FR Doc. 01–17467 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[AL–057–200116; FRL–7012–1]

Approval and Promulgation of Implementation Plans: Alabama: Nitrogen Oxides Budget and Allowance Trading Program

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: EPA is approving a State Implementation Plan (SIP) revision submitted by the State of Alabama on March 12, 2001. This revision was submitted to satisfy EPA's regulation entitled, ''Finding of Significant Contribution and Rulemaking for Certain States in the OzoneTransport Assessment Group Region for Purposes of Reducing Regional Transport of Ozone,'' otherwise known as the ''NO_X SIP Call.'' This revision establishes and requires a nitrogen oxides (NO_X) allowance trading program for large electric generating and industrial units, and reductions for cement kilns, beginning in 2004. The intended effect of this SIP revision is to reduce emissions of NO_X in order to help attain the national ambient air quality standard for ozone. On December 26, 2000, EPA determined that Alabama had failed to submit a SIP in response to the NO_X SIP Call, thus starting a 18 month clock for the mandatory imposition of sanctions and the obligation for EPA to promulgate a Federal Implementation Plan (FIP) within 24 months. On March 12, 2001, Alabama submitted a NO_X SIP and EPA found that SIP submission complete on March 19, 2001, stopping the sanctions clock. Through this **Federal Register** document, both the sanctions clock and EPA's FIP obligation are terminated.

EFFECTIVE DATE: This final rule is effective on August 15, 2001.

ADDRESSES: All comments should be addressed to: Sean Lakeman at the EPA, Region 4 Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303.

Copies of documents relative to this action are available at the following addresses for inspection during normal business hours: Environmental Protection Agency, Region 4, Air Planning Branch, 61 Forsyth Street, SW., Atlanta, Georgia 30303–8960; Alabama Department of Environmental Management, 400 Coliseum Boulevard, Montgomery, Alabama 36110–2059.

FOR FURTHER INFORMATION CONTACT: Sean Lakeman, Regulatory Planning Section, Air Planning Branch, Air, Pesticides and Toxics Management Division, Region 4, Environmental Protection Agency, 61 Forsyth Street, SW., Atlanta, Georgia 30303. The telephone number is (404) 562–9043. Mr. Lakeman can also be reached via electronic mail at lakeman.sean@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 2001, the Alabama Department of Environmental Management (ADEM) submitted a revision to its SIP to meet the requirements of the NO_X SIP Call. The revision consists of the adoption of one new section to chapter 335–3–1 General Provisions: (.14) Emissions Reporting Requirements Relating to Budgets for NO_X Emissions; and 11 new sections to chapter 335–3–8 Control of Nitrogen Oxide Emissions: (.01) Standards for Portland Cement Kilns; (.04) Standards For Stationary Reciprocating Internal Combustion Engines (reserved); (.05) NO_X Budget Trading Program; (.06) Authorized Account Representative for NO_X Budget Sources; (.07) Permits; (.08) Compliance Certification; (.09) NO_X Allowance Allocations; (.10) NO_X Allowance Tracking System; (.11) NO_X Allowance Transfers; (.12) Monitoring and Reporting; and (.13) Individual Unit Opt-ins. On May 16, 2001, (66 FR 27047) EPA published a notice of proposed rulemaking (NPR) proposing to approve the March 12, 2001 SIP revision. That NPR provided for a public comment period ending on June 15, 2001. A detailed description of this SIP revision and EPA's rationale for approving it was provided in the proposed rule and will not be restated here. No significant or adverse comments were received on EPA's proposal.

II. Final Action

EPA is approving Alabama's SIP revision including its NO_X Reduction and Trading Program and cement kiln rule, which was submitted on March 12, 2001. EPA finds that Alabama's submittal is fully approvable because it meets the requirements of the NO_X SIP Call.

III. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. For

this reason, this action is also not subject to Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use'' (66 FR 28355 (May 22, 2001)). This action merely approves state law as meeting federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*).

Because this rule approves pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it approves a state rule implementing a federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The approval of the Alabama NO_X Reduction and Trading Program does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 14, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and will not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements.

Dated: July 6, 2001.

Phyllis P. Harris,

Acting Regional Administrator, Region 4.

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

PART 52—[AMENDED]

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

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

Subpart B—Alabama

2. Section 52.50 is amended in the Table in paragraph (c) as follows:

a. Under Chapter No. 335–3–1 by adding entry ''Section 335–3–1–.14.''

b. Under Chapter No. 335–3–8 by redesignating the entry ''Section 335–3–8–.01'' as ''Section 335–3–8–.14'' and adding new entry ''Section 335–3–8–.01.''

c. Under Chapter No. 335–3–8 by adding entry ''Section 335–3–8–.04.''

d. Under Chapter No. 335–3–8 by adding entries for Sections 335–3–8–.05 through 335–3–8–.13.

The additions read as follows:

§ 52.50 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED ALABAMA REGULATIONS

State citation	Title subject	Adoption date	EPA approval date	Federal Register notice
Chapter No. 335–3–1—General Provisions				
*	* *	*	* *	*
Section 335–3–1–.14	Emissions Reporting Requirements Relating to Budget for NO_X Emissions.	April 6, 2001	July 16, 2001	66 FR 36921
*	* *	*	* *	*
Chapter No. 335–3–8—(2) Nitrogen Oxide Emissions				
Section 335–3–8–.01	Standards for Portland Cement Kilns.	April 6, 2001	July 16, 2001	66 FR 36921
*	* *	*	* *	*
Section 335–3–8–.04	Standards for Stationary Reciprocating Internal Combustion Engines (Reserved).	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.05	NO_X Budget Trading Program.	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.06	Authorized Account Representative for NO_X Budget Sources.	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.07	Permits	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.08	Compliance Certification	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.09	NO_X Allowance Allocations	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.10	NO_X Allowance Tracking System.	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.11	NO_X Allowance Transfers	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.12	Monitoring and Reporting	April 6, 2001	July 16, 2001	66 FR 36921
Section 335–3–8–.13	Individual Unit Opt-ins	April 6, 2001	July 16, 2001	66 FR 36921
*	* *	*	* *	*

* * * * *

[FR Doc. 01–17560 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–57–1–7183a; FRL–7010–9]

Approval and Promulgation of Implementation Plan for Texas: Transportation Control Measures Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final rule.

SUMMARY: This action approves a revision to the Texas State Implementation Plan (SIP) that contains the transportation control measures (TCM) rule. The requirements in the State TCM rule address the roles and responsibilities of the Metropolitan Planning Organizations (MPO), implementing transportation agencies, and provide a method for substitution of the TCMs without a SIP revision in the nonattainment and maintenance areas. The TCM rule is intended to promote effective implementation of the TCMs, streamline TCM substitution process and approval, and increase interaction between the Texas Natural Resource Conservation Commission (TNRCC) and the MPOs in the air quality-transportation planning process at the local levels.

The EPA is approving this SIP revision under section 110(k) and 182 of the Clean Air Act (the Act). The rationale for the final approval action and other information are provided in this document.

DATES: This rule is effective on September 14, 2001 without further notice, unless EPA receives adverse comment by August 15, 2001. If EPA receives such comment, EPA will publish a timely withdrawal in the **Federal Register** informing the public that this rule will not take effect.

ADDRESSES: Written comments on this action should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone: (214) 665–7214

Texas Natural Resource Conservation Commission, Mobile Source Division, 12124 Park 35 Circle, Austin, Texas 78753, Telephone: (512) 239–1000.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P. E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION: The information contained under this title includes the following sections:

I. What is the Background for this Action?

II. What did the State submit and how did we evaluate the State's SIP submission?
III. What is our final action?
IV. Administrative Requirements

I. What Is the Background for This Action?

Section 182(d)(1)(A) of the Act requires States containing ozone nonattainment areas which are classified as ''severe'' pursuant to section 181(a) of the Act to adopt TCM and transportation control strategies to offset any growth in emissions from growth in Vehicle Miles Traveled (VMT) or number of vehicle trips and to attain reductions in motor vehicle emissions (in combination with other emission reduction requirements) as necessary to comply with the Act's reasonable-further-progress (RFP) milestones and attainment requirements. The requirements for establishing a VMT Offset program are discussed in the General Preamble to Title I of the Act (57 FR 13498), April 16, 1992, in addition to section 182(d)(1)(A).

In addition, the states may adopt TCMs as control strategies in order to meet the requirements of sections 182(b) and 182(c) of the Act for RFP and attainment SIPs in the ozone nonattainment areas. The EPA can only accept the emission credits resulting from such TCMs if the State can provide adequate evidence that the State will have authority to enforce the TCMs which are identified as a part of control strategy in the RFP and attainment demonstration SIPs for meeting the ozone standard. See section 110(a)(2)(A) of the Act. The State of Texas has adopted certain TCMs for meeting the RFP requirements under sections 182(b) and (c) of the Act for the 15 percent RFP and attainment demonstration SIPs.

Our action today is only addressing the State's authority, processes, procedures, and responsibilities of each agency regarding implementation and substitution of the TCMs in any SIP in the designated nonattainment or maintenance areas.

II. What Did the State Submit and How Did We Evaluate the State's SIP Submission?

The Governor of Texas submitted the TCM SIP revision on May 17, 2000. The TNRCC adopted the Texas TCM rule on May 9, 2000, after appropriate public notice and hearing. The TCM rule consists of two parts. 30 Texas Administrative Code (TAC) Chapter 14 Section 114.5 includes ''Transportation Planning Definitions'' and 30 TAC Chapter 14 Section 114.270 contains ''Transportation Control Measures'' which sets forth the processes and procedures. The TNRCC developed the TCM rule in cooperation with the MPOs, Texas Department of Transportation, and in consultation with the Federal Highway Administration, Federal Transit Administration, and EPA. The State TCM rule identifies responsibility of each agency and sets forth the procedures and processes for selection of the TCMs, inclusion in the SIP, periodic reporting and record-keeping, corrective measures, emissions reductions and TCM effectiveness, and consequences of non-implementation. In addition, the rule specifically establishes processes and procedures for substitution of any TCM in the SIP that can not be implemented for any reason by the implementation date in the SIP. The procedures for substitution of the TCMs require public notice and comment period and consultation, but they do not require a formal SIP revision and approval by the EPA.

We have reviewed the State TCM processes and procedures, and we have evaluated the provisions of the rule based on the criteria provided in the Act for development of SIPs in the nonattainment and maintenance areas. We note that neither the Act nor the EPA rules require the State to develop a TCM rule and submit a SIP revision for the TCM purposes. Our evaluation is specifically based on Sections 110, 176, 182, and consistency of this rule with the Act. Based on this review, we have determined that the TNRCC's TCM rule provides adequate authority and procedures for implementation and substitution of TCMs in the designated nonattainment and maintenance areas including how equivalency is determined, public participation and EPA concurrence. Therefore, we are approving this SIP revision.

III. What Is Our Final Action?

We are approving the Texas TCM rule which addresses the roles and responsibilities of the MPOs, implementing transportation agencies, and provides a method for substitution of the TCMs without a SIP revision in the nonattainment and maintenance areas. We have evaluated this SIP revision and have determined that the State's rules in TAC 30 Chapter 114 sections 114.5 and 114.270 provide adequate processes and procedures consistent with the Act for implementing, tracking, and substitution of the TCMs which are used as a control strategy in the SIPs for attainment and maintenance of the NAAQS. The TNRCC conducted appropriate public participation during development and adoption of this rule at the local level.

The EPA is publishing this action without prior proposal because the EPA views this as a noncontroversial amendment and anticipates no adverse comments. However, in a separate document in this **Federal Register** publication, the EPA is proposing to approve the SIP revision should adverse comments be filed. This action will be effective on September 14, 2001, unless adverse comments are received by August 15, 2001. If the EPA receives such comments, this action will be withdrawn before the effective date by publishing a subsequent document that will withdraw the final action. All public comments received will then be addressed in a subsequent final rule based on this action serving as a proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting on this action should do so at this time. If no such comments are received on this action, the public is advised that this action will be effective September 14, 2001.

IV. Administrative Requirements

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

Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely approves a State rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Act. This rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

The Congressional Review Act, 5 U.S.C. 801 *et seq.*, as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. 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**. A major rule cannot take effect until 60 days after it is published in the **Federal Register**. This action is not a ''major rule'' as defined by 5 U.S.C. 804(2). This rule will be effective September 14, 2001 unless EPA receives adverse written comments by August 15, 2001.

Under section 307(b)(1) of the Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by September 14, 2001. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed, and shall not postpone the effectiveness of such rule or action. This action may not be challenged later in proceedings to enforce its requirements. See section 307(b)(2) of the Act.

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Air Quality-Transportation Planning, Carbon Monoxide, Hydrocarbons, Incorporation by reference, Intergovernmental relations, Nitrogen oxides, Ozone, Particulate matter, Reporting and record-keeping requirements, Transportation Control Measures, Volatile organic compounds.

Dated: June 13, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

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

PART 52—[AMENDED]

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

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

Subpart SS—Texas

2. Section 52.2270 is amended:

a. In the table in paragraph (c) under Chapter 114 by adding new Section 114.5, Transportation Planning Definition, under Subchapter A;

b. In the table in paragraph (c) by adding new Section 114.270, Transportation Control Measures, under Subchapter G.

c. In the table entitled ''EPA Approved Nonregulatory Provisions and Quasi-Regulatory Measures in the Texas SIP'' in paragraph (e) by adding to the end of the table an entry for ''Transportation Control Measures SIP Revision''.

The additions read as follows:

§ 52.2270 Identification of plan.

* * * * *

(c) * * *

EPA APPROVED REGULATIONS IN THE TEXAS SIP

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
* * *	*	*	*	*
Chapter 114 (Reg 4)—Control of Air Pollution From Motor Vehicles				
Subchapter A—Definitions				
* * *	*	*	*	*
Section 114.5	Transportation Planning Definition	05/09/2000	July 16, 2001 66 FR 36923	
* * *	*	*	*	*
Subchapter G—Transportation Planning				
* * *	*	*	*	*
Section 114.270	Transportation Control Measures	05/09/2000	July 16, 2001 66 FR 36923	

EPA APPROVED REGULATIONS IN THE TEXAS SIP—Continued

State citation	Title/subject	State approval/submittal date	EPA approval date	Explanation
* *	*	*	*	*

* * *

(e) * * *

EPA APPROVED NONREGULATORY PROVISIONS AND QUASI-REGULATORY MEASURES IN THE TEXAS SIP

Name of SIP provision	Applicable geographic or nonattainment area	State submittal/effective date	EPA approval date	Comments
* *	*	*	*	*
Transportation Control Measures SIP Revision.	All Nonattainment and Maintenance Areas.	05/09/2000	July 16, 2001 66FR 32924	Chapter 1. Introduction, chapter 2. General, and chapter 3. Criteria and procedures.

[FR Doc. 01–17555 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 63

[AD–FRL–7010–1]

RIN 2060–AH47

National Emission Standards for Hazardous Air Pollutants: Group I Polymers and Resins and Group IV Polymers and Resins

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule; technical amendments.

SUMMARY: The EPA is taking final action to amend certain portions of the national emission standards for hazardous air pollutants (NESHAP) for Group I Polymers and Resins; and the NESHAP for Group IV Polymers and Resins, which were promulgated in September 1996. These changes consist of minor cross referencing and typographical errors, as well as minor clarifications.

These amendments will not change the basic control requirements of the NESHAP or the level of health protection they provide. These amendments do not alter the requirement for new and existing major sources to control emissions of hazardous air pollutants to the level reflecting application of the maximum achievable control technology.

Section 553 of the Administrative Procedure Act 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 these rule amendments final without prior proposal and opportunity for comment because these minor technical corrections are noncontroversial in nature, and because they do not substantively change the requirements of these NESHAP. Thus, notice and public procedure are unnecessary. The EPA finds that this constitutes good cause under section 553 of the Administrative Procedure Act.

EFFECTIVE DATE: July 16, 2001.

ADDRESSES: Docket number A–92–44 for the Group I Polymers and Resins NESHAP and Docket number A–92–45 for the Group IV Polymers and Resins NESHAP contain supporting information used in developing the standards. The dockets are located at the U.S. EPA, Room M–1500, 1200 Pennsylvania Avenue, Washington, DC 20460, and may be inspected from 8:30 a.m. to 5:30 p.m., Monday through Friday, excluding legal holidays.

FOR FURTHER INFORMATION CONTACT: For information concerning these final rule amendments, contact Mr. Robert Rosensteel, Organic Chemicals Group, Emission Standards Division (MD–13), Office of Air Quality Planning and Standards, U.S. EPA, Research Triangle Park, North Carolina 27711, telephone number (919) 541–5608, facsimile number (919) 541–3470, electronic mail address: rosensteel.bob@epa.gov.

SUPPLEMENTARY INFORMATION: *Docket.* The docket reflects the full administrative record for this action and includes all the information relied upon by EPA in the development of these NESHAP. The docket is a dynamic file because material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industries involved to readily identify and locate documents so that they can effectively participate in the rulemaking process. Along with the proposed and promulgated NESHAP and their preambles, the contents of the docket will serve as the record in the case of judicial review. (See section 307(d)(7)(A) of the Clean Air Act (CAA).) The regulatory text and other materials related to this rulemaking are available for review in the docket or copies may be mailed on request from the Air Docket by calling (202) 260–7548. A reasonable fee may be charged for copying docket materials.

World Wide Web (WWW). In addition to being available in the docket, an electronic copy of this action will also be available on the WWW through the Technology Transfer Network (TTN). Following the Administrator's signature, a copy of the action will be posted 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. If more information regarding the TTN is needed, call the TTN HELP line at (919) 541–5384.

Regulated Entities. The regulated category and entities affected by this action include:

Category	SIC codes	NAICS	Examples of regulated entities
Industry	2821, 2822	325211, 325212	Butyl Rubber, Halobutyl Rubber, Epichlorohydrin Elastomer, Ethylene Propylene Rubber, Hypalon™, Neoprene, Nitrile Butadiene Rubber, Nitrile Butadiene Latex, Polybutadiene Rubber, Styrene-Butadiene Rubber or Latex, Acrylonitrile Butadiene Styrene Resin, Styrene Acrylonitrile Resin, Methyl Methacrylate Acrylonitrile Butadiene Styrene Resin, Methyl Methacrylate Butadiene Styrene Resin, Poly(ethylene terephthalate) Resin, Polystyrene Resin, and Nitrile Resin producers.

This table is not intended to be exhaustive, but rather provides a guide for readers likely to be interested in the amendments to the standards affected by this action. To determine whether your facility is regulated by this action, you should carefully examine all of the applicability criteria in § 63.480 of the Group I Polymers and Resins NESHAP and § 63.1310 of the Group IV Polymers and Resins NESHAP. If you have any questions regarding the applicability of these amendments to a particular entity, consult the person listed in the preceding **FOR FURTHER INFORMATION CONTACT** section.

I. Background

On September 5, 1996 (61 FR 46906) and September 12, 1996 (61 FR 48208), the EPA promulgated NESHAP for Group I Polymers and Resins (40 CFR part 63, subpart U) and the NESHAP for Group IV Polymers and Resins (40 CFR part 63, subpart JJJ), respectively. In November 1996, petitions for review of the September 1996 Groups I and IV Polymers and Resins NESHAP were filed in the U.S. Court of Appeals for the District of Columbia Circuit. The petitioners raised numerous technical issues and concerns with these NESHAP. Based on a settlement agreement that was reached in 1998 between EPA and the petitioners, EPA promulgated amendments to these NESHAP on June 19, 2000 (65 FR 38030). After promulgation of those amendments, based in part on information provided by industry, EPA determined the rule required some minor changes both to carry out the purpose of the June 19, 2000 amendments and to correct errors in sections of the rule. These changes consist of minor referencing and typographical corrections, removing discrepancies between subparts U and JJJ, as well as minor clarifications. In this action, we are promulgating amendments to correct these minor errors.

In addition to these final amendments to subparts U and JJJ, other actions taken to amend various aspects of subparts U and JJJ since the original promulgation of these NESHAP in September of 1996 include the following **Federal Register** notices: January 14, 1997 (62 FR 1835), equipment leaks compliance date extension for both NESHAP; June 6, 1997 (62 FR 30993), equipment leaks compliance date extension for poly(ethylene terephthalate) (PET) resin affected sources; July 15, 1997 (62 FR 37720), minor corrections and clarifications to the NESHAP; February 27, 1998 (63 FR 9944), change in the effective date to February 27, 1998 for subpart JJJ; March 31, 1998 (63 FR 15312), a temporary compliance extension until February 27, 2001 for existing affected sources producing PET using the continuous terephthalic acid (TPA) high viscosity multiple end finisher process; December 9, 1998 (63 FR 67879), notification of a proposed partial settlement; March 9, 1999 (64 FR 11536), clarifications and corrections to the NESHAP; March 9, 1999 (64 FR 11561), proposed amendments to the NESHAP; May 7, 1999 (64 FR 24511), withdrawal of one amendment from the amendments in the March 9, 1999 direct final rule as a result of adverse comments; June 8, 1999 (64 FR 30406), equipment leaks compliance date extension for new and existing affected sources producing PET; June 8, 1999 (64 FR 30456), proposed denial of petition for reconsideration of the equipment leak requirements in subpart JJJ; June 30, 1999 (64 FR 35023), indefinite stay of the compliance dates for certain provisions under subparts U and JJJ; June 19, 2000 (65 FR 38030), promulgated amendments to the NESHAP; August 29, 2000 (65 FR 52319), indefinite stay of compliance date for existing affected sources producing PET using the TPA high viscosity multiple end finisher process; October 26, 2000 (65 FR 64161), withdrawal of indefinite stay of compliance date for existing affected sources producing PET using the TPA high viscosity multiple end finisher process; February 23, 2001 (66 FR 11233), indefinite stay of compliance date for existing affected sources producing PET using the TPA high viscosity multiple end finisher process; and February 26, 2001 (66 FR 11543), compliance date extension for new and existing affected sources producing PET, in order to complete reconsideration of the equipment leaks requirements in subpart JJJ.

II. Summary of Corrections

Today's changes are described in Table 2 to this preamble for the convenience of the reader.

40 CFR, Part 63	Change
Subpart U:	
§ 63.480(i)(2)(ii)	Corrects compliance date.
§ 63.482	Clarifies the definitions of the terms ''Group 1 wastewater stream'' and ''Reconstruction'' by removing an internal inconsistency.
§ 63.485(k)	Adds cross reference.
§ 63.487(a)(1)(i)	Corrects typographical error.
§ 63.487(b)(2)	Clarifies when correction to 3 percent oxygen is required for combustion control devices by making language internally consistent within the rule.
§ 63.487(f)(1)(ii)	Corrects cross reference.
§ 63.487(g)(1)(ii)	Corrects cross reference.
§ 63.489(e)(1)(ii)	Clarifies the emission reduction options.
§ 63.501(c)	Clarifies exemptions to certain wastewater requirements.
§ 63.506(e)(5)(i)	Removes the inapplicable term ''continuous monitoring system performance evaluations.''
§ 63.506(e)(5)(ii)(D)	Corrects cross reference.
§ 63.506(e)(6)(iii)(A)	Corrects cross reference.
§ 63.506(e)(7)(ii)(A)	Removes cross reference to (e)(7)(iii).
§ 63.506(e)(7)(ii)(B)	Removes cross reference to (e)(7)(ii).
Table 1	Clarifies compliance demonstration requirements for flares.
Table 2	Changes § 63.183 to § 63.182 and notes that § 63.131 is a reserved section.
Table 6	Moves entry regarding ''Absorber'' control/recovery device into the correct columns.
Table 9	Corrects due dates for Precompliance Report and Emissions Averaging Plan; moves text regarding the Precompliance Report in ''Description of Report'' to the correct ''Due Date'' column.
Subpart JJJ:	
§ 63.1310(i)(1)(i)	Corrects text, removes ''as provided in § 63.6(b)'' consistent with Table 1 entry.
§ 63.1310(i)(2)(ii)	Removes reference to § 63.1329 applicable to existing process contact cooling towers.
§ 63.1310(i)(2)(iii)	Removes reference to § 63.1329 applicable to existing process contact cooling towers.
§ 63.1311(b)	Corrects compliance date that was inadvertently changed in a previous notice.
§ 63.1312	Clarifies the definition of the term ''Group 1 wastewater stream'' by removing an internal inconsistency.
§ 63.1315(a)(9)	Adds cross reference.
§ 63.1315(d)	Removes ''are not subject to the provisions of this section and instead.''
§ 63.1316(b)(1)(i)(B)	Adds word ''or'' to the end of the paragraph.
§ 63.1318(a)	Clarifies performance test requirements.
§ 63.1319(a)	Corrects cross reference.
§ 63.1320(a)	Corrects cross reference.
§ 63.1320(b)(3)	Removes incorrect citation.
§ 63.1322(f)(1)(ii)	Corrects cross reference.
§ 63.1322(g)(1)(ii)	Corrects cross reference.
§ 63.1323(b)(6)(i)(C)	Corrects cross reference.
§ 63.1323(h)(1)	Adds text ''. . . after the last recover device (if any recovery devices are present) . . .'' to clarify the location for determining halogen status.
§ 63.1324(f)(1)(ii)	Clarifies that there are two emission reduction control options.
§ 63.1327(b)	Corrects cross reference.
§ 63.1330(a)	Revises paragraph (a) to be consistent with added paragraphs (d) and (e).
§ 63.1330(b)(8)(i)–(ii)	Removes typographical error—extra word ''of'' in each paragraph.
§ 63.1330(d)	Adds paragraph inadvertently left out of the NESHAP.
§ 63.1330(e)	Adds paragraph inadvertently left out of the NESHAP.
§ 63.1335(e)(5)(i)	Removes the inapplicable term ''continuous monitoring system performance evaluations.''
§ 63.1335(e)(7)(ii)(A)	Removes cross reference (e)(7)(ii).
§ 63.1335(e)(7)(i)(B)	Removes cross reference (e)(7)(ii).
Table 1	Clarifies compliance demonstration requirements for flares.
Table 6	Adds check marks for acrylonitrile and 1,3-butadiene to MABS row.
Table 6	Adds check marks for methylmethacrylate to MABS and MBS rows.
Table 7	Corrects superscript error for Precompliance Report in the fourth record/report for scrubber for halogenated batch vents.
Table 9	Corrects due date for Precompliance Report; moves text regarding the Precompliance Report in ''Description of Report'' to the correct ''Due Date'' column; corrects Emissions Averaging Plan due date.

III. 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 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 (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. These rule amendments also do not significantly or uniquely affect the communities of tribal governments, as specified by Executive Order 13175 (65 FR 67249, November 6, 2000). These rule amendments 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). These rule amendments also are not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because they are 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. These rule amendments also do not involve special consideration of environmental justice related issues as required by Executive Order 12898 (59 FR 7629, February 16, 1994). In issuing these amendments, 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 these rule amendments in accordance with the ''Attorney General's Supplemental Guidelines for the Evaluation of Risk and Avoidance of Unanticipated Takings'' issued under the Executive Order. These rule amendments do 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 rules is discussed in the September 5, 1996 (61 FR 46906) and the September 12, 1996 (61 FR 48208) **Federal Register** notices.

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, EPA has made such a good cause finding, including the reasons therefor, and established an effective date of July 16, 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 recordkeeping requirements.

Dated: July 3, 2001.

Christine Todd Whitman,

Administrator.

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

PART 63—NATIONAL EMISSION 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 U—National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins

2. Section 63.480 is amended by revising paragraph (i)(2)(ii) to read as follows:

§ 63.480 Applicability and designation of affected sources.

* * * * *

(i) * * *

(2) * * *

(ii) If any components are replaced at an existing affected source such that the criteria specified in paragraphs (i)(2)(i)(A) and (i)(2)(i)(B) of this section are not met and that replacement of components creates one or more emission points (i.e., either newly created Group 1 emission points or emission points that change from Group 2 to Group 1) or causes any other emission point to be added (i.e., Group 2 emission points, back-end process operations subject to §§ 63.493 and 63.500, and heat exchange systems and equipment leak components subject to § 63.502), the resulting emission point(s) shall be subject to the applicable requirements for an existing affected source. The resulting emission point(s) shall be in compliance by 120 days after the date of initial start-up or by the appropriate compliance date specified in § 63.481 (i.e., July 31, 1997 for most equipment leak components subject to § 63.502, and June 19, 2001 for emission points other than equipment leaks), whichever is later.

* * * * *

3. Section 63.482(b) is amended by revising the definitions ''Group 1 wastewater stream'' and ''Reconstruction.''

§ 63.482 Definitions.

* * * * *

(b) * * *

Group 1 wastewater stream means a wastewater stream consisting of process wastewater from an existing or new affected source that meets the criteria for Group 1 status in § 63.132(c), with the exceptions listed in § 63.501(a)(10) for the purposes of this subpart (i.e., for organic HAP as defined in this section).

* * * * *

Reconstruction means the replacement of components of an affected source or of a previously unaffected stationary source that becomes an affected source as a result of the replacement, to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required

to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the provisions of this subpart.

* * * * *

4. Section 63.485 is amended by revising the first sentence of paragraph (k) to read as follows:

§ 63.485 Continuous front-end process vent provisions.

* * * * *

(k) When § 63.114(e) or § 63.117(f) specifies that an owner or operator shall submit the information required in § 63.152(b) in order to establish the parameter monitoring range, the owner or operator of an affected source shall comply with the provisions of § 63.505 for establishing the parameter monitoring level and shall comply with § 63.506(e)(5) for the purposes of reporting information related to the establishment of the parameter monitoring level, for the purposes of this subpart. * * *

* * * * *

5. Section 63.487 is amended as follows:

a. By revising paragraph (a)(1)(i);

b. By revising paragraph (b)(2);

c. In paragraph (f)(1)(ii), by revising the reference to ''§ 63.506(e)(5)(iv)'' to read ''§ 63.506(e)(5)(ix)''.

d. In paragraph (g)(1)(ii), by revising the reference to ''§ 63.506(e)(5)(iv)'' to read ''§ 63.506(e)(5)(ix)''.

The revisions to paragraphs (a)(1)(i) and (b)(2) read as follows:

§ 63.487 Batch front-end process vents—reference control technology.

(a) * * *

(1) * * *

(i) The owner or operator of the affected sources shall comply with the requirements of § 63.504(c) for the flare.

* * * * *

(b) * * *

(2) For each aggregate batch vent stream, reduce organic HAP emissions by 90 weight percent or to a concentration of 20 ppmv, whichever is less stringent, on a continuous basis using a control device. For purposes of complying with the 20 ppmv outlet concentration standard, the outlet concentration shall be calculated on a dry basis. When a combustion device is used for purposes of complying with the 20 ppmv outlet concentration standard, the concentration shall be corrected to 3 percent oxygen if supplemental combustion air is used to combust the emissions. If supplemental combustion air is not used, a correction to 3 percent oxygen is not required.

* * * * *

6. Section 63.489 is amended by revising paragraph (e)(1)(ii) to read as follows:

§ 63.489 Batch front-end process vents—monitoring equipment.

* * * * *

(e) * * *

(1) * * *

(ii) For aggregate batch vent streams using a control device to comply with § 63.487(b)(2), the established level shall reflect the emission reduction requirement of either 90 percent or 20 ppmv specified in § 63.487(b)(2).

* * * * *

7. Section 63.501 is amended by revising paragraph (c) to read as follows:

§ 63.501 Wastewater provisions.

* * * * *

(c) The provisions of paragraphs (a) and (b) of this section do not apply to the following:

(1) Back-end streams originating from equipment whose only elastomer products are latex products.

(2) Back-end streams at affected sources that are subject to a residual organic HAP limitation in § 63.494(a), and that are complying with these limitations through the use of stripping technology.

* * * * *

8. Section 63.506 is amended as follows:

a. By revising paragraph (e)(5)(i) introductory text;

b. In paragraph (e)(5)(ii)(D), by revising the reference to ''§ 63.505 (b)(3)(ii)'' to read ''§ 63.505 (b)(3)(iii)';

c. In paragraph (e)(6)(iii)(A), by revising the references to ''§ 63.146(f)'' to read ''§ 63.146(g)'' and ''§ 63.104(b)(4)'' to read ''§ 63.104(f)(2); and

d. By revising paragraph (e)(7)(ii)(A); and

e. By revising paragraph (e)(7)(ii)(B).

The revisions read as follows:

§ 63.506 General recordkeeping and reporting provisions.

* * * * *

(e) * * *

(5) * * *

(i) The results of any emission point group determinations, process section applicability determinations, performance tests, inspections, any other information used to demonstrate compliance, values of monitored parameters established during performance tests, and any other information required to be included in the Notification of Compliance Status under §§ 63.122 and 63.484 for storage vessels, § 63.117 for continuous front-end process vents, § 63.492 for batch front-end process vents, § 63.499 for back-end process operations, § 63.146 for process wastewater, and § 63.503 for emission points included in an emissions average. In addition, the owner or operator of an affected source shall comply with paragraphs (e)(5)(i)(A) and (e)(5)(i)(B) of this section.

* * * * *

(7) * * *

(i) * * *

(ii) * * *

(A) If use of a nominal control efficiency is part of the initial Emissions Averaging Plan described in paragraph (e)(4)(ii) of this section, the information shall be submitted with the Emissions Averaging Plan.

(B) If an owner or operator elects to use a nominal control efficiency after submittal of the initial Emissions Averaging Plan as described in paragraph (e)(4)(ii) of this section, the information shall be submitted at the discretion of the owner or operator.

* * * * *

9. Revise Tables 1, 2, 5, 6, and 9 to subpart U of part 63, to read as follows:

TABLE 1 TO SUBPART U OF PART 63

[Applicability of general provisions to subpart U affected sources]

Reference	Applies to subpart U	Explanation
§ 63.1(a)(1)	Yes	§ 63.482 specifies definitions in addition to or that supersede definitions in § 63.2.
§ 63.1(a)(2)	Yes.	
§ 63.1(a)(3)	Yes	§ 63.481(f) through (k) and § 63.160(b) identify those standards which may apply in addition to the requirements of subparts U and H of this part, and specify how compliance shall be achieved.
§ 63.1(a)(4)	Yes	Subpart U (this table) specifies the applicability of each paragraph in subpart A to subpart U.
§ 63.1(a)(5)	No	[Reserved.].
§ 63.1(a)(6)–(8)	Yes.	
§ 63.1(a)(9)	No	[Reserved.].
§ 63.1(a)(10)	Yes.	
§ 63.1(a)(11)	Yes.	
§ 63.1(a)(12)–(14)	Yes.	
§ 63.1(b)(1)	No	§ 63.480(a) contains specific applicability criteria.
§ 63.1(b)(2)	Yes.	
§ 63.1(b)(3)	No	§ 63.480(b) provides documentation requirements for EPPUs not considered affected sources.
§ 63.1(c)(1)	Yes	Subpart U (this table) specifies the applicability of each paragraph in subpart A to subpart U.
§ 63.1(c)(2)	No	Area sources are not subject to subpart U.
§ 63.1(c)(3)	No	[Reserved.].
§ 63.1(c)(4)	Yes.	
§ 63.1(c)(5)	Yes	Except that affected sources are not required to submit notifications that are not required by subpart U.
§ 63.1(d)	No	[Reserved.].
§ 63.1(e)	Yes.	
§ 63.2	Yes	§ 63.482 specifies those subpart A definitions that apply to subpart U.
§ 63.3	Yes.	
§ 63.4(a)(1)–(3)	Yes.	
§ 63.4(a)(4)	No	[Reserved.].
§ 63.4(a)(5)	Yes.	
§ 63.4(b)	Yes.	
§ 63.4(c)	Yes.	
§ 63.5(a)(1)	Yes	Except the terms ''source'' and ''stationary source'' should be interpreted as having the same meaning as ''affected source''.
§ 63.5(a)(2)	Yes.	
§ 63.5(b)(1)	Yes	Except § 63.480(i) defines when construction or reconstruction is subject to new source standards.
§ 63.5(b)(2)	No	[Reserved.].
§ 63.5(b)(3)	Yes.	
§ 63.5(b)(4)	Yes	Except that the Initial Notification and § 63.9(b) requirements do not apply.
§ 63.5(b)(5)	Yes.	
§ 63.5(b)(6)	Yes	Except that § 63.480(i) defines when construction or reconstruction is subject to the new source standards.
§ 63.5(c)	No	[Reserved.].
§ 63.5(d)(1)(i)	Yes	Except that the references to the Initial Notification and § 63.9(b)(5) do not apply.
§ 63.5(d)(1)(ii)	Yes	Except that § 63.5(d)(1)(ii)(H) does not apply.
§ 63.5(d)(1)(iii)	No	§ 63.506(e)(5) and § 63.502(f) specify Notification of Compliance Status requirements.
§ 63.5(d)(2)	No.	
§ 63.5(d)(3)	Yes	Except § 63.5(d)(3)(ii) does not apply, and equipment leaks subject to § 63.502 are exempt.
§ 63.5(d)(4)	Yes.	
§ 63.5(e)	Yes.	
§ 63.5(f)(1)	Yes.	
§ 63.5(f)(2)	Yes	Except that where § 63.9(b)(2) is referred to, the owner or operator need not comply.
§ 63.6(a)	Yes.	
§ 63.6(b)(1)	No	The dates specified in § 63.481(b) apply, instead.
§ 63.6(b)(2)	No.	
§ 63.6(b)(3)	No.	
§ 63.6(b)(4)	No.	
§ 63.6(b)(5)	No.	
§ 63.6(b)(6)	No	[Reserved.].
§ 63.6(b)(7)	No.	
§ 63.6(c)(1)	Yes	§ 63.481 specifies the compliance date.
§ 63.6(c)(2)	No.	

TABLE 1 TO SUBPART U OF PART 63—Continued

[Applicability of general provisions to subpart U affected sources]

Reference	Applies to subpart U	Explanation
§ 63.6(c)(3)	No	[Reserved.].
§ 63.6(c)(4)	No	[Reserved.].
§ 63.6(c)(5)	Yes.	
§ 63.6(d)	No	[Reserved.].
§ 63.6(e)	Yes	Except as otherwise specified for individualparagraphs. Does not apply to Group 2 emission points, unless they are included in an emissions average.[a]
§ 63.6(e)(1)(i)	No	This is addressed by § 63.480(j)(4).
§ 63.6(e)(1)(ii)	Yes.	
§ 63.6(e)(1)(iii)	Yes.	
§ 63.6(e)(2)	Yes.	
§ 63.6(e)(3)(i)	Yes	For equipment leaks (subject to § 63.502), the start-up, shutdown, and malfunction planrequirement of § 63.6(e)(3)(i) is limited to control devices and is optional for other equipment. The start-up, shutdown, and malfunction plan may include written procedures that identify conditions that justify a delay of repair.
§ 63.6(e)(3)(i)(A)	No	This is addressed by § 63.480(j)(4).
§ 63.6(e)(3)(i)(B)	Yes.	
§ 63.6(e)(3)(i)(C)	Yes.	
§ 63.6(e)(3)(ii)	Yes.	
§ 63.6(e)(3)(iii)	No	Recordkeeping and reporting are specified in § 63.506(b)(1).
§ 63.6(e)(3)(iv)	No	Recordkeeping and reporting are specified in § 63.506(b)(1).
§ 63.6(e)(3)(v)	Yes.	
§ 63.6(e)(3)(vi)	Yes.	
§ 63.6(e)(3)(vii)	Yes.	
§ 63.6(e)(3)(vii) (A)	Yes.	
§ 63.6(e)(3)(vii) (B)	Yes	Except the plan shall provide for operation in compliance with § 63.480(j)(4).
§ 63.6(e)(3)(vii) (C)	Yes.	
§ 63.6(e)(3)(viii)	Yes.	
§ 63.6(f)(1)	Yes.	
§ 63.6(f)(2)	Yes	Except 63.7(c), as referred to in § 63.6(f)(2)(iii)(D) does not apply, and except that § 63.6(f)(2)(ii) does not apply to equipment leaks subject to § 63.502.
§ 63.6(f)(3)	Yes.	
§ 63.6(g)	Yes.	
§ 63.6(h)	No	Subpart U does not require opacity and visibleemission standards.
§ 63.6(i)(1)	Yes.	
§ 63.6(i)(2)	Yes.	
§ 63.6(i)(3)	Yes.	
§ 63.6(i)(4)(i)(A)	Yes.	
§ 63.6(i)(4)(i)(B)	No	Dates are specified in § 63.481(e) and § 63.506(e)(3)(i).
§ 63.6(i)(4)(ii)	No.	
§ 63.6(i)(5)–(14)	Yes.	
§ 63.6(i)(15)	No	[Reserved.].
§ 63.6(i)(16)	Yes.	
§ 63.6(j)	Yes.	
§ 63.7(a)(1)	Yes.	
§ 63.7(a)(2)	No.	§ 63.506(e)(5) specifies the submittal dates of performance test results for all emission pointsexcept equipment leaks; for equipment leaks, compliance demonstration results are reported in the Periodic Reports.
§ 63.7(a)(3)	Yes.	
§ 63.7(b)	No	§ 63.504(a)(4) specifies notification requirements.
§ 63.7(c)	No	Except if the owner or operator chooses to submit an alternative nonopacity emission standard for approval under § 63.6(g).
§ 63.7(d)	Yes.	
§ 63.7(e)(1)	Yes	Except that all performance tests shall beconducted at maximum representative operating conditions achievable at the time without disruption of operations or damage to equipment.
§ 63.7(e)(2)	Yes.	
§ 63.7(e)(3)	No	Subpart U specifies requirements.
§ 63.7(e)(4)	Yes.	
§ 63.7(f)	Yes	Except that § 63.144(b)(5)(iii)(A) & (B) shall apply for process wastewater. Also, since a site specific test plan is not required, the notification deadline in § 63.7(f)(2)(i) shall be 60 days prior to the performance test, and in § 63.7(f)(3) approval or disapproval of the alternative test method shall not be tied to the site specific test plan.

TABLE 1 TO SUBPART U OF PART 63—Continued

[Applicability of general provisions to subpart U affected sources]

Reference	Applies to subpart U	Explanation
§ 63.7(g)	Yes	Except that the requirements in § 63.506(e)(5) shall apply instead of references to the Notification of Compliance Status report in 63.9(h). In addition, equipment leaks subject to § 63.502 are not required to conduct performance tests.
§ 63.7(h)	Yes	Except § 63.7(h)(4)(ii) is not applicable, since the site-specific test plans in § 63.7(c)(2) arenot required.
§ 63.8(a)(1)	Yes.	
§ 63.8(a)(2)	No.	
§ 63.8(a)(3)	No	[Reserved.].
§ 63.8(a)(4)	Yes.	
§ 63.8(b)(1)	Yes.	
§ 63.8(b)(2)	No	Subpart U specifies locations to conductmonitoring.
§ 63.8(b)(3)	Yes.	
§ 63.8(c)(1)	Yes.	
§ 63.8(c)(1)(i)	Yes.	
§ 63.8(c)(1)(ii)	No	For all emission points except equipment leaks, comply with § 63.506(b)(1)(i)(B); for equipmentleaks, comply with § 63.181(g)(2)(iii).
§ 63.8(c)(1)(iii)	Yes.	
§ 63.8(c)(2)	Yes.	
§ 63.8(c)(3)	Yes.	
§ 63.8(c)(4)	No	§ 63.505 specifies monitoring frequency; not applicable to equipment leaks, because § 63.502does not require continuous monitoring systems.
§ 63.8(c)(5)–(8)	No.	
§ 63.8(d)	No.	
§ 63.8(e)	No.	
§ 63.8(f)(1)–(3)	Yes.	
§ 63.8(f)(4)(i)	No	Timeframe for submitting request is specified in § 63.506(f) or (g); not applicable to equipmentleaks, because § 63.502 (through reference to subpart H) specifies acceptable alternative methods.
§ 63.8(f)(4)(ii)	No	Contents of request are specified in § 63.506(f) or (g).
§ 63.8(f)(4)(iii)	No.	
§ 63.8(f)(5)(i)	Yes.	
§ 63.8(f)(5)(ii)	No.	
§ 63.8(f)(5)(iii)	Yes.	
§ 63.8(f)(6)	No	Subpart U does not require CEM's.
§ 63.8(g)	No	Data reduction procedures specified in§ 63.506(d) and (h); not applicable to equipment leaks.
§ 63.9(a)	Yes.	
§ 63.9(b)	No	Subpart U does not require an initial notification.
§ 63.9(c)	Yes.	
§ 63.9(d)	Yes.	
§ 63.9(e)	No	§ 63.504(a)(4) specifies notification deadline.
§ 63.9(f)	No	Subpart U does not require opacity and visible emission standards.
§ 63.9(g)	No.	
§ 63.9(h)	No	§ 63.506(e)(5) specifies Notification of Compliance Status requirements.
§ 63.9(i)	Yes.	
§ 63.9(j)	No.	
§ 63.10(a)	Yes.	
§ 63.10(b)(1)	No	§ 63.506(a) specifies record retention requirements.
§ 63.10(b)(2)	No	Subpart U specifies recordkeeping requirements.
§ 63.10(b)(3)	No	§ 63.480(b) requires documentation of sources that are not affected sources.
§ 63.10(c)	No	§ 63.506 specifies recordkeeping requirements.
§ 63.10(d)(1)	Yes.	
§ 63.10(d)(2)	No	§ 63.506(e)(5) specifies performance test reporting requirements; not applicable to equipment leaks.
§ 63.10(d)(3)	No	Subpart U does not require opacity and visible emission standards.
§ 63.10(d)(4)	Yes.	
§ 63.10(d)(5)(i)	Yes	Except that reports required by § 63.10(d)(5)(i) shall be submitted at the same time as Periodic Reports specified in § 63.506(e)(6). The start-up, shutdown, and malfunction plan, and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.
§ 63.10(d)(5)(ii)	No.	
§ 63.10(e)	No	§ 63.506 specifies reporting requirements.
§ 63.10(f)	Yes.	

TABLE 1 TO SUBPART U OF PART 63—Continued

[Applicability of general provisions to subpart U affected sources]

Reference	Applies to subpart U	Explanation
§ 63.11	Yes	§ 63.11(b) specifies requirements for flares used to comply with provisions of this subpart. § 63.504(c) contains the requirements to conduct compliance demonstrations for flares subject to this subpart.
§ 63.12	Yes	Except that the authority of § 63.503(i) and the authority of § 63.177 (for equipment leaks) will not be delegated to States.
§§ 63.13–63.15	Yes.	

[a] The plan and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.

TABLE 2 TO SUBPART U OF PART 63

[Applicability of Subparts F, G, & H of this Part to Subpart U affected sources]

Reference	Applies to Subpart U	Comment	Applicable section of Subpart U
Subpart F:			
§ 63.100	No.		
§ 63.101	Yes	Several definitions from § 63.101 are referenced in § 63.482.	§ 63.482.
§§ 63.102–63.103	No.		
§§ 63.104–63.105	Yes		§§ 63.501 and 63.502.
§§ 63.106–63.109	No.		
Subpart G:			
§ 63.110	No.		
§ 63.111	Yes	Several definitions from § 63.111 reference in § 63.482.	§ 63.482.
§ 63.112	No.		
§§ 63.113–63.118	Yes	With the differences noted in § 63.485 (b) through § 63.485(k).	
§§ 63.119–63.123	Yes	With the differences noted in § 63.484(c) through 63.484(s).	63.484.
§§ 63.124–63.125	No	[Reserved.].	
§§ 63.126–63.130	No.		
§ 63.131		[Reserved.].	
§§ 63.133–63.147	Yes	With the differences noted in § 63.501(a)(1) through (19).	§ 63.501.
§§ 63.148–63.149	Yes	With the differences noted in §§ 63.484(c) through (s) and 63.501(a)(1) through (23).	§§ 63.484 and 63.501.
§ 63.150(a) through (f)	No.		
§ 63.150(g)(1) and (2)	No.		
§ 63.150(g)(3)	Yes		§ 63.503(g)(3).
§ 63.150(g)(4)	No.		
§ 63.150(g)(5)	Yes		§ 63.503(g)(5).
§ 63.150(h)(1) and (2)	No.		
§ 63.150(h)(3)	Yes		§ 63.503(h)(3).
§ 63.150(h)(4)	No.		
§ 63.150(h)(5)	Yes		§ 63.503(h)(5).
§ 63.150(i) through (o)	No.		
§§ 63.151–63.152	No.		
Subpart H:			
§§ 63.160–63.182	Yes	Subpart U affected sources shall comply with all requirements of subpart H of this part, with the differences noted in § 63.502.	§ 63.502.

* * * * *

TABLE 5 TO SUBPART U OF PART 63

[Known organic HAP emitted from the production of elastomer products]

Organic HAP/chemical name (CAS No.)	Elastomer product/subcategory											
	BR	EPI	EPR	HBR	HYP	NEO	NBL	NBR	PBR/SBRS	PSR	SBL	SBRE
Acrylonitrile (107131)							✔	✔				
1,3 Butadiene (106990)							✔	✔	✔		✔	✔

TABLE 5 TO SUBPART U OF PART 63—Continued

[Known organic HAP emitted from the production of elastomer products]

Organic HAP/chemical name (CAS No.)	Elastomer product/subcategory											
	BR	EPI	EPR	HBR	HYP	NEO	NBL	NBR	PBR/SBRS	PSR	SBL	SBRE
Carbon Disulfide							✔	✔	✔		✔	✔
Carbon Tetrachloride (56235)					✔							
Chlorobenzene (108907)					✔							
Chloroform (67663)					✔							
Chloroprene (126998)						✔						
Epichlorohydrin (106898)		✔										
Ethylbenzene (100414)	✔										✔	
Ethylene Dichloride (107062)										✔		
Ethylene Oxide (75218)		✔								✔		
Formaldehyde (50000)		✔								✔		
Hexane (110543)	✔		✔						✔			
Methanol (67561)	✔								✔			
Methyl Chloride (74873)	✔				✔							
Propylene Oxide (75569)		✔										
Styrene (100425)									✔		✔	✔
Toluene (108883)		✔	✔			✔			✔			
Xylenes (1330207)	✔											
Xylene (m-) (108383)	✔											
Xylene (o-) (95476)	✔											
Xylene (p-) (106423)	✔											

CAS No. = Chemical Abstract Service Number.
BR = Butyl Rubber.
EPI = Epichlorohydrin Rubber.
EPR = Ethylene Propylene Rubber.
HBR = Halobutyl Rubber.
HYP = Hypalon ™.
NEO = Neoprene.
NBL = Nitrile Butadiene Latex.
NBR = Nitrile Butadiene Rubber.
PBR/SBRS = Polybutadiene and Styrene Butadiene Rubber by Solution.
PSR = Polysulfide Rubber.
SBL = Styrene Butadiene Latex.
SBRE = Styrene Butadiene Rubber by Emulsion.

TABLE 6 TO SUBPART U OF PART 63

[Group 1 batch front-end process vents and aggregate batch vent streams—monitoring, recordkeeping, and reporting requirements]

Control/recovery device	Parameter to be monitored	Recordkeeping and reporting requirements for monitored parameters
Thermal incinerator	Firebox temperature [a]	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.491(e)(2). 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed.	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average upstream and downstream temperatures and the average temperature difference across the catalyst bed measured during the performance test—NCS.[c] 3. Record the batch cycle daily average upstream temperature and temperature difference across catalyst bed as specified in § 63.491(e)(2). 4. Report all batch cycle daily average upstream temperatures that are below the minimum upstream value established in the NCS or operating permit—PR.[d e]

TABLE 6 TO SUBPART U OF PART 63—Continued

[Group 1 batch front-end process vents and aggregate batch vent streams—monitoring, recordkeeping, and reporting requirements]

Control/recovery device	Parameter to be monitored	Recordkeeping and reporting requirements for monitored parameters
		5. Reporting all batch cycle daily average temperature differences across the catalyst bed that are below the minimum difference established in the NCS or operating permit—PR.[d e] 6. Report all instances when monitoring data are not collected.
Boiler or process heater with a design heat input capacity less than 44 megawatts and where the batch front—end process vents or aggregate batch vent streams are ''not'' introduced with or used as the primary fuel.	Firebox temperature[a]	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.491(e)(2).[d] 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Flare	Presence of a flame at the pilot light	1. Hourly records of whether the monitor was continuously operating during light batch emission episodes selected for control and whether a flame was continuously present at the pilot light during each hour. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS.[c] 3. Record the times and durations of all periods during batch emission episodes when all flames at the pilot light of a flare are absent or the monitor is not operating. 4. Report the times and durations of all periods during batch emission episodes selected for control when all flames at the pilot light of a flare are absent—PR.[d]
Scrubber for halogenated batch front-end process vents or aggregate batch vent streams (Note: Controlled by a combustion device other than a flare).	a. pH of scrubber effluent, and	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average pH of the scrubber effluent measured during the performance test—NCS.[c] 3. Record the batch cycle daily average pH of the scrubber effluent as specified in § 63.491(e)(2). 4. Report all batch cycle daily average pH values of the scrubber effluent that are below the minimum operating value established in the NCS or operating permit and all instances when insufficient monitoring data arecollected—PR.[d e]
	b. Scrubber liquid and gas flow rates (§ 63.489(b)(4)(ii)).	1. Records as specified in § 63.491(e)(1).[b] 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS.[c] 3. Record the batch cycle daily average scrubber liquid/gas ratio as specified in § 63.491(e)(2). 4. Report all batch cycle daily average scrubber liquid/gas ratios that are below the minimum value established in the NCS or operating permit and all instances when insufficient monitoring data are collected—PR.[d e]
Absorber[f]	a. Exit temperature of the absorbing liquid, and	1. Continuous records as specified in § 63.491(e)(1).[b]

TABLE 6 TO SUBPART U OF PART 63—Continued

[Group 1 batch front-end process vents and aggregate batch vent streams—monitoring, recordkeeping, and reporting requirements]

Control/recovery device	Parameter to be monitored	Recordkeeping and reporting requirements for monitored parameters
		2. Record and report the average exit temperature of the absorbing liquid measured during the performance test—NCS.[c] 3. Record the batch cycle daily average exit temperature of the absorbing liquid as specified in § 63.491(e)(2) for each batch cycle. 4. Report all the batch cycle daily average exit temperatures of the absorbing liquid that are above the maximum operating temperature established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d,e]
	b. Exit specific gravity of the absorbing liquid	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report the average exit specific gravity measured during the performance test—NCS. 3. Record the batch cycle daily average exit specific gravity as specified in § 63.491(e)(2). 4. Report all batch cycle daily average exit specific gravity values that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Condenser[f]	Exit (product side) temperature	1. Continuous records as specified in § 63.491(e)(1)[b] 2. Record and report the average exit temperature measured during the performance test—NCS. 3. Record the batch cycle daily average exit temperature as specified in § 63.491(e)(2). 4. Report all batch cycle daily average exit temperatures that are above the maximum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Carbon adsorber[f]	a. Total regeneration steam flow or nitrogen flow, or pressure gauge or absolute) during carbon bed regeneration cycle(s), and	1. Record of total regeneration steam flow or nitrogen flow, or pressure for each carbon bed regeneration cycle. 2. Record and report the total regeneration steam flow or nitrogen flow, or pressure during each carbon bed regeneration cycle during the performance test—NCS.[c] 3. Report all carbon bed regeneration cycles when the total regeneration steam flow or nitrogen flow, or pressure is above the maximum value established in the NCS or operating permit—PR.[d e]
	b. Temperature of the carbon bed after regeneration and within 15 minutes of completing any cooling cycle(s).	1. Record the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s). 2. Record and report the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s)measured during the performance test—NCS.[c] 3. Report all carbon bed regeneration cycles when the temperature of the carbon bed after regeneration, or within 15 minutes of completing any cooling cycle(s), is above the maximum value established in the NCS or operating permit—PR.[d e]

TABLE 6 TO SUBPART U OF PART 63—Continued

[Group 1 batch front-end process vents and aggregate batch vent streams—monitoring, recordkeeping, and reporting requirements]

Control/recovery device	Parameter to be monitored	Recordkeeping and reporting requirements for monitored parameters
All control devices	a. Diversion to the atmosphere from the control device *or*	1. Hourly records of whether the flow indicator was operating during batch emission episodes selected for control and whether a diversion was detected at any time during the hour, as specified in § 63.491(e)(3). 2. Record and report the times of all periods during batch emission episodes selected for control when emissions are diverted through a bypass line, or the flow indicator is not operating—PR.[d]
	b. Monthly inspections of sealed valves	1. Records that monthly inspections were performed as specified in § 63.491(e)(4)(i). 2. Record and report all monthly inspections that show that valves are in the diverting position or that a seal has been broken—PR.[d]
Absorber, condenser, and carbon adsorber (as an alternative to the above).	Concentration level or reading indicated by an organic monitoring device at the outlet of the recovery device.	1. Continuous records as specified in § 63.491(e)(1).[b] 2. Record and report and average batch vent concentration level or reading measured during the performance test—NCS. 3. Record the batch cycle daily average concentration level or reading as specified in § 63.491(e)(2). 4. Report all batch cycle daily average concentration levels or readings that are above the maximum values established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]

[a] Monitor may be installed in the firebox or in the duct work immediately downstream of the firebox before any substantial heat exchange is encountered.
[b] "Continuous records" is defined in § 63.111.
[c] NCS = Notification of Compliance Status described in § 63.506(e)(5).
[d] PR = Periodic Reports described in § 63.506(e)(6).
[e] The periodic reports shall include the duration of periods when monitoring data are not collected as specified in § 63.506(e)(6)(iii)(C).
[f] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table.

* * * * * * *

TABLE 9 TO SUBPART U OF PART 63

[Routine reports required by this subpart]

Reference	Description of report	Due Date
§ 63.506(b) and subpart A	Refer to § 63.506(b), Table 1 of this subpart, and to subpart A.	Refer to subpart A.
§ 63.506(e)(3)	Precompliance Report[a]	1. Existing affected sources: December 19, 2000. 2. New affected sources: with the application for approval of construction or reconstruction.
§ 63.506(e)(4)	Emissions Averaging Plan	September 19, 2000.
§ 63.506(e)(4)(iv)	Updates to Emissions Averaging Plan	120 days prior to making the change necessitating the update.
§ 63.506(e)(5)	Notification of Compliance Status[b]	Within 150 days after the compliance date.
§ 63.506(e)(6)	Periodic reports	Semiannually, no later than 60 days after the end of each 6-month period. See § 63.506(e)(6)(i) for the due date for this report.
§ 63.506(e)(6)(xi)	Quarterly for reports Emissions Averaging	No later than 60 days after the end of each quarter. First report is due with the Notification of Compliance Status.
§ 63.506(e)(6)(xii)	Quarterly reports upon request of the Administrator.	No later than 60 days after the end of each quarter.
§ 63.506(e)(7)(i)	Storage Vessels Notification of Inspection	At least 30 days prior to the refilling of each storage vessel or the inspection of each storage vessel.

TABLE 9 TO SUBPART U OF PART 63—Continued

[Routine reports required by this subpart]

Reference	Description of report	Due Date
§ 63.506(e)(7)(ii)	Requests for Approval of a Nominal Control Efficiency for Use in Emissions Averaging.	Initial submittal is due with the Emissions Averaging Plan; later submittals are made at the discretion of the owner or operator as specified in § 63.506(e)(7)(ii)(B).
§ 63.506(e)(7)(iii)	Notification of Change in the Primary Product	For notification under § 63.480(f)(3)(ii)—notification submittal date at the discretion of the owner or operator.[c] For notification under § 63.480(f)(4)(ii)—within 6 months of making the determination.

[a] There may be two versions of this report due at different times; one for equipment subject to § 63.502 and one for other emission points subject to this subpart.

[b] There will be two versions of this report due at different times; one for equipment subject to § 63.502 and one for other emission points subject to this subpart.

[c] Note that the EPPU remains subject to this subpart until the notification under § 63.480(f)(3)(i) is made.

Subpart JJJ—National Emission Standards for Hazardous Air Pollutant Emissions: Group IV Polymers and Resins

10. Section 63.1310 is amended by revising paragraphs (i)(1)(i) introductory text and (i)(2)(ii) and (iii) to read as follows:

§ 63.1310 Applicability and designation of affected sources.

* * * * *

(i) * * *

(1) * * *

(i) If a group of one or more TPPUs that produce the same primary product is added to a plant site, the added group of one or more TPPUs and associated equipment, as listed in paragraph (a)(4) of this section, shall be a new affected source and shall comply with the requirements for a new affected source in this subpart upon initial start-up or by June 19, 2000, whichever is later, except that new affected sources whose primary product, as determined using the procedures specified in paragraph (f) of this section, is poly(ethylene terephthalate) (PET) shall be in compliance with § 63.1331 upon initial start-up or February 27, 2001, whichever is later, if the added group of one or more TPPUs meets the criteria in either paragraph (i)(1)(i)(A) or (i)(1)(i)(B) of this section, and the criteria in either paragraph (i)(1)(i)(C) or (i)(1)(i)(D) of this section are met.

* * * * *

(2) * * *

(ii) If any components are replaced at an existing affected source such that the criteria specified in paragraphs (i)(2)(i)(A) through (i)(2)(i)(B) of this section are not met, and that replacement of components creates one or more Group 1 emission points (i.e., either newly created Group 1 emission points or emission points that change group status from Group 2 to Group 1) or causes any other emission point to be added (i.e., Group 2 emission points, equipment leak components subject to § 63.1331, continuous process vents subject to §§ 63.1316 through 63.1320, and heat exchange systems subject to § 63.1328), the resulting emission point(s) shall be subject to the applicable requirements for an existing affected source. The resulting emission points shall be in compliance by 120 days after the date of initial start-up or by the appropriate compliance date specified in § 63.1311 (i.e., February 27, 1998 for most equipment leak components subject to § 63.1331, and June 19, 2001 for most emission points other than equipment leaks), whichever is later.

(iii) If an addition or process change (not including a process change that solely replaces components) is made to an existing affected source that creates one or more Group 1 emission points (i.e., either newly created Group 1 emission points or emission points that change group status from Group 2 to Group 1) or causes any other emission point to be added (i.e., Group 2 emission points, equipment leak components subject to § 63.1331, continuous process vents subject to §§ 63.1316 through 63.1320, and heat exchange systems subject to § 63.1328), the resulting emission point(s) shall be subject to the applicable requirements for an existing affected source. The resulting emission point(s) shall be in compliance by 120 days after the date of initial start-up or by the appropriate compliance date specified in § 63.1311 (i.e., February 27, 1998 for most equipment leak components subject to § 63.1331, and June 19, 2001 for most emission points other than equipment leaks), whichever is later.

* * * * *

11. Section 63.1311 is amended by revising paragraph (b) to read as follows:

§ 63.1311 Compliance dates and relationship of this subpart to existing applicable rules.

* * * * *

(b) New affected sources that commence construction or reconstruction after March 29, 1995 shall be in compliance with this subpart upon initial start-up or by June 19, 2000, whichever is later, except that new affected sources whose primary product, as determined using the procedures specified in § 63.1310(f), is PET shall be in compliance with § 63.1331 upon initial start-up or August 27, 2001, whichever is later.

* * * * *

12. Section 63.1312(b) is amended by revising the definitions for the terms ''Group 1 wastewater stream'' and ''Reconstruction.''

§ 63.1312 Definitions.

* * * * *

(b) * * *

Group 1 wastewater stream means a wastewater stream consisting of process wastewater from an existing or new affected source that meets the criteria for Group 1 status in § 63.132(c) and/or that meets the criteria for Group 1 status in § 63.132(d), with the exceptions listed in § 63.1330(b)(8) for the purposes of this subpart (i.e., for organic HAP as defined in this section).

* * * * *

Reconstruction means the replacement of components of an affected source or of a previously unaffected stationary source that becomes an affected source as a result of the replacement, to such an extent that:

(1) The fixed capital cost of the new components exceeds 50 percent of the fixed capital cost that would be required

to construct a comparable new source; and

(2) It is technologically and economically feasible for the reconstructed source to meet the provisions of this subpart.

* * * * *

13. Section 63.1315 is amended by revising paragraphs (a)(9) and (d) to read as follows:

§ 63.1315 Continuous process vents provisions.

* * * * *

(a) * * *

(9) When § 63.114(e) or § 63.117(f) specifies that an owner or operator shall submit the information required in § 63.152(b) in order to establish the parameter monitoring range, the owner or operator of an affected source shall comply with the provisions of § 63.1335(e)(5) for purposes of reporting information related to establishment of the parameter monitoring level for purposes of this subpart. Further, the term ''level'' shall apply when the term ''range'' is used in §§ 63.114, 63.117, and 63.118.

* * * * *

(d) Affected sources producing PET or polystyrene using a continuous process are subject to the emissions control provisions of § 63.1316, the monitoring provisions of § 63.1317, the testing and compliance demonstration provisions of § 63.1318, the recordkeeping provisions of § 63.1319, and the reporting provisions of § 63.1320. However, in some instances as specified in § 63.1316, select continuous process vents present at affected sources producing PET or polystyrene using a continuous process are subject to the provisions of this section.

* * * * *

14. Section 63.1316 is amended by revising paragraph (b)(1)(i)(B) to read as follows:

§ 63.1316 PET and polystyrene affected sources—emissions control provisions.

* * * * *

(b) * * *

(1) * * *

(i) * * *

(B) As specified in § 63.1318(d), the owner or operator shall maintain the daily average outlet gas stream temperature from each final condenser in a material recovery section at a temperature of +3°C (+37°F) or less (i.e., colder); or

* * * * *

15. Section 63.1318 is amended by revising paragraph (a) to read as follows:

§ 63.1318 PET and polystyrene affected sources—testing and compliance demonstration provisions.

(a) Except as specified in paragraphs (b) through (d) of this section, continuous process vents using a control or recovery device to comply with § 63.1316 shall comply with the applicable testing and compliance provisions for continuous process vents specified in § 63.1315(a) except that, for purposes of this paragraph (a), references to group determinations (i.e., total resource effectiveness) do not apply and owners or operators are not required to comply with § 63.113.

* * * * *

16. Section 63.1319 is amended in paragraph (a) by revising the reference to ''§ 63.1315'' to read ''§ 63.1315(a).''

17. Section 63.1320 is amended in paragraph (a) by revising the reference to ''§ 63.1315'' to read ''§ 63.1315(a).'' and by revising paragraph (b)(3) to read as follows:

§ 63.1320 PET and polystyrene affected sources—reporting provisions.

* * * * *

(b) * * *

(3) Whenever a process change, as defined in § 63.115(e), is made that causes emissions from continuous process vents in the collection of material recovery sections (i.e., methanol recovery) within the affected source to be greater than 0.12 kg organic HAP per Mg of product, the owner or operator shall submit a report within 180 days after the process change is made or the information regarding the process change is known to the owner or operator. This report may be included in the next Periodic Report. The report shall include the information specified in § 63.1319(b)(1) and a description of the process change.

* * * * *

18. Section 63.1322 is amended in paragraphs (f)(1)(ii) and (g)(1)(ii) by revising the references to ''§ 63.1335(e)(5)(iv)'' to read ''§ 63.1335(e)(5)(viii).''

19. Section 63.1323 is amended in paragraph (b)(6)(i)(C) by revising the reference to ''§ 63.506(e)(3)'' to read ''§ 63.1335(e)(3),'' and by revising paragraph (h)(1) introductory text to read as follows:

§ 63.1323 Batch process vents—methods and procedures for group determination.

* * * * *

(h) * * *

(1) The concentration of each organic compound containing halogen atoms (ppmv, by compound) for each batch emission episode shall be determined after the last recovery device (if any recovery devices are present), based on any one of the following procedures:

* * * * *

20. Section 63.1324 is amended by revising paragraph (f)(1)(ii) to read as follows:

§ 63.1324 Batch process vents—monitoring equipment.

* * * * *

(f) * * *

(1) * * *

(ii) For aggregate batch vent streams using a control device to comply with § 63.1322(b)(2), the established level shall reflect the emission reduction requirement of either 90 percent or 20 ppmv specified in § 63.1322(b)(2).

* * * * *

21. Section 63.1327 is amended in paragraph (b) by revising the reference to ''§ 63.480(i)(2)(ii)'' to read ''§ 63.1310(i)(2)(ii).''

22. Section 63.1330 is amended as follows:

a. By revising paragraph (a);

b. By revising paragraph (b)(8)(i);

c. By revising paragraph (b)(8)(ii);

d. By adding paragraph (d); and

e. By adding paragraph (e).

The revisions and additions read as follows:

§ 63.1330 Wastewater provisions.

* * * * *

(a) Except as specified in paragraphs (d) and (e) of this section, the owner or operator of each affected source shall comply with paragraphs (b) and (c) of this section.

(b) * * *

(8) * * *

(i) When §§ 63.132 through 63.149 refer to table 8 compounds, the owner or operator is only required to consider 1,3-butadiene for purposes of this subpart.

(ii) When §§ 63.132 through 63.149 refer to table 9 compounds, the owner or operator is only required to consider compounds that meet the definition of organic HAP in § 63.1312 and that are listed on table 9 of 40 CFR part 63, subpart G, for the purposes of this subpart, except for ethylene glycol which need not be considered.

* * * * *

(d) The provisions of paragraph (b) of this section do not apply to each affected source producing ASA/AMSAN.

(e) The provisions of paragraphs (b) and (c) of this section do not apply to each affected source producing polystyrene using either a continuous or batch process.

23. Section 63.1335 is amended as follows:

a. By revising paragraph (e)(5)(i) introductory text;

b. By revising (e)(7)(ii)(A); and

c. By revising (e)(7)(ii)(B).

The revisions read as follows:

§ 63.1335 General recordkeeping and reporting provisions.

* * * * *

(e) * * *

(5) * * *

(i) The results of any emission point group determinations, process section applicability determinations, performance tests, inspections, any other information used to demonstrate compliance, values of monitored parameters established during performance tests, and any other information required to be included in the Notification of Compliance Status under §§ 63.1311(m), 63.122, and 63.1314 for storage vessels, § 63.117 for continuous process vents, § 63.146 for process wastewater, §§ 63.1316 through 63.1320 for continuous process vents subject to § 63.1316, § 63.1327 for batch process vents, § 63.1329 for process contact cooling towers, and § 63.1332 for emission points included in an emissions average. In addition, the owner or operator of an affected source shall comply with paragraphs (e)(5)(i)(A) and (e)(5)(i)(B) of this section.

* * * * *

(7) * * *

(i) * * *

(ii) * * *

(A) If use of a nominal control efficiency is part of the initial Emissions Averaging Plan described in paragraph (e)(4)(ii) of this section, the information shall be submitted with the Emissions Averaging Plan.

(B) If an owner or operator elects to use a nominal control efficiency after submittal of the initial Emissions Averaging Plan as described in paragraph (e)(4)(ii) of this section, the information shall be submitted at the discretion of the owner or operator.

* * * * *

24. Revising Tables 1, 6, 7, and 9 to Subpart JJJ of Part 63, to read as follows:

TABLE 1 TO SUBPART JJJ OF PART 63

[Applicability of general provisions to subpart JJJ affected sources]

Reference	Applies to Subpart JJJ	Explanation
§ 63.1(a)(1)	Yes	§ 63.1312 specifies definitions in addition to or that supersede definitions in § 63.2.
§ 63.1(a)(2)	Yes.	
§ 63.1(a)(3)	Yes	§ 63.1311(g) through (l) and § 63.160(b) identify those standards which may apply in addition to the requirements of subparts JJJ and H of this part, and specify how compliance shall be achieved.
§ 63.1(a)(4)	Yes	Subpart JJJ (this table) specifies the applicability of each paragraph in subpart A to subpart JJJ.
§ 63.1(a)(5)	No	[Reserved.].
§ 63.1(a)(6)–(8)	Yes.	
§ 63.1(a)(9)	No	[Reserved.].
§ 63.1(a)(10)	Yes.	
§ 63.1(a)(11)	Yes.	
§ 63.1(a)(12)–(14)	Yes.	
§ 63.1(b)(1)	No	§ 63.1310(a) contains specific applicability criteria.
§ 63.1(b)(2)	Yes.	
§ 63.1(b)(3)	No	§ 63.1310(b) provides documentation requirements for TPPUs not considered affected sources.
§ 63.1(c)(1)	Yes	Subpart JJJ (this table) specifies the applicability of each paragraph in subpart A to subpart JJJ.
§ 63.1(c)(2)	No	Area sources are not subject to subpart JJJ.
§ 63.1(c)(3)	No	[Reserved.].
§ 63.1(c)(4)	Yes.	
§ 63.1(c)(5)	Yes	Except that affected sources are not required to submit notifications that are not required by subpart JJJ.
§ 63.1(d)	No	[Reserved.].
§ 63.1(e)	Yes.	
§ 63.2	Yes	§ 63.1312 specifies those subpart A definitions that apply to subpart JJJ.
§ 63.3	Yes.	
§ 63.4(a)(1)–(3)	Yes.	
§ 63.4(a)(4)	No	[Reserved.].
§ 63.4(a)(5)	Yes.	
§ 63.4(b)	Yes.	
§ 63.4(c)	Yes.	
§ 63.5(a)(1)	Yes	Except the terms ''source'' and ''stationary source'' should be interpreted as having the same meaning as ''affected source.''
§ 63.5(a)(2)	Yes.	
§ 63.5(b)(1)	Yes	Except § 63.1310(i) defines when construction or reconstruction is subject to new source standards.
§ 63.5(b)(2)	No	[Reserved.].
§ 63.5(b)(3)	Yes.	
§ 63.5(b)(4)	Yes	Except that the Initial Notification and § 63.9(b) requirements do not apply.
§ 63.5(b)(5)	Yes.	
§ 63.5(b)(6)	Yes	Except that § 63.1310(i) defines when construction or reconstruction is subject to new source standards.
§ 63.5(c)	No	[Reserved.]
§ 63.5(d)(1)(i)	Yes	Except that the references to the Initial Notification and § 63.9(b)(5) do not apply.
§ 63.5(d)(1)(ii)	Yes	Except that § 63.5(d)(1)(ii)(H) does not apply.

TABLE 1 TO SUBPART JJJ OF PART 63—Continued

[Applicability of general provisions to subpart JJJ affected sources]

Reference	Applies to Subpart JJJ	Explanation
§ 63.5(d)(1)(iii)	No	§§ 63.1335(e)(5) and 63.1331(a)(4) specify Notification of Compliance Status requirements.
§ 63.5(d)(2)	No.	
§ 63.5(d)(3)	Yes	Except § 63.5(d)(3)(ii) does not apply, and equipment leaks subject to § 63.1331 are exempt.
§ 63.5(d)(4)	Yes.	
§ 63.5(e)	Yes.	
§ 63.5(f)(1)	Yes.	
§ 63.5(f)(2)	Yes	Except that where § 63.9(b)(2) is referred to, the owner or operator need not comply.
§ 63.6(a)	Yes.	
§ 63.6(b)(1)	No	The dates specified in § 63.1311(b) apply, instead.
§ 63.6(b)(2)	No.	
§ 63.6(b)(3)	No.	
§ 63.6(b)(4)	No.	
§ 63.6(b)(5)	No.	
§ 63.6(b)(6)	No	[Reserved.].
§ 63.6(b)(7)	No.	
§ 63.6(c)(1)	Yes	Except that § 63.1311 specifies the compliance date.
§ 63.6(c)(2)	No.	
§ 63.6(c)(3)	No	[Reserved.].
§ 63.6(c)(4)	No	[Reserved.].
§ 63.6(c)(5)	Yes.	
§ 63.6(d)	No	[Reserved.].
§ 63.6(e)	Yes	Except as otherwise specified for individual paragraphs. Does not apply to Group 2 emissionpoints, unless they are included in an emissions average.[a]
§ 63.6(e)(1)(i)	No	This is addressed by § 63.1310(j)(4).
§ 63.6(e)(1)(ii)	Yes.	
§ 63.6(e)(1)(iii)	Yes.	
§ 63.6(e)(2)	Yes.	
§ 63.6(e)(3)(i)	Yes	For equipment leaks (subject to § 63.1331), the start-up, shutdown, and malfunction plan requirement of § 63.6(e)(3)(i) is limited to control devices and is optional for other equipment. The start-up, shutdown, malfunction plan may include written procedures that identifyconditions that justify a delay of repair.
§ 63.6(e)(3)(i)(A)	No	This is addressed by § 63.1310(j)(4).
§ 63.6(e)(3)(i)(B)	Yes.	
§ 63.6(e)(3)(i)(C)	Yes.	
§ 63.6(e)(3)(ii)	Yes.	
§ 63.6(e)(3)(iii)	No	Recordkeeping and reporting are specified in § 63.1335(b)(1).
§ 63.6(e)(3)(iv)	No	Recordkeeping and reporting are specified in § 63.1335(b)(1).
§ 63.6(e)(3)(v)	Yes.	
§ 63.6(e)(3)(vi)	Yes.	
§ 63.6(e)(3)(vii)	Yes.	
§ 63.6(e)(3)(vii)(A)	Yes.	
§ 63.6(e)(3)(vii)(B)	Yes	Except the plan shall provide for operation in (B) compliance with § 63.1310(j)(4).
§ 63.6(e)(3)(vii)(C)	Yes.	
§ 63.6(e)(3)(viii)	Yes.	
§ 63.6(f)(1)	Yes.	
§ 63.6(f)(2)	Yes	Except § 63.7(c), as referred to in § 63.6(f)(2)(iii)(D), does not apply, and except that § 63.6(f)(2)(ii) does not apply to equipment leaks subject to § 63.1331.
§ 63.6(f)(3)	Yes.	
§ 63.6(g)	Yes.	
§ 63.6(h)	No	Subpart JJJ does not require opacity and visible emission standards.
§ 63.6(i)(1)	Yes.	
§ 63.6(i)(2)	Yes.	
§ 63.6(i)(3)	Yes.	
§ 63.6(i)(4)(i)(A)	Yes.	
§ 63.6(i)(4)(i)(B)	No	Dates are specified in § 63.1311(e) and § 63.1335(e)(3)(i).
§ 63.6(i)(4)(ii)	No.	
§ 63.6(i)(5)–(14)	Yes.	
§ 63.6(i)(15)	No	[Reserved.].
§ 63.6(i)(16)	Yes.	
§ 63.6(j)	Yes.	
§ 63.7(a)(1)	Yes.	
§ 63.7(a)(2)	No	§ 63.1335(e)(5) specifies the submittal dates of performance test results for all emission points except equipment leaks; for equipment leaks, compliance demonstration results are reported in the Periodic Reports.
§ 63.7(a)(3)	Yes.	
§ 63.7(b)	No	§ 63.1333(a)(4) specifies notification requirements.
§ 63.7(c)	No.	

TABLE 1 TO SUBPART JJJ OF PART 63—Continued

[Applicability of general provisions to subpart JJJ affected sources]

Reference	Applies to Subpart JJJ	Explanation
§ 63.7(d)	Yes.	
§ 63.7(e)(1)	Yes	Except that all performance tests shall be conducted at maximum representative operating conditions achievable at the time without disruption of operations or damage to equipment.
§ 63.7(e)(2)	Yes.	
§ 63.7(e)(3)	No	Subpart JJJ specifies requirements.
§ 63.7(e)(4)	Yes.	
§ 63.7(f)	Yes	Except that § 63.144(b)(5)(iii)(A) and (B) shall apply for process wastewater. Also, because a site specific test plan is not required, the notification deadline in § 63.7(f)(2)(i) shall be 60 days prior to the performance test, and in § 63.7(f)(3), approval or disapproval of the alternative test method shall not be tied to the site specific test plan.
§ 63.7(g)	Yes	Except that the requirements in § 63.1335(e)(5) shall apply instead of references to the Notification of Compliance Status report in § 63.9(h). In addition, equipment leaks subject to § 63.1331 are not required to conduct performance tests.
§ 63.7(h)	Yes	Except § 63.7(h)(4)(ii) is not applicable, because the site-specific test plans in § 63.7(c)(2) are not required.
§ 63.8(a)(1)	Yes.	
§ 63.8(a)(2)	No.	
§ 63.8(a)(3)	No	[Reserved.].
§ 63.8(a)(4)	Yes.	
§ 63.8(b)(1)	Yes.	
§ 63.8(b)(2)	No	Subpart JJJ specifies locations to conduct monitoring.
§ 63.8(b)(3)	Yes.	
§ 63.8(c)(1)	Yes.	
§ 63.8(c)(1)(i)	Yes.	
§ 63.8(c)(1)(ii)	No	For all emission points except equipment leaks, comply with § 63.1335(b)(1)(i)(B); for equipment leaks, comply with § 63.181(g)(2)(iii).
§ 63.8(c)(1)(iii)	Yes.	
§ 63.8(c)(2)	Yes.	
§ 63.8(c)(3)	Yes.	
§ 63.8(c)(4)	No	§ 63.1334 specifies monitoring frequency; not applicable to equipment leaks because § 63.1331 does not require continuous monitoring systems.
§ 63.8(c)(5)–(8)	No.	
§ 63.8(d)	No.	
§ 63.8(e)	No.	
§ 63.8(f)(1)–(3)	Yes.	
§ 63.8(f)(4)(i)	No	Timeframe for submitting request is specified in § 63.1335(f) or (g); not applicable to equipment leaks because § 63.1331 (through reference to subpart H) specifies acceptable alternative methods.
§ 63.8(f)(4)(ii)	No	Contents of requests are specified in § 63.1335(f) or (g).
§ 63.8(f)(4)(iii)	No.	
§ 63.8(f)(5)(i)	Yes.	
§ 63.8(f)(5)(ii)	No.	
§ 63.8(f)(5)(iii)	Yes.	
§ 63.8(f)(6)	No	Subpart JJJ does not require continuous emission monitors.
§ 63.8(g)	No	Data reduction procedures specified in § 63.1335(d) and (h); not applicable to equipment leaks.
§ 63.9(a)	Yes.	
§ 63.9(b)	No	Subpart JJJ does not require an initial notification.
§ 63.9(c)	Yes.	
§ 63.9(d)	Yes.	
§ 63.9(e)	No	§ 63.1333(a)(4) specifies notification deadline.
§ 63.9(f)	No	Subpart JJJ does not require opacity and visible emission standards.
§ 63.9(g)	No.	
§ 63.9(h)	No	§ 63.1335(e)(5) specifies Notification of Compliance Status requirements.
§ 63.9(i)	Yes.	
§ 63.9(j)	No.	
§ 63.10(a)	Yes.	
§ 63.10(b)(1)	No	§ 63.1335(a) specifies record retention requirements.
§ 63.10(b)(2)	No	Subpart JJJ specifies recordkeeping requirements.
§ 63.10(b)(3)	No	§ 63.1310(b) requires documentation of sources that are not affected sources.
§ 63.10(c)	No	§ 63.1335 specifies recordkeeping requirements.
§ 63.10(d)(1)	Yes.	
§ 63.10(d)(2)	No	§ 63.1335(e) specifies performance test reporting requirements; not applicable to equipment leaks.
§ 63.10(d)(3)	No	Subpart JJJ does not require opacity and visible emission standards.
§ 63.10(d)(4)	Yes.	

TABLE 1 TO SUBPART JJJ OF PART 63—Continued

[Applicability of general provisions to subpart JJJ affected sources]

Reference	Applies to Subpart JJJ	Explanation
§ 63.10(d)(5)(i)	Yes	Except that reports required by § 63.10(d)(5)(i) may be submitted at the same time as Periodic Reports specified in § 63.1335(e)(6). The start-up, shutdown, and malfunction plan, and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.
§ 63.10(d)(5)(ii)	No.	
§ 63.10(e)	No	§ 63.1335 specifies reporting requirements.
§ 63.10(f)	Yes.	
§ 63.11	Yes	§ 63.11(b) specifies requirements for flares used to comply with provisions of this subpart. § 63.1333(e) contains the requirements to conduct compliance demonstrations for flares subject to this subpart.
§ 63.12	Yes	Except that the authority of § 63.1332(i) and the authority of § 63.177 (for equipment leaks) shall not be delegated to States.
§§ 63.13–63.15	Yes.	

[a] The plan and any records or reports of start-up, shutdown, and malfunction do not apply to Group 2 emission points unless they are included in an emissions average.

* * * * * * *

TABLE 6 TO SUBPART JJJ OF PART 63

[Known organic HAP emitted from the production of thermoplastic products]

Thermoplastic product/ Subcategory	Organic HAP/chemical name (CAS No.)							
	Acetaldehyde (75–07–0)	Acrylo-nitrile (107–13–1)	1,3 Butadiene (106–99–0)	1,4-Dioxane (123–91–1)	Ethylene Glycol (107–21–1)	Methanol (67–56–1)	Methyl methacrylate (80–62–6)	Styrene (100–42–5)
ABS latex		✔	✔					✔
ABS using a batch emulsion process		✔	✔					✔
ABS using a batch suspension process		✔	✔					✔
ABS using a continuous emulsion process		✔	✔					✔
ABS using a continuous mass process		✔	✔					✔
ASA/AMSAN		✔						✔
EPS								✔
MABS		✔	✔					✔
MBS			✔				✔	✔
Nitrile resin		✔						
PET using a batch dimethyl terephthalate process	✔			✔	✔	✔		
PET using a batch terephthalic acid process	✔			✔	✔			
PET using a continuous dimethyl terephthalate process	✔			✔	✔	✔		
PET using a continuous terephthalic acid process	✔			✔	✔			
PET using a continuous terephthalic acid high viscosity multiple end finisher process	✔			✔	✔			
Polystyrene resin using a batch process								✔
Polystyrene resin using a continuous process								✔
SAN using a batch process		✔						✔
SAN using a continuous process		✔						✔

CAS No. = Chemical Abstract Service Number.
ABS = Acrylonitrile butadiene styrene resin.

ASA/AMSAN = Acrylonitrile styrene resin/alpha methyl styrene acrylonitrile resin.
EPS = expandable polystyrene resin.
MABS = methyl methacrylate acrylonitrile butadiene styrene resin.
PET = poly(ethylene terephthalate) resin.
SAN = styrene acrylonitrile resin.
MBS = methyl methacrylate butadiene styrene resin.

TABLE 7 OF SUBPART JJJ OF PART 63

[Group 1 batch process vents and aggregate batch vent streams—monitoring, recordkeeping, and reporting requirements]

Control device	Parameters to be monitored	Recordkeeping and reporting requirements for monitored parameters
Thermal incinerator	Firebox temperature [a]	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Catalytic incinerator	Temperature upstream and downstream of the catalyst bed.	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average upstream and bed downstream temperatures and the average temperature difference across the catalyst bedmeasured during the performance test—NCS.[c] 3. Record the batch cycle daily average upstream temperature and temperature difference across catalyst bed as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average upstream temperatures that are below the minimum upstream value established in the NCS or operating permit—PR.[d e] 5. Report all batch cycle daily average temperature differences across the catalyst bed that are below the minimum difference established in the NCS or operating permit—PR.[d,e] 6. Report all instances when monitoring data are not collected.[e]
Boiler or Process Heater with a design heat input capacity less than 44 megawatts and where the batch process vents or aggregate batch vent streams are not introduced with or used as the primary fuel.	Firebox temperature [a]	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average firebox temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average firebox temperature as specified in § 63.1326(e)(2).[d] 4. Report all batch cycle daily average temperatures that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Flare	Presence of a flame at the pilot light	1. Hourly records of whether the monitor was continuously operating during batch emission episodes, or portions thereof, selected for control and whether a flame was continuously present at the pilot light during said periods. 2. Record and report the presence of a flame at the pilot light over the full period of the compliance determination—NCS.[c] 3. Record the times and durations of all periods during batch emission episodes, or portions thereof, selected for control when all flames at the pilot light of a flare are absent or the monitor is not operating. 4. Report the times and durations of all periods during batch emission episodes, or portions thereof, selected for control when all flames at the pilot light of a flare are absent—PR.[d]
Scrubber for halogenated batch process vents or aggregate batch vent strreams (Note: Controlled by a combustion device other than a flare).	a. pH of scrubber effluent, and	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average pH of the scrubber effluent measured during the performance test—NCS.[c] 3. Record the batch cycle daily average pH of the scrubber effluent as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average pH values of the scrubber effluent that are below the minimum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
	b. Scrubber liquid and gas flow rates	1. Records as specified in § 63.1326(e)(1).[b] 2. Record and report the scrubber liquid/gas ratio averaged over the full period of the performance test—NCS.[c]

TABLE 7 OF SUBPART JJJ OF PART 63—Continued

[Group 1 batch process vents and aggregate batch vent streams—monitoring, recordkeeping, and reporting requirements]

Control device	Parameters to be monitored	Recordkeeping and reporting requirements for monitored parameters
		3. Record the batch cycle daily average scrubber liquid/gas ratio as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average scrubber liquid/gas ratios that are below the minimum value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Absorber [f]	a. Exit temperature of the absorbing liquid, and.	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average exit temperature of the absorbing liquid measured during the performance test—NCS.[c] 3. Record the batch cycle daily average exit temperature of the absorbing liquid as specified in § 63.1326(e)(2) for each batchcycle. 4. Report all the batch cycle daily average exit temperatures of the absorbing liquid that are above the maximum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
	b. Exit specific gravity for the absorbing liquid.	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average exit specific gravity measured during the performance test—NCS.[c] 3. Record the batch cycle daily average exit specific gravity as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average exit specific gravity values that are above the maximum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Condenser [f]	Exit (product side) temperature	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average exit temperature measured during the performance test—NCS.[c] 3. Record the batch cycle daily average exit temperature as specified in § 63.1326(e)(2). 4. Report all batch cycle daily average exit temperatures that are above the maximum operating value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]
Carbon Adsorber [f]	a. Total regeneration steam flow or nitrogen flow, or pressure (gauge or absolute) during carbon bed regeneration cycle(s), and.	1. Record the total regeneration steam flow or nitrogen flow, or pressure for each carbon bed regeneration cycle. 2. Record and report the total regeneration steam flow or nitrogen flow,or pressure during carbon bed regeneration cycle measured during the performance test—NCS.[c] 3. Report all carbon bed regeneration cycles when the total regeneration steam flow or nitrogen flow, or pressure is above the maximum value established in the NCS or operating permit—PR.[d e]
	b. Temperature of the carbon bed after regeneration and within 15 minutes of completing any cooling cycle(s).	1. Record the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s). 2. Record and report the temperature of the carbon bed after each regeneration and within 15 minutes of completing any cooling cycle(s) measured during the performance test—NCS.[c] 3. Report all carbon bed regeneration cycles when the temperature of the carbon bed after regeneration, or within 15 minutes of completing any cooling cycle(s), is above the maximum value established in the NCS or operating permit—PR.[d e]
All control devices	a. Diversion to the atmosphere from the control device or.	1. Hourly records of whether the flow indicator was operating during batch emission episodes, or portions thereof, selected for control and whether a diversion was detected at any time during said periods as specified in § 63.1326(e)(3). 2. Record and report the times of all periods during batch emission episodes, or portions thereof, selected for control when emissions are diverted through a bypass line or the flow indicator is not operating—PR.[d]
	b. Monthly inspection of sealed valves.	1. Records that monthly inspections were performed as specified in § 63.1326(e)(4)(i).

TABLE 7 OF SUBPART JJJ OF PART 63—Continued

[Group 1 batch process vents and aggregate batch vent streams—monitoring, recordkeeping, and reporting requirements]

Control device	Parameters to be monitored	Recordkeeping and reporting requirements for monitored parameters
		2. Record and report all monthly inspections that show the valves are in the diverting position or that a seal has been broken—PR.[d]
Absorber, condenser, and carbon Adsorber (as an alternative to the requirements previously presented in this table).	Concentration level or reading indicated by an organic monitoring device at the outlet of the control device.	1. Continuous records as specified in § 63.1326(e)(1).[b] 2. Record and report the average batch vent concentration level or reading measured during the performance test—NCS.[c] 3. Record the batch cycle daily average concentration level or reading as specified § 63.1326(e)(2). 4. Report all batch cycle daily average concentration levels or readings that are above the maximum value established in the NCS or operating permit and all instances when monitoring data are not collected—PR.[d e]

[a] Monitor may be installed in the firebox or in the ductwork immediately downstream of the firebox before any substantial heat exchange is encountered.
[b] "Continuous records" is defined in § 63.111.
[c] NCS = Notification of Compliance Status described in § 63.1335(e)(5).
[d] PR = Periodic Reports described in § 63.1335(e)(6).
[e] The periodic reports shall include the duration of periods when monitoring data are not collected as specified in § 63.1335(e)(6)(iii)(C).
[f] Alternatively, these devices may comply with the organic monitoring device provisions listed at the end of this table.

* * * * * * *

TABLE 9 OF SUBPART JJJ OF PART 63

[Routine reports required by this subpart]

Reference	Description of report	Due date
§ 63.1335(b) and subpart A	Refer to Table 1 and subpart A	Refer to subpart A.
§ 63.1335(e)(3)	Precompliance Report[a]	Existing affected sources—December 19, 2000. New affected sources—with application for approval of construction or reconstruction.
§ 63.1335(e)(4)	Emissions Averaging Plan	September 19, 2000.
§ 63.1335(e)(4)(iv)	Updates to Emissions Averaging Plan	120 days prior to making the change necessitating the update.
§ 63.1335(e)(5)	Notification of Compliance Status[b]	Within 150 days after the compliance date.
§ 63.1335(e)(6)	Periodic Reports	Semiannually, no later than 60 days after the end of each 6-month period. See § 63.1335(e)(6)(i) for the due date for the first report.
§ 63.1335(e)(6)(xi)	Quarterly reports for Emissions Averaging	No later than 60 days after the end of each quarter. First report is due with the Notification of Compliance Status.
§ 63.1335(e)(6)(xii)	Quarterly reports upon request of the Administrator.	No later than 60 days after the end of each quarter.
§ 63.1335(e)(7)(i)	Storage Vessels Notification of Inspection	At least 30 days prior to the refilling of each storage vessel or the inspection of each storage vessel.
§ 63.1335(e)(7)(ii)	Requests for Approval of a Nominal Control Efficiency for Use in Emissions Averaging.	Initial submittal is due with the Emissions Averaging Plan specified in § 63.1335(e)(4)(ii); later submittals are made at the discretion of the owner or operator as specified in § 63.1335(e)(7)(ii) (B).
§ 63.1335(e)(7)(iii)	Notification of Change in the Primary Product	1. For notification under § 63.1310(f)(3)(ii)—notification submittal date at the discretion of the owner or operator.[c] 2. For notification under § 63.1310(f)(4)(ii)—within 6 months of making the determination.

[a] There may be two versions of this report due at different times; one for equipment subject to § 63.1331 and one for other emission points subject to this subpart.
[b] There will be two versions of this report due at different times; one for equipment subject to § 63.1331 and one for other emission points subject to this subpart.
[c] Note that the TPPU remains subject to this subpart until the notification under § 63.1310(f)(3)(i) is made.

[FR Doc. 01–17333 Filed 7–13–01; 8:45 am]
BILLING CODE 6560–01–U

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7007–1]

National Oil and Hazardous SubstancesPollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Direct final deletion of the Red Penn Landfill Site from the National Priorities List (NPL).

SUMMARY: EPA Region 4 announces the deletion of the Kentucky Red Penn Landfill Site (site) from the NPL and requests public comment on this action. The NPL constitutes appendix B to Part 300 of the National and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA) as amended. The EPA has determined that the site poses no significant threat to public health or the environment, as defined by CERCLA, and therefore, no further remedial measures pursuant to CERCLA are warranted.

DATES: This ''direct final'' action will be effective on September 14, 2001 unless EPA receives significant adverse or critical comments by August 15, 2001. If adverse comments are received, EPA will publish a timely withdrawal of the direct final rule in the **Federal Register** informing the public that the rule will not take effect.

ADDRESSES: Comments may be mailed to Femi Akindele, Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303, or by email to *akindele.femi@epa.gov.* Comprehensive information on this site is available through the public docket which is available for viewing at the site information repositories at the following locations: U.S. EPA Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303; and the South Oldham Library, 6720 W. Highway 146, Crestwood, Kentucky 40014, telephone number (270) 247–2911.

FOR FURTHER INFORMATION: Contact Femi Akindele, Project Manager, U.S. EPA Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303, telephone (404) 562–8809, fax number(404) 562–8788, email address: *akindele.femi@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction
II. NPL Deletion Criteria
III. Deletion Procedures
IV. Basis of Intended Site Deletion
V. Action
VI. State Concurrence Statement

I. Introduction

The U.S. EPA, Region 4, announces the deletion of the Red Penn Landfill Superfund Site, Oldham County, Kentucky, from the National Priorities List (NPL), Appendix B of the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), 40 CFR part 300. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL for these sites. EPA has determined that the Red Penn Site *does not* pose a significant risk to human health or the environment. EPA will accept public comments for thirty days after publication of this notice in the **Federal Register**.

Sections II and III of this notice describe the criteria for deleting sites from the NPL and the procedure used for the intended deletion of the Red Penn Site. Section IV summarizes the history of Red Penn and explains how the site meets EPA deletion criteria. Section V provides a summary statement on the current action of deleting the site from the NPL subject to any dissenting comments received during the comment period.

II. NPL Deletion Criteria

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

(i) Responsible parties or other persons have implemented all appropriate response action required;

(ii) All appropriate fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) Remedial investigation has shown that the release poses no significant threat to public health or the environment and, therefore, no remedial measures are needed.

In the case of the Red Penn Site, EPA's remedial investigation and subsequent groundwater monitoring conducted by the state indicated that the site did not pose a significant threat to public health or the environment, and, therefore, no Superfund remedial measures were justifiable. However, pursuant to State solid waste law, the landfill required proper closure to prevent deterioration and threat to human health and the environment. Therefore, the responsible parties implemented an appropriate response action by installing a landfill cap at the site under the State's authority and supervision. Nevertheless, EPA may initiate any necessary remedial action in the future if new information so indicates. In accordance with the NCP (40 CFR § 300.425(e)(3)), whenever there is a significant release from a site deleted from the NPL, the site shall be restored to the NPL without application of the Hazard Ranking System (HRS).

III. Deletion Procedures

The following procedures were used for the intended deletion of the site:(1) All appropriate response under CERCLA has been implemented and no further action by EPA is appropriate; (2) The Commonwealth of Kentucky has concurred with the proposed deletion decision; (3) A notice has been published in the local newspaper and has been distributed to appropriate federal, state and local officials and other interested parties announcing the commencement of a 30-day public comment period on EPA's Direct Final Deletion; and, (4) All relevant documents have been made available for public review in the local site information repository. EPA is requesting only dissenting comments on this proposed action to delete.

EPA's Regional Office will accept and evaluate public comments on EPA's Final Notice before making a final decision to delete. If necessary, EPA will prepare a Responsiveness Summary, responding to each significant comment submitted during the public comment period. If no dissenting comments are received, no further activities will be implemented and this ''direct final'' action will become effective. Deletion of the site from the NPL does not itself create, alter, or revoke any individual's rights or obligations. The NPL is designed primarily for information purposes and to assist EPA management. As mentioned in Section II of this document, § 300.425(e)(3) of the NCP states that the deletion of a site from the NPL does not preclude eligibility for future response actions.

IV. Basis for Intended Site Deletion

The following site summary provides EPA's rationale for the proposal to

delete the Red Penn Landfill Site from the NPL.

The Red Penn Landfill is located approximately 1.5 miles southeast of Pewee Valley in Oldham County, Kentucky. Shelby County lies to the east and southeast of the site, and Jefferson County lies to the south and southwest. Floyds Fork Creek bounds the property on the east and southeast sides while an unnamed creek tributary, which runs along Kentucky State Route 362, forms the southwest boundary. Hawley Gibson Road forms the northwest property boundary.

The landfill was operated as an unlined waste disposal facility between 1954 and late 1986. Although, the facility was permitted by the local authority to accept only sanitary waste, the operators allowed industrial wastes to be placed in the landfill. Paint waste, sludge, drawing solution from copper wire curing, and scrap varnish were some of the materials found in drums which were buried in the landfill. The Kentucky Division of Waste Management (KDWM) discovered that the landfill operator accepted unauthorized wastes which were potentially hazardous at the facility in 1986, and ordered that the wastes be removed and disposed of at appropriate locations. Approximately 154 tons of hazardous materials and contaminated soil were removed under the order. Additional waste removal required of the operators were never conducted and when the facility was shut down by KDWM in 1987, for improper operations and violation of permit requirements, it was not properly closed.

The site was scored by KDWM in 1987, after the results of a preliminary assessment and site investigation indicated that surface water and groundwater in the area could be affected adversely by the site. A major source of drinking water in the area is the Laurel aquifer which is exposed at the landfill and the Floyds Fork Creek is used locally for recreational fishing. On the basis of high hazard ranking system results, the site was listed on the NPL by EPA in 1989. Following the listing, a fund-lead remedial investigation was conducted on the site. After a careful evaluation of all exposure routes, estimated carcinogenic and non-carcinogenic health risks, and ecological impacts, EPA concluded in 1993, that the landfill does not pose an unacceptable risk to human health and the environment. However, because the landfill was not properly closed, EPA advised KDWM to ask the responsible parties to implement an appropriate corrective action at the site. As planned by EPA and KDWM, the Record of Decision indicating no further EPA action at the site was issued in September 2000, to coincide with the completion of the necessary corrective action.

The responsible parties submitted a draft scope of work for a landfill cap to KDWM in 1994. The proposal was finalized in 1998. KDWM and the responsible parties signed an Agreed Order in August 1999, requiring the responsible parties to design and install an approved cap on the landfill. The cap design included landfill regrading, installation of a geosynthetic clay liner and clean dirt, grass planting, and site monitoring. Construction of the cap was completed in September 2000, under KDWM supervision. The final inspection conducted by KDWM in October 2000, concluded that the corrective action implemented at the site was satisfactory.

V. Action

In view of the satisfactory completion of the corrective action taken by the responsible parties at the Red Penn Site, EPA notified the Commonwealth of Kentucky on April 5, 2001, of the intent to delete the site from the NPL. In its letter of April 15, 2001, the Commonwealth concurred that no further CERCLA action is necessary at the site and that the deletion action is appropriate. The site does not pose a threat to human health and the environment and it continues to be monitored by the responsible parties under state authority. In the event of a significant future release of contamination that may impact human health or the environment, EPA may initiate appropriate CERCLA actions in accordance with the NCP.

VI. State Concurrence

As stated above, the Commonwealth of Kentucky, in a letter dated April 15, 2001, concurred with EPA that the criteria for deletion of the NPL listing have been met. Therefore, EPA is deleting the Red Penn Landfill Site from the NPL, effective on June 29, 2001. However, if EPA receives dissenting comments by June 28, 2001, EPA will publish a document that withdraws this action.

List of Subjects in 40 CFR Part 300

Environmental protection, Chemicals, Hazardous substances, Hazardous wastes, Intergovernmental relations, Penalties, Superfund, Water pollution control, Water supply.

Dated: May 14, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, U.S. EPA Region 4.

Part 300, title 40 of Chapter I of the Code of Federal Regulations is amended as follows:

PART 300—[AMENDED]

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

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

Appendix B—[Amended]

2. Table 1 of Appendix B to Part 300 is amended by removing the listing under Kentucky for the ''Red Penn Sanitation Co. Landfill''.

[FR Doc. 01–17557 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 64

[Docket No. FEMA–7765]

Suspension of Community Eligibility

AGENCY: Federal Emergency Management Agency, FEMA.

ACTION: Final rule.

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

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

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

FOR FURTHER INFORMATION CONTACT: Ed Pasterick, Division Director, Program Marketing and Partnership Division, Federal Insurance Administration and Mitigation Directorate, 500 C Street,

SW., Room 429,Washington, DC 20472, (202) 646–3098.

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

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

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

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

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

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

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

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

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

List of Subjects in 44 CFR Part 64

Flood insurance, Floodplains.

Accordingly, 44 CFR part 64 is amended as follows:

PART 64—[AMENDED]

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

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

§ 64.6 [Amended]

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

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date certain Federal assistance no longer available in special flood hazard areas
Region I				
Massachusetts: Holbrook, town of Norfolk County.	255212	July 31, 1970, Emerg.; January 2, 1976, Reg July 5, 2001.	July 5, 2001	July 5, 2001.
Region III				
Pennsylvania: Buffalo, township of, Butler County.	421416	July 7, 1975, Emerg.; January 18, 1984, Reg. July 5, 2001.	.....do	Do.
Virginia: Purcellville, town of, Loudoun County.	510231	July 30, 1976, Emerg.; November 15, 1989, Reg. July 5, 2001.	.....do	Do.
Region II				
New Jersey:				
Chatham, borough of Morris County	340338	January 28, 1972, Emerg.; February 14, 1976, Reg. July 19, 2001.	July 19, 2001. ...	July 19, 2001.

State and location	Community No.	Effective date authorization/cancellation of sale of flood insurance in community	Current Effective Map Date	Date certain Federal assistance no longer available in special flood hazard areas
Chatham, township of, Morris County ...	340504	April 22, 1975, Emerg.; May 15, 1980, Reg. July 19, 2001.	.....do	Do.
Frenchtown, borough of, Hunterdon County.	340234	January 15, 1974, Emerg.; March 16, 1981, Reg. July 19, 2001.	.....do	Do.
Phillipsburg, borough of, Warren County.	340493	January 28, 1972, Emerg.; January 16, 1981, Reg. July 19, 2001.	.....do	Do.
Region V				
Ohio:				
Brooklyn Heights, village of, Cuyahoga County.	390101	May 16, 1975, Emerg.; June 15, 2981, Reg. July 19, 2001.	.....do	Do.
Cuyahoga Heights, village of, Cuyahoga County.	390654	June 18, 1976, Emerg.; June 15, 1981, Reg. July 19, 2001.	.....do	Do.
Glouster, village of, Athens County	390018	July 18, 1975, Emerg.; July 19, 2001	.....do	Do.
Independence, city of, Cuyahoga County.	390111	July 22, 1975, Emerg.; February 18, 1981, Reg. July 19, 2001.	.....do	Do.

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

Dated: July 3, 2001.

Robert F. Shea,

Acting Administrator, Federal Insurance, Administration and Mitigation.

[FR Doc. 01–17640 Filed 7–13–01; 8:45 am]

BILLING CODE 6718–05–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1538; MM Docket No. 01–63; RM–10075]

Radio Broadcasting Services; Kingman and Dolan Springs, AZ

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In response to a proposal filed on behalf of Hualapai Broadcasters, Inc., licensee of Station KRCY(FM), Kingman, Arizona, the Commission substitutes Channel 224C for Channel 224C1 at Kingman, reallots Channel 224C to Dolan Springs, Arizona, as that community's second local aural transmission service, and modifies the license for Station KRCY(FM) accordingly pursuant to the provisions of Section 1.420(i) of the Commission's Rules. *See* 66 FR 14871, March 14, 2001. Coordinates used for Channel 224C at Dolan Springs 35–35–31 NL and 114–16–21 WL

DATES: Effective August 13, 2001.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 01–63, adopted June 20, 2001, and released June 29, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC's Reference Information Center (Room CY–A257), 445 Twelfth Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractor, International Transcription Service, Inc., 1231 20th Street, NW., Washington, DC 20036, (202) 857–3800.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

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

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Arizona, is amended by adding Channel 224C at Dolan Springs and by removing Channel 224C1 at Kingman.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–17635 Filed 7–13–01; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 73

[DA 01–1543; MM Docket No. 00–159; RM–9889]

Radio Broadcasting Services; Thermopolis and Story, WY

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Commission, at the request of Legend Communications of Wyoming, L.L.C. (formerly Idaho Broadcasting Consortium, Inc.), substitutes Channel 252C1 for Channel 252C2 at Thermopolis, Wyoming, reallots Channel 252C1 from Thermopolis to Story, Wyoming, and modifies Station KHWC(FM)'s construction permit accordingly. *See* 65 FR 55930, September 15, 2000. Channel 252C1 can be reallotted to Story in compliance with the Commission's minimum distance separation requirements without the imposition of a site restriction at petitioner's requested site. The reference coordinates for Channel 252C1 at Story are 44–34–28 North Latitude and 106–52–14 West Longitude.

DATES: Effective August 13, 2001.

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

SUPPLEMENTARY INFORMATION: This is a synopsis of the Commission's Report and Order, MM Docket No. 00–159, adopted June 20, 2001, released June 29, 2001. The full text of this Commission decision is available for inspection and copying during normal business hours in the FCC Reference Information Center

(Room CY–A257), 445 12th Street, SW., Washington, DC. The complete text of this decision may also be purchased from the Commission's copy contractors, International Transcription Service, Inc., (202) 857–3800, 1231 20th Street, NW., Washington, DC 20036.

List of Subjects in 47 CFR Part 73

Radio broadcasting.

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

PART 73—RADIO BROADCAST SERVICES

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

Authority: 47 U.S.C. 54, 303, 334, and 336.

§ 73.202 [Amended]

2. Section 73.202(b), the Table of FM Allotments under Wyoming, is amended by adding Story, Channel 252C1; and by removing Channel 252C2 at Thermopolis.

Federal Communications Commission.

John A. Karousos,

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

[FR Doc. 01–17665 Filed 7–13–01; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 66, No. 136
Monday, July 16, 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

Federal Crop Insurance Corporation

7 CFR Part 400

RIN 0563–AB84

General Administrative Regulations; Submission of Policies, Provisions of Policies, and Rates of Premium

AGENCY: Federal Crop Insurance Corporation.

ACTION: Proposed rule.

SUMMARY: The Federal Crop Insurance Corporation (FCIC) proposes to amend the procedures for the submission of policies, plans of insurance, or other rates or premium by insurance companies, or other persons or entities, to the FCIC Board of Directors (Board) for approval for reinsurance and subsidy under section 508(h) of the Federal Crop Insurance Act (Act) (7 U.S.C. 1501 *et seq.*).

This rule will prescribe the respective roles and responsibilities of FCIC and the submitter. This rule also prescribes guidelines for the timing, content, and approval process for policies, plans of insurance, and rates of premium submitted under section 508(h) of the Act. In addition, this rule establishes requirements and guidelines for the reimbursement of research and development costs and maintenance costs for such submissions approved by the Board, and the payment of fees by insurance companies after the maintenance period has expired. For submissions approved by the Board prior to publication of this regulation, applicants may either submit documentation of research and development costs or use a formula method to determine the amount of the research and development reimbursement. The formula presented in this regulation is an objective measurement using the average number of policies per year earning premium from inception of the product to the time this regulation is published times $7 with the result of this calculation adjusted for scope and complexity, as required by legislation. The $7 was determined by using estimated product development costs with the intent to provide research and development cost reimbursement on an equitable basis considering the sales life cycle to date and market penetration. This rule also provides guidelines for non-reinsured supplemental policies to be submitted to FCIC for review in accordance with the Standard Reinsurance Agreement (SRA).

DATES: Written comments and opinions on this proposed rule will be accepted until close of business August 15, 2001 and will be considered when the rule is to be made final. The comment period for information collections under the Paperwork Reduction Act of 1995 continues through September 14, 2001.

ADDRESSES: Interested persons are invited to submit written comments to the Director, Product Development Division, Federal Crop Insurance Corporation, United States Department of Agriculture, 6501 Beacon Drive, Stop 0812, Kansas City, MO 64133. Comments titled ''General Administrative Regulation; Submission of Policies, Provisions of Policies, and Rates of Premium'' may be sent via the Internet to: DirectorPDD@rm.fcic.usda.gov. A copy of each response will be available for public inspection and copying from 7 a.m. to 4:30 p.m., CST, Monday through Friday, except holidays, at the above address.

FOR FURTHER INFORMATION CONTACT: Timothy Hoffmann, Director, Product Development Division, Federal Crop Insurance Corporation, at the Kansas City, MO, address listed above, telephone (816) 926–3707.

SUPPLEMENTARY INFORMATION:

Executive Order 12866

The Office of Management and Budget (OMB) has determined that this rule is significant for the purpose of Executive Order 12866 and, therefore, it has been reviewed by OMB.

Paperwork Reduction Act of 1995

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501), the information collection and record keeping requirements included in the proposed rule have been submitted for approval to OMB. Please submit written comments to the Desk Officer for Agriculture, Office of Information and Regulatory Affairs, Office of Management and Budget (OMB), Washington, D.C. 20503. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule.

Comments are being solicited from the public concerning this proposed information collection and record keeping requirements. This outside input will help:

(1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility;

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

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

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

Title: General Administrative Regulation; Submission of Policies, Provisions of Policies, and Rates of Premium.

Abstract: This rule revises guidelines for the submission of policies or other material to the Board under section 508(h) of the Act. In accordance with section 508(h) of the Act, this rule establishes the process for the submission of policies, plans of insurance, and rates of premium, the deadlines for the review and approval process by the Board, and the respective roles and responsibilities of FCIC and the submitter related to the submission. This rule specifies information that must be included in a new or revised submission and the format it must be in to be considered for Board approval. This rule establishes requirements and guidelines for the reimbursement of research and development costs and maintenance costs for such submissions approved by the Board and the payment of fees by insurance companies after the

maintenance period has expired. It also requires non-reinsured supplemental policies developed by companies reinsured by FCIC to be submitted to FCIC for review in accordance with provisions contained in the Standard Reinsurance Agreement (SRA).

Purpose: To amend 7 CFR part 400 by revising subpart V.

Burden statement: This proposed rule is needed to ensure that the Board receives complete submissions that are ready for review and approval. It also ensures the fair and equitable distribution of limited funds for research and development costs and maintenance costs. This proposed rule will ensure an effective, orderly, and efficient crop insurance marketplace, and that the Federal crop insurance program is delivered to all producers in a manner that does not unfairly discriminate among producers or insurance companies.

The burden associated with this rule, with the exception of reading the rule, is in the development and submission of a policy, revision to a policy or rates of premium for any policy or plan authorized under the Act. FCIC estimates that annually 75 people (excluding Federal employees) will spend 2 hours reading this document for a total of 150 hours (75 × 2 = 150). FCIC estimates people in 14 positions (marketing manager, computer manager, financial manager, technical writer, actuary, accountant, lawyer, economist, computer programmer, underwriter, paralegal, marketing researcher, statistician, and office assistant) will respond for a total of 210 respondents (14 positions × 15 submissions = 210). FCIC estimates 105 annual responses (15 × 7 = 105) due to 15 applicants completing seven objectives (preparing the submission, modifying the submission, corresponding with the Board, preparation and presentation to the Board, responding to issues, negotiating agreements, costs and fees and maintenance of approved products). To determine approximate annual burden hours, FCIC estimates 15 entities will prepare a submission (applicants) and will spend the following amount of time for each of the seven objectives: (1) Preparing and submitting the submission—22,500 hours (15 applicants × 1,500 hours = 22,500); (2) Modifying submission prior to Board approval—15,000 hours (15 applicants × 1,000 hours = 15,000); (3) Preparation of correspondence between Board and applicant—150 hours (15 applicants × 10 hours = 150); (4) Preparation and presentation of the submission to the Board—600 hours (15 applicants × 40 hours = 600 hours); (5) Responding to procedural, policy, and data automation issues subsequent to Board approval—15,000 hours (15 applicants × 1,000 hours = 15,000); (6) Negotiation of agreements, costs and fees—600 hours (15 applicants × 40 hours); and (7) Maintenance of approved products—3,000 hours (15 applicants × 200 hours = 3,000).

Estimate of Burden: The public reporting burden for this collection of information is estimated to average 543 hours per response.

Respondents: Insurance Companies, insureds, insurance agents, and other persons or entities who may wish to submit policies or policy provisions to the Board for approval.

Estimated Annual Number of Respondents: 210.

Estimated Annual Number of Responses Per Respondent: 0.5.

Estimated Annual Number of Responses: 105.

Estimated Total Annual Burden of Respondents: The total public burden for this proposed rule is estimated at 57,000 hours.

Record keeping requirements: FCIC requires records to be kept for three years, and all records required by FCIC are retained as part of the normal business practice. Therefore, FCIC is not estimating additional burden related to record keeping.

Unfunded Mandates Reform Act of 1995

Title II of the Unfunded Mandates Reform Act of 1995 (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and tribal governments and the private sector. This rule contains no Federal mandates (under the regulatory provisions of title II of UMRA) for State, local, and tribal governments or the private sector. Therefore, this rule is not subject to the requirements of sections 202 and 205 of UMRA.

Executive Order 13132

The policies contained in this rule do not have a substantial direct effect on 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. Nor does this rule impose substantial direct compliance costs on state and local governments. Therefore, consultation with the states is not required.

Regulatory Flexibility Act

This regulation will not have a significant economic impact on a substantial number of small entities. Additionally, the regulation does not require any greater action on the small entities than is required on the part of large entities. The amount of work required of the insurance companies will not increase because the information must already be collected under the present policy. No additional work is required as a result of this action on the part of either the insured or the insurance companies. Therefore, this action is determined to be exempt from the provisions of the Regulatory Flexibility Act (5 U.S.C. 605) and no Regulatory Flexibility Analysis was prepared.

Federal Assistance Program

This program is listed in the Catalog of Federal Domestic Assistance under No. 10.450.

Executive Order 12372

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

Executive Order 12988

This proposed rule has been reviewed in accordance with Executive Order 12988 on civil justice reform. The provisions of this rule will not have a retroactive effect. The provisions of this rule will preempt State and local laws to the extent such State and local laws are inconsistent herewith. The administrative appeal provisions published at 7 CFR part 11 or 7 CFR 400.169, as applicable, must be exhausted before any action for judicial review of any determination or action by FCIC may be brought.

Environmental Evaluation

This action is not expected to have a significant economic impact on the quality of the human environment, health, and safety. Therefore, neither an Environmental Assessment nor an Environmental Impact Statement is needed.

Background

FCIC makes available standard policies and forms for producers to insure certain crops against various agricultural production risks and perils. Under the provisions of section 508(h) of the Act (7 U.S.C. 1501 et seq.), any person may submit or propose other crop insurance policies, plans of insurance, provisions of policies, or rates of premium. These policies may be submitted without regard to limitations contained in the Act.

The Act requires that FCIC issue regulations to establish guidelines for the submission and Board review of policies or other material submitted to the Board under the Act. This rule prescribes guidelines for the timing, content, approval process, and the reimbursement for research and development costs and maintenance costs, and potential use fees for such submissions. This rule also clarifies the roles and responsibilities of FCIC and the submitter with respect to the submission. This rule also provides guidelines for non-reinsured supplemental policies to be submitted to FCIC for review in accordance with the SRA.

List of Subjects in 7 CFR Part 400

Administrative practice and procedures, Crop insurance.

Proposed Rule

Accordingly, for the reasons set forth in the preamble, the Federal Crop Insurance Corporation proposes to amend 7 CFR part 400 by revising Subpart V to read as follows:

PART 400—GENERAL ADMINISTRATIVE REGULATIONS

Subpart V—Submission of Policies, Provisions of Policies and Rates of Premium

Sec.

400.700 Basis, purpose, and applicability.
400.701 Definitions.
400.702 Confidentiality of submission and duration of confidentiality.
400.703 Timing of submission.
400.704 Type of submission.
400.705 Contents of submission for a new submission or changes to a previously approved submission.
400.706 Review of submission.
400.707 Presentation to the Board for approval or disapproval.
400.708 Approved submission.
400.709 Roles and responsibilities.
400.710 Preemption and premium taxation.
400.711 Right of review, modification, and the withdrawal of reinsurance.
400.712 Research and development reimbursement, maintenance reimbursement, and use fees.
400.713 Non-reinsured supplemental (NRS) policy

Authority: 7 U.S.C. 1506(1), 1506(p).

Subpart V—Submission of Policies, Provisions of Policies and Rates of Premium.

§ 400.700 Basis, purpose, and applicability.

This subpart v establishes guidelines for the submission of policies, plans of insurance, and rates of premium to the Board under section 508(h) of the Act and for non-reinsured supplemental policies in accordance with the SRA, and the roles and responsibilities of FCIC and the applicant. It also specifies the procedures for requesting reimbursement for research and development and maintenance costs for products and the approval process.

§ 400.701 Definitions.

Act. The Federal Crop Insurance Act, as amended (7 U.S.C. 501 et seq.)

Actuarial documents. The forms and associated materials applicable to a crop or insurance year, which are available for public inspection in an agent's office and FCIC's website at www.act.fcic.usda.gov. These materials show the insurable acreage or commodities, the applicable guarantees, coverage levels, premium rates, insurable cropping practices common to the area, and other related information regarding crop insurance or other risk management plans of insurance in the county or state.

Actuarially appropriate. Premium rates determined to cover the anticipated loss and a reasonable reserve based on valid reasoning, an examination of all known risk data, and founded on thorough knowledge or experience of the expected value of all future costs associated with a risk transfer.

Administrative and operating (A&O) subsidy. An amount for expenses associated with selling and servicing insurance products authorized by the Act and paid by FCIC on behalf of the producer to approved insurance providers.

Applicant. Any person or entity that submits a policy, provisions of a policy, or premium rates to the Board for approval under section 508(h) of the Act.

Approved insurance provider. A private insurance company that has been approved by FCIC to provide insurance coverage to producers participating in programs authorized by the Act.

Board. The Board of Directors of FCIC.

Complexity. Complexity takes into consideration such factors as originality, the number and type of factual determinations necessary to establish insurable interest, evaluate risk, and determine whether an indemnity is payable, the number of commodities and areas to which the product is applicable, the rating methodology, the number of risks covered, and any unique policy provisions or endorsements, the delivery process of the submission, and the process of creating rules, policy terms and conditions, underwriting procedures, rating methodologies, administrative and operating procedures, and supporting materials.

Development. The process of creating rules, methodologies, administrative and operating procedures, supporting materials, and documentation necessary to submit, gain approval, and implement a proposed policy or coverage.

Endorsement. A document appended to a policy reinsured under the Act that supplements or amends the insurance coverage of that policy.

FCIC. The Federal Crop Insurance Corporation, a wholly owned government corporation within the United States Department of Agriculture.

Maintenance. The process of continual support and improvement, as needed, for a policy or plan of insurance, including the periodic review of setting prices, updating premium rates or the rating methodology, updating or modifying policy terms and conditions, expanding into new commodities and areas, and other measures necessary to assure financial viability and actuarial soundness or to respond to statutory or regulatory changes.

Maintenance costs. Specific itemized expenses associated with the maintenance of a policy during the maintenance period.

Maintenance period. A period of time that begins on the date the Board approves the submission and ends on the date that is not later than four reinsurance years after the date of Board approval.

Manager. The Manager of FCIC.

Marketability. A measure of the acceptability of a policy as reflected by percent of market penetration of the identified target market.

Marketing plan. A detailed, written plan that identifies, at a minimum, the expected number of potential buyers, premium, and liability and the data upon which such information is based.

Multiple Peril Crop Insurance (MPCI). All insurance policies reinsured by FCIC.

National Agricultural Statistics Service (NASS). An agency of the United States Department of Agriculture, or a successor agency.

Non-reinsured supplemental policy (NRS). A policy, endorsement or other risk management tool that is developed by an approved insurance provider, or an entity affiliated in some manner with an approved insurance provider, that offers coverage for commodities in addition to coverage available under a policy or plan of insurance that is reinsured by FCIC. This policy,

endorsement or other risk management tool has not been submitted under 508(h) for FCIC approval for reinsurance.

Non-significant changes. Minor changes to the policy or plan of insurance, such as technical corrections, that do not affect the rating or pricing methodologies, the amount of subsidy owed, the amount of coverage, the interests of producers, FCIC's reinsurance risk, or any condition that may affect liability or the amount of loss to be paid under the policy. This includes any changes due to statutory or regulatory requirements.

Policy. A contract for insurance that includes an application, basic provisions, applicable commodity provisions, other applicable options and endorsements, the actuarial documents for the insured commodity, and related materials.

Plan of insurance. A class of policies, such as MPCI or Crop Revenue Coverage, that offer a specific type of coverage to one or more agricultural commodities.

Rate of premium. The dollar amount per insured unit or percentage rate per dollar of liability that is needed to pay anticipated losses and provide a reasonable reserve.

Related materials. The actuarial documents, special provisions, and any underwriting or loss adjustment manuals, handbooks, forms or other materials.

Research. The processes used to determine the need, producer interest, marketability, and feasibility of a proposed policy, plan of insurance or rate of premium.

Research and development costs. Specific expenses incurred and directly related to research and development of a submission approved by the Board.

Revenue insurance. Plans of insurance providing protection against loss of income or change in price.

Risk Management Agency (RMA). An agency of The United States Department of Agriculture, responsible for the administration of all programs authorized under the Federal Crop Insurance Act and other authorities.

Risk subsidy. The portion of the approved premium paid by FCIC on behalf of the insured person.

Sales closing date. The final calendar date on which an approved insurance provider may accept an application by a producer for insurance.

Secretary. The Secretary of the United States Department of Agriculture.

Significant change. Any change to the policy or plan of insurance that may affect the rating and pricing methodologies, the amount of subsidy owed, the amount of coverage, the interests of producers, FCIC's reinsurance risk, or any condition that may affect liability or the amount of loss to be paid under the policy.

Special Provisions. The part of the policy that contains specific provisions of insurance for each insured crop that may vary by geographic area.

Submission. A policy, plan of insurance, provision of a policy or plan of insurance, or rates of premium provided by an applicant to FCIC in accordance with the requirements of this subpart.

USDA. The United States Department of Agriculture.

Use fees. Fees, approved by the Board, that can be charged to approved insurance providers for use of a policy or plan of insurance.

§ 400.702 Confidentiality of submission and duration of confidentiality.

(a) Prior to approval by the Board, any submission made to the Board under section 508(h) of the Act, including any information generated from the submission, will be considered confidential commercial or financial information for purposes of 5 U.S.C. 552(b)(4) and will not be released by FCIC to the public, unless the applicant authorizes such release in writing.

(b) Once the Board approves a submission, all information provided with the submission, or generated in the approval process, may be released to the public, including any mathematical modeling and data, unless it remains confidential business information under 5 U.S.C. 552(b).

(c) Any submission disapproved by the Board will remain confidential commercial or financial information in accordance with 5 U.S.C. 552(b) and no information related to such submission will be released by FCIC unless authorized in writing by the applicant.

§ 400.703 Timing of submission.

Any submission must be received by the Deputy Administrator, Research and Development (or successor), Risk Management Agency, 6501 Beacon Drive, Stop 0812, Kansas City, MO 64133–4676, not later than 180 days prior to the earliest proposed sales closing date to be considered for sale in the requested crop year.

§ 400.704 Type of submission.

(a) An applicant may submit to the Board in accordance with section 400.705:

(1) A policy or plan of insurance not currently reinsured by FCIC;

(2) One or more proposed revisions to a policy or plan authorized under the Act; or

(3) Rates of premium for any policy or plan authorized under the Act.

(b) An applicant must submit to the Board any significant change to a previously approved submission prior to making the change.

§ 400.705 Contents of submission for a new submission or changes to a previously approved submission.

A complete submission must contain the following material, as applicable, in the order given, and be contained in a 3-ring binder, with section dividers clearly labeling each section. The entire submission must be included in an electronic format acceptable to RMA. Six identical copies of each submission must be sent to the Deputy Administrator, Research and Development (or successor), Risk Management Agency, 6501 Beacon Drive, Stop 0812, Kansas City, MO 64133–4676, and also provide one identical copy of each submission to the Administrator, Risk Management Agency, 1400 Independence Ave., Stop 0801, Room 3053 South Building, Washington, D.C. 20250–0801.

(a) The first section will contain general information, including, as applicable:

(1) The applicant's name, address or primary business location, phone number, and e-mail address;

(2) The type of submission (see § 400.704);

(3) A statement of whether the applicant is requesting:

(i) Reinsurance;

(ii) Risk subsidy and A&O subsidy; and,

(iii) Reimbursement for research and development; or

(iv) Reimbursement for maintenance.

(4) The proposed agricultural commodities, including types, varieties, and practices covered by the submission;

(5) The crop and reinsurance years in which the submission is proposed to be available for purchase by producers;

(6) The proposed sales closing date;

(7) The proposed duration and scope of the plan of insurance;

(8) A marketing plan;

(9) Any known or anticipated future expansion plans;

(10) Identification, including names, addresses, telephone numbers, and e-mail addresses, of the persons responsible for:

(i) Addressing questions regarding the policy, underwriting rules and procedures, rate and price methodologies, data processing and record keeping requirements, and any other questions that may arise in administering the program after it is approved; and

(ii) Annual reviews to ensure compliance with all requirements of the Act, this subpart, and any agreements executed between the applicant and FCIC.

(11) A statement whether the submission will be filed with the applicable office responsible for regulating insurance in each state proposed for insurance coverage, and, if not, reasons why the submission will not be filed for review.

(b) The second section must contain the benefits of the plan, including, as applicable a statement about the plan that demonstrates:

(1) How the submission offers coverage or other benefits not currently available from existing public and private programs.

(2) The demand for the submission, which must be supported by information from market research, producers or producer groups, agents, lending institutions, and other interested parties that provide verifiable evidence of demand; and

(3) How the submission meets public policy goals and objectives consistent with the Act and other laws, as well as policy goals supported by USDA and the Federal Government.

(c) The third section must contain the policy, including, as applicable:

(1) If the submission involves a new insurance policy or plan of insurance:

(i) All applicable policy provisions; and,

(ii) A list and description of any additional coverage that may be elected by the insured, including how such coverage may be obtained.

(2) If the submission involves a change to a previously approved policy, plan of insurance, or rates of premium, the proposed revisions, rationale for each change, data and analysis supporting each change, the impact of each change, and the impact of all changes in aggregate.

(d) The fourth section must contain the information related to the marketing of the policy or plan of insurance, including, as applicable:

(1) A list of states and counties where the submission is proposed to be offered;

(2) The amount of commodity (acres, head, board feet, etc.) and the amount of production and the value of each agricultural commodity proposed to be covered in each proposed county and state;

(3) The expected liability and premium for each proposed county and state;

(4) If available, any insurance experience for each year and in each proposed county and state in which the policy has been offered for sale including an evaluation of the policy's performance and, if data are available, a comparison with other similar insurance policies reinsured under the Act; and

(5) The projected insurance experience expected if the proposed submission is approved.

(e) The fifth section must contain the information related to the underwriting of the submission, including, as applicable:

(1) A sample of each document that will be used to present and sell the product;

(2) Detailed rules for determining insurance eligibility, including all producer reporting requirements;

(3) Relevant dates, if not included in the proposed policy;

(4) Detailed examples of the data and calculations needed to establish the insurance guarantee, liability, and premium per acre or other unit of measure, including worksheets that provide the calculations in sufficient detail and in the same order as presented in the policy to allow verification that the premiums charged for the coverage are consistent with policy provisions;

(5) A detailed example of calculations used to determine a claim for indemnity for each unique situation in which a loss may be payable;

(6) A detailed description of the causes of loss covered by the policy or plan of insurance and any causes of loss excluded; and

(7) Any statements to be included in the actuarial documents.

(f) The sixth section must contain the information related to prices and the rates of premium, including, as applicable:

(1) A list of all assumptions made in the premium rating and commodity pricing methodologies, and the basis for these assumptions;

(2) A detailed description of the pricing and rating methodologies, including supporting documentation, all mathematical formulas, equations, and data sources used in determining rates and prices and an explanation of premium components that detail how rates were determined for each component, that demonstrate the rate is appropriate;

(3) An example of a rate calculation and an example of a price calculation;

(4) A discussion of the reliability of the data; and

(5) An analysis of the results of simulations or modeling showing the performance of proposed rates and commodity prices, as applicable, based on one or more of the following (Such simulations must use all years of experience available to the applicant):

(i) A recalculation of total premium and losses compared to a similar or comparable insurance plan offered under the authority of the Act with modifications, as needed, to represent the components of the submission;

(ii) A simulation based on the probability distributions used to develop the rates and commodity prices, as applicable, including sensitivity tests that demonstrate price or yield extremes, and the impact of inappropriate assumptions; or

(iii) Any other comparable simulation that provides results indicating both aggregate and individual performance of the submission under various scenarios depicting good and poor actuarial experience.

(g) The seventh section must contain an evaluation and certification from an accredited associate or fellow of the Casualty Actuarial Society, or other similarly qualified professional, that certifies the submission is actuarially appropriate and consistent with appropriate insurance principles and practices.

(h) The eighth section must contain all forms applicable to the submission, including:

(1) An application for insurance and procedures for accepting the application; and

(2) All applicable policy forms, instructions and procedures that are necessary to establish the amounts of coverage or loss.

(i) The ninth section must contain the following;

(1) A statement agreeing that sales will be deferred until the next applicable sales closing date if policy information, forms, premium rates, prices, any automated premium calculator, and other related information or documents are not made available to all approved insurance providers:

(i) For a new submission, at least 60 days prior to the earliest sales closing date specified in the submission; or

(ii) For a revised submission, at least 60 days prior to the earliest contract change date specified in the submission;

(2) An explanation of any provision of the policy not authorized under the Act and identification of the portion of the rate of premium due to these provisions;

(3) Agent and loss adjuster training plans; and

(4) A certification from the applicant's legal counsel that the submission meets and complies with all requirements of the Act, applicable regulations, and any reinsurance agreement.

(j) The tenth section must contain the documents that demonstrate the

submission complies in all respects with the standards established for processing and acceptance of data as specified in the FCIC Data Acceptance System Handbook (Manual 13), unless other arrangements have been made with RMA. This handbook is available from the Risk Management Agency, 6501 Beacon Drive, Stop 0812, Kansas City, MO 64133–4676 or on the FCIC web site (http://www.rma.usda.gov/data/#m13).

(k) The eleventh section must contain the information related to a request for reimbursement of research and development costs, and maintenance costs, as applicable, in accordance with § 400.712.

§ 400.706 Review of submission.

(a) Prior to providing any submission, including a new submission, a resubmission, or a change to a previously approved submission, to the Board for its review, RMA will:

(1) Review the submission for completeness to determine if all necessary and appropriate documentation is included in accordance with § 400.705;

(2) Review the submission to determine whether the documentation is of a level of quality to conduct a meaningful review by the Board;

(3) If the submission is determined to be complete and the documentation of sufficient quality to permit a meaningful review, acknowledge receipt of the submission. The date on this acknowledgment will be considered the date that the submission was received by the Board and commence the period in which the submission must be approved or disapproved by the Board;

(4) Return to the applicant a submission lacking any of the information required in section 400.705, or with documentation of insufficient quality to permit a meaningful review. (Such submission will not be considered as received by the Board for the purpose of commencing the period by which the submission must be approved or disapproved by the Board. If the submission is resubmitted, it will be considered a new submission.);

(b) When FCIC determines that the submission is complete and the documentation of sufficient quality to permit a meaningful review, it will forward the submission to the Board for consideration of approval or disapproval.

(c) Prior to considering the submission, the Board will:

(1) For all new submissions or significant changes to previously approved submissions, contract with five independent persons with underwriting or actuarial experience to review the submission:

(i) Of the five reviewers, no more than one will be employed by the Federal Government, and none may be employed by any approved insurance provider or their representatives; and

(ii) The reviewers will determine if the submission protects the interests of agricultural producers and taxpayers, is actuarially appropriate, follows appropriate insurance principles, meets the requirements of the Act, does not contain excessive risks, follows sound, reasonable, and appropriate underwriting principles, as well as other items the Board deems necessary;

(2) For all submissions:

(i) Request review by FCIC to determine whether the submission protects the interests of agricultural producers and taxpayers, is actuarially appropriate, follows appropriate insurance principles, meets the requirements of the Act, does not contain excessive risks, is consistent with USDA's public policy goals, does not increase or shift risk to any other FCIC reinsured policy, can be administered and delivered efficiently and effectively, and meets the standards pursuant to section 400.712 for reimbursement of research and development costs and maintenance costs, if requested, and determine whether the requested amount of government reinsurance, risk subsidy, and administrative and operating subsidies is reasonable and appropriate for the type of coverage provided by the policy submission; and

(ii) Seek review from the Office of the General Counsel (OGC) to determine whether the interests of producers are adequately protected and if the submission conforms to the requirements of the Act.

(3) Render a decision to approve or give notice of an intent to disapprove within 90 days after the submission is considered received by the Board in accordance with paragraph (a)(3) of this section, unless the applicant and Board negotiate a time delay in accordance with paragraph (h) of this section.

(d) All comments and evaluations will be forwarded to the Board by a date determined to allow the Board adequate time for review and consideration of approval or disapproval.

(e) The Board will consider all comments, evaluations, and recommendations in its review process. Prior to making a decision, the Board may request additional information from RMA, OGC, the independent reviewers, or the applicant.

(f) The Board may disapprove a submission if it determines that:

(1) The interests of producers are not protected;

(2) The premium rates are not actuarially appropriate;

(3) The submission does not conform to sound insurance and underwriting principles;

(4) The risks associated with the submission are excessive; or

(5) There is insufficient time before the submission would become effective under section 508(h) of the Act for the Board to make an informed decision with respect to whether the interests of producers are protected, the premium rates are actuarially appropriate, or the risks associated with the submission are excessive.

(g) If the Board intends to disapprove the submission, the applicant will be notified in writing at least 30 days prior to the Board taking such action. The Board will provide the applicant with a written explanation for the intent to disapprove the submission.

(h) An applicant may negotiate, at any time, a time delay before the Board provides a notice of intent to disapprove the submission. The Board is not required to agree to such an extension.

(1) The applicant will not be limited in the length of the delay or the number of delays negotiated. However, delays may make implementation of the submission for the targeted crop year impractical or impossible.

(2) The time period during which the Board must make a decision to approve or disapprove the submission is not in effect during any negotiated time delay.

(3) After the expiration of the negotiated time delay, the time period in which the Board must make its decision to approve or disapprove will commence again (For example, on day 85, the applicant and the Board negotiate a time delay of 90 days. At the end of the 90 day period, the Board will have 5 days to act on the submission or negotiate an additional time delay).

(i) The applicant may withdraw a submission at any time by written request to the Board. A withdrawn submission that is resubmitted will result in the submission being deemed a new submission for the purposes of determining the amount of time that the Board must act on such submission.

(j) Following notification of the Board's intention to disapprove a submission, the applicant may modify the submission:

(1) The applicant must notify the Board in writing prior to Board action if the submission will be modified. Once written notice is received from the applicant, Board action for disapproval will be suspended.

(2) The applicant has an unlimited number of days in which to submit a modified submission.

(3) The Board will approve or disapprove a modified submission not later than 30 days after receiving a modified submission from the applicant, unless the applicant and the Board negotiate a time delay. If a time delay is negotiated, the time period during which the Board must act on the modified submission will not be in effect during any negotiated time delay.

(4) The Board will disapprove a modified submission if:

(i) All causes for disapproval stated by the Board in its notification of its intent to disapprove the submission are not satisfactorily addressed;

(ii) Insufficient time is available for review of the modified submission to determine whether all causes for disapproval have been satisfactorily addressed; or

(iii) If modification is substantial so the Board determines that independent review is required and a time delay cannot be negotiated to allow for independent review.

(k) When the applicant is notified of the Board's intent to disapprove and the submission is not revised or withdrawn, the Board will provide written notification to the applicant that the submission has been disapproved no less than 30 days after the date that the notice of intent to disapprove was provided to the applicant.

(l) If the Board fails to take action on a new submission within the prescribed 90 day period in paragraph (b)(3) of this section, or within 30 days after receiving the revised submission, such submission will be deemed approved by the Board for the initial reinsurance year designated for the submission. The Board must approve the submission for it to be available for subsequent reinsurance years.

§ 400.707 Presentation to the Board for approval or disapproval.

(a) The Board will inform the applicant of the date, time, and place of the Board meeting.

(b) The applicant will be given the opportunity and is encouraged to present the submission to the Board in person. The applicant must confirm, in writing, whether the applicant will present the submission to the Board.

(c) If the applicant elects, at any time, not to present the submission to the Board, the Board will make its decision based on the submission and the reviews provided in accordance with section 400.706(c).

§ 400.708 Approved submission.

(a) After a submission is approved by the Board, and prior to it being made available for sale to producers, the following items, as applicable, must be completed:

(1) An agreement between the applicant and FCIC that specifies the responsibilities of each with respect to the implementation, delivery and oversight of the submission, including the disposition of property rights for the policy; and

(2) A reinsurance agreement if terms and conditions differ from the Standard Reinsurance Agreement.

(b) A submission approved by the Board under this subpart will be made available to all approved insurance providers under the same reinsurance and subsidy terms and conditions as received by the applicant.

(c) Any solicitation, sales, marketing, or advertising of the approved submission by the applicant before FCIC has made the submission and related materials available to all interested parties through its official issuance system will result in the denial of reinsurance, risk subsidy, and A&O subsidy for those policies affected.

§ 400.709 Roles and responsibilities.

(a) With respect to the applicant:

(1) The applicant is responsible for:

(i) Preparing and ensuring that all policy documents, rates of premium, and supporting materials, including actuarial materials, are submitted to FCIC in the form approved by the Board;

(ii) Annually updating and providing maintenance changes no later than 180 days prior to the earliest sales closing date for the commodity in all counties or states in which the policy or plan of insurance is sold; and

(iii) Addressing responses to procedural issues, questions, problems or clarifications in regard to a policy or plan of insurance. (All such resolutions will be communicated to all approved insurance providers through FCIC's official issuance system.);

(2) Only the applicant may make changes to the policy, plan of insurance, or rates of premium approved by the Board. (Any changes, both non-significant and significant, must be submitted to FCIC no later than 180 days prior to the earliest sales closing date for the commodity in all counties or states in which the policy or plan of insurance is sold. Significant changes must be submitted to the Board for review in accordance with this subpart and will be considered as a new submission.);

(3) Except as provided in paragraph (a)(4) of this section, the applicant is solely liable for any mistakes, errors, or flaws in the submitted policy, plan of insurance, their related materials, or the rates of premium that have been approved by the Board;

(4) If the mistake, error, or flaw in the policy, plan of insurance, their related materials, or the rates of premium is discovered not less than 45 days prior to the cancellation or termination date for the policy or plan of insurance, the applicant can request in writing that FCIC withdraw the approved policy, plan of insurance, or rates of premium:

(i) Such request must state the discovered mistake, error, or flaw in the policy, plan of insurance, or rates of premium, and the expected impact on the program; and

(ii) For all timely received requests for withdrawal, no liability will attach to such policies, plans of insurance, or rates of premium that have been withdrawn and no producer, approved insurance provider, or any other person will have a right of action against the applicant; and

(5) Notwithstanding the policy provisions regarding cancellation, policies, plans of insurance, or rates of premium that have been timely withdrawn are deemed canceled and applications for insurance not accepted as of the date that FCIC publishes the notice of withdrawal on its website at www.act.fcic.usda.gov. Producers will have the option of selecting any other policy or plan of insurance authorized under the Act by the sales closing date for such policy or plan of insurance.

(6) Failure of the applicant to perform the applicant's responsibilities may result in the denial of reinsurance for the policy or plan of insurance.

(b) With respect to FCIC:

(1) FCIC is responsible for:

(i) Ensuring that all approved insurance providers receive the approved policy or plan of insurance, and related materials, for sale to producers in a timely manner (All such information shall be communicated to all approved insurance providers through FCIC's official issuance system.);

(ii) Ensuring that all approved insurance providers receive reinsurance under the same terms and conditions as the applicant (Approved Insurance Providers should contact FCIC to obtain and execute a copy of the reinsurance agreement);

(iii) Conducting the best review of the submission possible in the brief time allowed; and

(iv) Reviewing the activities of approved insurance providers, agents, loss adjusters, and producers to ensure that they are in accordance with the

terms of the policy or plan of insurance, the reinsurance agreement, and all applicable procedures;

(2) FCIC will not be liable for any mistakes, errors, or flaws in the policy, plan of insurance, their related materials, or the rates of premium and no cause of action will exist against FCIC as a result of such mistake, error, or flaw in a submission submitted under this subpart under any circumstance;

(3) If at any time prior to the cancellation or termination date, FCIC discovers that there is a mistake, error, or flaw in the policy, plan of insurance, their related materials, or the rates of premium that results in over or under insurance, FCIC will deny reinsurance to such policy or plan of insurance; and

(4) If reinsurance is denied under paragraph (b)(4) of this section, the approved insurance provider will have the option of:

(i) Selling and servicing the policy or plan of insurance at its own risk; or

(ii) Canceling the policy or plan of insurance in accordance with its terms.

§ 400.710 Preemption and premium taxation.

A policy or plan of insurance that is approved by the Board for FCIC reinsurance, A&O subsidy, and risk subsidy is preempted from state and local taxation.

§ 400.711 Right of review, modification, and the withdrawal of reinsurance.

At any time after approval, the Board may review any policy, plan of insurance, related materials, and rates of premium approved under this subpart and request additional information to determine whether the policy, plan of insurance, related materials, and rates of premium comply with statutory or regulatory changes or court orders, are still actuarially appropriate, and protect program integrity and the interests of producers. The Board will notify the submitter of any problems or issues that arise and allow the submitter an opportunity to make any needed changes. The Board may deny reinsurance for the applicable policy, plan of insurance or rate of premium if;

(a) The applicant fails to perform their responsibilities under section 400.709; or

(b) If the applicant does not satisfactorily provide materials or resolve any issue so that necessary changes can be made prior to the earliest contract change date.

§ 400.712 Research and development reimbursement, maintenance reimbursement, and use fees.

(a) Submissions approved by the Board for reinsurance under section 508(h) of the Act may be eligible for a one time payment of research and development costs and payment of maintenance costs for up to four reinsurance years, as determined by the Board, after the date such costs have been approved by the Board. Reimbursements made under this section will be considered as payment in full for research, development, and maintenance, as applicable, for any policy or plan of insurance and any property rights to the policy or plan of insurance.

(b) For submissions approved by the Board for reinsurance under this subpart a request for reimbursement of research and development costs, and maintenance costs, as applicable, must, in accordance with this section, be included with the original submission to the Board.

(c) For a submission approved by the Board prior to publication of this subpart, a request for reimbursement for research and development costs must be received within 60 days following publication of this subpart. This request should be sent to the Deputy Administrator, Research and Development (or successor), Risk Management Agency, 6501 Beacon Drive, Stop 0812, Kansas City, MO 64133–4676, and also provide one identical copy of each submission to the Administrator, Risk Management Agency, 1400 Independence Ave., Stop 0801, Room 3053 South Building, Washington, D.C. 20250–0801.

(d) To be eligible for any reimbursement under this section, FCIC must determine that a submission is marketable, based on a reasonable marketing plan.

(e) To be considered for reimbursement in any fiscal year, requests for research and development costs and maintenance costs, as applicable, must be received by FCIC not later than August 1. Given the limitation on funds, regardless of when the request is received, no payment will be made prior to September 15 of the applicable fiscal year.

(f) There are limited funds available on an annual fiscal year basis as contained in the Act. Therefore, requests for reimbursement will not be considered in the order in which they are received. Consistent with paragraphs (g), (h), (i), (j), and (l) of this section, if all applicants' requests for reimbursement of research and development costs and maintenance costs in any fiscal year:

(1) Do not exceed the maximum amount authorized by law, the applicants may receive the full amount of reimbursement authorized under these subsections.

(2) Exceed the amount authorized by law, each applicant's reimbursement will be determined by dividing the total amount of each individual applicants' reimbursable costs authorized in paragraphs (g), (h), (i), (j), and (l) by the total amount of the aggregate of all applicants' reimbursable costs authorized in paragraphs (g), (h), (i), (j), and (l) for that year and multiplying the result by the amount of reimbursement authorized under the Act.

(g) The amount of reimbursement for research and development costs and maintenance costs, as applicable, will be determined based on the amount of reimbursement authorized under paragraph (f) of this section, adjusted for the complexity of the policy, plan of insurance, or rates of premium, as determined by FCIC, and the size of the area in which the policy, plan of insurance, or rates of premium may be offered.

(1) Policies or plans of insurance that offer new and innovative coverages that are not currently available will be eligible for a higher reimbursement than policies or plans of insurance that are, or have components that are based on existing policies or plans of insurance.

(2) Policies or plans of insurance that offer new premium rating or market price methodologies will be eligible for a higher reimbursement than policies or plans of insurance that use existing premium rating or market price methodologies.

(3) Policies or plans of insurance that cover new commodities that are not otherwise covered by crop insurance or that offer innovative coverage and original policy language will be eligible for a higher reimbursement than policies or plans of insurance for commodities for which insurance is currently available.

(4) Policies or plans of insurance that may be offered for sale nationwide or in large geographical regions will be eligible for higher reimbursement than those that are applicable to only a few counties or states or a small geographical region.

(5) Any reimbursement under this subpart will be scored as follows:

(i) Complexity scores:

(A) Basic or Common Provisions:

(*1*) Uses existing policies or plans of insurance: 0.05

(*2*) Contains modifications to existing policies or plans of insurance: 0.10

(*3*) Original (See paragraph (g)(3) of this section): 0.20

(B) Crop Provisions and Special Provisions:

(*1*) Uses existing policies or plans of insurance: 0.05

(*2*) Contains modifications to existing policies or plans of insurance: 0.10

(*3*) Original (See paragraph (g)(3) of this section): 0.20

(C) Market prices

(*1*) Uses existing policies or plans of insurance: 0.05

(*2*) Contains modifications to existing policies or plans of insurance: 0.10

(*3*) Original (See paragraph (g)(3) of this section): 0.20

(D) Rates of Premium

(*1*) Uses existing policies or plans of insurance: 0.05

(*2*) Contains modifications to existing policies or plans of insurance: 0.10

(*3*) Original (See paragraph (g)(3) of this section): 0.20

(E) Underwriting

(*1*) Uses existing policies or plans of insurance: 0.05

(*2*) Contains modifications to existing policies or plans of insurance: 0.10

(*3*) Original (See paragraph (g)(3) of this section): 0.20

(ii) Geographic scope scores

(A) Potential national availability: 0.10

(B) Potential regional, state or county availability: 0.05

(6) In accordance with paragraph (e) of this section, those policies or plans of insurance that receive a summed total score for both complexity and geographic scope that is:

(i) Equal to or greater than 0.6 may receive the full amount of reimbursement approved by the Board under paragraphs (h), (i) or (j) of this section;

(ii) Greater than 0.25 but lower than 0.60 will receive a reimbursement that is not greater than 75 percent of the full amount of reimbursement approved by the Board under paragraphs (h), (i) or (j) of this section; and

(iii) Equal to or less than 0.25 will receive a reimbursement that is not greater than 50 percent of the full amount of reimbursement approved by the Board under paragraphs (h), (i) or (j) of this section.

(h) For those submissions that were approved by the Board prior to the date of publication of this subpart, reimbursement for research and development costs will be determined in accordance with paragraph (i) of this section or by multiplying the average number of policies earning premium each crop year since inception of the policy or plan of insurance by $7.00 and multiplying the result by the complexity and scope score from paragraph (g) of this section.

(i) For those submissions submitted to the Board prior to the date of publication of this subpart but not yet approved, or submitted to the Board for approval after the date of publication of this part, research and development costs must be supported by itemized statements and supporting documentation. Costs will be examined for reasonableness and may be adjusted at the sole discretion of the Board.

(1) Allowable research and development expense items may include the following;

(i) Straight-time hourly wage, exclusive of bonuses, overtime pay, or shift differentials (One line per employee, include job title, total hours, and total dollars.) Compensation amounts will be compared with the Occupational Employment Statistics Survey, published each January by the U.S. Department of Labor, Bureau of Labor Statistics;

(ii) Benefit cost per employee (Benefit costs are considered overhead and will be compared with the Employment Cost Index Annual Employer Cost Survey published each March by the U.S. Department of Labor, Bureau of Labor Statistics.);

(iii) Contracted expenses (include a copy of the contract);

(iv) Professional fees (include the job title, straight-time hourly wage, total hours, and total dollars);

(v) Travel and transportation (One line per event, include the job title, destination, purpose of travel, lodging cost, mileage, air or other identified transportation costs, food and miscellaneous expenses, other costs, and the total cost);

(vi) Software and computer programming developed specifically to determine appropriate rates, prices, or coverage amounts (Identify the item, include the purpose, and provide receipts or contract or straight-time hourly wage, hours, and total cost.) (Software developed to calculate premiums or losses, or development of software to send or receive data between the producer, agent, Approved Insurance Provider or RMA may not be included as an allowable cost.);

(vii) Miscellaneous expenses such as postage, telephone, express mail, and printing (Identify the item, cost per unit, number of items, and total dollars);

(2) The following expenses are specifically not eligible for research and development cost reimbursement:

(i) Copyright or patent fees;

(ii) Training costs;

(iii) State filing fees and expenses;

(iv) Normal ongoing administrative expenses;

(v) Paid or incurred losses;

(vi) Loss adjustment expenses;

(vii) Sales commission;

(viii) Marketing costs;

(ix) Indirect overhead costs;

(x) Lobbying costs;

(xi) Product or applicant liability resulting from the research, development, preparation or marketing of the policy;

(xii) Copyright infringement claims resulting from the research, development, preparation or marketing of the policy;

(xiii) Costs of making program changes as a result of case or statutory law effecting the policy; and

(xiv) Maintenance costs associated with the submission.

(j) Requests for reimbursement of maintenance costs must be supported by itemized statements and supporting documentary evidence. Costs will be examined for reasonableness and may be adjusted at the sole discretion of the Board.

(1) Maintenance costs for the following activities may be reimbursed:

(i) Expansion of the original submission to cover additional commodities;

(ii) Expansion of the original submission into additional counties or states;

(iii) Reasonable and required modifications to the policy and any related materials;

(iv) Adjustment to premium rates and commodity prices as necessary or required; and

(v) Other costs associated with maintaining the policy, as determined by the Board.

(2) [Reserved]

(k) Not later than six months prior to the end of the last reinsurance year in which a maintenance reimbursement will be paid, as approved by the Board, the applicant must notify FCIC regarding its election regarding the treatment of the policy or plan of insurance for subsequent reinsurance years.

(1) The applicant must notify FCIC whether it intends to:

(i) Continue to maintain the policy or plan of insurance and charge a use fee, as approved by the Board, to approved insurance providers to cover maintenance expenses; or

(ii) Transfer responsibility for maintenance to FCIC.

(2) If the applicant elects to:

(i) Transfer the policy or plan of insurance to FCIC, FCIC may, at its sole discretion, elect to withdraw the availability of the policy or plan of insurance or continue to maintain the policy or plan of insurance; or

(ii) Continue to maintain the policy or plan of insurance, at the time of the election, the applicant must submit a

request for approval of the use fee by the Board.

(3) Requests for approval of the use fee must be accompanied by written documentation to support the amount requested.

(4) The Board will approve the amount of use fee that is payable to the applicant by approved insurance providers unless the Board determines that the use fee charged:

(i) Is unreasonable in relation to the maintenance costs associated with the policy or plan of insurance; or

(ii) Unnecessarily inhibits the use of the policy or plan of insurance by other Approved Insurance Providers.

(5) Reasonableness of the use fees will be determined by the Board based on a comparison with the amount of reimbursement for maintenance previously received, the number of policies, the number of Approved Insurance Providers, and the expected total amount of use fees to be received in any reinsurance year.

(6) A use fee unnecessarily inhibits the use of a policy or plan of insurance if it is so high that other Approved Insurance Providers are unable to pay such fees because of the volume of business currently underwritten by the approved insurance provider.

(7) The use fee charged to each Approved Insurance Provider will be considered payment in full for the use of such policy, plan of insurance or rate of premium for the reinsurance year in which payment is made.

(l) The Board may consider information from the Equal Access to Justice Act, 5 U.S.C. 504, the Bureau of Labor Statistic's Occupational Employment Statistics Survey, the Bureau of Labor Statistic's Employment Cost Index, and any other information determined applicable by the Board, in making a determination whether to approve a submission for reimbursement of research, development, or maintenance costs under this section or the amount of reimbursement.

(m) Any false statements made to FCIC may subject the applicant to administrative, criminal, or civil penalties as authorized by law.

(n) For purposes of this section, rights to, or obligations of, research and development reimbursement, maintenance reimbursement, or use fees cannot be transferred from any individual or entity unless specifically approved in writing by the Board.

§ 400.713 Non-Reinsured Supplemental (NRS) Policy.

(a) The reinsured company must submit three copies of the new or revised NRS policy and related materials to the Deputy Administrator, Research and Development (or successor), Risk Management Agency, 6501 Beacon Drive, Stop 0812, Kansas City, MO 64133–4676 for review, approval or disapproval at least 90 days prior to the first sales closing date applicable to the policy reinsured by FCIC.

(b) FCIC will approve the NRS policy if it does not increase or shift risk to the underlying policy or plan of insurance reinsured by FCIC, affect any rights of the insured with respect to the underlying reinsured policy or plan of insurance, or cause disruption in the marketplace for products reinsured by FCIC. Marketplace disruption includes adversely affecting sales or administration of the underlying reinsured policy, undermining producers' confidence in the Federal crop insurance program, decreasing the producer's willingness or ability to use Federally reinsured risk management products, or harming public perception of the Federal crop insurance program.

(c) Failure to timely submit the NRS policy to FCIC will result in the denial of reinsurance and subsidy for all policies reinsured by FCIC for which the insured has obtained the NRS policy.

Signed in Washington, D.C. on July 10, 2001.

Phyllis W. Honor,

Acting Manager, Federal Crop Insurance Corporation.

[FR Doc. 01–17607 Filed 7–11–01; 3:48 pm]

BILLING CODE 3410–08–P

DEPARTMENT OF ENERGY

Office of Energy Efficiency and Renewable Energy

10 CFR Part 430

[Docket Number EE–RM/TP–97–440]

RIN 1904–AA46

Energy Conservation Program for Consumer Products: Test Procedures for Central Air Conditioners and Heat Pumps

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

ACTION: Proposed rule; extension of comment period.

SUMMARY: On January 22, 2001, the Department of Energy published a Notice of Proposed Rulemaking (66 FR 6768) to revise the test procedures for central air conditioners and heat pumps. The notice announced that the closing date for receiving public comments would be March 23, 2001. The Air-Conditioning and Refrigeration Institute (ARI) requested that the comment period be extended to allow additional time for understanding the lengthy revisions to the test procedures. The Department agreed to this extension of the comment period to May 23, 2001. On June 4, 2001, the ARI requested that the comment period be extended once more to allow additional time for collecting and analyzing data on the cyclic degradation coefficients C_D . The Department agrees to the extension of the comment period to August 16, 2001, for the ARI and other interested parties, for the limited purpose of obtaining information on default values of the cyclic degradation coefficients C_D. If DOE receives further information concerning this issue, it will allow further public comment on this limited issue before issuing a final rule.

DATES: Comments must be received on or before August 16, 2001.

ADDRESSES: Please submit written comments to: Michael Raymond, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, Hearings and Dockets, Test Procedures for Central Air Conditioners Including Heat Pumps, Docket No. EE–RM–97–440, EE–41, Room 1J–018, Forrestal Building, 1000 Independence Avenue, SW., Washington, DC 20585–0121. You may send an email to: michael.raymond@ee.doe.gov.

FOR FURTHER INFORMATION CONTACT: Michael Raymond at (202) 586–9611, E-mail: *michael.raymond@ee.doe.gov,* or Eugene Margolis, Esq., (202) 586–9507, E-mail: *Eugene.Margolis@HQ.DOE.GOV.*

Issued in Washington, DC, on July 10, 2001.

David K. Garman,

Assistant Secretary, Energy Efficiency and Renewable Energy.

[FR Doc. 01–17685 Filed 7–13–01; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 17

RIN 2900–AK85

Copayments for Medications

AGENCY: Department of Veterans Affairs.

ACTION: Proposed rule.

SUMMARY: This document proposes to amend VA's medical regulations to set forth copayment requirements for medications. This document is

necessary to implement provisions of the Veterans Millennium Health Care and Benefits Act.

DATES: Comments must be received on or before September 14, 2001.

ADDRESSES: Mail or hand-deliver written comments to: Director, Office of Regulations Management (02D), Department of Veterans Affairs, 810 Vermont Ave., NW., Room 1154, Washington, DC 20420; or fax comments to (202) 273–9289; or e-mail comments to *OGSRegulations@mail.va.gov.* Comments should indicate that they are submitted in response to ''RIN 2900–AK85.'' All comments received will be available for public inspection in the Office of Regulations Management, Room 1158, between the hours of 8:00 a.m. and 4:30 p.m., Monday through Friday (except holidays).

FOR FURTHER INFORMATION CONTACT: Nancy L. Howard at (202) 273–8198, Revenue Office (174), Office of Finance, Veterans Health Administration, 810 Vermont Avenue NW, Washington, DC 20420. (This is not a toll-free telephone number).

SUPPLEMENTARY INFORMATION: This document proposes to amend VA's medical regulations to set forth copayment requirements for medications provided to veterans by VA.

The provisions of 38 U.S.C. 1722A require certain veterans to pay a copayment for each 30-day or less supply of medication furnished on an outpatient basis for the treatment of a nonservice-connected disability or condition. The copayment amount was set at $2 in 1990 by 38 U.S.C. 1722A for each 30-day or less supply of medication and has never been changed. The Veterans Millennium Health Care and Benefits Act, Public Law 106–117, amended 38 U.S.C. 1722A to allow VA to increase the copayment amount and to establish maximum copayment amounts. This document proposes to increase the copayment amount from $2 to $7 through December 31, 2002 and also proposes to establish an annual copayment cap of $840 through calendar year 2002 for veterans in certain enrollment priority categories. We also are proposing to establish escalator provisions to automatically increase the copayment and the cap amount under certain conditions.

Based on a review of industry standards, we believe that the medication copayment should be increased from $2 to $7. We believe that the proposed $7 medication copayment would be lower than or equal to most medication copayments charged by the private health care industry. Further, we believe it is a reasonable amount for the majority of medications dispensed.

Also, under 38 U.S.C. 1722A, VA may not require a veteran to pay an amount in excess of the actual cost of the medication and the pharmacy administrative costs related to the dispensing of the medication. VHA conducted a study of the pharmacy administrative costs relating to the dispensing of medication on an outpatient basis and found that VA incurred a cost of $7.28 to dispense an outpatient medication even without consideration of the actual cost of the medication. This amount covers the cost of consultation time, filling time, dispensing time, an appropriate share of the direct and indirect personnel costs, physical overhead and materials, and supply costs. Under these circumstances, we believe that a $7 copayment would not exceed VA's costs.

We propose to include escalator provisions for the copayment amount. We propose that the copayment amount for each calendar year after 2002 would be established using the Prescription Drug component of the Medical Consumer Price Index as follows: For each calendar year beginning after December 31, 2002, the Index as of the previous September 30 will be divided by the Index as of September 30, 2001. The ratio so obtained will be multiplied by the original copayment amount of $7. The copayment amount for the new calendar year will be this result, rounded down to the whole dollar amount.

This is intended to ensure that the copayment amounts increase with inflation. Also, increasing the copayment amount in whole dollar increments would be easily understood by veterans and lessen the administrative burden on VA. Further, based on commensurate increased costs to VA, we believe that VA's costs would remain higher than the increases made by the escalator provisions.

For purposes of determining the copayment amount, we have added the following note to the proposed rule: ''*Note to [§ 17.110]* Paragraph (b)(1): Example for determining copayment amount. If the ratio of the Prescription Drug component of the Medical Consumer Price Index for September 30, 2003, to the corresponding Index for September 30, 2001, is 1.2242, then this ratio multiplied by the original copayment amount of $7 would equal $8.57, and the copayment amount for calendar year 2004, rounded down to the whole dollar amount, would be $8.''

We propose to establish a maximum annual copayment cap for certain veterans. Under the proposal, the total amount of copayments in a calendar year for a veteran enrolled in one of the priority categories 2 through 6 of VA's health care system (see 38 CFR 17.36) would not exceed the cap established for the calendar year. We propose that the cap for the last quarter of calendar year 2001 would be $210 and that the cap for calendar 2002 would be $840. We also propose that the cap for each calendar year after calendar year 2002 would be $840 plus $120 for each $1 increase in the copayment amount. This would increase the cap at the same rate as copayments would increase.

The purpose of the annual cap is to help eliminate financial hardships for veterans who in unusual circumstances need a significant number of prescriptions. We believe the cap should apply to a veteran who averages more than 10 prescriptions per month. Accordingly, we calculated the annual cap of $840 by multiplying the $7 prescription amount by 120 (10 prescriptions per month multiplied by 12 months).

The copayment cap would not apply to those in priority category 1 because those individuals are statutorily exempt from the copayments. We propose that the cap would not apply to priority category 7 veterans. These veterans have the lowest priority for enrollment in the VA health care system. Moreover, Congress has determined that these veterans have sufficient resources to contribute to VA inpatient and outpatient care. Consistent with this direction, we believe that the cap should not apply to these veterans.

The proposal also sets forth certain exemptions from the medication copayment requirements. These are all statutory exemptions that were in place prior to the establishment of the Veterans Millennium Health Care and Benefits Act.

Compliance With the Congressional Review Act and Executive Order 12866—Cost-Benefit Analysis

This rule is economically significant under Executive Order 12866 and constitutes a major rule under the Congressional Review Act. The rule is necessary to implement the provisions of section 201 of Public Law 106–117, The Veterans Millennium Health Care and Benefits Act. These provisions, which are set forth at 38 U.S.C. 1722A, authorize VA to set the copayment charge for medications.

I. Benefits Costs

This rule would directly impact veterans that receive prescriptions for other than service-connected conditions

that currently pay a $2 copayment. Based on VA records for fiscal year 2000, we found that approximately 1.1 million veterans averaged 47 30-day supply prescriptions per year. VA collected $101 million in fiscal year 2000 for this provision. This proposed rule would increase the copayment from the current $2 level to $7. We do not believe that this increase in the copayment amount will have an impact upon utilization. It is anticipated that the same number of veterans will continue to receive the same average number of prescriptions generating an increase in collections of $250 million annually.

II. Administrative Costs

The estimated administrative cost for these increased collections would remain the same at the current collection expense of $17 million. This is based upon an average cost of a GS–5 at $12/hour × 8.2 million bills per year at the average rate of 10.3 minutes per bill.

III. Alternatives

VA considered establishing higher and lower copayment and cap amounts and considered whether or not to have escalator provisions. However, for the reasons discussed above, we believe that the copayment and cap amounts, and the escalator provisions, are appropriate.

Administrative Requirements

Paperwork Reduction Act

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

Unfunded Mandates

The Unfunded Mandates Reform Act requires (in section 202) that agencies prepare an assessment of anticipated costs and benefits before developing any rule that may result in an expenditure by State, local, or tribal governments, in the aggregate, or by the private sector of $100 million or more in any given year. This rule would have no consequential effect on State, local, or tribal governments.

Executive Order 12866

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

Regulatory Flexibility Act

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

Catalog of Federal Domestic Assistance Numbers

The Catalog of Federal Domestic Assistance numbers for the programs affected by this document are 64.005, 64.007, 64.008, 64,009, 64.010, 64.011, 64.012, 64.013, 64.014, 64.015, 64.016, 64.018, 64.019, 64.022, and 64.025.

List of Subjects in 38 CFR Part 17

Administrative practice and procedure, Alcohol abuse, Alcoholism, Claims, Day care, Dental health, Drug abuse, Foreign relations, Government contracts, Grant programs-health, Grant programs-veterans, Health care, Health facilities, Health professions, Health records, Homeless, Medical and dental schools, Medical devices, Medical research, Mental health programs, Nursing homes, Philippines, Reporting and recordkeeping requirements, Scholarships and fellowships, Travel and transportation expenses, Veterans.

Approved: June 20, 2001.

Anthony J. Principi,

Secretary of Veterans Affairs.

For the reasons set out in the preamble, 38 CFR part 17 is proposed to be amended as set forth below:

PART 17—MEDICAL

1. The authority citation for part 17 continues to read as follows:

Authority: 38 U.S.C. 501, 1721, unless otherwise noted.

2. An undesignated centerheading and § 17.110 are added to read as follows:

Copayments

§ 17.110 Copayments for medication.

(a) *General.* This section sets forth requirements regarding copayments for medications provided to veterans by VA.

(b) *Copayments.* (1) Unless exempted under paragraph (c) of this section, a veteran is obligated to pay VA a copayment for each 30-day or less supply of medication provided by VA on an outpatient basis (other than medication administered during treatment). For the period from [the effective date of the final rule] through December 31, 2002, the copayment amount is $7. The copayment amount for each calendar year thereafter will be established by using the Prescription Drug component of the Medical Consumer Price Index as follows: For each calendar year beginning after December 31, 2002, the Index as of the previous September 30 will be divided by the Index as of September 30, 2001. The ratio so obtained will be multiplied by the original copayment amount of $7. The copayment amount for the new calendar year will be this result, rounded down to the whole dollar amount.

Note to Paragraph (b)(1): Example for determining copayment amount. If the ratio of the Prescription Drug component of the Medical Consumer Price Index for September 30, 2003, to the corresponding Index for September 30, 2001, is 1.2242, then this ratio multiplied by the original copayment amount of $7 would equal $8.57, and the copayment amount for calendar year 2004, rounded down to the whole dollar amount, would be $8.

(2) The total amount of copayments in a calendar year for a veteran enrolled in one of the priority categories 2 through 6 of VA's health care system (see § 17.36) shall not exceed the cap established for the calendar year. The cap for the last quarter of calendar year 2001 is $210. The cap for calendar year 2002 is $840. If the copayment amount increases after calendar year 2002, the cap of $840 shall be increased by $120 for each $1 increase in the copayment amount.

(c) *Medication not subject to the copayment requirements.* The following are exempt from the copayment requirements of this section:

(1) Medication for a veteran who has a service-connected disability rated 50% or more based on a service-connected disability or unemployability;

(2) Medication for a veteran's service-connected disability;

(3) Medication for a veteran whose annual income (as determined under 38 U.S.C. 1503) does not exceed the maximum annual rate of VA pension which would be payable to such veteran if such veteran were eligible for pension under 38 U.S.C. 1521;

(4) Medication authorized under 38 U.S.C. 1710(e) for Vietnam-era herbicide-exposed veterans, radiation-exposed veterans, Persian Gulf War veterans, or post-Persian Gulf War combat-exposed veterans;

(5) Medication for treatment of sexual trauma as authorized under 38 U.S.C. 1720D;

(6) Medication for treatment of cancer of the head or neck authorized under 38 U.S.C. 1720E; and

(7) Medications provided as part of a VA approved research project authorized by 38 U.S.C. 7303.

(Authority: 38 U.S.C. 501, 1710, 1720D, 1722A)

[FR Doc. 01–17734 Filed 7–13–01; 8:45 am]

BILLING CODE 8320–01–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–133–1–7493b; FRL–7011–7]

Approval and Promulgation of Implementation Plans; Texas; Houston/Galveston Volatile Organic Compound Reasonably Available Control Technology Revision

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The EPA is proposing to take direct final action to approve revisions to the Texas State Implementation Plan (SIP). This rulemaking covers four separate actions approving revisions to the Texas Rules for Control of Air Pollution from Volatile Organic Compounds (VOC Rules), 30 TAC Chapter 115. First, EPA is approving amendments to sections 115.161, 115.162, 115.164–115.167, and 115.169, concerning Batch Processes. Second, EPA is approving amendments to sections 115.120, 115.122, 115.125–115.127, and 115.129, concerning control requirements for bakeries and testing requirements for vents. Third, we are approving amendments to section 115.449, concerning Offset Lithographic Printing. Finally, EPA is approving numerous minor administrative changes to the VOC rules. The Texas Natural Resource Conservation Commission (TNRCC or Commission) adopted these revisions to Chapter 115, concerning Control of Air Pollution from Volatile Organic Compounds (VOC), and to the State Implementation Plan (SIP) in order to meet the Clean Air Act (Act) Reasonably Available Control Technology (RACT) requirements and to control VOC emissions in the Houston/Galveston ozone nonattainment area (HGA). By approving these SIP revisions, EPA is finding that RACT will be implemented for VOC emissions resulting from the operation of batch processes, bakeries (vent gas control), and offset lithography printing sources in the HGA area accordance with the requirements of the Act. In addition, the changes to test methods for vent gas control and various other minor changes will clarify and strengthen the SIP.

In the ''Rules and Regulations'' section of this **Federal Register**, EPA is approving the State's SIP revision as a direct final rule without prior proposal because the EPA views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained its reasons for this approval in the preamble to the direct final rule. If EPA receives no relevant adverse comments, the EPA will not take further action on this proposed rule. If EPA receives relevant adverse comment, EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Written comments must be received by August 15, 2001.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202–2733.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

FOR FURTHER INFORMATION CONTACT: Mr. Kenneth Boyce, Air Planning Section (6PD–L), EPA Region 6, 1445 Ross Avenue, Dallas, Texas 75202–2733, telephone (214) 665–7259.

SUPPLEMENTARY INFORMATION: This document concerns Control of Air Pollution from Control of Air Pollution from VOC emissions resulting from the operation of batch processes, bakeries (vent gas control), and offset lithography printing sources in accordance with the requirements of the Act. For further information, please see the information provided in the direct final action that is located in the ''Rules and Regulations'' section of this **Federal Register** publication.

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

Dated: July 3, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 01–17468 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[TX–57–1–7183b; FRL–7011–1]

Approval and Promulgation of Implementation Plan for Texas: Transportation Control Measures Rule

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: This action proposes to approve a revision to the Texas State Implementation Plan (SIP) that contains the transportation control measures (TCM) rule. The requirements in the State TCM rule address the roles and responsibilities of the Metropolitan Planning Organizations (MPO), implementing transportation agencies, and provide a method for substitution of the TCMs without a State Implementation Plan (SIP) revision in the nonattainment and maintenance areas. The TCM rule is intended to promote effective implementation of the TCMs, streamline TCM substitution process and approval, and increase interaction between the Texas Natural Resource Conservation Commission (TNRCC) and the MPOs in the air quality-transportation planning process at the local levels.

The EPA is proposing to approve this SIP revision under sections 110(k) and 182 of the Clean Air Act (the Act).

In the Rules and Regulations section of this **Federal Register,** EPA is approving this TCM SIP as a direct final rule without prior proposal because EPA views this as a noncontroversial revision and anticipates no adverse comment. The EPA has explained its reasons for this approval in the preamble to the direct final rule. If EPA receives no adverse comment, EPA will not take further action on this proposed rule. If EPA receives adverse comment, EPA will withdraw the direct final rule and it will not take effect. The EPA will address all public comments in a subsequent final rule based on this proposed rule. The EPA will not institute a second comment period on this action. Any parties interested in commenting must do so at this time.

DATES: Written comments must be received by August 15, 2001.

ADDRESSES: Written comments should be addressed to Mr. Thomas H. Diggs, Chief, Air Planning Section (6PD–L), at the EPA Region 6 Office listed below. Copies of documents relevant to this action are available for public inspection during normal business hours at the following locations. Anyone wanting to examine these documents should make an appointment with the appropriate office at least two working days in advance.

Environmental Protection Agency, Region 6, Air Planning Section (6PD–L), 1445 Ross Avenue, Dallas, Texas 75202.

Texas Natural Resource Conservation Commission, Office of Air Quality, 12124 Park 35 Circle, Austin, Texas 78753.

FOR FURTHER INFORMATION CONTACT: Mr. J. Behnam, P.E.; Air Planning Section (6PDL), Multimedia Planning and Permitting Division, Environmental Protection Agency, Region 6, 1445 Ross Avenue, Dallas, Texas 75202, Telephone (214) 665–7247.

SUPPLEMENTARY INFORMATION: This document concerns the Texas SIP and the transportation control measures rule. For further information, please see the information provided in the direct final action that is located in the Rules and Regulations section of this **Federal Register** publication.

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

Dated: June 13, 2001.

Jerry Clifford,

Acting Regional Administrator, Region 6.

[FR Doc. 01–17556 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[MD–3072; FRL–7012–5]

Approval and Promulgation of Air Quality Implementation Plans; Maryland; One-Hour Ozone Attainment Demonstration Plans for the Baltimore and Philadelphia-Wilmington-Trenton Ozone Nonattainment Areas

AGENCY: Environmental Protection Agency (EPA).

ACTION: Supplemental notice of proposed rule.

SUMMARY: On December 16, 1999, EPA proposed approval of the attainment demonstration plans for the Baltimore and Philadelphia-Wilmington-Trenton severe ozone nonattainment areas. Among other things, EPA proposed approval of these SIPs only if Maryland submitted: adequate motor vehicle emissions budgets reflecting the benefits from the Federal Tier 2/Sulfur-in-Fuel rule; and enforceable commitments to: submit measures by October 31, 2001 for additional emission reductions as required in the attainment demonstration test, revise the SIP and motor vehicle emissions budgets by October 31, 2001 if additional measures affect the motor vehicle emissions inventory, submit revised SIP and motor vehicle emissions budgets within one year after MOBILE6 issued, and perform a mid-course review. In this rulemaking, EPA is proposing to approve State Implementation Plan (SIP) revisions submitted by the State of Maryland. These revisions establish the requisite enforceable commitments relating to the attainment demonstration and the motor vehicle emissions budgets incorporating the benefits of the Tier 2/Sulfur-in-Fuel rule. The intended effect of this action is to supplement our December 16, 1999 proposed approvals by opening a comment period on these enforceable commitments and motor vehicle emissions budgets. This action is being taken in accordance with the Clean Air Act.

DATES: Written comments must be received on or before August 13, 2001.

ADDRESSES: Written comments may be mailed to David L. Arnold, Chief, Air Quality Planning and Information Services, Mailcode 3AP21, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103. Copies of the documents relevant to this action are available for public inspection during normal business hours at the Air Protection Division, U.S. Environmental Protection Agency, Region III, 1650 Arch Street, Philadelphia, Pennsylvania 19103; and Maryland Department of the Environment, 2500 Broening Highway, Baltimore, Maryland, 21224.

FOR FURTHER INFORMATION CONTACT: Christopher Cripps, (215) 814–2179. Or by e-mail at cripps.christopher@*epa.gov.*

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

I. Background

A. What Previous Proposed Actions Have Been Taken on the Attainment Demonstration SIP Revisions?

On December 16, 1999, we proposed approval of the attainment demonstration for the following attainment demonstration SIP revisions submitted by the State of Maryland for the following areas: the Baltimore severe ozone nonattainment area (64 FR 70397) and the Philadelphia-Wilmington-Trenton severe ozone nonattainment area (64 FR 70412). Our approval was contingent upon certain actions by Maryland for each of the two areas. These actions were:

1. Maryland had to adopt and submit an adequate motor vehicle emissions budget including the benefits of the Federal Tier 2/Sulfur-in-Fuel rule.

2. Maryland had to adopt and submit an enforceable commitment to do the following:

(a) Submit measures by 10/31/01 for additional emission reductions as required in the attainment demonstration test as discussed in section I.C.5. of that proposed approval. For additional emission reduction measures developed through the regional process, the State must also submit an enforceable commitment for the additional measures and a backstop commitment to adopt and submit intrastate measures for the emission reductions in the event the OTR process does not recommend measures that produce emission reductions.

(b) Submit a revised SIP & motor vehicle emissions budget by 10/31/01 if additional measures affect the motor vehicle emissions inventory.

(c) Submit revised SIP and motor vehicle emissions budget one year after MOBILE6 issued (required because the attainment SIPs include the benefits of EPA's Tier 2/Sulfur-in-Fuel rule), and

(d) Perform a mid-course review.

On July 28, 2000, EPA published a supplemental notice of proposed rulemaking (SNPR) on the attainment demonstration (65 FR 46383). In that supplemental notice, we clarified and expanded on two issues relating to the motor vehicle emissions budgets in these SIPs. In the July 28, 2000 SNPR, we reopened the comment period to take comment on these two issues and to allow comment on any additional materials that were placed in the dockets for the proposed actions close to or after the initial comment period closed on February 14, 2000. For many of the areas covered by the July 28, 2000 SNPR, additional information had been placed in the docket close to or since the initial comment period concluded. In general, these materials were identified as consisting of motor vehicle emissions budgets, and revised or additional commitments or reaffirmations submitted by the States (65 FR at 46387, July 28, 2000). The comment period established by the July 28, 2000 SNPR concluded on August 28, 2000.

As we proposed in the July 28, 2000 SNPR, the attainment budgets that we

are proposing to approve today would be effective for conformity purposes only until revised attainment motor vehicle emissions budgets are submitted and we have found them adequate. The revised MOBILE6 attainment budgets will apply for conformity purposes as soon as we find them adequate. We are limiting the duration of our approval in this manner because we are only approving the attainment demonstrations and their budgets because the States have committed to revise them with MOBILE6.

B. Has Maryland Submitted Any Other Revisions to or Other Material Relevant to the Attainment Demonstration Close to or After August 28, 2000?

On December 28, 2000, the State of Maryland submitted a SIP revision (SIP Revision 00–15) with revised attainment motor vehicle emissions budgets for the Baltimore severe ozone nonattainment area. These motor vehicle emissions budgets incorporate the benefits of the Federal Tier 2/Sulfur-in-Fuel rule as required by EPA's proposed action on the attainment demonstration for the Baltimore area (64 FR 70397, December 16, 1999). In thisDecember 28, 2000 submittal, Maryland also included the enforceable commitments as required by EPA's December 16, 1999 proposed action.

On December 28, 2000, the State of Maryland also submitted a SIP revision (SIP Revision 00–14) with revised attainment motor vehicle emissions budgets for the Maryland portion of the Philadelphia-Wilmington-Trenton severe ozone nonattainment area (Cecil County). These motor vehicle emissions budgets incorporate the benefits of the Federal Tier 2/Sulfur-in-Fuel rule as required by EPA's proposed action on Maryland's attainment demonstration for the Philadelphia-Wilmington-Trenton area (64 FR 70412, December 16, 1999). In this December 28, 2000 submittal, Maryland also included the enforceable commitments as required by EPA's December 16, 1999 proposed action.

C. Did the December 28, 2000 Submittals Contain Any Other Amendments?

Each of the December 28, 2000 submittals contains revisions to the post-1996 rate-of-progress plans and incorporates a number of changes in 2005 year projected emissions. We are proposing to approve the changes in 2005 projections as they relate to the attainment demonstration as part of this rulemaking action. The first of these changes was a change in the method of incorporating the effects of certain programs affecting on-road mobile sources when projecting 2005 ''uncontrolled'' emissions and when determining 2005 emission reductions. The second was updating future projected 2005 controlled emissions in the point, area and nonroad mobile portions of the 2005 inventories, i.e., 2005 emissions reflecting all the control strategies, to account for more recent information. This proposed rulemaking does not include any action on Maryland's rate-of-progress plans for each area. The revisions to the rate-of-progress plans and the changes in 2005 projections as these revisions relate to Maryland's rate-of-progress plans for each of the two areas are the subject of separate rulemaking actions.

D. Has EPA Determined That the Motor Vehicle Emissions Budgets Incorporating the Tier 2/Sulfur-in-Fuel Rule Benefits Are Adequate?

On April 12, 2001, EPA sent a letter to the MDE which constituted final Agency actions finding the motor vehicle emissions budgets in the December 28, 2000 SIP revision for the Maryland portion of the Philadelphia-Wilmington-Trenton area (Cecil County) adequate for transportation conformity purposes (also see 66 FR 18928).

On June 19, 2001, EPA sent a letter to the MDE which constitutes final Agency actions finding the motor vehicle emissions budgets in the December 28, 2000 submittal for the Baltimore area adequate for transportation conformity purposes. A notice announcing the adequacy status of these budgets was published in the **Federal Register** on July 5, 2001.

E. What Are the Motor Vehicle Emissions Budgets Contained Within the December 28, 2001 Revisions?

The December 28, 2000 revisions set the motor vehicle emissions budgets for the 2005 attainment year as follows: The motor vehicle emissions budgets for the Baltimore area are 45.5 tons per day volatile organic compounds and 96.9 tons per day nitrogen oxides. The motor vehicle emissions budgets for the Maryland portion of the Philadelphia-Wilmington-Trenton area are 2.6 tons per day volatile organic compounds and 5.6 tons per day nitrogen oxides.

II. Reopening of the Public Comment Period

We are reopening the comment period for the Maryland attainment demonstration SIP revisions for the Baltimore and Philadelphia-Wilmington-Trenton areas to address the additional information that has been placed in the docket close to or since the last comment period established by the July 28, 2000 SNPR that concluded on August 28, 2000. These materials consist of revised motor vehicle emissions budgets, and the enforceable commitments required under the two December 16, 1999 notices of proposed rulemaking discussed above.

EPA proposing to approve the motor vehicle emissions budgets, enforceable commitments and changes in 2005 year projected emissions in the Maryland SIP revisions for the Baltimore and Philadelphia-Wilmington-Trenton areas, which were submitted on December 28, 2000. EPA is soliciting public comments on the issues discussed in this document. These comments will be considered before taking final action. Interested parties may participate in the Federal rulemaking procedure by submitting written comments to the EPA Regional office listed in the **ADDRESSES** section of this document.

III. Proposed Action

EPA is proposing to approve the motor vehicle emissions budgets and enforceable commitments submitted by MDE on December 28, 2000 as part of the attainment demonstration SIPs for the Baltimore and Philadelphia-Wilmington-Trenton areas. EPA is also proposing to approve changes to the 2005 year projected emissions which were submitted on December 28, 2000 as part of the attainment demonstration SIPs.

IV. Administrative Requirements

Under Executive Order 12866 (58 FR 51735, October 4, 1993), this proposed action is not a ''significant regulatory action'' and therefore is not subject to review by the Office of Management and Budget. This action merely proposes to approve state law as meeting Federal requirements and imposes no additional requirements beyond those imposed by state law. Accordingly, the Administrator certifies that this proposed rule will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*). Because this rule proposes to approve pre-existing requirements under state law and does not impose any additional enforceable duty beyond that required by state law, it does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Public Law 104–4). This proposed rule also does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the

distribution of power and responsibilities between the Federal Government and Indian tribes, as specified by Executive Order 13175 (65 FR 67249, November 9, 2000), nor will it have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in Executive Order 13132 (64 FR 43255, August 10, 1999), because it merely proposes to approve a state rule implementing a Federal standard, and does not alter the relationship or the distribution of power and responsibilities established in the Clean Air Act. This proposed rule also is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997), because it is not economically significant.

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

This supplemental proposed rule on Maryland's attainment demonstrations to include motor vehicle emission budgets which reflect the benefits of the Federal Tier 2/Sulfur-in-Fuel rule and enforceable commitments as required by EPA's December 16, 1999 proposed rulemaking does not impose an information collection burden under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Hydrocarbons, Intergovernmental relations, Nitrogen dioxide, Ozone.

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

Dated: July 5, 2001.

Thomas C. Voltaggio,

Acting Regional Administrator, Region III.

[FR Doc. 01–17704 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 300

[FRL–7007–2]

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

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed deletion of the Red Penn Landfill Site from the National Priorities List (NPL).

SUMMARY: The EPA proposes to delete the Kentucky Red Penn Landfill Site (site) from the NPL and requests public comment on this action. The NPL constitutes appendix B to Part 300 of the National and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA), as amended. The EPA has determined that the site poses no significant threat to public health or the environment, as defined by CERCLA, and therefore, no further remedial measures pursuant to CERCLA are warranted.

We are publishing this proposal concurently with the final rule because the EPA does not anticipate dissenting comments on the deletion. A detailed rationale for the deletion is set forth in the direct final rule. If no dissenting comments are received, no further EPA activity is contemplated. If EPA receives dissenting comments, the direct final action will be withdrawn and all public comments received will be addressed in a subsequent final rule. The EPA will not institute a second comment period. Any parties interested in commenting should do so at this time.

DATES: Comments concerning this action must be received by August 15, 2001.

ADDRESSES: Comments may be mailed to Femi Akindele, Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303. Comprehensive information on this site is available through the public docket which is available for viewing at the site information repositories at the following locations: U.S. EPA Region 4,61 Forsyth Street, SW., Atlanta, GA 30303; and the South Oldham Library, 6720 W. Highway 146, Crestwood, Kentucky 40014, telephone number (502) 241–1108.

FOR FURTHER INFORMATION CONTACT: Femi Akindele, Project Manager, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street, SW., Atlanta, GA 30303, (404) 562–8809, Fax (404) 562–8788, *akindele.femi@epa.gov.*

SUPPLEMENTARY INFORMATION: For additional information, see the Direct Final Action which is located in the Rules section of this **Federal Register**.

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

Dated: May 14, 2001.

A. Stanley Meiburg,

Acting Regional Administrator, U.S. EPA Region 4.

[FR Doc. 01–17558 Filed 7–13–01; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

43 CFR Part 2

RIN 1090–AA61

Revision of the Freedom of Information Act Regulations and Implementation of the Electronic Freedom of Information Act Amendments of 1996

AGENCY: Department of the Interior.

ACTION: Proposed rule.

SUMMARY: The Department of the Interior (DOI or Agency) proposes to revise its regulations implementing the Freedom of Information Act (FOIA), 5 U.S.C. 552. The FOIA regulations have been completely rewritten in plain language, question and answer format. The regulations also contain new provisions implementing the Electronic Freedom of Information Act Amendments of 1996 (E–FOIA). Additionally, the regulations have been updated to reflect changes in the Department's policies and procedures, developments in case law, cost figures for calculating and charging fees, and organizational changes within DOI. As a result, the public will have a clearer understanding of DOI's policies and procedures implementing the FOIA.

DATES: We will accept comments from all interested parties until September 14, 2001.

ADDRESSES: Submit your comments to Alexandra Mallus, Office of Information Resources Management (OIRM), Department of the Interior, 1849 C Street, NW., MS–5312–MIB, Washington, DC 20240. Submit electronic comments to alexandra_mallus@os.doi.gov. See **SUPPLEMENTARY INFORMATION** for file format and other information regarding electronic filing. Hand deliver comments to OIRM/DOI, 1849 C Street, NW., Room 5312–MIB, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Alexandra Mallus by telephone at (202) 208–5342, by fax at (202) 501–2360, or by e-mail at alexandra_mallus@os.doi.gov.

SUPPLEMENTARY INFORMATION: The revision of part 2, subparts A and B, incorporates changes to the language and structure of the regulations and adds new provisions to implement the E–FOIA (Pub. L. 104–231). New provisions implementing the amendments are found at § 2.4(c) (electronic reading rooms), § 2.9 (format of disclosure), § 2.12 (timing of responses), § 2.14 (expedited processing), § 2.21(a) (electronic searches), § 2.21(c) (marking deletions), § 2.21(d)(3) (volume estimation), and § 2.25 (multitrack processing).

Subpart B now describes information that is routinely available to the public through the agency reading rooms and the Internet. Requesters are encouraged to use these resources first before filing a FOIA request. Subpart E is added to include information on DOI's FOIA annual report.

Requesters now have 30 workdays, instead of 20 workdays, to file an appeal after the date of DOI's response or receipt of any records provided (§ 2.28(a)).

New sections have been added, such as: (1) § 2.24 concerning submitter designations; and (2) § 2.26 to clarify the difference between a FOIA request and a Privacy Act request.

The Department's fee schedule has been revised; proposed revisions may be found in Appendix C. The duplication charge will remain the same, at thirteen cents per page. Document search and review charges will increase to reflect the average hourly labor costs of employees in the following three categories: clerical, professional, and managerial (this is a new category designed to cover employees at the GS–13 level and above), respectively. Also, the criteria for determining fee waivers have been clarified to make it clear that DOI decides fee waiver requests on a case-by-case basis and to ensure that requesters know that they must provide sufficient justification to support their fee waiver requests (§ 2.19 and Appendix D).

The DOI does not charge a requester if the fee to process the FOIA request is $15 or less (§ 2.16(b)(2)). We are reviewing the true administrative costs associated with processing a FOIA request. This review may result in an increase of the dollar amount below which we will not bill a requester. If the review warrants, the increase will be reflected in the final rule. We specifically request your comments regarding this issue.

Due to the fact that the FOIA regulations have been completely rewritten and reorganized, subparts C through E of the old regulations will be redesignated as subparts F through H in the proposed rule. While the proposed rule redesignates these three subparts, it does not revise them.

If you submit electronic comments, you should provide them as an ASCII file avoiding the use of special characters and any form of encryption. Please also include ''Attn: (RIN 1090–AA61)'' and your name and return address in your Internet message. If you do not receive a confirmation from the system that we have received your Internet message, contact us directly at (202) 208–5342.

Our practice is to make comments, including names and home addresses of respondents available for public review during regular business hours. Individual respondents may request that we withhold their home address from the rulemaking record, which we will honor to the extent allowable by law. There also may be circumstances in which we would withhold from the rulemaking record a respondent's identity, as allowable by law. If you wish us to withhold your name and/or address, you must state this prominently at the beginning of your comments along with the reason(s) for your request. However, we will not consider anonymous comments. We will make all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, available for public inspection in their entirety. Public comments will be available for inspection by appointment (call (202) 208–5342) during normal business hours at the above address. A reasonable fee may be charged for copying.

Regulatory Planning and Review (E.O. 12866)

DOI has determined that this proposed rule is not a ''significant regulatory action'' under the terms of Executive Order 12866 and therefore is not subject to OMB review because it is not likely to result in a rule that may:

(1) Have an annual effect on the economy of $100 million or more or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or tribal governments, or communities;

(2) Create a serious inconsistency or otherwise interfere with an action taken or planned by another agency;

(3) Materially alter the budgetary impact of entitlements, grants, user fees, or loan programs or the rights or obligations of their recipients; or

(4) Raise novel legal or policy issues.

Regulatory Flexibility Act

DOI certifies that this regulation will not have a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 606(b)). Under the FOIA, agencies may recover only the direct costs of searching for, reviewing, and duplicating the records processed for requesters. Thus, fees assessed by DOI are nominal.

Small Business Regulatory Enforcement Fairness Act

This rule is not a major rule under 5 U.S.C. 804(2), the Small Business Regulatory Enforcement Fairness Act. This rule will not result in an annual effect on the economy of more than $100 million per year; a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of U.S.-based companies to compete with foreign-based enterprises. It deals strictly with implementation of the FOIA within DOI.

Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or tribal governments, or the private sector of more than $100 million per year. The rule does not have a significant or unique effect on State, local, or tribal governments, or the private sector. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*)

Takings (E.O. 12630)

In accordance with Executive Order 12630, this rule does not have any takings implications. It deals strictly with implementation of the FOIA within DOI. Therefore, a takings assessment is not required.

Federalism (E.O. 13132)

In accordance with Executive Order 13132, This rule does not have Federalism implications as it deals strictly with implementation of the FOIA within DOI. Therefore, a Federalism assessment is not required.

Civil Justice Reform (E.O. 12988)

In accordance with Executive Order 12988, the Office of the Solicitor has determined that this rule does not unduly burden the judicial system and the requirements of sections 3(a) and 3(b)(2) of the Order.

Paperwork Reduction Act

This rule does not contain any information collection requirements for which OMB approval under the Paperwork Reduction Act (44 U.S.C. 3501–3520) is required.

National Environmental Policy Act

This rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act(42 U.S.C. 4321–4347) of 1969 is not required.

Executive Order 13211

On May 18, 2001, the President issued an Executive Order (E. O. 13211) on regulations that significantly affect energy supply, distribution, and use. Executive Order 13211 requires agencies to prepare Statements of Energy Effects when undertaking certain actions. As this rule is not expected to significantly affect energy supplies, distribution, or use, this action is not a significant energy action and no Statement of Energy Effects is required.

Clarity of This Regulation

Executive Order 12866 requires each agency to write regulations that are easy to understand. We invite your comments on how to make this rule easier to understand, including answers to such questions such as the following: (1) Are the requirements in the rule clearly stated? (2) Does the rule contain technical language or jargon that interferes with its clarity? (3) Does the format of the rule (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce its clarity? (4) Would the rule be easier to understand if it were divided into more (but shorter) sections? (A ''section'' appears in bold type and is preceded by the symbol ''§ '' and a numbered heading; for example, § 2.7 What do I need to know before filing a FOIA request?) (5) Is the description of the rule in the ''Supplementary Information'' section of the preamble helpful in understanding the proposed rule? What else could we do to make the rule easier to understand?

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

List of Subjects in 43 CFR Part 2

Administrative practice and procedure, Classified information, Courts, Freedom of information, Government employees, Privacy.

Dated: June 21, 2001.

Robert J. Lamb,

Deputy Assistant Secretary, Budget and Finance.

Proposed Regulation Promulgation

For the reasons given in the preamble, we propose to amend part 2 of title 43 of the Code of Federal Regulations, as set forth below:

PART 2—RECORDS AND TESTIMONY: FREEDOM OF INFORMATION ACT

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

Authority: 5 U.S.C. 301, 552 and 552a; 31 U.S.C. 9701; and 43 U.S.C. 1460.

2. Subparts C through E are redesignated as subparts F through H and the heading of newly redesignated subpart H is revised to read as follows:

Subpart H—Compulsory Process and Testimony of Employees

3. Subparts A and B are revised in their entirety and redesignated as subparts A through E to read as follows:

Subpart A—General Information

Sec.
2.1 What do the regulations cover?
2.2 What is DOI's policy regarding release of records under the FOIA?
2.3 What terms do I need to know?

Subpart B—Information Routinely Available to the Public without Filing a FOIA Request

2.4 How do I obtain information routinely available to the public?
2.5 Does DOI maintain an index of its reading room materials?
2.6 Will the Department accept written requests, including fax, e-mail, or telephone requests, for routinely available information?

Subpart C—Requests for Records under the FOIA

2.7 What do I need to know before filing a FOIA request?
2.8 What information must I include in my request?
2.9 May I specify the form or format of disclosure?
2.10 Where do I send my request?
2.11 Why is it important to send my request to the right office?
2.12 When can I expect the response?
2.13 When may the bureau take a time extension to respond to my request?
2.14 When can I get expedited processing?
2.15 Will I be charged fees?
2.16 How are fees determined?
2.17 How will my requester category affect the fees that I am charged?
2.18 How are fees assessed and collected?
2.19 When will bureaus waive fees?
2.20 When will bureaus grant discretionary fee waivers?
2.21 How will the bureau respond to my request?
2.22 What happens if a bureau receives a request for records it does not have or did not create?
2.23 How will a bureau handle a request for confidential commercial or financial information that it has obtained from a person or entity outside the Federal Government?
2.24 Is a submitter required to designate information that is commercially or financially sensitive?
2.25 Does the bureau provide multitrack processing of FOIA requests?
2.26 What is the difference between a FOIA request and a Privacy Act request?

Subpart D—FOIA Appeals

2.27 Which FOIA decisions may I appeal?
2.28 How long do I have to file an appeal?
2.29 How do I file an appeal?
2.30 How will DOI respond to my appeal?
2.31 How long does DOI have to respond to my appeal?

Subpart E—FOIA Annual Report

2.32 Where can I get a copy of DOI's FOIA annual report?

Subpart A—General Information

§ 2.1 What do the regulations cover?

(a) The regulations implement the Freedom of Information Act (FOIA), 5 U.S.C. 552, and contain the procedures by which the public may inspect and obtain copies of Department of the Interior (DOI or Department) records through the FOIA or by other means.

(b) They apply to all agency records as defined in § 2.3(c).

(c) The policy and procedures set forth in these regulations apply to all bureaus and offices of the Department.

(d) Nothing in the regulations will entitle you to any service or any record that is not required to be provided under the FOIA.

(e) These regulations do not apply to records that fall under the law enforcement exclusions in Appendix E to this part.

§ 2.2 What is DOI's policy regarding release of records under the FOIA?

It is our policy to make records of the Department available to the public to the greatest extent possible, in keeping with the spirit of the FOIA.

§ 2.3 What terms do I need to know?

For the purposes of this part, the following definitions apply:

(a) *Act* and *FOIA* mean the Freedom of Information Act, 5 U.S.C. 552, as amended.

(b) *Agency* means any executive department, military department, Government corporation, Government controlled corporation, or other establishment in the executive branch of the Federal Government, or any independent regulatory agency.

(c) *Agency record* means any documentary material which is either created or obtained by an agency in the transaction of agency business and under agency control at the time the FOIA request is received.

(1) Agency records include:

(i) Books, papers, maps, charts, plats, plans, architectural drawings, photographs, and microfilm;

(ii) Machine-readable materials such as magnetic tape and disks;

(iii) Electronic records (including e-mail messages);

(iv) Audiovisual material such as still pictures, sound and video recordings; and

(v) All other documentary materials, regardless of physical form, format or characteristics.

(2) This definition generally does not cover records of an individual which are:

(i) Created and maintained primarily for an individual's convenience;

(ii) Not subject to agency creation or retention requirements; and

(iii) Not distributed to other agency employees for their official use.

(d) *Bureau* means any major component of the Department administering its own FOIA program. A list of these components is contained in Appendix A to this part.

(e) *Commercial-use request* means a request from or on behalf of a person who seeks information for a use or purpose that furthers the commercial, trade or profit interests of the requester or the person on whose behalf the request is made. In determining whether a requester falls into this category, the bureau will consider the identity of the requester and intended use of the records in addition to any other available information about the requester.

(f) *Direct costs* means those expenses that a bureau actually incurs in searching for and duplicating (and in the case of commercial-use requests, reviewing) records to respond to a FOIA request. Direct costs include, for example, the salary and benefits of the employee performing the work and the cost of operating duplicating equipment. Not included in direct costs are overhead expenses such as the costs of space and heating or lighting of the facility in which the records are kept.

(g) *Duplication* means making a copy of a record, or the information contained in it, to respond to a FOIA request. Copies can take the form of paper, microform, photographs, audiovisual materials, or electronic records (for example, magnetic tape or disk), among others.

(h) *Educational institution* means a preschool, a public or private elementary or secondary school, an institution of undergraduate higher education, an institution of graduate higher education, an institution of professional education, or an institution of vocational education, that operates a program of scholarly research. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scholarly research.

(i) *Expedited processing* means giving a FOIA request priority and processing it ahead of other requests pending before the bureau because a requester has shown an exceptional need or urgency for the records (*See* § 2.14).

(j) *FOIA request* means a written request (this includes facsimile (fax) and electronic mail (e-mail)) made by any member of the public for Federal agency records.

(k) *Free-lance journalist* means a representative of the news media who is able to demonstrate a solid basis for expecting publication through a news organization, even though not actually employed by it. A publication contract or past record of publication, or evidence of a specific free-lance assignment from a news organization may indicate a solid basis for expecting publication.

(l) *Multitrack processing* means placing simple requests, requiring relatively minimal review, in one processing track and more voluminous and complex requests in one or more other tracks. Requests in each track are processed on a first-in/first-out basis.

(m) *Noncommercial scientific institution* means an institution that is not operated for commerce, trade or profit, and that is operated solely for the purpose of conducting scientific research the results of which are not intended to promote any particular product or industry. To be in this category, a requester must show that the request is authorized by and is made under the auspices of a qualifying institution and that the records are not sought for a commercial use but are sought to further scientific research.

(n) *Privacy Act request* means a written request (paper copy with an original signature) made by an individual for information about himself or herself that is contained in a Privacy Act system of records. The Privacy Act applies only to U.S. citizens and aliens lawfully admitted for permanent residence. Therefore, only those individuals may make Privacy Act requests.

(o) *Reading room materials* mean records (paper or electronic) that are required to be made available to the public under 5 U.S.C. 552(a)(2), as well as other records that a bureau, at its discretion, makes available to the public for inspection and copying without requiring the filing of a FOIA request.

(p) *Representative of the news media* means any person actively gathering news for an entity that is organized and operated to publish or broadcast news to the public. The term ''news'' means information that is about current events or that is (or would be) of current interest to the public. Examples of news media entities include, but are not limited to, television or radio stations broadcasting to the public at large, and publishers of periodicals (but only in those instances when they can qualify as disseminators of ''news'') who make their products available for purchase or subscription by the general public. To be in this category, a requester must not be seeking the requested records for a commercial use. Further, a bureau normally will not consider requests for records involving news dissemination to be commercial-use requests.

(q) *Review* means the examination of a record located in response to a request in order to determine whether any portion of it is exempt from disclosure. It also includes the deletion of exempt material or other processing necessary to prepare the record(s) for disclosure, including routine consultation among bureau staff and attorneys regarding the applicability of exemptions.

(r) *Search* means the process of looking for and retrieving agency records and information responsive to a

request (manually or by automated means).

(s) *Submitter* means any person or entity outside the Federal Government from whom the Department directly or indirectly obtains commercial or financial information. The term includes, but is not limited to individuals, corporations, and state, local, tribal, and foreign governments.

(t) *Workday* means a regular Federal workday. It does not include Saturdays, Sundays, or Federal legal public holidays.

Subpart B—Information Routinely Available to the Public without Filing a FOIA Request

§ 2.4 How do I obtain information routinely available to the public?

A great deal of information is available to the public without filing a FOIA request. Examples are Departmental policies, procedures, and organizational descriptions. The following guidance will help you obtain this information. (Note: For copies of records that are not routinely available, you must submit a FOIA request to the DOI office where the records are located. Procedures for requesting records under the FOIA are provided in subpart C of this part.)

(a) *General.* (1) General information about DOI or one of its bureaus may be obtained by visiting DOI's home page (see Appendix B to this part for a list of Internet addresses) or by contacting the Office of Public Affairs/ Communications for the appropriate bureau (see Appendix A to this part for a list of DOI contacts). Many documents are made available to the public through DOI's reading rooms. Some documents also may be available in DOI's electronic reading rooms on the Internet.

(2) Information on DOI's FOIA Program and a Reference Guide to assist you in obtaining various types of information are available in DOI's reading rooms, through the FOIA home page, or by contacting the Departmental FOIA Officer.

(3) To obtain information about specific records in DOI, you also may refer to:

(i) The index of documents frequently requested under the FOIA which is available in DOI's reading rooms, through the FOIA home page, or by contacting one of the bureau FOIA Officers; and

(ii) The index and description of DOI's major information and record locator systems, which are available in DOI's reading rooms, through the FOIA home page, or by contacting one of the bureau FOIA Officers.

(4) Another source of information is DOI's Library which contains over one million holdings dealing with a broad range of matters pertaining to the Department's mission. You may wish to visit the Library, which is located at the C Street entrance of the Main Interior Building, 1849 C Street, NW., Washington, DC. 20240 (see Appendix A to ths part). The Library is open to the public for on-site reference use from 7:45 a.m.–5:00 p.m., Monday–Friday (excluding holidays). Additional information regarding the Library's holdings and services may be obtained by visiting its home page (see Appendix B to this part).

(b) *Published information and rules.* Under 5 U.S.C. 552(a)(1), bureaus are required to publish certain information in the **Federal Register** for the guidance of the public, such as descriptions of their central and field organizations, functions, procedures, substantive rules, and statements of general policy.

(c) *Reading room materials.* (1) Under 5 U.S.C. 552(a)(2), each bureau is responsible for making the following information available for public inspection and copying unless the materials are promptly published and copies offered for sale. Bureaus must make any such records created on or after November 1, 1996, available by the Internet or by other computer telecommunication methods or electronic means as quickly as practicable.

(i) Final opinions rendered in the adjudication of cases.

(ii) Policy statements and interpretations which have been adopted by DOI and are not published in the **Federal Register**.

(iii) Administrative staff manuals and instructions affecting the public.

(iv) Copies of records frequently requested under the FOIA and an index of those documents.

(v) A subject-matter index of its reading room records.

(2) Bureaus may, at their discretion, make other records available for inspection and copying in reading rooms or via their home pages.

(d) *Inspection and copying.* (1) Reading room materials are available for inspection and copying at the locations listed in Appendix A to this part and, in some cases, through the Internet; however, not all records may be available in all locations. If you need assistance in determining the location and availability of the records you are seeking, contact the appropriate reading room or FOIA Contact listed in Appendix A to this part.

(2) A bureau may delete exempt information from some records before making them available for inspection and copying. (See § 2.21(c)). If you would like access to the entire record, you must submit a FOIA request under the procedures in subpart C of this part. However, submission of a FOIA request does not guarantee that the entire record will be released.

(3) There is no charge to inspect reading room materials. Copying services will be provided at the fees specified in Appendix C to this part. However, other fees may apply where a bureau has a statute that specifically requires the bureau to set fees for particular types of records.

§ 2.5 Does DOI maintain an index of its reading room materials?

Each bureau will maintain and make available for public inspection and copying a current subject-matter index of its reading room materials (5 U.S.C. 552(a)(2)). The index will be available in the bureau's reading room(s) and in their electronic reading rooms on the Internet. Each index will be updated regularly.

§ 2.6 Will the Department accept written requests, including fax, e-mail, or telephone requests, for routinely available information?

Yes. Although a request for this type of information is not a FOIA request, the bureau will send you the requested information and charge you for the copies, according to the fee schedule in Appendix C to this part. While the bureau will attempt to respond to oral requests (those made by telephone or otherwise) for routinely available information, you should submit complex requests in writing to avoid any risk of misunderstanding.

Subpart C—Requests for Records Under the FOIA

§ 2.7 What do I need to know before filing a FOIA request?

(a) If the records you are seeking are not routinely available as described in Subpart B of this part, you must submit a FOIA request to the FOIA Contact at the bureau office where the records are maintained. FOIA requests must be submitted in writing—DOI does not accept oral FOIA requests. Before submitting a request, you may find it useful to contact the appropriate bureau FOIA Contact or the Departmental FOIA Officer for additional information concerning DOI's FOIA Program. You may find the Department's Reference Guide, which is available electronically through the FOIA home page and in paper form as well, helpful in making your request.

(b) The FOIA requires that we release records unless they are protected by one of nine exemptions or one of three special law enforcement exclusions (see Appendix E to this part).

(c) The Act does not require a bureau to answer questions that may be asked in a FOIA request.

(d) An agency record must exist at the time a FOIA request is received in order to be considered subject to the FOIA. There is no obligation for the bureau to create or compile a record to satisfy a FOIA request (for example, by combining or compiling selected items from manual files, preparing a new computer program, calculating proportions, percentages, frequency distributions, trends and comparisons, or creating maps). Normally if a bureau is extracting information from an existing computer database, this would not constitute the creation of a new record. However, a bureau has the option of creating a new record if—

(1) Doing so will provide a more useful response to the requester,

(2) It is less burdensome than providing the existing records, and

(3) The newly created record is fully responsive to the request.

(e) The fee in this case will not be more than the fee for the individual records. Fees will be charged consistent with the schedule in Appendix C to this part.

§ 2.8 What information must I include in my request?

(a) *Description of records.* (1) Describe the requested records in enough detail to enable an employee familiar with the subject area of the request to locate the record(s) with a reasonable amount of effort. Be as specific as possible in describing the records you are seeking. For example, whenever possible:

(i) Identify the date, title or name, author, recipient, and the subject of the record; the office that created it, the present custodian of the record and the geographical location (e.g., headquarters or a regional/field office); the timeframe for which you are seeking records, and any other information that will assist the bureau in locating the material.

(ii) If the request involves a matter in litigation, state the case name and docket number as well as the court in which the case was filed.

(2) The bureau will not begin processing your request until any issues regarding the scope or nature of your request are resolved. When a request is overly broad, unclear, involves an extremely voluminous amount of records, or a burdensome search, the bureau will contact you to identify and clarify the records you are seeking. It will work with you to define the subject matter, clarify terms that are used, or narrow the scope of your request.

(3) The time limit will not start until the bureau receives a request reasonably describing the records or clarifying the initial request. If the bureau asks you for additional clarification and does not hear from you within 20 workdays, it will assume that you are no longer interested in pursuing your request and will close the file on your request.

(b) *Fee information.* (1) Unless you request a fee waiver (see paragraph (b)(2) of this section), you should state that you are willing to pay all fees associated with processing your request or that you are willing to pay up to a specified amount. The bureau will not begin processing your request until this written assurance has been received. If the bureau anticipates that the fees for processing your request exceed the amount you have indicated you are willing to pay, the bureau will notify you that it needs your assurance of payment of fees as high as are anticipated, or an advance payment (see § 2.18(b) and (c)). If the bureau does not hear from you within 20 workdays, it will assume that you are no longer interested in pursuing your request and will close the file on your request.

(2) You may request a fee waiver. If you are seeking a fee waiver, you must provide sufficient justification to support your fee waiver request (see the criteria in § 2.19 and in Appendix D to this part). Failure to provide adequate justification will result in a denial of your fee waiver request. Remember if you are requesting a fee waiver, the burden is on you to demonstrate in your request that you are entitled to it. The bureau will not begin processing your request until the fee issues are resolved. As an option, at the same time you request a fee waiver you may state your willingness to pay regardless of whether a fee waiver is granted. This will permit the bureau to process your request for records at the same time it is considering the fee waiver request. If you are required to pay a fee, and it is later determined on appeal that you are entitled to a full or partial fee waiver, an appropriate refund will be made.

(3) You should indicate what fee category you are in, i.e., if you are a commercial use, news media, educational institution/noncommercial scientific institution, or other requester (*See* §§ 2.3 and 2.17(a)). If you submit a FOIA request on behalf of another person or organization—for example, if you are an attorney submitting a request on behalf of a client—it is the underlying requester's identity and intended use that determines the fee category. If your fee category is unclear to the bureau, the 20-workday statutory time limit for processing your request will not begin to run (see § 2.12(b)) until this matter has been resolved. If the bureau requests additional clarification and does not hear from you within 20 workdays, it will assume that you are no longer interested in pursuing the request and will close the file.

(c) *Mailing information.* Your postal address is required for the bureau to mail any responsive documents to you.

(d) The following information will assist the bureau in processing your request:

(1) The words ''FOIA REQUEST'' (prominently displayed) on the request letter and the envelope, or subject line of a request sent via e-mail or fax, or ''PRIVACY ACT REQUEST'' when requesting records pertaining to yourself, as well as citing the appropriate act in your letter;

(2) Your e-mail address (if applicable), telephone number (where you can be reached during normal business hours), and fax number, if available, in case the bureau needs additional information or clarification of your request. Your telephone number is especially important in case the bureau needs to contact you about your request.

(3) A list of all the bureau FOIA Contacts to which you are sending your request. For the quickest possible handling, you should address a separate copy of your request to each bureau FOIA Contact where you believe the records are maintained.

(4) When making a request for records about another individual that may be covered by the Privacy Act, a written authorization from that individual and any other information required by the Privacy Act system of records notice; or proof that the individual is deceased (for example, a copy of a death certificate or an obituary). The Privacy Act does not apply to a deceased individual.

§ 2.9 May I specify the form or format of disclosure?

Generally, you may choose the form or format of disclosure for records that you request under the FOIA (5 U.S.C. 552(a)(3)(B)). Bureaus must provide the record in the requested form/format if the office responding to the request can readily reproduce the record in that form/format with reasonable efforts. However, if the process of providing the information in the requested format would damage or destroy an original document, it may not be possible to honor your format request. Bureaus must make reasonable efforts to maintain their records in forms or

formats that are reproducible. You may be charged the direct costs involved in converting information to the requested format if the bureau normally does not maintain the information in that format.

§ 2.10 Where do I send my request?

(a) DOI does not have a central location where you may submit your FOIA request nor does it maintain a central index or database of documents in its possession. DOI's files are decentralized and are maintained by various bureau offices throughout the country.

(b) Submit your request in writing to the FOIA Contact at the bureau office where you believe the records are maintained. If it is unclear where to send your request, contact the Departmental FOIA Officer. You may have to do a little research to find the proper office to handle your inquiry, but you will save time in the long run if you send your request directly to the FOIA Contact at the appropriate bureau office.

(1) A request to a bureau headquarters office may be presumed to seek only records from the headquarters office, unless the request specifies otherwise.

(2) A request to a regional/field office of a bureau may be presumed to seek only records at that office, unless the request specifies otherwise.

(3) If a request to a bureau office specifies that it seeks records located at other offices of the same bureau, the appropriate FOIA Contact will refer the request to the other office(s).

(4) If a request to a bureau specifies that it seeks records of another bureau, the bureau will refer the request to the appropriate bureau for response and notify the requester.

§ 2.11 Why is it important to send my request to the right office?

Failure to send your request to the FOIA Contact at the appropriate bureau office may delay processing, because the time limit for the bureau to respond will not begin to run until a request complying with §§ 2.8 and 2.10 is received by the bureau office where the records are maintained. The processing of your request may be delayed if you send it to the Secretary of the Interior (or other high-level officials), the Office of Public Affairs/Communications, the DOI FOIA Officer, or the Department/bureau's webmaster.

§ 2.12 When can I expect the response?

(a) *Basic time limit.* Ordinarily, a bureau has 20 workdays from the date of receipt to determine whether to grant or deny your FOIA request (see paragraph (b) of this section). The bureau will notify you immediately upon reaching its decision. If you have not received a response within 20 workdays, or 30 workdays if an extension has been taken (see § 2.13) (be sure to allow for mailing time), you may contact the bureau to ask about the delay (see Appendix A to this part). You also have the right to consider any nonresponse within these time limits as a denial of records and file a formal appeal (*See* § 2.27(a)(5)) or lawsuit. These time limits do not apply to requests for expedited processing (*See* § 2.14).

(b) *Running of basic time limit.* The 20 workday time limit begins to run when a request complying with the procedures in §§ 2.8 and 2.10 is received by the FOIA contact at the bureau office that has the records you are seeking. This also applies to electronic requests (the receipt date is the date the e-mail message is opened by the FOIA Contact at the bureau office responsible for the information). This means that all issues regarding fees and the scope of your request must be resolved before the bureau will begin processing your request.

§ 2.13 When may the bureau take a time extension to respond to my request?

(a) The bureau may extend the 20-workday time limit for 10 more workdays when it needs to:

(1) Search for and collect the requested records from multiple offices; or

(2) Search for, collect, and examine a voluminous amount of separate and distinct records sought in a single request; or

(3) Consult with another agency having a substantial interest in the determination of the request or with one or more bureaus of the Department having substantial subject-matter interest in the request.

(b) If the bureau intends to take an extension under this subsection, it will notify you in writing and provide the reason for the extension and the date it expects to make a determination on your request.

(c) If an extension is necessary and the bureau is unable to respond to your request within 30 workdays, it will notify you in writing when you may expect a final response and advise you of your appeal rights. If an extension is taken and you have not received a response in 30 workdays, you may consider the request denied and file an appeal or lawsuit in accordance with §§ 2.28(a)(5) and 2.32(c).

(d) A bureau may not take an extension of time to decide whether to grant a request for a fee waiver.

§ 2.14 When can I get expedited processing?

(a) When requested, a bureau will provide expedited processing if you demonstrate to the satisfaction of the bureau that the request involves:

(1) Circumstances in which the lack of expedited treatment could reasonably be expected to pose an imminent threat to the life or physical safety of an individual;

(2) An urgency to inform the public about an actual or alleged Federal Government activity if the request is made by a person primarily engaged in disseminating information, e.g., a representative of the news media. This refers to information which has particular value that will be lost if not disseminated quickly, and ordinarily refers to a breaking news story of general public interest. However, information of historical interest only, or information sought for litigation or commercial activities would not qualify, nor would a news media deadline unrelated to breaking news; or

(3) The loss of substantial due process rights.

(b) A request for expedited processing should be submitted with your FOIA request. For a prompt determination, you must submit a request complying with the requirements of § 2.8 to the FOIA contact at the bureau office that maintains the records you are seeking.

(c) If you are seeking expedited processing, you must submit a statement, certified to be true and correct to the best of your knowledge and belief, explaining in detail the basis for your request. For example, a requester within the category of paragraph (a)(2) of this section, if not a full time member of the news media, must establish that he or she is a person whose main professional activity or occupation is information dissemination, though it need not be his/her sole occupation.

(d) Within 10 calendar days after the date of the request, the bureau will notify you whether it will grant expedited processing. If expedited processing is granted, the bureau will give priority to that FOIA request and process the request as soon as practicable. If expedited processing is denied, the bureau will notify you of your right to appeal the decision on expedited processing. Appeals of denials of requests for expedited processing will be processed ahead of other appeals (see § 2.31(a)).

§ 2.15 Will I be charged fees?

Bureaus will charge fees consistent with the provisions in §§ 2.16 and 2.17. The fee schedule in Appendix C to this

part applies to all bureaus of the Department.

§ 2.16 How are fees determined?

(a) *Authority.* Bureaus are authorized to charge fees to recover the direct costs of searching for, reviewing (commercial-use requesters only) and duplicating documents to respond to a FOIA request. However, nothing in this subsection will supersede any statutory authority which requires the bureau to charge specific fees for certain types of records.

(b) *Policy.* (1) Unless waived under the criteria in § 2.19 or § 2.20, bureaus will charge fees for responding to FOIA requests consistent with the provisions of this section and the fee schedule in Appendix C to this part.

(2) A bureau normally will not charge a fee where the fee would be $15 or less. However, if the bureau has a reasonable basis to conclude that a requester or group of requesters has divided a request into a series of requests on a single subject or related subjects to avoid fees, the requests may be aggregated and fees charged accordingly. Bureaus may presume that multiple requests of this type that are made within a 30-day period have been made in order to avoid fees. Where requests are separated by a longer period, bureaus will aggregate them only where there exists a solid basis for determining that aggregation is warranted under all the circumstances involved. Multiple requests involving unrelated matters will not be aggregated.

(3) Where a bureau responds to a request on behalf of more than one bureau, the fees that would be chargeable by all bureaus involved will be considered in determining whether the fee is $15 or less. If a bureau is responding on behalf of more than one bureau, and you fall under one of the fee categories in § 2.17(a)(2) through (a)(4), you will be entitled to receive up to a total of 100 pages of duplication and two hours of search time free.

(c) *Searches.* Searches will be conducted in the most efficient and least expensive manner, so as to minimize costs for both you and the bureau. Except where provided in §§ 2.17(a)(2) and (a)(3), bureaus will charge for time spent in the following search activities:

(1) Time spent in trying to locate records which come within the scope of the request, whether documents responsive to the request are located or not, or the records located are exempt from disclosure; and

(2) Direct costs involving the use of computer time to locate requested records.

(d) *Reviews (Commercial-use requests only).* (1) Bureaus will charge commercial-use requesters (see § 2.17(a)(1)) for time spent by bureau staff and attorneys in reviewing requested records for releasability. (See § 2.3(e).)

(2) Review costs will be assessed even if a record ultimately is not disclosed.

(e) *Duplication.* Bureaus will charge duplication fees according to the fee schedule in Appendix C to this part.

(f) *Categories of requesters.* There are four categories of requesters for the purposes of determining fees—commercial-use, educational and noncommercial scientific institutions, news media, and all others. (See §§ 2.3 and 2.17.)

§ 2.17 How will my requester category affect the fees that I am charged?

(a) When you submit a FOIA request, you must specify your fee category. Based on the information you provide, the bureau office processing your request will decide your fee category and charge as follows:

(1) Commercial-use requesters are charged for document search, review, and duplication. They are not entitled to any free search or duplication costs.

(2) Educational/noncommercial scientific institutions are charged for document duplication, except that the first 100 pages of paper copies (or the equivalent cost thereof if the records are in some other form) will be provided without charge. The bureau will not charge such requesters for document search and review.

(3) News media requesters are charged for document duplication, except that the first 100 pages of paper copies (or the equivalent cost thereof if the records are in some other form) will be provided without charge. The bureau will not charge such requesters for document search and review.

(4) Requesters not covered by paragraphs (a)(1) through (a)(3) of this section—''other requesters'' will be charged fees for document search and duplication, except that they are entitled to the first two hours of search time and the first 100 pages of paper copies without charge (or the equivalent cost thereof if the records are in some other form). The bureau will not charge such requesters for document review.

(b) Requests for clarification. If you do not provide sufficient information for the bureau to determine whether you are covered by paragraphs (a)(1) through (a)(4) of this section, the bureau may ask you to provide additional clarification to determine the fee category. This applies to all requesters. The bureau will notify you promptly when additional information is needed. In these circumstances, the 20-workday statutory time limit for responding to your request will not begin to run until you provide sufficient information. If the bureau requests additional clarification and does not hear from you within 20 workdays, it will assume that you are no longer interested in pursuing your request and will close the file.

(c) The following table summarizes the chargeable fees for each category of requester.

Category	Search fees	Review fees	Duplicaiton fees
(1) Commercial Use	Yes	Yes	Yes.
(2) Educational Institution	No	No	Yes (100 pages free).
(3) Non-Commercial Scientific Institution	No	No	Yes (100 pages free).
(4) News Media	No	No	Yes (100 pages free).
(5) All Other	Yes (2 hours free)	No	Yes (100 pages free).

Note: A bureau will not charge any fee if the applicable fee would be $15 or less. (*See* §§ 2.16(b)(2) and (2.18(a).)

§ 2.18 How are fees assessed and collected?

(a) *No charge.* Except in those situations covered by § 2.16(b)(2), the bureau will not charge you if the fee is $15 or less.

(b) *Notice of anticipated fees.* Unless you have been granted a fee waiver or have previously agreed to pay the fees associated with your request, or the anticipated fee is $15 or less, the bureau will:

(1) Promptly notify you of the estimated costs and ask you to provide written assurance of payment; and

(2) Give you an opportunity to modify your request at that time to reduce the fee.

(c) *Advance payment.* (1) The bureau will require advance payment when the estimated fee is over $250 and—

(i) You have never made a FOIA request to DOI requiring fees; or

(ii) You did not pay a previous FOIA fee promptly.

(2) If you have previously failed to pay a fee within 30 calendar days of the date of billing, the bureau will require you to:

(i) Pay the full amount owed plus any applicable interest penalties (see paragraph (g) of this section) and to make an advance payment of the full amount of the estimated fee of the new request; or

(ii) Demonstrate that you have, in fact, paid the prior fee.

(3) At the same time the bureau notifies you that an advance payment is due, it will give you an opportunity to modify your request to reduce the fee.

(d) *Resolving the fee issue.* The bureau will not start processing your request until the fee issue has been resolved (see §§ 2.8(b) and 2.12(b)). If the bureau does not hear from you within 20 workdays, it will assume that you are no longer interested in pursuing the request and will close the file.

(e) *Billing procedures.* If you are required to pay a fee associated with your request, the bureau that processes your request will send you a bill for collection.

(f) *Form of payment.* You should submit a check or money order made payable to the ''Department of the Interior'' or the bureau furnishing the information. The term United States or the initials ''U.S.'' should not be included on the check or money order. Where appropriate, the official responsible for handling a request may require that payment by check be made in the form of a certified check. Some bureaus accept payment by credit card. Contact the bureau to determine what forms of payment it accepts.

(g) *Failure to pay fees.* The bill for collection or the response letter will include a statement that interest will be charged in accordance with the Debt Collection Act of 1982, as amended (31 U.S.C. 3717) and implementing regulations, if the fees are not paid within 30 calendar days of the date of the bill. This requirement does not apply if the requester is a state, local, or tribal government.

§ 2.19 When will bureaus waive fees?

(a) Fees for processing your request may be waived if you meet the criteria listed in paragraph (b) of this section and Appendix D to this part. In certain circumstances, a partial fee waiver may be appropriate. The burden is on you to justify entitlement to a fee waiver. Requests for fee waivers are decided on a case-by-case basis. The fact that you have received a fee waiver in the past does not mean you are automatically entitled to a fee waiver for every request you may submit, because the essential element of any fee waiver determination is whether the release of the particular documents sought in the request will contribute significantly to public understanding. The bureau will rely on the fee waiver justification you have submitted in your request letter. If you do not submit sufficient justification, your fee waiver request will be denied. The bureau may, at its discretion, communicate with you to request additional information if necessary. However the bureau must make a determination on the fee waiver request within the statutory time limit, even if the agency has not received such additional information.

(b) Bureaus will waive fees (in whole or part) if disclosure of all or part of the information is in the public interest because its release—

(1) Is likely to contribute significantly to public understanding of the operations or activities of the Government; and

(2) Is not primarily in the commercial interest of the requester.

(c) If a bureau denies your request for a fee waiver, it will notify you, in writing, of the following:

(1) The basis for the denial, including a full explanation of why your fee waiver request did not meet DOI's fee waiver criteria (see paragraph (b) of this section and Appendix D to this part);

(2) The name(s) and title(s) or position(s) of each person responsible for the denial;

(3) The name and title of the Office of the Solicitor attorney consulted; and

(4) A statement that the denial may be appealed within 30 workdays after the date of the denial letter to the FOIA Appeals Officer (see Appendix A to this part) under the procedures in § 2.29.

§ 2.20 When will bureaus grant discretionary fee waivers?

(a) A bureau may waive fees at its discretion if a request involves:

(1) Furnishing a copy of a document that the bureau has reproduced for free distribution;

(2) Furnishing one copy of a personal document (e.g., a birth certificate) to a person who has been required to furnish it for retention by the Department;

(3) Furnishing one copy of the transcript of a hearing before a hearing officer in a grievance or similar proceeding to the employee for whom the hearing was held;

(4) Furnishing records to donors with respect to their gifts;

(5) Furnishing records to individuals or private nonprofit organizations having an official voluntary or cooperative relationship with the Department to assist the individual or organization in its work with the Department;

(6) Furnishing records to state, local, and foreign governments, public international organizations, and Indian tribes, when to do so without charge is an appropriate courtesy, or when the recipient is carrying on a function related to that of the Department and to do so will help to accomplish the work of the Department;

(7) Furnishing records when to do so is in conformance with generally established business custom (e.g., furnishing personal reference data to prospective employers of former Department employees); or

(8) Furnishing one copy of a single record in order to assist the requester in obtaining financial benefits to which he or she may be entitled (e.g., veterans or their dependents, employees with Government employee compensation claims).

(b) You cannot appeal the denial of a discretionary fee waiver.

§ 2.21 How will the bureau respond to my request?

(a) After all the criteria in §§ 2.8 and 2.10 have been met, the bureau will make a reasonable effort to search for records responsive to your request. This will include searching for records in an electronic form/format, except where it would interfere significantly with the bureau's automated information systems.

(b) In response to your request, the bureau will do one of two things:

(1) Include the requested records with the response letter or notify you of how, when, and where the records will be made available; or

(2) Deny part or all of your request. Your request will be denied or partially denied if one of the nine statutory exemptions or any of the law enforcement exclusions listed in Appendix E to this part applies to all or part of the records you have requested.

(c) Where a document contains both exempt and nonexempt material, the bureau will generally separate and release the nonexempt information. When disclosing a record in part, the bureau will indicate on the released portion of the record how much information was deleted, unless doing so would harm an interest protected by the exemption used to withhold the information. Further, if technically

feasible, the amount of information deleted and the exemption used to withhold the information will be indicated where the deletion is made. If the nonexempt material is so intertwined with the exempt material that disclosure of it would leave only meaningless words and phrases, the entire portion may be withheld.

(d) If a bureau denies your request for records in whole or in part, the bureau's response will include:

(1) A reference to the specific exemption or exemptions authorizing the withholding;

(2) A brief statement of the reason(s) for the denial;

(3) An estimate of the volume of information being withheld. The bureau will make a reasonable effort to estimate the volume of any records denied, or portions of records (e.g., 100 pages, 4 Federal Record Center boxes, 1,000 kilobytes, etc.), unless such an estimate would harm an interest protected by the exemption used to withhold the information.

(4) The name(s) and title(s) of the person(s) responsible for the denial;

(5) The name and title of the Office of the Solicitor attorney consulted; and

(6) A statement that the denial may be appealed within 30 workdays of the date of the denial letter or 30 workdays after the records have been released, to the FOIA Appeals Officer (see Appendix A to this part) under the procedures in § 2.29.

(e) If records do not exist within DOI, cannot be located, are not reasonably described, or if a procedural issue remains unresolved (*e.g.,* a fee issue), the bureau will respond to you in writing, including the following information, as applicable:

(1) An explanation of the basis of the decision;

(2) The name(s) and title(s) of the person(s) responsible for the decision; and

(3) A statement that the matter may be appealed within 30 workdays of the date of the response, to the FOIA Appeals Officer under the procedures in § 2.29.

(f) The bureau must consult with the Office of the Solicitor if it is considering withholding a requested record or denying a fee waiver.

(g) If any fees are due, the bureau will notify you in writing of the amount.

(h) All bureau responses will include the name and telephone number of a contact person in case you have questions concerning the response.

(i) Requests for information concerning coal under the Mineral Leasing Act are subject to special rules (see Appendix F to this part).

§ 2.22 What happens if a bureau receives a request for records it does not have or did not create?

(a) *Consultations/referrals within DOI.* (1) If a bureau receives a request for records not in its possession, but which are likely to be in the possession of another bureau within DOI, it will refer the request to that bureau(s) for response. It also will notify you of the referral in writing and provide the name of a contact in the other bureau(s) to which the referral was made. The time limit for responding to your request starts when the request reaches the bureau office that has the records.

(2) If a bureau (other than the Office of Inspector General) receives a request for records in its possession that another bureau created or is substantially concerned with, it will consult with the other bureau before deciding whether to release or withhold the records. As an alternative, the bureau may refer the request along with the records to that bureau for direct response. Such a referral does not restart the statutory time limit.

(b) *Consultations/referrals with agencies outside DOI.* (1) If a bureau receives a request for records not in its possession, but which the bureau believes may be in the possession of another Federal agency, the bureau will return your request and advise you to submit it directly to the other agency. If you still believe that the records exist within DOI, you should notify the bureau FOIA contact of any additional information which leads you to believe the records exist and where they might be found. Alternatively, you may treat such a response as a denial of records and file an appeal.

(2) If, in response to a request, a bureau locates documents that originated with another Federal agency, it will either consult with the originating agency to determine if the requested documents are releasable, or refer the request, along with any responsive document(s), to that agency for a direct response to you unless—

(i) The record is of primary interest to DOI (a record is of primary interest to DOI if it was developed or prepared according to DOI regulations, directives or request);

(ii) DOI is in a better position than the originating agency to assess whether the record is exempt from disclosure; or

(iii) the originating agency is not subject to the FOIA.

(3) If a bureau receives a request for records which have been classified by another agency under Executive Order 12958, Classified National Security Information, or superseding Executive order, it must refer the request to that agency for response.

§ 2.23 How will a bureau handle a request for confidential commercial or financial information that it has obtained from a person or entity outside the Federal Government?

(a) If a bureau receives a FOIA request for records containing confidential commercial or financial information submitted by a person or entity outside the Federal Government, under Executive Order 12600, Predisclosure Notification Procedures for Confidential Commercial Financial Information, or superseding Executive order, it must provide the submitter with prompt written notice of the request, except as provided in paragraph (i) of this section, whenever:

(1) The submitter has designated the information as confidential commercial information, or

(2) The bureau has reason to believe that the information may be protected under exemption (4).

(b) The letter to the submitter will—

(1) Include a copy of the FOIA request,

(2) Describe the information requested or include copies of the pertinent records,

(3) Advise the submitter of the procedures for objecting to the release of the requested material and specify the time limit for responding.

(4) Give the submitter a reasonable time from receipt of the bureau's notice to object to the release and to explain the basis for the objection, if any. A reasonable time for a submitter to respond to such a request is normally 10 workdays.

(c) Where a large number of submitters is involved, the bureau may publish or post a notice in a place reasonably accessible to the public (i.e., in a newspaper/newsletter or on a bulletin board).

(d) Whenever a bureau notifies a submitter that it may be required to disclose information in response to a FOIA request, it also will notify you that it is giving the submitter an opportunity to review and comment on the material.

(e) If the submitter has any objection to disclosure he/she must submit a detailed written statement including the following:

(1) The justification for withholding any portion of the information under any exemption of the FOIA and, in the case of exemption (4), a specific and detailed explanation of how substantial competitive or other business harm would result from disclosure; and

(2) A certification that the information is confidential, has not been disclosed

to the public by the submitter, and is not routinely available to the public from other sources.

(f) The bureau will review and consider all objections to release that are received within the time specified in the notification letter. However, it is the bureau, rather than the submitter, that is responsible for deciding whether the information should be released or withheld. If a submitter fails to respond to the bureau within the time limits specified in the letter, the bureau will presume that the submitter has no objection to disclosure of the information. Information received after the time specified in the notification letter will not be considered.

(g) Information provided by the submitter under paragraph (e) of this section also may be subject to disclosure under the FOIA.

(h) If the bureau decides to release records over the submitter's objections, it will inform the submitter and you in writing. The letter to the submitter will include copies of the records proposed for release and the bureau's reasons for deciding to release them. The bureau also will inform the submitter that it intends to release the records 10 workdays after the date of this notice.

(i) The bureau will not consult with the submitter if:

(1) The bureau responsible for the decision determines that the information should not be disclosed;

(2) The information has been lawfully published or otherwise made available to the public;

(3) Disclosure of the information is required by statute (other than the FOIA) or regulation (other than this subpart);

(4) Disclosure of the information is prohibited by statute; or

(5) The designation of confidentiality made by the submitter appears obviously frivolous; however, the bureau will notify the submitter of any final decision to disclose the information a reasonable number of days (normally 10 workdays) prior to releasing it.

(j) The bureau will inform the submitter promptly if you file a lawsuit for access to any of the withheld records. Similarly, the bureau will notify you promptly if the submitter files a lawsuit to prohibit the bureau from disclosing the records.

(k) The procedures in this section will be followed when processing FOIA appeals as well.

§ 2.24 Is a submitter required to designate information that is commercially or financially sensitive?

(a) No, however, a submitter should designate either at the time of submission or a reasonable time thereafter, any records (or portions thereof) that it considers to be protected from disclosure under exemption (4).

(b) These designations will expire ten years after the date of the submission unless the submitter requests and provides justification for a longer period and the bureau grants the request.

§ 2.25 Does the bureau provide multitrack processing of FOIA requests?

(a) A bureau may use two or more processing tracks to distinguish between simple and complex requests based on the amount of work and/or time needed to process the request.

(b) If a bureau uses multitrack processing, a person making a request that does not qualify for processing on the fast track may be given an opportunity to limit the scope of his or her request in order to qualify for faster processing.

§ 2.26 What is the difference between a FOIA request and a Privacy Act request?

(a) When you request records pertaining to yourself that are covered by the Privacy Act, the request will be processed under both the FOIA and the Privacy Act. If you request records about yourself, you must submit certain identifying information, usually an original signature (see the appropriate Privacy Act system notice and subpart G of this part) before the bureau will process your request. If you request records pertaining to yourself that are not covered by the Privacy Act, the request will be treated as a FOIA request.

(b) Sometimes a request for Privacy Act records is submitted by an individual other than the person who is the subject of the Privacy Act records. If you request records about another individual, the material will not be disclosed without the prior written approval of the individual on whom the record is maintained unless the release is provided for under one of the Privacy Act conditions of disclosure (5 U.S.C. 552a(b)), or if the individual is deceased. See § 2.8(c)(4).

(c) The Privacy Act never prohibits disclosure of material that the FOIA requires to be released. Both a Privacy Act and a FOIA exemption must apply to withhold information from the subject of the Privacy Act records.

(d) In handling a request covered by paragraph (a) of this section, the fee provisions and time limits under the FOIA will apply, except that with regard to those records that are subject to the Privacy Act, the bureau will charge only for duplication and not for search and review time (see Appendix C to this part). There will be no charge if the fee for processing the request is $15 or less.

(e) See DOI's Privacy Act regulations (subpart G of this part) for additional information.

Subpart D—FOIA Appeals

§ 2.27 Which FOIA decisions may I appeal?

(a) You may file an appeal when:

(1) Records or parts of records have been withheld;

(2) A request has been denied for failure to adequately describe requested records, because the records do not exist, or because they cannot be located;

(3) You believe there is a procedural deficiency (e.g., fees are improperly calculated);

(4) A fee waiver has been denied;

(5) A determination has not been made on your request within the time limits provided in § 2.12; or

(6) A request for expedited processing has been denied. (Special procedures apply to this type of appeal (see §§ 2.14, 2.28(c), and 2.31(a)). An appeal of this type relates only to the request for expedited processing and does not constitute an appeal of your underlying request for records.

(b) Before filing an appeal, you may wish to communicate with the contact person listed in the FOIA response or the bureau's FOIA Officer to see if the issue can be resolved informally. Informal resolution of your concerns may be appropriate where the bureau has not responded to your request or where you believe the search conducted was not adequate. In this latter instance, you may be able to provide additional information that may assist the bureau in locating records. The receipt of poor copies or the miscalculation of a fee also would be appropriate for informal resolution. However, if you wish to file an appeal, it must be filed with the FOIA Appeals Officer within the time limits in § 2.28.

§ 2.28 How long do I have to file an appeal?

(a) Appeals covered by §§ 2.27(a)(1) thru (4). Your appeal must be received by the FOIA Appeals Officer no later than 30 workdays after the date of the final response or 30 workdays after receipt of any records that are provided to you.

(b) Appeals covered by § 2.27(a)(5). You may file an appeal any time after the time limit for responding to your request has passed.

(c) Appeals covered by § 2.27(a)(6). You should file an appeal as soon as possible.

§ 2.29 How do I file an appeal?

(a) You must submit your appeal in writing, i.e., by mail, fax or e-mail, to the FOIA Appeals Officer, U.S. Department of the Interior (see Appendix A to this part for the address). For appeals that are submitted electronically, the receipt date is the date the e-mail message is opened by the FOIA Appeals Officer. Your appeal must include the information specified in paragraph (b) of this section. Failure to send your appeal directly to the FOIA Appeals Officer may result in a delay in processing.

(b) Your appeal must contain copies of all correspondence between the bureau and you, including your request and the bureau's response. DOI will not begin processing your appeal and the time limits for responding to your appeal will not begin to run until these documents are received.

(c) You also should include any reason(s) why you believe the bureau's response was in error. Include your name and daytime telephone number (or the name and telephone number of an appropriate contact) in case DOI needs additional information or clarification of your appeal.

(d) If you file an appeal concerning a fee waiver denial or a denial of expedited processing, you should, in addition to complying with paragraph (b) of this section, demonstrate fully how the criteria in §§ 2.19(b) (see Appendix D to this part) and 2.14(a) are met. You also should state why you believe the initial decision was incorrect.

(e) All communications concerning your appeal should be clearly marked with the words: ''FREEDOM OF INFORMATION APPEAL.''

§ 2.30 How will DOI respond to my appeal?

(a) Appeals will be decided by the FOIA Appeals Officer. When necessary, the FOIA Appeals Officer will consult other appropriate offices, including the Office of the Solicitor (in the case of all denials of information and fee waivers, and other technical issues as necessary).

(b) The final determination on an appeal will be in writing and will state the basis for the determination.

(1) *Decision to release or withhold records.*

(i) If the determination is to release the withheld records or portions thereof, the FOIA Appeals Officer will make the records available or instruct the appropriate bureau to make them available as soon as possible.

(ii) If the determination upholds in whole or part the denial of a request for records, the FOIA Appeals Officer will advise you of your right to obtain judicial review, and will set forth the name(s) and title(s) or position(s) of each person responsible for the determination.

(2) *Fee waiver denials.* If the determination is to grant your request for a fee waiver, the FOIA Appeals Officer will advise the appropriate bureau of the Department's determination and instruct the bureau to proceed with processing the request or to refund any monies you have paid. If the determination is to deny the fee waiver request, the Department will advise you of your right to seek judicial review. You also should contact the bureau office to make further arrangements to process your request if you still wish to obtain the records.

(3) *Non-possession of records.* If the determination is that the requested records exist, the bureau that has the records will issue a response to you promptly and the FOIA Appeals Officer will close the file on your appeal. If the determination is that the requested records cannot be located or do not exist, the FOIA Appeals Officer will advise you of your right to treat the Department's response as a denial and seek judicial review.

(4) *Non-response to a FOIA request.* If an appropriate response has not been issued to your FOIA request within the 20-workday statutory time limit, the FOIA Appeals Officer will direct the bureau to issue a response directly to you as soon as possible, and provide you with the name and telephone number of a contact person. The FOIA Appeals Officer will close your FOIA appeal and advise you that you may treat the lack of a response by the bureau as a denial of your appeal and seek judicial review.

(c) If a requested record (or portion thereof) is being made available over the objections of a submitter, the FOIA Appeals Officer will notify the submitter following the same procedures described in § 2.23, prior to releasing the records to you.

(d) A determination to grant an appeal for expedited processing will instruct the bureau to process your request as soon as practicable. If your request for expedited processing is denied on appeal, you will be advised of your right to seek judicial review of the denial of expedited processing.

§ 2.31 How long does DOI have to respond to my appeal?

(a) The statutory time limit for responding to an appeal is 20 workdays after receipt of an appeal, meeting the requirements of § 2.29. The Department will give an appeal involving the denial of a request for expedited processing priority and process it ahead of other appeals pending before the agency due to the fact that you have shown an exceptional need or urgency for the records (see § 2.14).

(b) If you have not received a determination on your appeal within 20 workdays, you will be considered to have exhausted your administrative remedies (meaning you do not have to seek further resolution of your appeal from the Department). This gives you the right to seek review in a District Court of the United States (see 5 U.S.C. 552(a)(4) and (6)). In the event that the Department is unable to reach a determination within the given time limits, the FOIA Appeals Officer will notify you of the reason for the delay, the date when you can expect to receive the determination, and the right to seek judicial review.

Subpart E—FOIA Annual Report

§ 2.32 Where can I get a copy of DOI's annual report?

Under 5 U.S.C. 552(e), DOI is required to prepare an annual report regarding its FOIA activities. The report includes information about FOIA requests, appeals, and litigation against the Department. Copies of DOI's annual FOIA report may be obtained from the Departmental FOIA Officer or by contacting DOI's Library which is located at the C Street entrance of the Main Interior Building (MIB), 1849 C Street, NW., Washington, DC 20240 (see Appendix A to this part). You may access the annual reports electronically by visiting DOI's FOIA home page (see Appendix B to this part for the Internet address).

4. Appendices A through F to part 2 are revised to read as follows:

BILLING CODE 4310–RK–P

Appendix A to Part 2—Department of the Interior

FOIA/PUBLIC AFFAIRS CONTACTS AND READING ROOMS

DEPARTMENTAL

Departmental FOIA Officer MS-5312-MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-5342 Fax No. (202) 501-2360	Departmental FOIA Appeals Officer MS-5312-MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-5339 Fax No. (202) 501-2360	Departmental Privacy Act Officer MS-5312-MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 219-0868 Fax No. (202) 501-2360
Public Affairs Office MS-6013, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-3171 Fax No. (202) 208-3231	Reading Room - DOI's Library 1849 C St., NW. Located at C Street Entrance, MIB Washington, DC 20240 Telephone No. (202) 208-5815 Fax No. (202) 208-6773	

OFFICE OF THE SECRETARY

FOIA Officer MS-1540, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-6045 Fax No. (202) 208-5048	Public Affairs Office MS-6013, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-3171 Fax No. (202) 208-3231	Office of Trust Fund Management 505 Marquette, NW., Suite 1500 Albuquerque, NM 87102 Telephone No. (505) 248-5701 Fax No. (505) 248-5704
	Reading Room - DOI's Library 1849 C St., NW. Located at C Street Entrance, MIB Washington, DC 20240 Telephone No. (202) 208-5815 Fax No. (202) 208-6773	

OFFICE OF AIRCRAFT SERVICES

FOIA Officer PO Box 15428 Boise, ID 83715-5428 Telephone No. (208) 387-5752 Fax No. (208) 387-5830	Public Affairs Office MS-6013, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-3171 Fax No. (202) 208-3231	Reading Room National Interagency Fire Center 2350 W. Robinson Rd. Boise, ID 83705 Telephone No. (208) 387-5750 Fax No. (208) 387-5830

OFFICE OF HEARINGS AND APPEALS (OHA) HEADQUARTERS

FOIA Officer MS-1103, BT #3 4015 Wilson Blvd. Arlington, VA 22203 Telephone No. (703) 235-3800 Fax No. (703) 235-9014	Public Affairs Office MS-6013, MIB 1849 C St., NW. Washington, DC 20240 Telephone No (202) 208-3171 Fax No. (202) 208-3231	Reading Room Office of the Director Room 1103, BT #3 4015 Wilson Blvd. Arlington, VA 22203 Telephone No. (703) 235-3800 Fax No. (703) 235-9014

OHA REGIONAL/FIELD OFFICES

Oklahoma State Office 215 Dean McGee Ave., Rm 820 Oklahoma City, OK 73102 Telephone No. (405) 231-4896 Fax No. (405) 231-5568	Minnesota State Office The Court International Bldg. 2550 University Ave., Suite 416N St. Paul, MN 55114 Telephone No. (612) 725-3920 Fax No. (612) 727-2780	Utah State Office Elks Bldg. 139 East South Temple, Ste 600 Salt Lake City, UT 84111 Telephone No. (801) 524-5344 Fax No. (801) 524-5539

California State Office 801 I St., Rm 406 Sacramento, CA 95814 Telephone No. (916) 978-4326 Fax No. (916) 568-7422	New Mexico State Office 1700 Louisiana, NE., Ste 220 Albuquerque, NM 87110 Telephone No. (505) 262-6265 Fax No. (505) 262-6267

OFFICE OF THE INSPECTOR GENERAL

FOIA Officer MS-5341, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-4357 Fax No. (202) 208-4998	Public Affairs Office MS-5341, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-4618 Fax No. (202) 219-3856	Reading Room Room 5351, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-4358 Fax No. (202) 208-4998

OFFICE OF THE SOLICITOR (SOL) HEADQUARTERS

FOIA Officer MS-7456-MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-2961 Fax No. (202) 219-6780	Public Affairs Office MS-6013, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-3171 Fax No. (202) 208-3231	Reading Room Room 7069, MIB 1849 C St., NW. Washington DC 20240 Telephone No. (202) 208-5763 Fax No. (202) 219-6780

SOL REGIONAL/FIELD OFFICES

Alaska Region Office of the Regional Solicitor 4230 University Dr., Suite 300 Anchorage, AK 99508-4626 Telephone No. (907) 271-4131 Fax No.	Northeast Region Office of the Regional Solicitor 1 Gateway Center, Suite 612 Newton Corner, MA 02458-2802 Telephone No. (617) 527-3400 Fax No. (617) 527-6848	Pittsburgh Field Office Office of the Field Solicitor 3 Parkway Center, Suite 385 Pittsburgh, PA 15220 Telephone No. (412) 937-4017 Fax No. (412) 937-4003
Twin Cities Field Office Office of the Field Solicitor Bishop Whipple Federal Building 1 Federal Dr., Rm. 686 Fort Snelling, MN 55111 Telephone No. (612) 725-3540 Fax No. (612) 725-3547	Pacific Northwest Region Office of the Regional Solicitor 500 NE Multnomah St., Suite 607 Portland, OR 97232 Telephone No. (503) 231-2145 Telephone No. (503) 231-2160 Fax No. (503) 231-2166	Billings Field Office Office of the Field Solicitor 316 North 26th St., Rm. 3004 Billings, MT 59101 Telephone No. (406) 247-7583 Fax No. (406) 247-7587
Boise Field Office Office of the Field Solicitor Federal Building, U.S. Courthouse 550 West Fort St., Rm. 365 Boise, ID 83724 Telephone No. (208) 334-1911 Fax No. (208) 334-1378	Pacific Southwest Region Office of the Regional Solicitor 2800 Cottage Way, Rm. W-2215 Sacramento, CA 95825-1890 Telephone No. (916) 979-2153 Fax No. (916) 979-2164	Palm Springs Field Office Office of the Field Solicitor 555 S. Palm Canyon Dr., Rm. A-208 Palm Springs, CA 92263 Telephone No. (619) 327-0959 Fax No. (619) 322-9537
Phoenix Field Office Office of the Field Solicitor Sandra Day O'Connor U.S. Courthouse, Suite 404 401 West Washington Street, SPC 44 Phoenix, AZ 85003-2151 Telephone No. (602) 364-7880 Fax No. (602) 364-7885	Salt Lake City Field Office Office of the Field Solicitor 6201 Federal Bldg. 125 S. State St. Salt Lake City, UT 84138 Telephone No. (801) 524-5677 Fax No. (801) 524-4506	San Francisco Field Office Office of the Field Solicitor 600 Harrison St., Suite 545 San Francisco, CA 94107 Telephone No. (415) 744-4095 Fax No. (415) 744-4122
Southeast Region Office of the Regional Solicitor 75 Spring St., SW., Suite 304 Atlanta, GA 30303 Telephone No. (404) 331-3441 Fax No. (404) 730-2682	Knoxville Field Office Office of the Field Solicitor 530 Gay St., Rm 308 Knoxville, TN 37902 Telephone No. (615) 545-4315 Fax No. (615) 545-4314	Southwest Region Office Office of the Regional Solicitor 2400 Louisiana Blvd., NE Bldg. 1, Suite 200 Albuquerque, NM 87110-4316 Telephone No. (505) 883-6700 Fax No. (505) 883-67
Santa Fe Field Office Office of the Field Solicitor 150 Washington Ave., # 207 Santa Fe, NM 87501 Telephone No. (505) 988-6200 Fax No. (505) 988-6217	Tulsa Field Office Office of the Field Solicitor 7906 E. 33rd St. Tulsa, OK 74145 Telephone No. (918) 669-7730 Fax No. (918) 581-7501	Rocky Mountain Region Office of the Regional Solicitor 755 Parfet St., Suite 151 Lakewood, CO 80215 Telephone No. (303) 231-5353 Fax No. (303) 231-5363

FISH & WILDLIFE SERVICE (FWS) HEADQUARTERS

FOIA Officer Arlington Square, Room 222 4401 North Fairfax Dr. Arlington, VA 22203 Telephone No. (703) 358-2504 Fax No. (703) 358-2269	Public Affairs Office MS-3447, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-5634 Fax No. (202) 208-5850	Reading Room Room 224, Arlington Sq. 4401 North Fairfax Dr. Arlington, VA 22203 Telephone No. (703) 358-1730 Fax No. (703) 358-2269

FWS REGIONAL/FIELD OFFICES

Region 1 (CA, HI, ID, NV, OR, WA) State Office Eastside Federal Complex 911 Northeast 11th Ave. Portland, OR 97232-4181 Telephone No. (503) 231-6188 Fax No. (503) 231- 6259	Region 2 (AZ, NM, OK, TX) State Office P.O. Box 1306 500 Gold Ave., SW Albuquerque, NM 87103 Telephone No. (505) 248-6925 Fax No. (505) 766-2105	Region 3 (IA, IL, IN, MN, MO, MI, OH, WI) State Office BHW Federal Building 1 Federal Dr. Fort Snelling, MN 55111-4056 Telephone No. (612) 713-5230 Fax No. (612) 713-5281
Region 4 (AZ, FL, GA, KY, LA, MS, NC, SC, TN, VI, PR) State Office 1875 Century Blvd. Atlanta, GA 30345 Telephone No. (404) 679-4096 Fax No. (404) 679-7273	Region 5 (CT, DC, DE, ME, MD, MA, NH, NJ, NY, PA, RI, VA, VT, WV) State Office 300 West Gate Center Dr. Hadley, MA 01035 Telephone No. (413) 253-8221 Fax No. (413) 253-8456	Region 6 (CO, KS, MT, ND, NE, SD, UT, WY) State Office Asst. Regional Director P.O. Box 25486 Denver Federal Center Denver, CO 80225 Telephone No. (303) 236-7917 Fax No. (303) 236-6958
	Region 7 Alaska State Office 1011 East Tudor Rd. Anchorage, AK 99503 Telephone No. (907) 786-3455 Fax No. (907) 786-3625	

NATIONAL PARK SERVICE (NPS) HEADQUARTERS

FOIA Officer MS-3317, MIB 1849 C St., NW., Washington, DC 20240 Telephone No. (202) 208-3933 Fax No. (202) 501-1340	Public Affairs Office P.O. Box 37127 Washington, DC 20013-7127 Telephone No. (202) 208-6843 Fax No. (202) 219-0910	Reading Room Room 3316, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-3933 Fax No. (202) 501-1340

NPS REGIONAL/FIELD OFFICES

Alaska Region 2525 Gambell St. Anchorage, AK 99503-2892 Telephone No. (907) 257-2696 Fax No. (907) 257-2533	National Capital Region 1100 Ohio Dr., SW. Washington, DC 20242 Telephone No. (202) 619-7187 Fax No. (202) 619-7062	Pacific Region 600 Harrison St., Suite 600 San Francisco, CA 94107 Telephone No. (415) 427-1320 Fax No. (415) 427-1485
Intermountain Region P.O. Box 25287 Denver, CO 80225 Telephone No. (303) 969-2062 Fax No. (303) 969-2002	Midwest Region 1709 Jackson St. Omaha, NE 68102 Telephone No. (402) 221-3448 Fax No. (402) 341-2039	Northeast Region U.S. Customs House, 3rd Floor 200 Chestnut St. Philadelphia, PA 19106 Telephone No. (215) 597-7384 Fax No. (215) 597-0065
Southeast Region 100 Alabama St., SW 1924 Building Atlanta, GA 30303 Telephone No. (404) 562-3103 Fax No. (404) 562-3263	Denver Service Center 12795 West Alameda Pkwy. Denver, CO 80225-0187 Telephone No. (303) 969-6722 Fax No. (303) 987-6679	Harpers Ferry Center P.O. Box 50 Harpers Ferry, WV 25425 Telephone No. (304) 535-6124 Fax No. (304) 535-6008

BUREAU OF LAND MANAGEMENT (BLM) HEADQUARTERS

FOIA Officer 1620 L St., NW., Room 725 Washington, DC 20240 Telephone No. (202) 452-5086 Fax No. (202) 452-5002	Public Affairs Office Room 406, LS (WO-610) 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 452-5125 Fax No. (202) 452-5124	Reading Room 1620 L St., NW. - Room 750 Washington, DC 20240 Telephone No. (202) 452-5193 Fax No. (202) 452-0395

BLM REGIONAL/FIELD OFFICES

Alaska State Office 222 West 7th Ave., # 13 Anchorage, AK 99513-5076 Telephone No. (907) 271-5054 Fax No. (907) 271-3624	Arizona State Office 222 North Central Ave. Phoenix, AZ 85004-2203 Telephone No. (602) 417-9364 Fax No. (602) 417-9556	California State Office Federal Building 2800 Cottage Way Sacramento, CA 95825-0451 Telephone No. (916) 978-4409 Fax No. (916) 978-4416
Colorado State Office 2850 Youngfield St. Lakewood, CO 80215-7076 Telephone No. (303) 239-3600 Fax No. (303) 239-3933	Eastern State Office 7450 Boston Blvd. Springfield, VA 22153 Telephone No. (703) 440-1634 Fax No. (703) 440-1687	Idaho State Office 1387 South Vinnell Way Boise, ID 83709-1657 Telephone No. (208) 373-3947 Fax No. (208) 373-3904
Montana State Office P.O. Box 36800 Billings, MT 59107-6800 Telephone No. (406) 896-5069 Fax No. (406) 896-5298	Nevada State Office 1340 Financial Blvd. P.O. Box 1200 Reno, NV 89520 Telephone No. (775) 861-6632 Fax No. (775) 861-6411	New Mexico State Office 1474 Rodeo Rd. P.O. Box 27115 Santa Fe, NM 87502-0115 Telephone No. (505) 438-7636 Fax No. (505) 438-7435
Oregon State Office P.O. Box 2965 Portland, OR 97208 Telephone No. (503) 952-6276 Fax No. (503) 952-6308	Utah State Office Box 45155 Salt Lake City, UT 84145-0155 Telephone No. (801) 539-4161 Fax No. (801) 539-4183	Wyoming State Office 5353 Yellowstone Rd. Cheyenne, WY 82009 Telephone No. (307) 775-6066 Fax No. (307) 775-6082
National Interagency Fire Center 3833 South Development Ave. Boise, ID 83705-5354 Telephone No. (208) 387-5360 Fax No. (208) 387-5359	Denver Area Service Center Denver Federal Center Building 50, HR-250 Denver, CO 80225-0047 Telephone No. (303) 236-6362 Fax No. (303) 236-0711	National Training Center 9828 N. 31st Ave. Phoenix, AZ 85051 Telephone No. (602) 906-5572 Fax No. (602) 906-5619

BLM READING ROOMS

Information Access Center 222 West 7th Ave. #13 Anchorage, AK 99513 Telephone No. (907) 271-5960 Fax No. (907) 271-3624	Information Access Center 222 North Central Ave. Phoenix, AZ 85004-2203 Telephone No. (602) 417-9200 Fax No. (602) 417-9556	Information Access Center 2800 Cottage Way Sacramento, CA 95825-0451 Telephone No. (916) 978-4401 Fax No. (916) 978-4416
Information Access Center 2850 Youngfield St. Lakewood, CO 80215 Telephone No. (303) 239-3600 Fax No. (303) 239-3933	Information Access Center 7450 Boston Blvd. Springfield, VA 22153 Telephone No. (703) 440-1600 Fax No. (703) 440-1609	Information Access Center 1387 S. Vinnell Way Boise, ID 83709-1657 Telephone No. (208) 373-3889 Fax No. (208) 373-3899
Information Access Center P.O. Box 36800 Billings, MT 59107-6800 Telephone No. (406) 896-5069 Fax No. (406) 896-5298	Information Access Center P.O. Box 12000 1340 Financial Blvd. Reno, NV 89520 Telephone No. (702) 861-6500 Fax No. (702) 861-6606	Information Access Center 1474 Rodeo Rd. Santa Fe, NM 87505 Telephone No. (505) 438-7400 Fax No. (505) 438-7435
Information Access Center P.O. Box 2965 1515 SW Fifth Ave. Portland, OR 97208 Telephone No. (503) 952-6001 Fax No. (503) 952-6422	Information Access Center 324 South State St. Fourth Floor Salt Lake City, UT 84145 Telephone No. (801) 539-4001 Fax No. (801) 539-4230	Information Access Center 5353 Yellowstone Road Cheyenne, WY 82009 Telephone No. (307) 775-6256 Fax No. (307) 775-6129

MINERALS MANAGEMENT SERVICE (MMS) HEADQUARTERS

FOIA Officer 381 Elden St. MS-2200 Herndon, VA 20170-4817 Telephone No. (703) 787-1132 Fax No. (703) 787-1207	Public Affairs Office 1849 C St., NW Washington, DC 20240 Telephone No. (202) 208-3985 Fax No. (202) 208-3968

MMS REGIONAL/FIELD OFFICES

Minerals Revenue Management P.O. Box 25165, MS-320B2 Denver, CO 80225-0165 Telephone No. (303) 231-3013 Fax No. (303) 231-3781	Offshore Minerals Management 381 Elden St. MS-4063 Herndon, VA 20170-4817 Telephone No. (703) 787-1689 Fax No. (703) 787-1922	Gulf Of Mexico 1201 Elmwood Park Blvd., MS-5030 New Orleans, LA 70123-2394 Telephone No. (504) 736-2513 Fax No. (504) 736-2977
Alaska 949 East 36th Ave., Rm 300, MS-8000 Anchorage, AK 99508-4302 Telephone No. (907) 271-6621 Fax No. (907) 271-6805	Pacific 770 Paseo Camarillo, MS-7001 Camarillo, CA 93010-6064 Telephone No. (805) 389-7621 Fax No. (805) 389-7689	Southern Administrative Service Center 1201 Elmwood Park Blvd., MS-2620 New Orleans, LA 70123-2394 Telephone No. (504) 736-2878 Fax No. (504) 736-2478
Western Administrative Service Center P.O. Box 25165, MS-2700 Denver, CO 80225-0165 Telephone No. (303) 275-7305 Fax No. (303) 275-7347	READING ROOM Public Information Office 1201 Elmwood Park Blvd. New Orleans, LA 70123-2394 Telephone No. (800) 200-GULF Fax No. (504) 736-2602	

OFFICE OF SURFACE MINING (OSM) HEADQUARTERS

FOIA Officer MS-262, SIB 1951 Constitution Ave. Washington, DC 20240 Telephone No. (202) 208-2961 Fax No. (202) 219-3100	Public Affairs Office MS-262, SIB 1951 Constitution , NW. Washington, DC 20240 Telephone No. (202) 208-2534 Fax No. (202) 501-0549	Reading Room Contact: OSM FOIA Officer Room 263, SIB 1951 Constitution Ave., NW. Washington, DC 20240 Telephone No. (202) 208-2961 Fax No. (202) 501-4734

OSM REGIONAL/FIELD OFFICES
Appalachian Region

FOIA Coordinator 3 Parkway Center Pittsburgh, PA 15220 Telephone No. (412) 937-2146 Fax No. (412) 937-2177	Virginia State Office Big Stone Gap Field Office 1941 Neeley Rd., Suite 201 Compartment 116 Gig Stone Gap, VA 24219 Telephone No. (540) 523-0000 Fax No. (540) 523-5053	West Virginia State Office Charleston Field Office 1027 Virginia St., East Charleston, WV 25301 Telephone No. (304) 347-7162 Fax No. (304) 347-7170
Ohio, Maryland, Michigan State Office 4480 Refugee Rd., Suite 201 Columbus, OH 43232 Telephone No. (614) 866-0578 Fax No. (614) 469-2506	Massachusetts, Pennsylvania, Rhode Island State Office 415 Market St., Suite 3C Harrisburg, PA 17101 Telephone No. (717) 782-4036 Fax No. (717) 782-3771	Georgia, North Carolina, Tennessee State Office Knoxville Field Office 530 Gay St., Suite 500 Knoxville, TN 37902 Telephone No. (423) 545-4103 Fax No. (423) 545-4111
	Kentucky State Office Lexington Field Office 2675 Regency Rd. Lexington, KY 40503 Telephone No. (606) 233-2896 Fax No (606) 233-2895	

Mid-Continent Region

Iowa, Kansas, Missouri State Office Alton Federal Building 501 Belle St. Alton, IL 62002 Telephone No. (618) 463-6463 Fax No. (618) 463-6470	Alabama, Mississippi State Office Birmingham Field Office 135 Gemini Circle, Suite 215 Homewood, AL 35209 Telephone No. (205) 290-7286 Fax No. (205) 290-7280	Indiana, Illinois State Office Indianapolis Field Office 575 North Pennsylvania St., Room 301 Indianapolis, IN 46204 Telephone No. (317) 226-6700 Fax No. (317) 226-6182
	Arizona, Louisiana, Oklahoma, Texas State Office Tulsa Field Office 5100 East Skelly Dr., Suite 470 Tulsa, OK 74135 Telephone No. (918) 581-6430 Fax No. (918) 581-6419	

Western Region

Western Regional Office 1999 Broadway, Suite 3320 Denver, CO 80202 Telephone No (303) 844-1435 Fax No. (303) 844-1522	Arizona, California, New Mexico State Office Albuquerque Field Office 505 Marquette NW., Suite 1200 Albuquerque, NM 87102 Telephone No. (505) 248-5070 Fax No. (505) 248-5081	Idaho, Montana, North Dakota, South Dakota, Wyoming State Office Casper Field Office 100 East B St., Room 2128 Casper, WY 82601-1918 Telephone No. (307) 261-6542 Fax No. (307) 261-6552
FIELD READING ROOMS Contact: OSM FOIA Coordinators at the region/field locations		

U.S. GEOLOGICAL SURVEY (USGS) HEADQUARTERS

FOIA Officer MS-807, National Center Room 2C405 Reston, VA 20192 Telephone No. (703) 648-7313 Fax No. (703) 236-9201	Office of Public Affairs MS-119 12201 Sunrise Valley Dr. Reston, VA 20192 Telephone No. (703) 646-4460 Fax No. (703) 648-4466	Reading Room USGS Library 12201 Sunrise Valley Dr. Reston, VA 20192 Telephone No. (703) 648-4302 Fax No. (703) 648-6373

USGS REGIONAL/FIELD OFFICES

Central Regional Office Denver Federal Center Building 53, MS- 201 Room H1927 P.O. Box 25046 Denver, CO 80225 Telephone No. (303) 236-9201 Fax No. (303) 236-5882	Western Regional Office 345 Middlefield Rd., MS-211 Menlo Park, CA 94025-3591 Telephone No. (650) 329-4458 Fax No. (650) 329-5095

BUREAU OF RECLAMATION (BOR) HEADQUARTERS

FOIA Officer P.O. Box 25007, D-7924 Denver, CO 80225-0007 Telephone No. (303) 445-2048 Fax No. (303) 445-6575	Public Affairs Office, D-5010 Denver Federal Center, Bldg. 67 P.O. Box 25007 Denver, CO 80225-0007 Telephone No. (303) 236-7000 Fax No. (303) 236-9235	READING ROOM Reclamation Library D-7925 Room 167, BLDG. 67, Denver Federal Center Denver, CO 80225-0007 Telephone No. (303) 445-2072 Fax No. (303) 445-6303

BOR REGIONAL/FIELD OFFICES

Great Plains Region P.O. Box 36900, GP-3100 Billings, MT 59107-6900 Telephone No. (406) 247-7620 Fax No. (406) 247-7622	Lower Colorado Region P.O. Box 61470, LC-5301 Boulder City, NV 89006-1470 Telephone No. (702) 293-8071 Fax No. (702) 293-8615	Mid-Pacific Region 2800 Cottage Way, MP-3000 Sacramento, CA 95825-1898 Telephone No. (916) 978-5552 Fax No. (916) 978-5176

Pacific Northwest Region 1150 North Curtis Rd., PN-7600 Boise, ID 83706-1234 Telephone No. (208) 378-5120 Fax No. (208) 378-5129	Upper Colorado Region 125 South State St., Room 6107 UC482 Salt Lake City, UT 84138-1102 Telephone No. (801) 524-3655 Fax No. (801) 524-5499

BUREAU OF INDIAN AFFAIRS (BIA) HEADQUARTERS

FOIA Officer P.O. Box 68 Room 5021 Albuquerque, NM 87103 Telephone No. (505) 248-6090 Fax No. (505) 248-6103	Public Affairs Office MS-4542, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 219-4150 Fax No. (202) 501-1516	Reading Room Room 4658, MIB 1849 C St., NW. Washington, DC 20240 Telephone No. (202) 208-4174 Fax No. (202) 208-3575

BIA REGIONAL/FIELD OFFICES

Pacific Region (California State) 2800 Cottage Way Sacramento, CA 95825 Telephone No. (916) 978-6000 Fax No. (916) 978-6099	Great Plains Region (Nebraska, North Dakota, South Dakota States) 115 4th Ave., SE. Aberdeen, SD 57401 Telephone No. (605) 226-7426 Fax No. (605) 226-7429	Southwest Region (Colorado, New Mexico States) P.O. Box 26567 615 First St., NW. Albuquerque, NM 87120 Telephone No. (505) 346-7592 Fax No. (505) 346-7151
Southern Plains Region (Kansas, Oklahoma States) WCD Office Complex P.O. Box 368 Anadarko, OK 73005 Telephone No. (405) 247-6673 Fax No. (405) 247-6989	Rocky Mountain Region (Montana, Wyoming States) 316 North 26th St. Billings, MT 59101 Telephone No. (406) 657-6675 Fax No. (406) 657-5916	Eastern Region (Florida, Louisiana, Maine, Mississippi, New York, North Carolina States) MS-260, Virginia Sq. 3701 North Fairfax Dr. Arlington, VA 22203 Telephone No. (703) 235-4349 Fax No. (703) 235-8610
Juneau Region (Alaska State) P.O. Box 25520 Juneau, AK 99802-5520 Telephone No. (907) 586-7177 Fax No. (907) 586-7169	Midwest Region (Iowa, Michigan, Minnesota, Wisconsin States) 331 South 2nd Ave. Minneapolis, MN 55401 Telephone No. (612) 373-1182 Fax No. (612) 373-1186	Eastern Oklahoma Region (Oklahoma State Office) 101 North 5th St. Muskogee, OK 74401 Telephone No. (918) 687-2414 Fax No. (918) 687-2571
Navajo Region (Arizona, California, Nevada, Utah States) P.O. Box 1060 Gallup, NM 87305 Telephone No. (505) 863-8268 Fax No. (505) 863-8245	Western Region (Arizona, California, Nevada, Utah States) P.O. Box 10 Phoenix, AZ 85001 Telephone No. (602) 379-6741 Fax No. (602) 379-6764	Northwest Region (Idaho, Oregon, Washington, Alaska States) 911 Northeast 11th Ave. Portland, OR 97232 Telephone No. (503) 231-6702 Fax No. (503) 231-2201

BILLING CODE 4310–RK–C

Note: For more information on FOIA, including the most current listing of FOIA Contacts, visit DOI's FOIA home page at http:// *www.doi.gov/foia/*.

Appendix B to Part 2—Internet Addresses

1. Department of the Interior (DOI) Home Page: http://www.doi.gov
2. DOI FOIA Home Page: http://www.doi.gov/foia/
3. DOI Reference Guide for Obtaining Information: http://www.doi.gov/foia/foitabl.htm
4. List of DOI Public Affairs Offices: http://www.doi.gov/foia/list.html
5. DOI FOIA Contacts: http://www.doi.gov/foia/contacts.html
6. DOI FOIA Regulations (43 CFR, part 2, subparts A and B): http://www.doi.gov/foia/policy.html
7. FOIA Policy and Guidance: http://www.doi.gov/foia/policy.html
8. Electronic Reading Room: http://www.doi.gov/foia/readroom.html
9. Index of Frequently Requested Documents: http://www.doi.gov/foia/frrindex.html
10. FOIA Annual Reports to Congress: http://www.doi.gov/foia/frrindex.html
11. DOI's Library: http://library.doi.gov
12. General Record Schedule 14, Information Services Records: http://ardor.nara.gov/grs/grs14.html
13. DOI Records Management Program: http://www.doi.gov/oirm/records/
14. DOI Privacy Act Program: http://www.doi.gov/oirm/privacy/
15. DOI Privacy Act Officers: http://www.doi.gov/oirm/privacyofficer.htm
16. DOI Privacy Act Regulations: http://www4.law.cornell.edu/uscode/5/552a.text.html
17. DOI Privacy Act Systems of Records Notices: http://www.doi.gov/foia/frrindex.html
18. FirstGov Portal: *http://www.firstgov.gov.*

Appendix C to Part 2—Fee Schedule

If you submit a FOIA request, the bureau will charge you to search for, review, and duplicate the requested records depending on your fee category (*see* §§ 2.16 and 2.17). In addition, the bureau will charge you for any special services performed in connection with processing your request and/or appeal under subparts C and D of this part. The following fees apply to all bureaus of the Department; these fees apply to services performed in making documents available for public inspection and copying under subpart B of this part as well. The duplicating fees also are applicable to records provided in response to requests made under the Privacy Act. Fees will not be charged under either the FOIA or the Privacy Act where the total amount of fees for processing the request is $15 or less (*See* § 2.16(b)(2)), where the requester has met the requirements for a statutory fee waiver, or where the bureau has granted a discretionary fee waiver (*See* §§ 2.19 and 2.20).

(1) *Search and review (review applies to commercial-use requesters only).* Fees are based on: the average hourly salary (base salary plus DC locality payment), plus 16 percent for benefits, of employees in the following three categories. The average grade was established by surveying the bureaus to obtain the average grade of employees conducting FOIA searches and reviews. Fees will be increased annually consistent with Congressionally approved pay increases. Fees are charged in quarter hour increments.

(a) Clerical—Based on GS–7, Step 2, pay
(b) Professional—Based on GS–12, Step 2 pay
(c) Managerial—Based on GS–14, Step 2 pay

Note: Fees for the current fiscal year are posted on DOI's FOIA home page (see appendix B to this part). If you do not have access to the Internet, please call the Departmental FOIA office (see appendix A to this part) for a copy of the fee schedule.

	Fee
(2) *Duplication:*	
Pages no larger than 8.5 x 14 inches, when reproduced by standard office copying machines	$.13 per page ($ .26 for double-sided copying).
Color copies of pages no larger than 8.5 x 11 inches	$.90 per page.
Pages larger than 8.5 x 14 inches.	Direct cost to DOI.
Color copies of pages no larger than 11 x 17 inches	$1.40 per page.
Photographs and records requiring special handling (e.g., because of age, size, or format).	Direct cost to DOI.
(3) *Electronic records:*	
Charges for services related to processing requests for electronic records	Direct cost to DOI.
(4) *Certification:*	
Each certificate of verification attached to authenticate copies of records	$.25
(5) *Postage/Mailing:*	
Charges that exceed the cost of first class postage. Examples of such charges are Express Mail or overnight delivery.	Postage or Delivery charge.
(6) *Other Services:*	
Cost of special services or materials, other than those provided for by this fee schedule, when requester is notified of such costs in advance and agrees to pay them.	Direct cost to DOI.

Appendix D to Part 2—Fee Waiver Criteria

If you are seeking a fee waiver, it is your responsibility to provide detailed information to support your request. You must submit this information with your FOIA request. Each fee waiver request is judged on its own merit-we do not grant ''blanket'' fee waivers, i.e., obtaining a fee waiver once does not mean you will obtain a subsequent fee waiver. Please note that inability to pay is not sufficient to justify a fee waiver. The statutory requirement for granting a fee waiver is that release of the information must be in the public interest because it—

(1) Is likely to contribute significantly to public understanding of the operations and activities of the Government; and

(2) Is not primarily in your commercial interest.

(b) In deciding whether you are entitled to a fee waiver, the bureau will consider the criteria in paragraphs (a)(1) through (4). Your request for a fee waiver must address each of these criteria.

(1) How do the records concern the operations or activities of the Government?

(2) If the records concern the operations or activities of the Government, how will disclosure likely contribute to public understanding of these operations and activities?

(i) How are the contents of the records you are seeking meaningfully informative on the agency's operations and activities? Is there a logical connection between the content of the records and the operations or activities you are interested in?

(ii) Other than enhancing your knowledge, how will disclosure of the requested records contribute to the understanding of the public at large or a reasonably broad audience of persons interested in the subject?

(iii) Your identity, vocation, qualifications, and expertise regarding the requested information (whether you are affiliated with a newspaper, college or university, have previously published articles, books, etc.) may be relevant factors. However, merely stating that you are going to write a book, research a particular subject, or perform doctoral dissertation work, is insufficient, without demonstrating how you plan to disclose the information in a manner which will be informative to a reasonably broad audience of persons interested in the subject.

(iv) Do you have the ability and intention to disseminate the information to the general public?

(A) How and to whom do you intend to disseminate the information?

(B) How do you plan to use the information to contribute to public understanding of the Government's operations or activities?

(3) If there is likely to be a contribution to public understanding, will release of the requested records contribute significantly to public understanding?

(i) Is the information being disclosed new or does it confirm or clarify data which has been released previously?

(ii) How will disclosure increase the level of public understanding of the operations or activities of the Department or a bureau that existed prior to disclosure?

(iii) Is the information already publicly available? If the information you are seeking has previously been published or is routinely available to the public in a library, reading room, through the Internet, or as part of the administrative record for a particular issue (e.g., the listing of the spotted owl as an endangered species), it is less likely that there will be a significant contribution from release.

(4) Would disclosure be primarily in your commercial interest?

(i) Do you have a commercial interest that would be furthered by disclosure? A commercial interest is a commercial, trade, or profit interest as these terms are commonly understood. Your status as ''profitmaking'' or ''non-profitmaking'' is not the deciding factor. Not only profitmaking entities, but other organizations or individuals may have a commercial interest to be served by disclosure, depending on the circumstances involved.

(ii) If you do have a commercial interest that would be furthered by disclosure, would disclosure be primarily in that interest? Would the public interest in disclosure be greater than any commercial interest you or your organization may have in the documents? If so, how would it be greater?

(iii) Your identity, vocation, and the circumstances surrounding your request are all factors to be considered in determining whether disclosure would be primarily in your commercial interest. For example:

(A) If you are a representative of a news media organization seeking information as part of the news gathering process, we will presume that the public interest outweighs your commercial interest.

(B) If you represent a business/corporation/association or you are an attorney representing such an organization, we will presume that your commercial interest outweighs the public interest unless you demonstrate otherwise.

(C) If the bureau cannot make a determination based on the information you have provided, it may ask you for additional justification regarding your request.

Appendix E to Part 2—FOIA Exemptions and Law Enforcement Exclusions

Under the FOIA (5 U.S.C. 552(b)), there are *nine exemptions* which may be used to protect information from disclosure. The exemptions are summarized as follows:

(1) National security information concerning national defense or foreign policy, provided that such information has been properly classified, in accordance with an Executive Order;

(2) Information related solely to the internal personnel rules and practices of an agency;

(3) Information specifically exempted from disclosure by statute (other than the Privacy Act or the Trade Secrets Act), provided that such statute:

(A) Requires that the matters be withheld from the public in such a manner as to leave no discretion on the issue; or

(B) Establishes particular criteria for withholding or refers to particular types of matters to be withheld;

(4) Trade secrets and commercial or financial information which is obtained from a person and is privileged or confidential;

(5) Inter-agency or intra-agency memoranda or letters, which would not be available by law to a party other than an agency in litigation with the agency;

(6) Personnel and medical files and similar files, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy;

(7) Records or information compiled for law enforcement purposes, the release of which:

(A) Could reasonably be expected to interfere with enforcement proceedings;

(B) Would deprive a person of a right to a fair or an impartial adjudication;

(C) Could reasonably be expected to constitute an unwarranted invasion of personal privacy;

(D) Could reasonably be expected to disclose the identity of a confidential source;

(E) Would disclose techniques, procedures, or guidelines for law enforcement investigations or prosecutions if such disclosure could reasonably be expected to risk circumvention of the law; or

(F) Could reasonably be expected to endanger the life or physical safety of any individual.

(8) Information contained in or related to examination, operating, or condition reports, prepared by, or on behalf of, or for the use of an agency responsible for regulating or supervising financial institutions; and

(9) Geological and geophysical information and data, including maps, concerning wells.

In addition to the nine exemptions, there are *three law enforcement* exclusions under the FOIA (5 U.S.C. 552(c)). The procedures in subparts C and D of this part do not apply to the following information which is covered by the law enforcement exclusions:

(1) Records or information compiled for law enforcement purposes and covered by exemption (7)(A) of the FOIA, if—

(A) The investigation or proceeding involves a possible violation of criminal law; and

(B) There is reason to believe that—

(i) The subject of the investigation or proceeding is not aware that it is pending, and

(ii) Disclosure of the existence of the records could reasonably be expected to interfere with enforcement proceedings.

(2) Informant records maintained by a criminal law enforcement agency under an informant's name or personal identifier if requested by a third party according to the informant's name or personal identifier, unless the informant's status as an informant has been officially confirmed.

(3) Records maintained by the Federal Bureau of Investigation pertaining to foreign intelligence or counterintelligence, or international terrorism, and the existence of the records is classified information as provided in exemption (1) as long as the existence of the records remains classified information.

Appendix F to Part 2—Mineral Leasing Act—Special Rules

(a) *Definitions.* As used in the section:

(1) *Exploration license* means a license issued by the Secretary of the Interior to conduct coal exploration operations on land subject to the Mineral Leasing Act pursuant to the authority in 30 U.S.C. 201(b).

(2) *Fair-market value of coal to be leased* means the minimum amount of a bid the Secretary is willing to accept in leasing coal within leasing tracts offered in general lease sales or reserved and offered for lease to public bodies, including Federal agencies, rural electric cooperatives, or non-profit corporations, controlled by any of such entities pursuant to 30 U.S.C. 201(a)(1) .

(3) *Information* means data, statistics, samples and other facts, whether analyzed or processed or not, pertaining to Federal coal resources.

(b) *Applicability.* This section applies to the following categories of information:

(1) *Category A.* Information provided to or obtained by a bureau under 30 U.S.C. 201(b)(3) from the holder of an exploration license;

(2) *Category B.* Information acquired from commercial or other sources under service contract with United States Geological Survey (USGS) pursuant to 30 U.S.C. 208–1(b), and information developed by USGS under an exploratory program authorized by 30 U.S.C. 208–1;

(3) *Category C.* Information obtained from commercial sources which the commercial source acquired while not under contract with the United States Government;

(4) *Category D.* Information provided to the Secretary by a Federal department or agency pursuant to 30 U.S.C. 208–1(e); and

(5) *Category E.* The fair-market value of coal to be leased and comments received by the Secretary with respect to such value.

(c) *Availability of information.* Information obtained by the Department from various sources will be made available to the public as follows:

(1) *Category A—Information.* Category A information must not be disclosed to the public until after the areas to which the information pertains have been leased by the Department, or until the Secretary determines that release of the information to the public would not damage the competitive position of the holder of the exploration license, whichever comes first.

(2) *Category B—Information.* Category B information must not be withheld from the public; it will be made available by means of and at the time of open filing or publication by USGS.

(3) *Category C—Information.* Category C information must not be made available to the public until after the areas to which the information pertains have been leased by the Department.

(4) *Category D—Information.* Category D information must be made available to the public under the terms and conditions to which, at the time he or she acquired it, the head of the department or agency from whom the Secretary later obtained the information agreed.

(5) *Category E—Information.* Category E information must not be made public until the lands to which the information pertains have been leased, or until the Secretary has determined that its release prior to the issuance of a lease is in the public interest.

[FR Doc. 01–17491 Filed 7–13–01; 8:45 am]

BILLING CODE 4310–RK–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 20

[CC Docket No. 94–102; DA 01–1623]

Wireless E911 Compatibility; Public Safety Answering Points

AGENCY: Federal Communications Commission.

ACTION: Proposed rule.

SUMMARY: This document solicits further comment regarding a petition for clarification and/or a declaratory ruling concerning the process by which a Public Safety Answering Point (''PSAP'') makes a valid request for Phase II enhanced 911 (''E911'') service from a wireless carrier as provided for in the Commission's rules. It seeks comment on whether the rule should be amended to clarify its meaning and/or adopt criteria.

DATES: Comments are due on or before July 25, 2001, and reply comments are due on or before August 6, 2001.

ADDRESSES: Federal Communications Commission, Office of the Secretary, Room TW–A325, 445 12th Street, SW., Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Peter Wolfe, 202–418–1310.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's document in CC Docket No. 94–102; DA 01–1623, released July 10, 2001. The complete text of this document is available for inspection and copying during normal business hours in the FCC Reference Information Center, Courtyard Level, 445 12th Street, SW., Washington, DC, and also may be purchased from the Commission's copy contractor, International Transcription Services (ITS, Inc.), CY–B400, 445 12th Street, SW., Washington, DC.

Synopsis

1. The Wireless Telecommunications Bureau (''the Bureau'') seeks comment on whether 47 CFR 20.18(j) should be amended to clarify its meaning and/or adopt some criteria as to when a PSAP has made a valid request for Phase II E911 service. Comments were initially sought in a public notice published at 66 FR 19781, April 17, 2001. The Commission seeks now further comment to expand the record.

2. Specifically, the Bureau seeks comment on what objective criteria a PSAP could be required to meet to demonstrate at the time it makes a request that it has taken sufficient steps to assure that it will be able to receive and utilize the E911 data prior to the

delivery of service by the carrier. For example, what kinds of identifiable, measurable criteria could be put in place that would reasonably predict for the Commission, carrier, and PSAP whether a PSAP will be ready to receive and utilize Phase II information within six months of a request? Would it be sufficient for the PSAP to show (1) that it has the necessary funding available; (2) that it has purchase orders with vendors that will install the necessary facilities with obligations that the vendors must perform within the 6 month period; and (3) that it has made arrangements with local exchange carriers to supply the necessary trunking, the ALI database, and any other necessary facilities or capabilities in a timely fashion? Would it be sufficient if the PSAP shows that it has implemented Phase I using a Non-Call Path Associated Signaling (NCAS) capability? Would it also be necessary for the PSAP to have a state-of-the-art mapping capability versus a less sophisticated plotting mechanism, or is that a matter of the efficiency of the PSAP's handling the information, not its capability to use it?

Procedural Matters

3. Pursuant to applicable procedures set forth in §§ 1.415 and 1.419 of the Commission's rules, interested parties may file comments in response to the document in CC Docket No. 94–102 on or before July 23, 2001, and reply comments on or before July 30, 2001. Comments and reply comments should be filed in CC Docket No. 94–102 and should include a separate heading to identify the comments for the Docket Number. All relevant and timely comments will be considered by the Commission before final action is taken in this proceeding. To file formally, interested parties must file an original and four copies of all comments, reply comments, and supporting comments. If interested parties want each Commissioner to receive a personal copy of their comments, they must file an original plus nine copies. Interested parties should send comments and reply comments to the Office of the Secretary, Federal Communications Commission, Room TW–A325, 445 Twelfth Street, SW., Washington, DC 20554, with copies to Peter Wolfe, Policy Division, Wireless Telecommunications Bureau at 445 Twelfth Street, SW., Washington, DC 20554.

4. Comments also may be filed using the Commission's Electronic Comment Filing System (ECFS). Comments filed through the ECFS can be sent as an electronic file via the Internet to *http://www.fcc.gov/e-mail/ecfs.html.* Generally, only one copy of an electronic submission must be filed. In completing the transmittal screen, commenters should include their full name, Postal Service mailing address, and the applicable docket or rulemaking numbers. Parties also may submit an electronic comment by Internet E-Mail. To obtain filing instructions for E-Mail comments, commenters should send an e-mail to *ecfs@fcc.gov,* and should include the following words in the body of the message, ''get form <your E-Mail address>.'' A sample form and directions will be sent in reply.

5. Comments and reply comments will be available for public inspection during regular business hours at the FCC Reference Center, Room CY–A257, at the Federal Communications Commission, 445 Twelfth Street, SW., Washington, DC 20554. Copies of comments and reply comments are available through the Commission's duplicating contractor: International Transcription Service, Inc. (ITS, Inc.), 1231 20th Street, NW., Washington, DC 20037, (202) 857–3800.

Initial Regulatory Flexibility Analysis

6. As required by the Regulatory Flexibility Act (RFA), the Bureau has prepared this Initial Regulatory Flexibility Analysis (IRFA) of the possible significant economic impact on small entities by the rule amendments suggested in this document in CC Docket No. 94–102. Written public comments are requested on this IRFA. Comments must be identified as responses to the IRFA and must be filed by the deadlines. The Commission's Consumer Information Bureau, Reference Information Center will send a copy of the document, including the IRFA to the Chief Counsel for Advocacy of the Small Business Administration.

7. This document is to ascertain whether and to what extent the Commission should amend 47 CFR 20.18(j) to clarify the process by which a Public Safety Answering Point (PSAP) makes a valid request for Phase II E911 service. The suggested rule amendment is meant to ensure that all parties involved in providing critical E911 services are aware of their responsibilities in this regard. If the Commission adopts a requirement that PSAPs demonstrate compliance with specified criteria, the purpose will be to enable affected carriers to verify a PSAP's capability to receive and act on Phase II data, thus avoiding costly delays in response time.

8. The suggested action is authorized under sections 1, 4(j), 7(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j) of the Communications Act of 1934, 47 U.S.C. 151, 154(j),157(a), 301, 303(c), 303(f), 303(g), 303(r), 308, and 309(j).

9. The RFA directs agencies to provide a description of and, where feasible, an estimate of the number of small entities that may be affected by the proposed rules, if adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under section 3 of the Small Business Act, unless the Commission has developed one or more definitions that are appropriate for its activities. Under the Small Business Act, a ''small business concern'' is one that: (1) Is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the Small Business Administration (SBA). A small organization is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' Nationwide, as of 1992, there were approximately 275,801 small organizations.

10. The definition of ''small governmental entity'' is one with populations of fewer than 50,000. There are 85,006 governmental entities in the nation. This number includes such entities as states, counties, cities, utility districts and school districts. There are no figures available on what portion of this number has populations of fewer than 50,00. However, this number includes 38,978 counties, cities and towns, and of those, 37,556, or ninety-six percent, have populations of fewer than 50,000. The Census Bureau estimates that this ratio is approximately accurate for all government entities. Thus, of the 85,006 governmental entities, we estimate that ninety-six percent, or about 81,600, are small entities that may be affected by our rules.

11. Nationwide, there are 4.44 million small business firms, according to SBA reporting data. The applicable definition of small entity is the definition under the SBA rules applicable to radiotelephone (wireless) companies. This provides that a small entity is a radiotelephone company employing no more than 1,500 persons. According to the a report issued by the Federal Communications Commission's Common Carrier Bureau in December 2000, of the 1,495 current wireless service providers, 989 employ l,500 or fewer workers, and 506 employ more than 1,500 workers.

12. The Commission is unable at this time to precisely quantify the specific impact of the suggested actions on these entities at this early point in the proceeding, but invites comment on this issue. The impact will depend on what type of demonstration and criteria (if any) the Commission ultimately adopts. If a demonstration and criteria are adopted, small carriers would find it less burdensome to confirm that a PSAP is indeed capable of participating in E911 service provision. The Commission is acutely aware of its responsibility to balance the needs of the PSAPs, who presumably would need to comply with any demonstration requirement adopted. Therefore, the Commission will carefully consider the affects in time and money on PSAPs of any demonstration requirement or inherent criteria before adopting final rule amendments.

13. The reporting, recordkeeping, or other compliance requirements will depend on what format the demonstration requirement, if adopted, ultimately takes and on what criteria, if any, are adopted. The document is inviting public comment on this issue and is open to any suggestions submitted in this regard. All comments will be carefully considered before final rules are adopted.

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

15. The Commission is severely limited in this proceeding as to minimizing the burden on small entities. The proceeding originates in Congressional mandate with the intention of ultimately offering the most reliable, responsive emergency services technologically possible. The critical nature of this goal demands that all entities involved, regardless of size, bear the same responsibility for complying with requirements adopted to expedite reaching this goal. A delay in response caused by a small entity could result in the same fatal consequences as a delay cased by a large entity. However, if the rule is amended as suggested in the document is adopted, all entities will benefit as indicated in criteria 2 cited above, the clarification of compliance or reporting requirements under the rule. The alternatives at this early point in the proceeding seem to be to leave the rule as it stands, to amend the rule without placing a demonstration burden and criteria on PSAPs, or, if the Commission finds after reviewing the comments filed in response to the document that the benefits of amending the rule and adopting criteria and a demonstration requirement outweigh the additional onus placed on PSAPs, whether a detailed demonstration of compliance or a more general demonstration will suffice to verify PSAP capability to participate in Phase II of the Commission's E911 program. For example, if the rule is amended and PSAPs are asked to demonstrate their compliance with certain criteria, the Commission could allow PSAPs the flexibility to comply with this requirement in whatever manner they believe best demonstrates their capability. This alternative would place a minimal additional reporting burden on PSAPs, but small carriers may find this an inadequate means for determining capability. On the other hand, the Commission could adopt a requirement that clearly states what a satisfactory demonstration must include, thus increasing the reporting burden on PSAPs but allowing no room for confusion over when a PSAP may be considered E911 capable. These are issues on which this document invites comment from all sources.

16. There are no federal rules that may duplicate, overlap, or conflict with the proposed rules.

17. The Commission's Consumer Information Bureau, Reference Information Center, will send a copy of this document including the IRFA to the Chief Counsel for Advocacy of the Small Business Administration. See 5 U.S.C. 604(b).

Ordering Clauses

18. Pursuant to sections 1, 4(i), 201, 251, 303, 309, and 332 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 201, 251, 303, 309, and 332, this document is adopted.

Federal Communications Commission.

Thomas J. Sugrue,

Chief, Wireless Telecommunications Bureau.

[FR Doc. 01–17785 Filed 7–13–01; 8:45 am]

BILLING CODE 6712–01–P

Notices

Federal Register

Vol. 66, No. 136

Monday, July 16, 2001

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

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Office of the Under Secretary, Research, Education, and Economics; Secretary's Advisory Committee on Agricultural Biotechnology

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of intent.

SUMMARY: We are giving notice that the Secretary of Agriculture has reestablished the Secretary's Advisory Committee on Agricultural Biotechnology. The Secretary of Agriculture has determined that the Committee is necessary and in the public interest.

FOR FURTHER INFORMATION CONTACT: Dr. Michael Schechtman, Designated Federal Official, Office of the Deputy Secretary, USDA, 202B Jamie L. Whitten Federal Building, 12th and Independence Avenue, SW., Washington, DC 20250; Telephone (202) 720–3817; Fax (202) 690–4265; E-mail *mschechtman@ars.usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the Secretary's Advisory Committee on Agricultural Biotechnology is to advise the Secretary of Agriculture on a broad range of policy issues related to expanding dimensions and importance of agricultural biotechnology.

Done in Washington, DC, this 2d day of July, 2001.

Lou Gallegos,

Assistant Secretary for Administration.

[FR Doc. 01–17650 Filed 7–13–01; 8:45 am]

BILLING CODE 3410–03–U

DEPARTMENT OF AGRICULTURE

Agricultural Research Service

Office of the Under Secretary, Research, Education, and Economics; Notice of the Advisory Committee on Agricultural Biotechnology Meeting

AGENCY: Agricultural Research Service, USDA.

ACTION: Notice of meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, 5 U.S.C. App., the United States Department of Agriculture announces a meeting of the Advisory Committee on Agricultural Biotechnology (ACAB).

DATES: August 1 and 2, 2001, 8:30 a.m. to 5:30 p.m. both days.

ADDRESSES: John Jay Room at the Hay-Adams Hotel, 16th and H Streets, NW., Washington, DC 20006.

FOR FURTHER INFORMATION CONTACT: Michael Schechtman, Designated Federal Official, Office of the Deputy Secretary, USDA, 202B Jamie L. Whitten Federal Building, 12th and Independence Avenue, SW., Washington, DC 20250; Telephone (202) 720–3817; Fax (202) 690–4265; E-mail *mschechtman@ars.usda.gov.*

SUPPLEMENTARY INFORMATION: The fifth meeting of the ACAB has been scheduled for August 1–2, 2001. The topics to be discussed will include: (1) USDA biotechnology budget priorities for the FY 2003 budget; (2) continued discussion on a draft ACAB report on the future of public plant breeding programs; and (3) continued discussion on gene flow from transgenic crops to other plants and current and potential USDA roles in addressing the issues presented. There will in addition be several updates on current biotechnology developments and on ongoing USDA biotechnology-related activities.

Background information regarding the work of the ACAB is available on the USDA web site at *http://www.usda.gov/agencies/biotech/acab.html.* Members of the public who wish to make oral statements should also inform Dr. Schechtman in writing or via E-mail at the indicated addresses at least three business days before the meeting. On August 1, 2001, if time permits, reasonable provision will be made for oral presentations of no more than five minutes each in duration.

The meeting will be open to the public, but space is limited. If you would like to attend the meetings, you must register by contacting Ms. Vanessa Simon at (202) 690–8647, by fax at (202) 720–3191 or by E-mail at vsimon@*ars.usda.gov* at least 5 days prior to the meeting. Please provide your name, title, business affiliation, address, telephone, and fax number when you register. If you require a sign language interpreter or other special accommodation due to disability, please indicate those needs at the time of registration.

Edward B. Knipling,

Associate Administrator.

[FR Doc. 01–17651 Filed 7–13–01; 8:45 am]

BILLING CODE 3410–03–U

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Request for Public Comments on Administration of the Specialty Sugar Allocation of the Refined Sugar Tariff-Rate Quota

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Request for public comments.

SUMMARY: This notice requests public comments on the administration of the allocation of the speciality sugar tariff-rate quota (TRQ), which is an administrative breakout of the refined sugar TRQ provided for in Additional U.S. Note 5 (a)(i) of Chapter 17 of the Harmonized Tariff Schedule of the United States (HTS).

DATES: Comments should be received on or before July 31, 2001 to be assured of consideration.

ADDRESSES: Comments should be mailed or delivered to the Director, Import Policies and Programs Division, Foreign Agricultural Service, U.S. Department of Agriculture, 1400 Independence Avenue, SW., AgStop 1021, Washington DC 20250–1021, or e-mailed to *Blabey@fas.usda.gov.* Comments received may be inspected between 10:00 a.m. and 4:00 p.m. at room 5531–S, 1400 Independence Avenue, SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Richard Blabey at the address above, or

telephone at (202) 720–2916, or e-mail at *Blabey@fas.usda.gov.* Persons with disabilities who require this request for comment in an alternative means of communication (Braille, large print, audiotape, etc.) should contact the USDA Target Center at (202) 720–2600 (voice and TDD).

SUPPLEMENTARY INFORMATION: USDA is preparing to establish the FY 2002 speciality sugar allocation under which imports may enter under subheadings 1701.12.10, 1701.91.10, 1701.99.10, 1702.90.10, 2106.90.44 of the HTS. Imports must be accompanied by a speciality sugar certificate issued by the USDA Certifying Authority to be eligible to enter under his TRQ allocation.

USDA is proposing to administer the speciality sugar TRQ in two tranches. The first tranche would permit imports not exceeding 1,656 metric tons raw value to enter under this TRQ beginning in October 2001. All speciality sugars identified in 15 CFR 2011, Subpart B would be eligible for entry. When combined with other refined sugars, syrups, and molasses entered under the above HTS subheadings, this tranche would permit sufficient imports of specialty sugar to satisfy the requirement of Additional U.S. Note 5 of Chapter 17 of the HTS that the Secretary establish a TRQ of not less than 22,000 metric tons raw value annually for refined sugar.

A second tranche would permit entry of speciality sugars not currently commercially produced in the United States or reasonably available from domestic sources. For FY 2002, USDA proposes to establish the quantity permitted entry under the second tranche at a level sufficient to assure that supplies of various types of specialty sugars meet domestic demand at reasonable prices. USDA would make known the size of the second tranche in its press release announcing the establishment of the FY 2002 refined sugar TRQ. The second tranche would be adjusted annually thereafter to reflect changing market conditions.

USDA also proposes that beginning in FY 2002 all imports of specialty sugar entered under the TRQ must be entered in bags containing not more than 50 kilos of sugar stowed in containers. This is the traditional method of importing specialty sugars and is intended to facilitate enforcement of the Regulation for specialty sugar.

USDA is soliciting comments on the above proposals for administering the specialty sugar TRQ and, in particular, solicits comments regarding appropriate dates for announcing the refined sugar TRQ and for opening of the second specialty sugar tranche.

Signed at Washington, DC, on June 22, 2001.

Mattie R. Sharpless,

Acting Administrator, Foreign Agricultural Service.

[FR Doc. 01–17649 Filed 7–13–01; 8:45 am]

BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Foreign Agricultural Service

Uruguay Round Agricultural Safeguard Trigger Levels

AGENCY: Foreign Agricultural Service, USDA.

ACTION: Notice of product coverage and trigger levels for safeguard measures provided for in the Uruguay Round Agreement on Agriculture.

SUMMARY: This notice lists the updated quantity trigger levels for products which may be subject to additional import duties under the safeguard provisions of the Uruguay Round Agreement on Agriculture. It also includes the relevant period applicable for trigger levels on each of those products.

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Charles K. Bertsch, Multilateral Trade Negotiations Division, Foreign Agricultural Service, room 5530—South Building, U.S. Department of Agriculture, Washington, DC 20250–1022, telephone at (202) 720–6278, or email bertschc@fas.usda.gov.

SUPPLEMENTARY INFORMATION: Article 5 of the Uruguay Round Agreement on Agriculture provides that additional import duties may be imposed on imports of products subject to tariffication during the Uruguay Round if certain conditions are met. The agreement permits additional duties to be charged if the price of an individual shipment of imported products falls below the average price for similar goods imported during the years 1986–88 by a specified percentage. It also permits additional duties to be imposed if the volume of imports of an article exceeds the average of the most recent 3 years for which data are available by 5, 10, or 25 percent, depending on the article. These additional duties may not be imposed on quantities for which minimum or current access commitments were made during the Uruguay Round negotiations, and only one type of safeguard, price or quantity, may be applied at any given time to an article.

Section 405 of the Uruguay Round Agreements Act requires that the President cause to be published in the **Federal Register** information regarding the price and quantity safeguards, including the quantity trigger levels, which must be updated annually based upon import levels during the most recent 3 years. The President delegated this duty to the Secretary of Agriculture in Presidential Proclamation No. 6763, dated December 23, 1994. The Secretary of Agriculture further delegated the duty to the Administrator of the Foreign Agricultural Service (7 CFR 2.43(a)(2)). The Annex to this notice contains the updated quantity trigger levels.

Additional information on the products subject to safeguards and the additional duties which may apply can be found in subchapter IV of Chapter 99 of the Harmonized Tariff Schedule of the United States and in the Secretary of Agriculture's Notice of Safeguard Action, published in the **Federal Register** at 60 FR 427, January 4, 1995.

Notice: As provided in section 405 of the Uruguay Round Agreements Act, consistent with Article 5 of the Agreement on Agriculture, the safeguard quantity trigger levels previously notified are superceded by the levels indicated in the Annex to this notice.

Issued at Washington, DC, this 27th day of June, 2001.

Mattie R. Sharpless,

Acting Administrator, Foreign Agricultural Service.

Annex

The definitions of these products were provided in the Notice of Safeguard Action published in the **Federal Register,** at 60 FR 427, January 4, 1995.

QUANTITY BASED SAFEGUARD TRIGGER

Product	Trigger level	Period
Beef	1,062,131 mt	January 1, 2001 to December 31, 2001.
Mutton	14,101 mt	January 1, 2001 to December 31, 2001.
Cream	6,599,822 liters	January 1, 2001 to December 31, 2001.
Evaporated or Condensed Milk	6,199,769 kilograms	January 1, 2001 to December 31, 2001.

QUANTITY BASED SAFEGUARD TRIGGER—Continued

Product	Trigger level	Period
Nonfat Dry Milk	4,689,770 kilograms	January 1, 2001 to December 31, 2001.
Dried Whole Milk	2,946,410 kilograms	January 1, 2001 to December 31, 2001.
Dried Cream	4,485 kilograms	January 1, 2001 to December 31, 2001.
Dried Whey/Buttermilk	136,940 kilograms	January 1, 2001 to December 31, 2001.
Butter	8,183,104 kilograms	January 1, 2001 to December 31, 2001.
Butter Oil and Butter Substitutes	7,823,523 kilograms	January 1, 2001 to December 31, 2001.
Dairy Mixtures	3,875,137 kilograms	January 1, 2001 to December 31, 2001.
Blue Cheese	3,618,036 kilograms	January 1, 2001 to December 31, 2001.
Cheddar Cheese	11,278,847 kilograms	January 1, 2001 to December 31, 2001.
American Type Cheese	10,140,963 kilograms	January 1, 2001 to December 31, 2001.
Edam/Gouda Cheese	7,765,924 kilograms	January 1, 2001 to December 31, 2001.
Italian-Type Cheese	17,172,739 kilograms	January 1, 2001 to December 31, 2001.
Swiss Cheese with Eye Formation	37,920,677 kilograms	January 1, 2001 to December 31, 2001.
Gruyere Process Cheese	8,204,076 kilograms	January 1, 2001 to December 31, 2001.
Lowfat Cheese	3,205,090 kilograms	January 1, 2001 to December 31, 2001.
NSPF Cheese	54,467,260 kilograms	January 1, 2001 to December 31, 2001.
Peanuts	54,876 mt	April 1, 2001 to March 31, 2002.
Peanut Butter/Paste	21,836 mt	January 1, 2001 to December 31, 2001.
Raw Cane Sugar	1,945,430 mt.	October 1, 2000 to September 30, 2001.
	1,645,884 mt	October 1, 2001 to September 30, 2002.
Refined Sugar and Syrups	27,058 mt.	October 1, 2000 to September 30, 2001.
	27,871 mt	October 1, 2001 to September 30, 2002.
Blended Syrups	0 mt.	October 1, 2000 to September 30, 2001.
	0 mt	October 1, 2001 to September 30, 2002.
Articles Over 65% Sugar	0 mt.	October 1, 2000 to September 30, 2001.
	0 mt	October 1, 2001 to September 30, 2002.
Articles Over 10% Sugar	80,282 mt.	October 1, 2000 to September 30, 2001.
	80,886 mt	October 1, 2001 to September 30, 2002.
Sweetened Cocoa Powder	1,555 mt.	October 1, 2000 to September 30, 2001.
	1,196 mt	October 1, 2001 to September 30, 2002.
Chocolate Crumb	23,579,229 kilograms	January 1, 2001 to December 31, 2001.
Lowfat Chocolate Crumb	148 kilograms	January 1, 2001 to December 31, 2001.
Infant Formula Containing Oligosaccharides	125,000 kilograms	January 1, 2001 to December 31, 2001.
Mixes and Doughs	6,064 mt.	October 1, 2000 to September 30, 2001.
	5,366 mt	October 1, 2001 to September 30, 2002.
Mixed Condiments and Seasonings	232 mt.	October 1, 2000 to September 30, 2001.
	243 mt	October 1, 2001 to September 30, 2002.
Ice Cream	2,908,496 liters	January 1, 2001 to December 31, 2001.
Animal Feed Containing Milk	703,742 kilograms	January 1, 2001 to December 31, 2001.
Short Staple Cotton	5,340,573 kilograms	September 20, 2000 to September 19, 2001.
	5,197,960 kilograms	September 20, 2001 to September 19, 2002.
Harsh or Rough Cotton	0 mt.	August 1, 2000 to July 31, 2001.
	0 mt	August 1, 2001 to July 31, 2002.
Medium Staple Cotton	622,754 kilograms	August 1, 2000 to July 31, 2001.
	701,895 kilograms	August 1, 2001 to July 31, 2002.
Extra Long Staple Cotton	1,482,280 kilograms	August 1, 2000 to July 31, 2001.
	5,481,363 kilograms	August 1, 2001 to July 31, 2002.
Cotton Waste	0 kilograms	September 20, 2000 to September 19, 2001.
	0 kilograms	September 20, 2001 to September 19, 2002.
Cotton, Processed, Not Spun	798 kilograms	September 11, 2000 to September 10, 2001.
	748 kilograms	September 11, 2001 to September 10, 2002.

[FR Doc. 01–17648 Filed 7–13–01; 8:45 am]
BILLING CODE 3410–10–M

DEPARTMENT OF AGRICULTURE

Reconstruction of Meadows Road #205 and Issuance of a Road Easement for Access to Private Land

AGENCY: Forest Service, USDA.

ACTION: Notice of intent to prepare an Environmental Impact Statement in conjunction with issuance of a road easement and reconstruction of the Meadows Road #205 through an inventoried roadless area Dolores County, Colorado.

SUMMARY: The Forest Service will prepare an environmental impact statement in conjunction with a proposal to issue a road easement to a private landowner and the reconstruction of an existing classified roadway, the Meadows Road #205, across a portion of an inventoried roadless area to access the landowners property.

This notice describes known issues with the proposed road reconstruction project, estimated dates for filing the environmental impact statement, information concerning public and tribal participation, and the names and addresses of the agency officials who can provide additional information.

DATES: Comments concerning the scope of the analysis should be received in writing by August 30, 2001. The agency expects to file a draft environmental impact statement with the Environmental Protection Agency (EPA) and make it available for public, agency, and tribal government comment in late fall of 2001. A final environmental impact statement is expected to be filed in February of 2002.

ADDRESSES: Send written comments to: James Powers, Forest Planner, San Juan National Forest, 15 Burnett Court, Durango, CO 81301.

FOR FURTHER INFORMATION CONTACT: John Reidinger, Forester, Mancos-Dolores Ranger District, P.O. Box 210, Dolores, CO 81323 (970–882–7296).

Responsible Official: Rick Cables, Rocky Mountain Regional Forester at P.O. Box 25127, Lakewood, CO 80225–0127.

SUPPLEMENTARY INFORMATION: Pursuant to Part 36 Code of Federal Regulations (CFR) 219.10(g), the Regional Forester for the Rocky Mountain Region gives notice of the agency's intent to prepare an environmental impact statement for road reconstruction and issuance of an easement across such road in an inventoried roadless area for the purpose of providing the applicant access to non-federally owned lands within the boundaries of the National Forest System.

The Regional Forester gives notice that the Forest is initiating an environmental-analysis and decision-making process for this proposed action so that interested or affected people can participate in the analysis and contribute to the final decision.

Opportunities will be provided to discuss the road reconstruction and easement issuance proposal openly with the public. The public is invited to help identify issues and define the range of alternatives to be considered in the environmental impact statement. Written comments identifying issues for analysis and the range of alternatives will be encouraged.

The public has already identified a number of issues. Additional issue identification (scoping) will continue in the summer of 2001. Requests to be on the mailing list should be sent to: John Reidinger, Forester, P.O. Box 210, Dolores, CO 81323 (970) 882–7296.

This project is being undertaken to provide access to a private, non-federally owned land as required by the Alaska Native Interest Lands Conservation Act (P.L. 96–487). Private land inholders are to be provided access across National Forest System land to private land that is adequate to secure the owners thereof of reasonable use and enjoyment of their land. The private landowner has proposed use of the existing road across the inventoried roadless area to meet their access needs.

Major Issues

Lizard Head Roadless Area

This RARE II area is an area of approximately 4,940 acres that is immediately south of the Lizard Head Wilderness and north of Colorado Highway 145. It has a low wilderness attribute rating because of its proximity to the highway and the West Dolores road and was excluded from the Lizard Head wilderness when it was created in 1983. The existing Meadows road #205 crosses a portion of this inventoried roadless area.

Wetlands

The existing roadway crosses several small areas of wetlands.

Geological Hazards

The only alternative to the Meadows Road that provides access to the private lands is another existing two-track road that is unsafe and is closed by landslides.

Involving the Public: The Forest Service is seeking information, comments, and assistance from individuals, organizations, tribal governments, and federal, state, and local agencies that are interested in or may be affected by the proposed action. The range of alternatives to be considered in the DEIS will be based on public issues, management concerns, resource management opportunities, and specific decisions to be made.

Public participation will be solicited by notifying in person and/or may mail known interested and affected local government agencies. News releases will be used to give the public general notice.

Release and review of the EIS: We expect the DEIS to be filed with the Environmental Protection Agency (EPA) and to be available for public, agency, and tribal government comment in summer of 2001. At that time, the EPA will publish a notice of availability for the DEIS in the **Federal Register.** The comment period on the DEIS will be 45 days from the date the EPA publishes the notice of availability in the **Federal Register.**

The Forest Service believes, at this early state, it is important to give reviewers notice of several court rulings related to public participation in the environmental review process. First, reviewers of the DEIS must participate in the environmental review of the proposal in such a way that their participation is meaningful and alerts an agency to the reviewer's position and contentions; Vermont *Yankee Nuclear Power Corp.* v. *NRDC.* 435 U.S. 519, 553 (1978). Also, environmental objections that could be raised at the DEIS stage but are not raised until after completion of the Final Environmental Impact Statement (FEIS) may be waived or dismissed by the courts; *City of Angoon* v. *Hodel,* 803 F.2d 1016, 1022 (9th Cir. 1986) and *Wisconsin Heritages, Inc.,* v. *Harris,* 490 F. Supp. 1334, 1338 (E.D. Wis. 1980). Because of these court rulings, it is very important that those interested in this proposed action participate by the close of the comment period, so that substantive comments and objections are made available to the Forest Service at a time when it can meaningfully consider them and respond to them in the FEIS.

To assist the Forest Service in identifying and considering issues and concerns relating to the proposed actions, comments on the DEIS should be as specific as possible. It is also helpful if comments refer to specific pages or chapters of the draft statement. Comments may also address the adequacy of the DEIS or the merits of the alternatives formulated and discussed in the statements. In addressing these points, reviewers may wish to refer to the Council on Environmental Quality Regulations for implementing the procedural provisions of the National Environmental Policy Act at 40 CFR 1503.3.

After the comment period on the DEIS ends, comments will be analyzed, considered, and responded to by the Forest Service in preparing the Final EIS. The FEIS is scheduled to be completed in February of 2001. The responsible official will consider the comments, responses, environmental consequences discussed in the FEIS, and applicable laws, regulations, and policies in making decisions regarding these revisions. The responsible official will document the decisions and reasons for the decisions in a Record of Decision. The decision will be subject to appeal in accordance with 36 CFR 215.

Dated: July 9, 2001.

Kent Hoffman,

Deputy Forest Supervisor, San Juan National Forest, USDA Forest Service.

[FR Doc. 01–17654 Filed 7–13–01; 8:45 am]

BILLING CODE 3410–11–M

DEPARTMENT OF COMMERCE

Submission for OMB Review; Comment Request

The Department of Commerce (DOC) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: Bureau of Export Administration (BXA).

Title: Prior Notification of Exports Under License Exception AGR.

Agency Form Number: BXA–748P.

OMB Approval Number: None.

Type of Request: Emergency submission.

Burden Hours: 926 hours.

Number of Respondents: 250 respondents.

Average Hour Per Response: 52–57 minutes.

Needs and Uses: Section 906 of the Trade Sanctions Reform and Export Enhancement Act requires that exports of agricultural commodities, medicine or medical devices to Cuba or to the government of a country that has been determined by the Secretary of State to have repeatedly provide support for acts of international terrorism, or to any other entity in such a country, are made pursuant to one-year licenses issued by the U.S. Government; while further providing that the requirements of one-year licenses shall be no more restrictive than license exceptions administered by the Department of Commerce, except that procedures shall be in place to deny licenses for exports to any entity within such country promoting international terrorism.

Affected Public: Individuals, businesses or other for-profit organizations.

Frequency: On Occasion.

Respondent's Obligation: Mandatory.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Madeleine Clayton, Departmental Paperwork Clearance Officer, (202) 482–3129, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, D.C. 20230 (or via the Internet at MClayton@doc.gov).

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20230.

Dated: July 11, 2001.

Gwellnar Banks,

Management Analyst, Office of the Chief Information Officer.

[FR Doc. 01–17720 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–33–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; 2002 Census of Governments—Government Employment Phase

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, 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)).

DATES: Written comments must be submitted on or before September 14, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW, Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Ellen Thompson, Chief, Employment Branch, Governments Division, U.S. Census Bureau, Washington, DC 20233–6800 (301 457–1531).

SUPPLEMENTARY INFORMATION:

I. Abstract

Title 13, Section 161, of the United States Code requires the Secretary of Commerce to conduct a Census of Governments every 5 years. The 2002 Census of Governments includes 3 phases—Organization, Employment and Finance. For the Employment phase, these authorizations include, but are not limited to, collecting and disseminating data by function for full-time and part-time employees, payroll, and number of part-time hours worked.

The state and local government statistics produced cover national, state, local, and type-of-government aggregates on various functions with comparative detail for individual governments for the pay period that includes March 12. The employment survey provides the only comprehensive count of employees and payrolls in state and local governments. Government employees constitute approximately one-sixth of the entire U.S. workforce and their salaries are a major source of personal income.

The Census Bureau provides these employment data to the Bureau of Economic Analysis (BEA) for constructing the functional payrolls in the public sector Gross Domestic Product, payroll being the single largest component of current operations. Other government users include the Bureau of Labor Statistics, as a benchmark for its monthly employment programs, and the Department of Housing and Urban Development, to establish payroll guidelines for local public housing authorities.

The employment survey has increasingly been used as the base for reimbursable programs of other Federal agencies such as: (1) The government portion of the Medical Expenditure Panel Survey commissioned by the Agency for Healthcare Research and Quality to provide timely, comprehensive information about health care use and costs in the United States; and (2) the Bureau of Justice Statistics (BJS) Criminal Justice Expenditure and Employment Survey, which provides criminal justice expenditure and employment data on spending and personnel levels; and (3) the BJS Justice Assistance Data Survey, for sample verification and the existence of contracted services.

Findings are produced as data files in both electronic and printed formats. The program has made possible the dissemination of comprehensive and comparable governmental statistics since 1940.

The many users of the Census of Governments data include Federal agencies, state and local governments and related organizations, public interest groups, the academic community, and many business, market, and private research organizations.

II. Method of Collection

Each of the 90,000 state and local governments designated for the census will be sent an appropriate form or the data will be collected through a data sharing arrangement between Census and the state government.

We developed cooperative agreements with state and large local government officials to collect the data from their dependent agencies and report to us as one central respondent. These arrangements reduce the need for a mail canvass of approximately 2700 state agencies and 700 school systems. Currently we have central collection agreements with 36 states and four school district governments.

We are in the process of expanding the conversion of paper submissions

into electronic formats, for individual units and central collection units.

III. Data

OMB Number: None.

Form Number: E–1, E–2, E–3, E–4, E–5, E–6, E–7, E–9.

Type of Review: Regular.

Affected Public: State governments and local governments, including counties, cities, townships, special district, and public school systems.

Estimated Number of Respondents: 77,273.

Estimated Average Time Per Response: 0.8884 hours.

Estimated Total Annual Burden Hours: 68,649.

Estimated Total Annual Cost: $1,171,838.

Note: Based upon the average hourly pay for full-time equivalent employment for the financial administration function within the 2000 annual survey of state and local government employment.

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 United States Code, Section 161.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 10, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–17636 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; 2002 Census of Governments—Government Finance Phase

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, 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)).

DATES: Written comments must be submitted on or before September 14, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Stephen Poyta, Chief, Census Management Staff, Governments Division, U.S. Census Bureau, Washington, DC 20233–6800 (301 457–1580).

SUPPLEMENTARY INFORMATION:

I. Abstract

Title 13, Section 161, of the United States Code authorizes the Secretary of Commerce to conduct a Census of Governments every 5 years. The 2002 Census of Governments includes 3 phases—Organization, Employment and Finance. For the Finance phase, these authorizations include, but are not limited to, collecting and disseminating data on taxes, governmental receipts (revenues), expenditures by function and character, indebtedness, cash and security holdings, and insurance trust systems.

The state and local government statistics produced cover national, state, local, and type-of-government aggregates on various financial transactions. They are aggregated by size-groups, and contain comparative detail for individual governments for the fiscal year ending periods between July 1, 2001 and June 30, 2002. Findings are produced as data files in both electronic and printed formats. The finance survey provides the only comprehensive accounting of financial activity in state and local governments. Comparable programs have made possible the dissemination of similar governmental statistics since 1902.

The Census Bureau provides these governmental finance data to the Bureau of Economic Analysis (BEA) for use in determining the Gross Domestic Product. Discontinuing this finance program would create a large gap in public sector economic statistics by: eliminating the Census of Governments results; nullifying the development of related sample-based annual governmental finance statistics; and making it impossible for the BEA to calculate the government sector of the national income and product accounts.

The many users of these Census of Governments data include Federal agencies, State and local governments and related organizations, public interest groups, the academic community, and many business, market, and private research organizations.

II. Method of Collection

Each of the 90,000 county governments, consolidated city-county governments, independent cities, towns, townships, special district governments, and public school systems designated for the census will be sent an appropriate form or the data will be collected through a data sharing arrangement between Census and the state government. State governments, as well as 50 of the largest local governments, are manually compiled by office staff from basic source information.

The Census Bureau has concluded a wide variety of cooperative data collection and data sharing arrangements with offices in many states. These arrangements include: (1) Making use of state mandated reports on local government finances; (2) assisting states in establishing statewide uniform local government financial and employment reporting systems; (3) sharing Census Bureau collected and processed data with state officials; and (4) assisting in the development of state government automated reporting systems. These arrangements involve a variety of methodologies and technologies. In some cases, the data are shared by the state submitting state collected data in a variety of electronic formats. In other instances, the Census Bureau supplies data to the state in electronic formats. The Census Bureau also receives files from respondents and sends data to customers over the Internet.

In the Finance Phase, the Census Bureau has established different cooperative data collection arrangements in 29 states for general purpose and special district governments, and 49 states for school systems. We are in the process of expanding the conversion of paper submissions into electronic formats, with a concentration on the largest governments. The finance central collection program has resulted in eliminating direct mail canvassing for approximately 1,100 counties, 25,000 municipalities and townships, 8,000 special districts, and 16,000 local school systems.

III. Data

OMB Number: None.

Form Number: F–L1, F–11, F–12, F–13, F–21, F–22, F25, F–28, F–29, F–32, F–33L, F–42.

Type of Review: Regular.

Affected Public: State governments, county governments, consolidated city-county governments, independent cities, towns, townships, special district governments, and public school systems.

Estimated Number of Respondents: 51,534.

Estimated Time Per Response: 2.27 hours.

Estimated Total Annual Burden Hours: 116,982.

Estimated Total Annual Cost: $ 1,923,350.45.

Note: Based upon the average hourly pay for full-time equivalent employment for the financial administration function within the latest annual survey of state and local government employment.)

Respondent's Obligation: Voluntary.

Legal Authority: Title 13 United States Code, Section 161.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 10, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–17637 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

Census Bureau

Proposed Information Collection; 2002 Economic Census Covering the Construction Sector

ACTION: Proposed collection; comment request.

SUMMARY: The Department of Commerce, 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)).

DATES: Written comments must be submitted on or before September 14, 2001.

ADDRESSES: Direct all written comments to Madeleine Clayton, Departmental Paperwork Clearance Officer, Department of Commerce, Room 6086, 14th and Constitution Avenue, NW., Washington, DC 20230 (or via the Internet at MClayton@doc.gov).

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the information collection instrument(s) and instructions should be directed to Patricia L. Horning, U.S. Census Bureau, Manufacturing and Construction Division, (301) 457–4680, Room 2229, Building #4, Washington, DC 20233 (or via the Internet at patricia.l.horning@census.gov).

SUPPLEMENTARY INFORMATION:

I. Abstract

The Census Bureau is the preeminent collector and provider of timely, relevant and quality data about the people and economy of the United States. Economic data are the Census Bureau's primary program commitment during nondecennial census years. The economic census, conducted under authority of Title 13, United States Code, is the primary source of facts about the structure and functioning of the Nation's economy and features unique industry and geographic detail. Economic census statistics serve as part of the framework for the national accounts and provide essential information for government, business and the general public. The 2002 Economic Census Covering the Construction Sector (as defined by the North American Industry Classification System (NAICS) is a sample survey that will measure the economic activity of almost 700,000 establishments engaged in building construction and land subdivision and land development, heavy construction (except buildings), such as highways, power plants, pipelines; and construction activity by special trade contractors.

The information collected from businesses in this sector of the economic census will produce basic statistics by industry for number of establishments, value of construction work, payroll, employment, selected costs, depreciable assets, inventories, and capital expenditures. It also will yield a variety of subject statistics, including estimates of type of construction work done, kind of business activity, size of establishments and other industry-specific measures.

Primary strategies for reducing burden in Census Bureau economic data collections are to increase electronic reporting through broader use of computerized self-administered census questionnaires, on-line questionnaires and other electronic data collection methods.

II. Method of Collection

The construction industry sector of the economic census will select establishments for its mail canvass from a frame given by the Census Bureau's Business Register. To be eligible for selection, an establishment will be required to satisfy the following conditions: (i) It must be classified in the construction industry sector; (ii) it must be an active operating establishment of a multi-establishment firm, or it must be a single-establishment firm with payroll; and (iii) it must be located in one of the 50 states or the District of Columbia. Mail selection procedures will distinguish the following groups of establishments:

A. Establishments of Multi-Establishment Firms

Selection procedures will assign all active construction establishments of multi-establishment firms to the mail component of the potential respondent universe. We estimate that the mail canvass for the 2002 construction sector will include approximately 11,000 establishments of multi-establishments firms.

B. Single-Establishment Firms with Payroll

As an initial step in the selection process, we will conduct a study of the potential respondent universe for construction industries. The entire set of eligible single-establishment firms will be considered for inclusion in the mail canvass. Sampling strata and corresponding probabilities of selection will be determined by this study conducted shortly before mail selection operations begin.

One of the primary goals is to produce reliable State level estimates for each NAICS industry. We will use a stratified random sample strategy for selecting the sample of single-establishments firms. The population of eligible single-establishment firms will be partitioned into State by NAICS groupings. Within each group, we will further sub-divide the population into a minimum of two strata based on the annualized payroll of the firms within these groupings. Independent random samples will be selected for each stratum. The total sample size for each State by NAICS cell will be determined based on the reliability constraint for the cell and any additional U.S. level reliability constraints for the industry. The impact of the multi-establishment firms in producing the estimates will be factored into determining the sample sizes for the single-establishment firms. We estimate that the census mail canvass 2002 will include approximately 159,000 establishments.

There is some uncertainty associated with the new 2002 NAICS classification for the construction sector on the Census Bureau's Business Register. The number of single-establishment firms selected in the sample is dependent upon conducting the Census Bureau's classification refile operation in 2001 (see **Federal Register** Notice dated January 30, 2001, 2002 Economic Census Construction Refile Survey). The refile operation will significantly increase the accuracy of the 2002 NAICS classification of construction firms on the Business Register. When the refile operation is conducted, the number of single-establishment construction firms included in the mail canvass needed to produce reliable estimates for the 2002 Economic Census on a State by NAICS basis will be reduced from the estimated 159,000 to approximately 119,000.

III. Data

OMB Number: Not available.

Form Number: The 13 forms used to collect information from businesses in this sector of the economic census are tailored to specific business practices and are too numerous to list separately in this notice. You can obtain information on the proposed content of the forms by calling Patricia L. Horning on (301) 457–4680 (or via the Internet at patricia.l.horning@census.gov).

Type of Review: Regular review.

Affected Public: Businesses or other for profit, non-profit institutions or organizations, and State or Local Governments.

Estimated Number of Respondents: 170,000.

Estimated Time Per Response: 2.4 hours.

Estimated Total Annual Burden Hours: 408,000.

Estimated Total Annual Cost: $6,250,560.

Respondent's Obligation: Mandatory.

Legal Authority: Title 13, United States Code, Sections 131 and 224.

IV. Request for Comments

Comments are invited on: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden (including hours and cost) of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection; they also will become a matter of public record.

Dated: July 10, 2001.

Madeleine Clayton,

Departmental Paperwork Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 01–17638 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–07–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–475–815] [A–475–814]

Revocation of Antidumping and Countervailing Duty Orders: Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Italy

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

ACTION: Notice of revocation of antidumping and countervailing duty orders: certain seamless carbon and alloy steel standard, line and pressure pipe from Italy.

SUMMARY: Pursuant to section 751(c) of the Tariff Act of 1930, as amended (''the Act''), the United States International Trade Commission (''the Commission'') determined that revocation of the antidumping and countervailing duty orders on certain seamless carbon and alloy steel standard, line and pressure pipe (''seamless pipe'') from Italy is not likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time (66 FR 34717 (June 29, 2001)). Therefore, pursuant to section 751(d)(2) of the Act and 19 CFR 351.222(i)(2)(i), the Department of Commerce (''the Department'') is revoking the antidumping and countervailing duty orders on certain seamless carbon and alloy steel standard, line and pressure pipe from Italy. Pursuant to section 751(c)(6)(A)(iv) of the Act and 19 CFR 351.222(i)(2)(i) the effective date of revocation of the antidumping duty order is August 03, 2000, and the effective date of revocation of the countervailing duty order is August 8, 2000.

DATES: *Effective Date:* August 3, 2000 and August 8, 2000.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2000, the Department initiated (65 FR 41053), and the Commission instituted (65 FR 41090), sunset reviews of the antidumping and countervailing duty orders on seamless pipe from Argentina, Brazil, Germany, and Italy pursuant to section 751(c) of the Act. As a result of these reviews, the Department found that revocation of the antidumping and the countervailing duty orders on seamless pipe from Italy would likely lead to continuation or recurrent of dumping, and notified the Commission of the magnitude of the margin likely to prevail were the antidumping and countervailing duty orders revoked. *See* Final Results of Expedited Sunset Reviews: Seamless Pipe From Argentina, Brazil, Germany,

and Italy, 65 FR 66708 (November 7, 2000.)

On June 29, 2001, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping and countervailing duty order on seamless pipe from Italy would not likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See* Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Argentina, Brazil, Germany, and Italy, 66 FR 34717 (June 29, 2001), and USITC Pub. 3429 (June 2001), Investigation Nos. 701–TA–362 and 731–TA–707–710 (Reviews).

Scope of the Orders

The merchandise subject to these orders include seamless pipes produced to the American Society for Testing and Materials (''ASTM'') standards A–335, A–106, A–53, and American Petroleum Institute (''API'') standard API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of these orders also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters below, regardless of specification. For purposes of these orders, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, beveled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe, or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes. The seamless pipes subject to these orders are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The following information further defines the scope of these orders, which covers pipes meeting the physical parameters described above: Specifications, Characteristics and Uses: Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas, and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (''ASME'') code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification. Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent ASTM A–106 specification necessarily meet the API 5L and ASTM A–53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A–53 specification. However, pipes meeting the A–53 or API 5L specifications do not necessarily meet the A–106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple-certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers. The primary application of ASTM A–106 pressure pipes and triple-certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A–106 pipes may be used in some boiler applications.

The scope of these orders include all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of these orders. Therefore, seamless pipes meeting the physical description above, but not produced to the ASTM A–335, ASTM A–106, ASTM A–53, or API 5L standards shall be covered if used in a standard, line or pressure application. For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A–106 applications. These specifications generally include A–162, A–192, A–210, A–333, and A–524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of these orders.

Specifically excluded from these orders are boiler tubing and mechanical tubing, if such products are not produced to ASTM A–335, ASTM A–106, ASTM A–53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished oil country tubular goods (''OCTG'') are excluded from the scope of these orders, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in this scope when used in standard, line or pressure applications. Finally, also excluded from these orders are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order is dispositive.

Determination

As a result of the determination by the Commission that revocation of the antidumping and the countervailing duty orders is not likely to lead to continuation or recurrence of material injury to an industry in the United States, the Department, pursuant to section 751(d)(2) of the Act is revoking the antidumping and countervailing duty orders on seamless pipe from Italy.

Pursuant to section 751(c)(6)(A)(iv) of the Act and 19 CFR 351.222(i)(2)(i), revocation is effective August 3, 2000, with respect to the antidumping duty order, and August 8, 2000, with respect to the countervailing duty order. The Department will instruct the Customs Service to discontinue the suspension of liquidation and collection of cash deposit rates on entries of the subject merchandise entered or withdrawn from warehouse on or after August 3, 2001, and August 8, 2000 (the effective dates). The Department will complete any pending administrative reviews of these orders and will conduct administrative reviews of subject merchandise entered prior to the effective date of revocation in response to appropriately filed requests for review.

Dated: July 6, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–17715 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DS–M

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–814]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-RolledCarbon Steel Flat Products From Argentina

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

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Constance Handley at (202) 482–0631 or David Bede at (202) 482–3693, respectively, Import Administration, Room 1870, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW., Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to Department of Commerce (the Department) regulations refer to the regulations codified at 19 CFR part 351 (April 2000).

Final Determination

We determine that certain hot-rolled carbon steel flat products (HRS) from Argentina are being, or are likely to be sold, in the United States at less than fair value (LTFV), as provided in section 735 of the Act. The estimated margins of sales at LTFV are shown in the *Suspension of Liquidation* section of this notice.

Case History

The preliminary determination in this investigation was issued on April 23, 2001. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from Argentina,* 66 FR 22180 (May 3, 2001) (''*Preliminary Determination*''). No case briefs were filed.[1] On May 16, 2001, Siderar Saic (Siderar) requested that the final determination be postponed. This request was denied. *See Memorandum from Gary Taverman to Faryar Shirzad: Request for Postponement of Final Determination* (June 19, 2001).

Scope of Investigation

For purposes of this investigation, the products covered are certain HRS of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight length, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.,* flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTSUS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* American Society for Testing and Materials (ASTM) specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron & Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearing steels, as defined in the HTSUS.
- Tool steels, as defined in the HTSUS.
- Silico-manganese (as defined in the HTSUS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTSUS.

The merchandise subject to this investigation is classified in the HTSUS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00,

[1] Normally, when the Department issues a final determination, the **Federal Register** notice is accompanied by a separate Issues and Decision Memorandum. Since no briefs were filed in this case, a separate memorandum is not required.

7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled carbon steel flat products covered by this investigation, including vacuum degassed fully stabilized, high strength low alloy, and the substrate for motor lamination steel may also enter under the following tariff classification numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00.

Although the HTSUS subheadings are provided for convenience and U.S. Customs purposes, the written description of the merchandise subject to this proceeding is dispositive.

Period of Investigation

The period of investigation (POI) for this investigation is October 1, 1999 through September 30, 2000. This period corresponds to the four most recent fiscal quarters prior to the month of the filing of the petition (*i.e.*, November 2000).

Facts Available

In the preliminary determination, the Department based the dumping margin for Siderar on facts otherwise available pursuant to section 776(a)(2)(A) of the Act. The use of facts otherwise available was warranted because Siderar failed to respond to the Department's questionnaire, and failed to provide any indication that it was unable to respond. Therefore, the Department found that Siderar failed to cooperate by not acting to the best of its ability. As a result, pursuant to section 776(b) of the Act, the Department used an adverse inference in selecting from the facts available. Specifically, the Department assigned Siderar the highest margin alleged in the petition. We continue to find this margin corroborated, pursuant to section 776(c) of the Act, for the reasons discussed in the *Preliminary Determination*. No interested parties have objected to the use of adverse facts available for Siderar in this investigation, nor to the Department's choice of the facts available margin. Accordingly, for the final determination, the Department is continuing to use, for Siderar, the highest margin alleged in the petition. *See Preliminary Determination.* In addition, the Department has left unchanged from the preliminary determination the ''All Others Rate'' in this investigation.

On January 17, 2001, the other mandatory respondent, Acindar Industria Argentina de Aceros SA (Acindar), informed the Department that it did not sell the subject merchandise to the United States during the period of investigation (POI) and, therefore, had no sales to report. Upon reviewing U.S. Customs data, the Department confirmed that Acindar did not sell the subject merchandise to the United States during the POI and, as such, any future exports from Acindar will be subject to the ''All Others Rate.''

Continuation of Suspension of Liquidation

In accordance with section 735(c)(1)(B) of the Act, we are directing the Customs Service to continue to suspend all entries of HRS from Argentina, that are entered, or withdrawn from warehouse, for consumption on or after May 3, 2001, the date of publication of our preliminary determination. The Customs Service shall require a cash deposit or bond equal to the dumping margin, as indicated in the chart below. These instructions suspending liquidation will remain in effect until further notice.

The dumping margins are provided below:

Manufacturer/exporter	Margin (percent)
Siderar Saic (Siderar)	44.59
All Others	40.60

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will, within 45 days, determine whether these imports are materially injuring, or threaten material injury to, the U.S. industry. If the ITC determines that material injury or threat of material injury does not exist, the proceeding will be terminated and all securities posted will be refunded or canceled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing the Customs Service to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published pursuant to sections 735(d) and 777(i)(1) of the Act.

Dated: July 7, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–17717 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–791–809]

Notice of Final Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from South Africa

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

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Doug Campau or Maureen Flannery at (202) 482–1395 or (202) 482–3020, respectively; Office of Antidumping/Countervailing Duty Enforcement VII, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

The Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the

Department of Commerce (Department) regulations are to the regulations at 19 CFR part 351 (April 2001).

Final Determination

We determine that certain hot-rolled carbon steel flat products (HR) from South Africa are being, or are likely to be sold, in the United States at less than fair value (LFTV), as provided in section 735 of the Act. The estimated margins are shown in the ''Suspension of Liquidation'' section of this notice.

Background

On May 3, 2001, the Department published its preliminary determination in the above-captioned antidumping duty investigation. *See Notice of Preliminary Determination of Sales at Less Than Fair Value: Certain Hot-Rolled Carbon Steel Flat Products from South Africa,* 66 FR 22173 (May 3, 2001) (*Preliminary Determination*).

On January 25, 2001, Saldahna Steel Limited (Saldanha), and Iscor Limited (Iscor), two of the three mandatory respondents, informed the Department that they would not be responding to the Department's questionnaire. Just prior to publication of the *Preliminary Determination*, Highveld Steel and Vanadium Corporation Limited (Highveld)-—the only respondent to have submitted information in response to the Department's questionnaires—was afforded an additional opportunity to submit information to the record via supplemental cost and sales questionnaires issued by the Department on April 10 and April 17, 2001, respectively. The Department received the responses to its April 10 and April 17, 2001 supplemental cost and sales questionnaires on April 20 and 27, 2001, respectively. The April 27, 2001 supplemental sales questionnaire response was filed on Highveld's behalf by Highveld's affiliated U.S. reseller. On May 23, 2001, we rejected the submission filed by Highveld's affiliated U.S. reseller. *See* letters to Highveld and Highveld's affiliated U.S. reseller dated May 23, 2001. On May 23, 2001, we rejected Highveld's submission(s). *See* letter to Highveld dated May 23, 2001.

We gave interested parties an opportunity to comment on the preliminary determination. No case or rebuttal briefs were submitted. On June 4, 2001, the petitioners requested a hearing in this case. On June 13, 2001, the petitioners withdrew their request.

Scope of Investigation

For purposes of this investigation, the products covered are certain hot-rolled carbon steel flat products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (i.e., flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4.0 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation. Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products to be included in the scope of these investigations, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, e.g., ASTM specifications A543, A387, A514, A517, A506).
- Society of Automotive Engineers (SAE)/American Iron and Steel Institute (AISI) grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon steel flat products covered by this investigation, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for

convenience and U.S. Customs purposes, the written description of the merchandise under investigation is dispositive.

Analysis of Comments Received

As noted above, there were no case or rebuttal briefs submitted in this investigation, nor was there a hearing. There were, however, further supplemental questionnaire responses supplied by Highveld and its U.S. affiliate after the publication of the *Preliminary Determination.* An explanation of the history of this investigation following the preliminary determination can be found in the *Issues and Decision Memorandum for Final Determination (Decision Memorandum)*, dated July 9, 2001, which is hereby adopted by this notice. The *Decision Memorandum* is on file in the Central Records Unit, room B–099 (''B–099'') of the main Department building. In addition, a complete version of the *Decision Memorandum* can be accessed directly on the Web at *http://ia.ita.doc.gov.* The paper copy and electronic version of the *Decision Memorandum* are identical in content.

Use of Facts Available

In the *Preliminary Determination,* the Department applied total adverse facts available to each mandatory respondent. Specifically, the Department assigned the mandatory respondents the rate of 9.28 percent—the margin calculated from information in the petition and information gathered by the Department, and used for initiation. The Department also applied the 9.28 percent margin as the ''all others'' rate. The interested parties did not object to the use of adverse facts available, nor to the Department's choice of facts available.

Subsequent to the *Preliminary Determination,* both Highveld and its affiliated U.S. reseller submitted additional information to the Department, but for reasons discussed in greater detail in the *Decision Memorandum,* we have continued to use facts available for purposes of this final determination. As also discussed in the *Decision Memorandum,* notwithstanding these submissions, we have determined that Highveld did not cooperate to the best of its ability to comply with the Department's requests for information. Therefore, the Department continues to find, pursuant to section 776(b) of the Act, that the use of adverse facts available is warranted. Consequently, we have continued to apply the rate of 9.28 percent for purposes of this final determination.

Affiliation

In the *Preliminary Determination,* the Department concluded that, in accordance with section 771(33)(E) of the Act, Iscor and Saldanha are affiliated for purposes of this proceeding. No new facts were submitted, or arguments made, which would cause the Department to revisit this decision. Therefore, we continue to determine that these companies are affiliated for purposes of this proceeding.

Suspension of Liquidation

Pursuant to section 735(c)(1)(B) of the Act, we are instructing the U.S. Customs Service to continue to suspend liquidation of all entries of HR from South Africa that are entered, or withdrawn from warehouse, for consumption on or after May 3, 2001 (the date of publication of the *Preliminary Determination* in the **Federal Register**). The Customs Service shall continue to require a cash deposit or the posting of a bond equal to the estimated amount by which the normal value exceeds the U.S. price as shown below. The suspension of liquidation instructions will remain in effect until further notice.

We determine that the following percentage margins exist for the period October 1, 1999 through September 30, 2000:

Exporter/Manufacturer	Margin (Percent)
Highveld Steel and Vanadium Corporation Limited	9.28
Iscor Limited/Saldanha Steel Limited	9.28
All Others	9.28

ITC Notification

In accordance with section 735(d) of the Act, we have notified the International Trade Commission (ITC) of our determination. As our final determination is affirmative, the ITC will determine, within 45 days, whether these imports are causing material injury, or threat of material injury, to an industry in the United States. If the ITC determines that material injury, or threat of injury does not exist, the proceeding will be terminated and all securities posted will be refunded or cancelled. If the ITC determines that such injury does exist, the Department will issue an antidumping duty order directing Customs officials to assess antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation.

Notification Regarding APO

This notice also serves as a reminder to parties subject to administrative protective order (APO) of their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305. Timely notification of return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and the terms of an APO is a sanctionable violation.

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act.

Dated: July 9, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

[FR Doc. 01–17718 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–357–809][A–351–826][A–428–820]

Continuation of Antidumping Duty Orders: Certain Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe From Argentina, Brazil, and Germany

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

ACTION: Notice of continuation of antidumping duty orders: certain seamless carbon and alloy steel standard, line and pressure pipe from Argentina, Brazil, and Germany.

SUMMARY: On November 7, 2000, the Department of Commerce (''the Department''), pursuant to sections 751(c) and 752 (c) of the Tariff Act of 1930, as amended (''the Act''), determined that revocation of the antidumping duty orders on certain seamless carbon and alloy steel standard, line and pressure pipe (''seamless pipe'') from Argentina, Brazil, and Germany would be likely to lead to continuation or recurrence of dumping (65 FR 66708).

On June 29, 2001, the International Trade Commission (''the Commission''), pursuant to section 751(c) of the Act, determined that revocation of the antidumping duty orders on seamless pipe from Argentina, Brazil, and Germany would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable

time (66 FR 34717). Therefore, pursuant to 751(d)(2) of the Act and 19 CFR 351.218(f)(4), the Department is publishing this notice of the continuation of the antidumping duty orders on seamless pipe from Argentina, Brazil, and Germany.

DATES: *Effective Date:* July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Martha V. Douthit or James P. Maeder, Office of Policy for Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Ave., NW., Washington, DC 20230; telephone: (202) 482–5050 or (202) 482–3330, respectively.

SUPPLEMENTARY INFORMATION:

Background

On July 3, 2000, the Department initiated (65 FR 41053), and the Commission instituted (65 FR 41090), sunset reviews of the antidumping duty orders on seamless pipe from Argentina, Brazil, and Germany, pursuant to section 751(c) of the Act. As a result of its reviews, the Department found that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and notified the Commission of the magnitude of the margins likely to prevail were the orders revoked. *See* Final Results of Expedited Sunset Reviews: Seamless Pipe From Argentina, Brazil, Germany, and Italy, 65 FR 66708 (November 7, 2000).

On June 29, 2001, the Commission determined, pursuant to section 751(c) of the Act, that revocation of the antidumping duty orders on seamless pipe from Argentina, Brazil, and Germany would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time. *See* Certain Seamless Carbon and Alloy Steel Standard, Line, and Pressure Pipe From Argentina, Brazil, Germany, and Italy, 66 FR 34717 (June 29, 2001) and USITC Publication 3429 (June 2001), Investigation Nos. 701–TA–362 and 731–TA–707–710 (Reviews).

Scope of Orders: See Appendix Determinations:

As a result of the determinations by the Department and the Commission that revocation of the antidumping duty orders would be likely to lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, the Department hereby orders the continuation of the antidumping duty orders on seamless pipefrom Argentina, Brazil, and Germany. The effective date of continuation of these orders will be the date of publication in the **Federal Register** of this Notice of Continuation. Pursuant to section 751(c)(2) and 751(c)(6) of the Act, the Department intends to initiate the next five-year review of these orders not later than June 2006.

Dated: July 6, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix

Scope of Orders: Argentina (A–357–809) and Germany (A–428–820)

The antidumping duty orders on imports from Argentina and Germany, cover small diameter seamless carbon and alloy standard, line, and pressure pipes (''seamless pipes'') produced to the American Standard for Testing and Materials (''ASTM'') standards A–335, A–106, A–53, and American Petroleum Institute (''API'') standard API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of these orders also include all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification. For purposes of these orders, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, bevelled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe, or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes. The seamless pipes subject to these orders are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the Harmonized Tariff Schedule of the United States (''HTSUS''). The following information further defines the scope of these orders, which covers pipes meeting the physical parameters described above: Specifications, Characteristics and Uses—Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A–106 may be used in temperatures of up to 1000 degrees Fahrenheit, at various American Society of Mechanical Engineers (''ASME'') code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard.

Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification. Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent A–106 specification necessarily meet the API 5L and ASTM A–53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A–53 specification. However, pipes meeting the A–53 or API 5L specifications do not necessarily meet the A–106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers. The primary application of ASTM A–106 pressure pipes and triple certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for

use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A–106 pipes may be used in some boiler applications.

The scope of these orders includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of these orders. Therefore, seamless pipes meeting the physical description above, but not produced to the A–335, A–106, A–53, or API 5L standards shall be covered if used in a standard, line or pressure application. For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A–106 applications. These specifications generally include A–162, A–192, A–210, A–333, and A–524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of these orders.

Specifically excluded from the scope of these orders are boiler tubing and mechanical tubing, if such products are not produced to A–335, A–106, A–53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished OCTG are excluded from these orders, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG order, finished and unfinished OCTG are included in these orders when used in standard, line or pressure applications. Finally, also excluded from these orders are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube. Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of these orders is dispositive.

Scope of Order: Brazil (A–351–826)

The antidumping duty order on imports from Brazil covers small diameter seamless carbon and alloy standard, line and pressure pipes (seamless pipes) produced to the ASTM A–335, ASTM A–106, ASTM A–53 and API 5L specifications and meeting the physical parameters described below, regardless of application. The scope of this order also includes all products used in standard, line, or pressure pipe applications and meeting the physical parameters described below, regardless of specification.

For purposes of the scope of this order, seamless pipes are seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness, manufacturing process (hot-finished or cold-drawn), end finish (plain end, bevelled end, upset end, threaded, or threaded and coupled), or surface finish. These pipes are commonly known as standard pipe, line pipe or pressure pipe, depending upon the application. They may also be used in structural applications. Pipes produced in non-standard wall thicknesses are commonly referred to as tubes.

The seamless pipes subject to this order are currently classifiable under subheadings 7304.10.10.20, 7304.10.50.20, 7304.31.60.50, 7304.39.00.16, 7304.39.00.20, 7304.39.00.24, 7304.39.00.28, 7304.39.00.32, 7304.51.50.05, 7304.51.50.60, 7304.59.60.00, 7304.59.80.10, 7304.59.80.15, 7304.59.80.20, and 7304.59.80.25 of the HTSUS. The following information further defines the scope of this order, which covers pipes meeting the physical parameters described above: Specifications, Characteristics and Uses—Seamless pressure pipes are intended for the conveyance of water, steam, petrochemicals, chemicals, oil products, natural gas and other liquids and gasses in industrial piping systems. They may carry these substances at elevated pressures and temperatures and may be subject to the application of external heat. Seamless carbon steel pressure pipe meeting the ASTM standard A–106 may be used in temperatures of up to 1,000 degrees Fahrenheit, at various ASME code stress levels. Alloy pipes made to ASTM standard A–335 must be used if temperatures and stress levels exceed those allowed for A–106 and the ASME codes. Seamless pressure pipes sold in the United States are commonly produced to the ASTM A–106 standard. Seamless standard pipes are most commonly produced to the ASTM A–53 specification and generally are not intended for high temperature service. They are intended for the low temperature and pressure conveyance of water, steam, natural gas, air and other liquids and gasses in plumbing and heating systems, air conditioning units, automatic sprinkler systems, and other related uses. Standard pipes (depending on type and code) may carry liquids at elevated temperatures but must not exceed relevant ASME code requirements. Seamless line pipes are intended for the conveyance of oil and natural gas or other fluids in pipe lines. Seamless line pipes are produced to the API 5L specification.

Seamless pipes are commonly produced and certified to meet ASTM A–106, ASTM A–53 and API 5L specifications. Such triple certification of pipes is common because all pipes meeting the stringent A–106 specification necessarily meet the API 5L and ASTM A–53 specifications. Pipes meeting the API 5L specification necessarily meet the ASTM A–53 specification. However, pipes meeting the A–53 or API 5L specifications do not necessarily meet the A–106 specification. To avoid maintaining separate production runs and separate inventories, manufacturers triple certify the pipes. Since distributors sell the vast majority of this product, they can thereby maintain a single inventory to service all customers. The primary application of ASTM A–106 pressure pipes and triple certified pipes is in pressure piping systems by refineries, petrochemical plants and chemical plants. Other applications are in power generation plants (electrical-fossil fuel or nuclear), and in some oil field uses (on shore and off shore) such as for separator lines, gathering lines and metering runs. A minor application of this product is for use as oil and gas distribution lines for commercial applications. These applications constitute the majority of the market for the subject seamless pipes. However, A–106 pipes may be used in some boiler applications. The scope of this order includes all seamless pipe meeting the physical parameters described above and produced to one of the specifications listed above, regardless of application, and whether or not also certified to a non-covered specification. Standard, line and pressure applications and the above-listed specifications are defining characteristics of the scope of this order. Therefore, seamless pipes meeting the physical description above, but not produced to the A–335, A–106, A–53, or API 5L standards shall be covered if used in a standard, line or pressure application. For example, there are certain other ASTM specifications of pipe which, because of overlapping characteristics, could potentially be used in A–106 applications. These specifications generally include A–162, A–192, A–210, A–333, and A–524. When such pipes are used in a standard, line or pressure pipe application, such products are covered by the scope of this order. Specifically excluded from this order are boiler tubing and

mechanical tubing, if such products are not produced to A–335, A–106, A–53 or API 5L specifications and are not used in standard, line or pressure applications. In addition, finished and unfinished OCTG are excluded from the scope of this order, if covered by the scope of another antidumping duty order from the same country. If not covered by such an OCTG review, finished and unfinished OCTG are included in the scope of this order when used in standard, line or pressure applications. Finally, also excluded from the scope of this order are redraw hollows for cold-drawing when used in the production of cold-drawn pipe or tube.

Although the HTSUS subheadings are provided for convenience and customs purposes, our written description of the scope of this order (amended as indicated below) is dispositive. Excluded from the scope of this order, as a result of a changed circumstances review (63 FR 37338 (July 10, 1998)) are the following: Shipments of seamless carbon and alloy (other than stainless) steel pipes, of circular cross-section, not more than 114.3 mm (4.5 inches) in outside diameter, regardless of wall thickness or manufacturing process (hot-finished or cold-drawn) that (1) has been cut into lengths of six to 120 inches, (2) has had the inside bore ground to a smooth surface, (3) has had multiple layers of specially formulated corrosion resistant glass permanently baked on at temperatures of 1,440 to 1,700 degrees Fahrenheit in thicknesses from 0.032 to 0.085 inch (40 to 80 mils), and (4) has flanges or other forged stub ends welded on both ends of the pipe. The special corrosion resistant glass referred to in this definition may be glass containing by weight (1) 70 to 80 percent of an oxide of silicone, zirconium, titanium or cerium (Oxide Group RO sub2), (2) 10 to 15 percent of an oxide of sodium, potassium, or lithium (Oxide Group RO), (3) from a trace amount to 5 percent of an oxide of either aluminum, cobalt, iron, vanadium, or boron (Oxide Group R sub2 O sub3) , or (4) from a trace amount to 5 percent of a fluorine compound in which fluorine replaces the oxygen in any one of the previously listed oxide groups. These glass-lined pressure pipes are commonly manufactured for use in glass-lined equipment systems for processing corrosive or reactive chemicals, including acrylates, alkanolamines, herbicides, pesticides, pharmaceuticals and solvents. The glass-lined pressure pipes subject to the changed circumstances review are currently classifiable under subheadings 7304.39.0020, 7304.39.0024 and 7304.39.0028 of the HTSUS. The HTSUS subheadings are provided for convenience and U.S. Customs' purposes only. The written description of the excluded products remains dispositive.

[FR Doc. 01–17716 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–357–815]

Final Affirmative Countervailing Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products From Argentina

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

ACTION: Notice of final affirmative countervailing duty investigation.

SUMMARY: On February 21, 2001, the Department of Commerce (the Department) published in the **Federal Register** its preliminary affirmative determination in the countervailing duty investigation of certain hot-rolled carbon steel flat products from Argentina for the period January 1, 1999 through December 31, 1999.

The net subsidy rates in the *Final Determination* differ from those of the *Preliminary Determination*. The revised final net subsidy rate for the investigated company is listed below in the ''Suspension of Liquidation'' section of this notice.

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Eric B. Greynolds at (202) 482–6071 or Darla Brown at (202) 482–2849, 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.

SUPPLEMENTARY INFORMATION:

Applicable Statute and Regulations

Unless otherwise indicated, all citations to the statute are references to the provisions effective January 1, 1995, the effective date of the amendments made to the Tariff Act of 1930 (the Act) by the Uruguay Round Agreements Act (URAA). In addition, unless otherwise indicated, all citations to the Department's regulations are to the regulations codified at 19 CFR part 351 (2000).

Background

On February 21, 2001, the Department published the results of its preliminary determination in the investigation of certain hot-rolled carbon steel flat products from Argentina. *See Notice of Preliminary Affirmative Countervailing Duty Determination and Alignment of Final Countervailing Duty Determination With Final Antidumping Duty Determination: Certain Hot-Rolled Carbon Steel Flat Products from Argentina*, 66 FR 10990 (February 21, 2001) (*Preliminary Determination*). We invited interested parties to comment on the *Preliminary Determination*. On March 8, 2001, we received comments from petitioners. We received no other comments.

This investigation covers a single producer/exporter, Siderar Sociedad Anomina Industrial & Commercial (Siderar) for the period January 1, 1999 through December 31, 1999.

Scope of the Investigation

The merchandise subject to this investigation is certain hot-rolled flat-rolled carbon-quality steel products of a rectangular shape, of a width of 0.5 inch or greater, neither clad, plated, nor coated with metal and whether or not painted, varnished, or coated with plastics or other non-metallic substances, in coils (whether or not in successively superimposed layers), regardless of thickness, and in straight lengths, of a thickness of less than 4.75 mm and of a width measuring at least 10 times the thickness. Universal mill plate (*i.e.*, flat-rolled products rolled on four faces or in a closed box pass, of a width exceeding 150 mm, but not exceeding 1250 mm, and of a thickness of not less than 4 mm, not in coils and without patterns in relief) of a thickness not less than 4.0 mm is not included within the scope of this investigation.

Specifically included within the scope of this investigation are vacuum degassed, fully stabilized (commonly referred to as interstitial-free (IF)) steels, high strength low alloy (HSLA) steels, and the substrate for motor lamination steels. IF steels are recognized as low carbon steels with micro-alloying levels of elements such as titanium or niobium (also commonly referred to as columbium), or both, added to stabilize carbon and nitrogen elements. HSLA steels are recognized as steels with micro-alloying levels of elements such as chromium, copper, niobium, vanadium, and molybdenum. The substrate for motor lamination steels contains micro-alloying levels of elements such as silicon and aluminum.

Steel products included in the scope of this investigation, regardless of definitions in the Harmonized Tariff Schedule of the United States (HTS), are products in which: (i) Iron predominates, by weight, over each of the other contained elements; (ii) the carbon content is 2 percent or less, by weight; and (iii) none of the elements listed below exceeds the quantity, by weight, respectively indicated:

1.80 percent of manganese, or
2.25 percent of silicon, or
1.00 percent of copper, or
0.50 percent of aluminum, or
1.25 percent of chromium, or
0.30 percent of cobalt, or
0.40 percent of lead, or
1.25 percent of nickel, or
0.30 percent of tungsten, or
0.10 percent of molybdenum, or
0.10 percent of niobium, or
0.15 percent of vanadium, or
0.15 percent of zirconium.

All products that meet the physical and chemical description provided above are within the scope of this investigation unless otherwise excluded. The following products, by way of example, are outside or specifically excluded from the scope of this investigation:

- Alloy hot-rolled steel products in which at least one of the chemical elements exceeds those listed above (including, *e.g.,* ASTM specifications A543, A387, A514, A517, A506).
- SAE/AISI grades of series 2300 and higher.
- Ball bearings steels, as defined in the HTS.
- Tool steels, as defined in the HTS.
- Silico-manganese (as defined in the HTS) or silicon electrical steel with a silicon level exceeding 2.25 percent.
- ASTM specifications A710 and A736.
- USS Abrasion-resistant steels (USS AR 400, USS AR 500).
- All products (proprietary or otherwise) based on an alloy ASTM specification (sample specifications: ASTM A506, A507).
- Non-rectangular shapes, not in coils, which are the result of having been processed by cutting or stamping and which have assumed the character of articles or products classified outside chapter 72 of the HTS.

The merchandise subject to this investigation is classified in the HTS at subheadings: 7208.10.15.00, 7208.10.30.00, 7208.10.60.00, 7208.25.30.00, 7208.25.60.00, 7208.26.00.30, 7208.26.00.60, 7208.27.00.30, 7208.27.00.60, 7208.36.00.30, 7208.36.00.60, 7208.37.00.30, 7208.37.00.60, 7208.38.00.15, 7208.38.00.30, 7208.38.00.90, 7208.39.00.15, 7208.39.00.30, 7208.39.00.90, 7208.40.60.30, 7208.40.60.60, 7208.53.00.00, 7208.54.00.00, 7208.90.00.00, 7211.14.00.90, 7211.19.15.00, 7211.19.20.00, 7211.19.30.00, 7211.19.45.00, 7211.19.60.00, 7211.19.75.30, 7211.19.75.60, and 7211.19.75.90. Certain hot-rolled flat-rolled carbon-quality steel covered by this investigation, including: vacuum degassed fully stabilized; high strength low alloy; and the substrate for motor lamination steel may also enter under the following tariff numbers: 7225.11.00.00, 7225.19.00.00, 7225.30.30.50, 7225.30.70.00, 7225.40.70.00, 7225.99.00.90, 7226.11.10.00, 7226.11.90.30, 7226.11.90.60, 7226.19.10.00, 7226.19.90.00, 7226.91.50.00, 7226.91.70.00, 7226.91.80.00, and 7226.99.00.00. Subject merchandise may also enter under 7210.70.30.00, 7210.90.90.00, 7211.14.00.30, 7212.40.10.00, 7212.40.50.00, and 7212.50.00.00. Although the HTS subheadings are provided for convenience and U.S. Customs purposes, the Department's written description of the merchandise under investigation is dispositive.

Analysis of Comments Received

All issues raised in the sole brief submitted in this countervailing duty investigation are addressed in the ''Issues and Decision Memorandum'' (Decision Memorandum) from Bernard T. Carreau, Deputy Assistant Secretary, AD/CVD Enforcement II, to Faryar Shirzad, Assistant Secretary for Import Administration, dated July 9, 2001, which is hereby adopted by this notice. The Department's responses to issues petitioners raised are included in the Decision Memorandum, which is attached to this notice as Appendix I. This public memorandum, which is on file in room B–099 of the Main Commerce Building, also contains a complete discussion of the issues raised in this investigation and the corresponding recommendations. In addition, a complete version of the Decision Memorandum can be accessed directly on the World Wide Web at http://ia.ita.doc.gov, under the heading ''**Federal Register** Notices.'' The paper copy and electronic version of the Decision Memorandum are identical in content.

Suspension of Liquidation

In accordance with section 705(c)(1)(B)(i)(I) of the Act, we have calculated an individual rate for the company under investigation, Siderar. With respect to the ''all others'' rate, section 705(c)(5)(A)(ii) of the Act provides that if the countervailable subsidy rates established for all exporters and producers individually investigated are determined entirely under section 776 of the Act, the Department may use any reasonable method to establish an ''all others'' rate for exporters and producers not individually investigated. In this case, although the rate for the only other investigated company is based entirely on facts available under section 776 of the Act, there is no other information on the record upon which we could determine an ''all others'' rate. As a result, we have used the rate for Siderar as the ''all others'' rate.

Producer/exporter	Net subsidy rate
Siderar	41.69% *Ad Valorem.*
All Others	41.69 % *Ad Valorem.*

In accordance with our preliminary affirmative determination, we instructed the U.S. Customs Service to suspend liquidation of all entries of certain hot-rolled carbon steel flat products from Argentina, which were entered or withdrawn from warehouse, for consumption on or after February 21, 2001, the date of the publication of our preliminary determination in the **Federal Register**. In accordance with section 703(d) of the Act, we instructed the U.S. Customs Service to discontinue the suspension of liquidation for merchandise entered on or after June 21, 2001, but to continue the suspension of liquidation of entries made between February 21, 2001 and June 20, 2001.

We will reinstate suspension of liquidation under section 706(a) of the Act for all entries if the ITC issues a final affirmative injury determination and will require a cash deposit of estimated countervailing duties for such entries of merchandise in the amounts indicated above. If the ITC determines that material injury, or threat of material injury, does not exist, this proceeding will be terminated and all estimated duties deposited or securities posted as a result of the suspension of liquidation will be refunded or canceled.

ITC Notification

In accordance with section 705(d) of the Act, we will notify the ITC of our determination. In addition, we are making available to the ITC all non-privileged and non-proprietary information related to this investigation. We will allow the ITC access to all privileged and business proprietary information in our files, provided that the ITC confirms that it will not disclose

such information, either publically or under an administrative protective order (APO), without the written consent of the Assistant Secretary for Import Administration.

If the ITC determines that material injury, or threat of material injury, does not exist, these proceedings will be terminated. If however, the ITC determines that such injury does exist, we will issue a countervailing duty order.

Return or Destruction of Proprietary Information

In the event that the ITC issues a final negative injury determination, this notice will serve as the only reminder to parties subject to APO of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Failure to comply is a violation of the APO.

This determination is published pursuant to sections 705(d) and 777(i) of the Act.

Dated: July 9, 2001.

Faryar Shirzad,

Assistant Secretary for Import Administration.

Appendix I—Issues and Decision Memorandum

Methodology and Background Information

I. *Use of Facts Available*
II. *Change in Ownership*
III. *Subsidies Valuation Information*
  A. *Allocation Period*
  B. *Equityworthiness*
  C. *Calculation of Discount Rate and Creditworthiness*
IV. *Programs Determined to Confer Subsidies*
  A. *Equity Infusions Bestowed From 1986 Through 1990*
  B. *GOA Assumption of SOMISA Debt*
  C. *Relief from Liquidation Costs*
  D. *Additional Subsidies From Reorganization/Privatization Under Decree 1144/92*
  E. *Investment Commitment*
  F. *Rebate of Indirect Taxes (Reembolso)*
  G. *Pre- and Post-Shipment Export Financing*
  H. *Zero-Tariff Turn Key Bill*
V. *Total Ad Valorem Rate*
VI. *Analysis of Comments*
  Comment 1: Siderar's Uncreditworthiness
  Comment 2: Relief from Liquidation Costs

[FR Doc. 01–17719 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Availability of Alternate Member Seats for the Hawaiian Islands Humpback Whale National Marine Sanctuary Advisory Council

AGENCY: National Marine Sanctuary Program (NMSP), National Ocean Service (NOS), National Oceanic and Atmospheric Administration, Department of Commerce (DOC).

ACTION: Notice and request for applications.

SUMMARY: The Hawaiian Islands Humpback Whale National Marine Sanctuary (HIHWNMS or Sanctuary) is seeking applicants for the following three vacant alternate member seats on its Sanctuary Advisory Council (Council): Hawaii County, Research, and Whale Watching. Applicants are chosen based upon their particular expertise and experience in relation to the seat for which they are applying; community and professional affiliations; philosophy regarding the conservation and management of marine resources; and the length of residence in the area affected by the Sanctuary. Applicants will serve as alternate members, fulfilling the duties of their member in his/her absence. Applicants who are chosen as alternate members should expect to serve two-year terms, pursuant to the Council's Charter.

DATES: Applications are due by July 31, 2001.

ADDRESSES: Application kits may be obtained from Kellie Cheung at the Hawaiian Islands Humpback Whale National Marine Sanctuary, 6700 Kalanianaole Hwy, Suite 104, Honolulu, Hawaii 96825. Completed applications should be sent to the same address.

FOR FURTHER INFORMATION CONTACT: Kellie Cheung at (808) 397–2651, or Kellie.Cheung@noaa.gov.

SUPPLEMENTARY INFORMATION: The HIHWNMS Advisory Council was established in March 1996 (the current Council has served since July 1998) to assure continued public participation in the management of the Sanctuary. Since its establishment, the Council has played a vital role in the decisions affecting the Sanctuary surrounding the main Hawaiian Islands.

The Council's twenty-three voting members represent a variety of local user groups, as well as the general public, plus ten local, state, and federal governmental jurisdictions.

The Council is supported by three working groups: the Research Subcommittee chaired by the Research Representative, the Education Subcommittee chaired by the Education Representative, and the Conservation Subcommittee chaired by the Conservation Representative, each respectively dealing with matters concerning research, education and resource protection.

The Council represents the coordination link between the Sanctuary and the state and federal management agencies, user groups, researchers, educators, policy makers, and other various groups that help to focus efforts and attention on the humpback whale and its habitat around the main Hawaiian Islands.

The Council functions in an advisory capacity to the Sanctuary Manager and is instrumental in helping to develop policies and program goals, and to identify education, outreach, research, long-term monitoring, resource protection and revenue enhancement priorities. The Council works in concert with the Sanctuary Manager by keeping him or her informed about issues of concern throughout the Sanctuary, offering recommendations on specific issues, and aiding the Manager in achieving the goals of the Sanctuary program within the context of Hawaii's marine programs and policies.

Authority: 16 U.S.C. Section 1431 *et seq.*

(Federal Domestic Assistance Catalog Number 11.429 Marine Sanctuary Program)

Dated: July 11, 2001.

Ted I. Lillestolen,

Deputy Assistant Administrator for Oceans and Coastal Zone Management.

[FR Doc. 01–17733 Filed 7–13–01; 8:45 am]

BILLING CODE 3570–08–M

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071001A]

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council's (Council) Summer Flounder Monitoring Committee, Scup Monitoring Committee, Black Sea Bass Monitoring Committee, and Bluefish Monitoring Committee will hold public meetings.

DATES: The meetings will be held on Thursday, August 2, 2001, beginning at 9 a.m.

ADDRESSES: This meeting will be held at the Sheraton Hotel, BWI, 7031 Elm Road, Baltimore, MD; telephone: 1–410–859–3300.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of these meetings is to recommend the 2002 commercial management measures, commercial quotas, and recreational harvest limits for summer flounder, scup, and black sea bass. The Bluefish Monitoring Committee will meet to recommend commercial management measures, recreational management measures, and a commercial quota for bluefish for 2002.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: July 10, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–17728 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071001B]

Mid-Atlantic Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The Mid-Atlantic Fishery Management Council's Scientific and Statistical Committee will hold a public meeting.

DATES: The meeting will be held on Tuesday, July 31, 2001, from 1 p.m. until 5 p.m., and Wednesday, August 1, 2001, from 9 a.m. until 4 p.m.

ADDRESSES: This meeting will be held at the Sheraton Hotel, BWI, 7031 Elm Road, Baltimore, MD; telephone: 1–410–859–3300.

Council address: Mid-Atlantic Fishery Management Council, Room 2115, 300 S. New Street, Dover, DE 19904.

FOR FURTHER INFORMATION CONTACT: Daniel T. Furlong, Executive Director, Mid-Atlantic Fishery Management Council; telephone: 302–674–2331, ext. 19.

SUPPLEMENTARY INFORMATION: The purpose of this meeting is to develop a recommendation on the overfishing definition for summer flounder.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Joanna Davis at the Council Office (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: July 10, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–17729 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071001E]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council) is scheduling a public meeting of its Scallop Oversight Committee in August 2001. Recommendations from the committee will be brought to the full Council for formal consideration and action, if appropriate.

DATES: The meeting will held on Friday, August 3, 2001 at 10 a.m.

ADDRESSES: The meeting will be held at the Hampton Inn, 230 Leebank Highway, Revere, MA 02151; telephone: (781) 286–5665.

Council address: New England Fishery Management Council, 50 Water Street, Newburyport, MA 01950.

FOR FURTHER INFORMATION CONTACT: Paul J. Howard, Executive Director, New England Fishery Management Council; (978) 465–0492.

SUPPLEMENTARY INFORMATION: The Oversight Committee will develop advice and guidance for the Plan Development Team and other technical committees, following Council approval of management alternatives to be included in Draft Amendment 10 and analyzed by its Draft Supplemental Environmental Impact Statement.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Paul J. Howard (see **ADDRESSES**) at least 5 days prior to the meeting date.

Dated: July 10, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–17731 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 071001C]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meeting.

SUMMARY: A subcommittee of the Pacific Fishery Management Council's (Council) Ad Hoc Groundfish Strategic Plan Implementation Oversight Committee (SPOC) will hold a working meeting to further discuss full retention measures for groundfish in West Coast groundfish fisheries. Additionally, the Council's Groundfish Management Team (GMT) will hold a working meeting. Both meetings are open to the public.

DATES: The SPOC subcommittee meeting will convene Monday, August 6, 2001, from 10 a.m. until 1 p.m. The GMT working meeting will begin Monday, August 6, 2001 at 1 p.m. and may go into the evening until business for the day is completed. The GMT meeting will reconvene from 8 a.m. to 5 p.m. Tuesday, August 7 through Friday, August 10 until business for the day is completed.

ADDRESSES: Both meetings will be held at the Pacific Fishery Management Council office, Conference Room, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220; 503–326–6352.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 200, Portland, OR 97220–1384.

FOR FURTHER INFORMATION CONTACT: John DeVore, Staff Officer, Groundfish; 503–326–6352.

SUPPLEMENTARY INFORMATION: The primary purpose of the SPOC subcommittee meeting is to further discuss full retention of groundfish in West Coast fisheries as per implementation of the Council's groundfish strategic plan. The primary purpose of the GMT meeting is to review the groundfish management measures in place for the fall months and prepare recommendations for Council consideration, respond to assignments relating to implementation of the Council's groundfish strategic plan, consider technical aspects of draft stock rebuilding plans and analyses, review new groundfish stock assessments, and address other assignments relating to groundfish management.

Although non-emergency issues not contained in this agenda may come before the SPOC subcommittee or GMT for discussion, those issues may not be the subject of formal GMT action during this meeting. SPOC subcommittee and/or GMT action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305 (c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the SPOC subcommittee's and/or GMT's intent to take final action to address the emergency.

Special Accommodations

The meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ms. Carolyn Porter at 503–326–6352 at least 5 days prior to the meeting date.

Dated: July 10, 2001.

Richard W. Surdi,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 01–17730 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[I.D. 070501B]

Endangered Species; Permits

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

ACTION: Issuance of permits 1296 and 1304; Issuance of modification #1 to permit 1227; and modification #2 to permit 1245.

SUMMARY: Notice is hereby given of the following actions regarding permits for lethal and non-lethal takes of endangered and threatened species for the purposes of scientific research and/or enhancement under the Endangered Species Act (ESA): NMFS has issued permit 1296 to Dr. R. Michael Laurs, of Southwest Fisheries Science Center (NMFS-SWFSC); NMFS has issued permit 1304 to Mr. William C. Coles, of Department of Planning and Natural Resources, Division of Fish and Wildlife, U.S. Virgin Islands; NMFS has issued modification #1 to permit #1227 to Dr. Peter Dutton, of NMFS–SWFSC; and NMFS has issued modification #2 to Mr. J. David Whitaker, of South Carolina Department of Natural Resources (SCDNR).

ADDRESSES: The permits, applications and related documents are available for review in the indicated office, by appointment:

Endangered Species Division, F/PR3, 1315 East West Highway, Silver Spring, MD 20910 (phone: 301–713–1401, fax: 301–713–0376).

FOR FURTHER INFORMATION CONTACT: Terri Jordan, Silver Spring, MD (phone: 301–713–1401, fax: 301–713–0376, e-mail: Terri.Jordan@noaa.gov)

SUPPLEMENTARY INFORMATION:

Authority

Issuance of permits and permit modifications, as required by the Endangered Species Act of 1973 (16 U.S.C. 1531–1543) (ESA), is based on a finding that such permits/modifications: (1) are applied for in good faith; (2) would not operate to the disadvantage of the listed species which are the subject of the permits; and (3) are consistent with the purposes and policies set forth in section 2 of the ESA. Scientific research and/or enhancement permits are issued under Section 10(a)(1)(A) of the ESA. Authority to take listed species is subject to conditions set forth in the permits. Permits and modifications are issued in accordance with and are subject to the ESA and NMFS regulations governing listed fish and wildlife permits (50 CFR parts 222–226).

Those individuals requesting a hearing on an application listed in this notice should set out the specific reasons why a hearing on that application would be appropriate (see **ADDRESSES**). The holding of such hearing is at the discretion of the Assistant Administrator for Fisheries, NOAA. All statements and opinions contained in the permit action summaries are those of the applicant and do not necessarily reflect the views of NMFS.

Species Covered in This Notice

The following species are covered in this notice:

Sea Turtles

Threatened and endangered Green turtle (*Chelonia mydas*)

Endangered Hawksbill turtle (*Eretmochelys imbricata*)

Endangered Kemp's ridley turtle (*Lepidochelys kempii*)

Endangered Leatherback turtle (*Dermochelys coriacea*)

Threatened Loggerhead turtle (*Caretta caretta*)

Threatened and endangered Olive ridley turtle (*Lepidochelys olivacea*)

Permits and Modified Permits Issued

Permit # 1296

Notice was published on March 5, 2001 (66 FR 13305) that Dr. R. Michael Laurs, of the National Marine Fisheries Service - Southwest Fisheries Science Center(NMFS-SWFSC) applied for a scientific research permit (1296). NMFS-SWFSC overseeing and working with long line captains and crew members to perform sea turtle research activities at sea tor better fulfill NMFS ESA responsibilities to protect, conserve, and recover listed species of sea turtles and better meet the goals and objectives of the U.S. Pacific Sea Turtle Recovery Plans and the requirements of present and future Section 7 biological Opinions developed for this fishery. Permit 1296 was issued on July 2, 2001, authorizing non-lethal take of 42 olive ridley, 61 leatherback, 13 green, and 122 loggerhead sea turtles annually. Permit 1296 expires July 31, 2006.

Permit #1304

Notice was published on May 2, 2001 (66 FR 21912) that Mr. William C. Coles, of the U.S. Virgin Islands Department of Planning and Natural Resources, Division of Fish and Wildlife applied for a scientific research permit (1304). The applicant requested a permit to take endangered and threatened sea turtles in the U.S. Virgin Islands for scientific research. The applicant proposes to capture, handle, tag, collection of biological samples and release green, hawksbill, leatherback and olive ridley turtles. Permit 1304 was issued on July 3, 2001, authorizing non-lethal take of 100 green, 50 hawksbill and 1 leatherback turtles annually. Permit 1304 expires July 31, 2006.

Permit #1227

Notice was published on May 2, 2001 (66 FR 21912) that Dr. Peter Dutton, of NMFS-SWFSC applied for a modification to 1227. Modification #1 authorizes Dr. Dutton to increase the number of leatherback turtles captured under permit #1227 from 5 to 100 over the life of the permit. It also extends the expiration date of the permit to December 31, 2005 and the research area from Monterey Bay, California to the nearshore waters of California and Oregon. This study proposes to capture up to 100 leatherback turtles for genetic stock identification and equip up to 20 of them with transmitters to track movements and dive behavior. This study is aimed at addressing priorities outlined in the U.S. Pacific leatherback Recovery Plan; to identify critical forage habitats, genetic stock structure, migratory corridors and potential fishery impacts on this species in the Pacific. Modification #1 to Permit 1227 was issued on July 2, 2001, authorizing non-lethal take of an additional 95 leatherback turtles for a total of 100 over the 5 year life of the permit. Permit 1227 expires December 31, 2005.

Permit #1245

Notice was published on May 10, 2001 (66 FR 23882) that Mr. J. David Whitaker, of South Carolina Department of Natural Resources applied for a modification to permit 1245. Modification #2 the applicant requests authorization to intubate and ventilate any turtles verified to be unconscious after retrieval from the trawl (approximately 5 a year); authorization to collect tissue biopsies from any abnormal growth noted on a turtle captured during this study (approximately 5 a year) and authorization to collect keratin samples and tissue biopsies from 50 Kemp's ridley and 50 loggerhead turtles currently authorized for capture under permit #1245. Life history and population information gained from this study will improve our understanding of these species and will allow NMFS to improve our conservation and recovery actions. The applicant possesses a 3-year permit to establish a scientifically-valid indices of abundance for the northern sub-population of the threatened loggerhead turtle and the endangered Kemp's ridley, green and leatherback sea turtles which occur in the Atlantic Ocean off the southeastern United States. This study is intended to capture juveniles and adults, thereby providing a more comprehensive assessment of total population abundance and an assessment of the health of individual animals. Modification #2 to Permit 1245 was issued on July 3, 2001, authorizing the lethal take of 4 loggerhead turtles annually and the non-lethal take of 250 loggerhead, 50 Kemp's ridley, 10 green, 5 hawksbill and 1 leatherback turtle annually. Permit 1245 expires October 31, 2002.

Dated: July 10, 2001.

Phil Williams,

Acting Chief, Endangered Species Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 01–17732 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–22–S

DEPARTMENT OF COMMERCE

Patent and Trademark Office

Submission for OMB Review; Comment Request

The United States Patent and Trademark Office (USPTO) has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act (44 U.S.C. Chapter 35).

Agency: United States Patent and Trademark Office (USPTO).

Title: Trademark Processing.

Form Number(s): PTO Form 4.8/4.9/4.16/1478/1478(a)/1553/1581/1583/1963/2000, PTO/TM/4.16/1583.

Agency Approval Number: 0651–0009.

Type of Request: Revision of a currently approved collection.

Burden: 144,587 hours annually.

Number of Respondents: 677,151 responses per year.

Avg. Hours Per Response: The time needed to respond is estimated to range from 3 to 30 minutes. It is estimated that the time needed to complete the paper forms ranges from 5 to 23 minutes, and the time needed to complete the electronic forms ranges from 4 to 21 minutes. The information collection also includes four items, namely, powers of attorney, designations of domestic representatives, trademark amendments/corrections/surrenders, and petitions to revive abandoned applications, for which forms have not been created. The USPTO estimates that completing these items ranges from 3 to 30 minutes. This includes time to gather the necessary information, create the documents, and submit the completed requests.

Needs and Uses: This collection of information is required by the Trademark Act, 15 U.S.C. 1051 et. seq, which provides for the Federal registration of trademarks, service marks, collective trademarks and service marks, collective membership marks, and certification marks. Individuals and businesses who use their marks, or intend to use their marks, in commerce regulable by Congress, may file an application to register their mark. The

mark will remain on the register for ten years.

The USPTO administers the Trademark Act through 37 CFR part 2, which contains the rules that implement the Act. These rules mandate that each register entry contain the mark, the goods and/or services that the mark is used in connection with, identifying ownership information, dates of use, and certain other information. The USPTO also requires that similar information be provided in applications for registration. The register and pending application information may be accessed by the public to determine availability of a mark. Use of the USPTO's information may lessen the likelihood that a potential trademark user will use a mark already adopted by another entity.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions; farms; the federal Government; and state, local or tribal Government.

Frequency: On occasion.

Respondent's Obligation: Required to obtain or retain benefits.

OMB Desk Officer: David Rostker, (202) 395–3897.

Copies of the above information collection proposal can be obtained by calling or writing Susan K. Brown, Records Officer, Office of Data Management,Data Administration Division, (703) 308–7400, USPTO, Suite 310, 2231 Crystal Drive, Washington, DC 20231, or by e-mail at susan.brown@uspto.gov.

Written comments and recommendations for the proposed information collection should be sent on or before August 15, 2001 to David Rostker, OMB Desk Officer, Room 10202, New Executive Office Building, Washington, D.C. 20503.

Dated: July 6, 2001.

Susan K. Brown,

Records Officer, USPTO, Office of Data Management, Data Administration Division.

[FR Doc. 01–17655 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–16–P

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Denial of Short Supply Request under the African Growth and Opportunity Act (AGOA) and the United States - Caribbean Basin Trade Partnership Act (CBTPA).

July 10, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Denial of request alleging that yarns of 55 percent polyester staple fibers and 45 percent worsted wool, 1, 2, and 3 ply yarns, in their natural (undyed) state or in their stock dyed state (fiber dyed), with 12 to 20 twists per inch, and in sizes of 1/15 to 1/30, 2/30 to 2/60, and 3/48 to 3/60 worsted count (1/17 to 1/34, 2/34 to 2/68 and 3/54 to 3/68 metric count) classified in subheading 5509.52.00 of the Harmonized Tariff Schedule of the United States, cannot be supplied by the domestic industry in commercial quantities in a timely manner.

SUMMARY: On May 11, 2001 the Chairman of CITA received a petition on behalf of Stillwater Sales, Inc./Metcalf Bros. and Company (Stillwater/Metcalf) alleging that, yarns of 55 percent polyester staple fibers and 45 percent worsted wool, 1, 2, and 3 ply yarns, in their natural (undyed) state or in their stock dyed state (fiber dyed), with 12 to 20 twists per inch, and in sizes of 1/15 to 1/30, 2/30 to 2/60, and 3/48 to 3/60 worsted count (1/17 to 1/34, 2/34 to 2/68 and 3/54 to 3/68 metric count) classified in subheading 5509.52.00 of the Harmonized Tariff Schedule of the United States (HTSUS), cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested that apparel articles of woven U.S. formed fabric from such yarn be eligible for preferential treatment under the AGOA and the CBTPA. As a result, CITA published a Federal Register Notice (66 FR 27078) requesting public comments on the petition. These comments were dueMay 31, 2001. Based on its review of the petition, public comments received, and other information obtained, CITA is denying the petition.

FOR FURTHER INFORMATION CONTACT: Lori Mennitt, International Trade Specialists, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–3400.

SUPPLEMENTARY INFORMATION:

Authority: Section 112(b)(5)(B) of the AGOA; Section 213(b)(2)(A)(v)(II) of the Caribbean Basin Economic Recovery Act, as added by Section 211(a) of the CBTPA; Sections 1 and 6 of Executive Order No. 13191 of January 17, 2001.

Background:

The AGOA and the CBTPA provide for quota- and duty-free treatment for qualifying textile and apparel products. Such treatment is generally limited to products manufactured from yarns or fabrics formed in the United States or a beneficiary country. The AGOA and the CBTPA also provide for quota- and duty-free treatment for apparel articles that are both cut (or knit-to-shape) and sewn or otherwise assembled in one or more AGOA or CBTPA beneficiary countries from fabric or yarn that is not formed in the United States or an AGOA or CBTPA beneficiary country, if it has been determined that such fabric or yarn cannot be supplied by the domestic industry in commercial quantities in a timely manner. In Executive Order No. 13191, the President delegated to CITA the authority to determine whether yarns or fabrics cannot be supplied by the domestic industry in commercial quantities in a timely manner under the AGOA and CBTPA. On March 6, 2001, CITA published procedures that it will follow in considering requests. (66 FR 13502).

On May 11, 2001 the Chairman of CITA received a petition on behalf of Stillwater/Metcalf alleging that yarns of 55 percent polyester staple fibers and 45 percent worsted wool, 1, 2, and 3 ply yarns, in their natural (undyed) state or in their stock dyed state (fiber dyed), with 12 to 20 twists per inch, and in sizes of 1/15 to 1/30, 2/30 to 2/60, and 3/48 to 3/60 worsted count (1/17 to 1/34, 2/34 to 2/68 and 3/54 to 3/68 metric count) classified in subheading 5509.52.00 of the HTSUS, cannot be supplied by the domestic industry in commercial quantities in a timely manner. It requested that apparel articles of such fabric be eligible for preferential treatment under the AGOA and the CBTPA.

CITA solicited public comments regarding this request (66 FR 27078, published on May 16, 2001) particularly with respect to whether this yarn can be supplied by the domestic industry in commercial quantities in a timely manner.

On the basis of the petition, public comments received and other information obtained, CITA has determined that these yarns are spun in the United States and are available from U.S. producers in commercial quantities in a timely manner. CITA's review of the public comments and other information obtained indicates that there is amply domestic capacity and availability to supply this product.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc.01–17784 Filed 7–12–01; 11:29 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textiles and Textile Products Produced or Manufactured in Bangladesh

July 10, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 16, 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 adjusted for swing, special shift, 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 65 FR 69910, published on November 21, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 10, 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, man-made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Bangladesh and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on July 16, 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]
335	242,103 dozen.
336/636	683,858 dozen.
342/642	641,869 dozen.
347/348	3,804,561 dozen.
641	853,056 dozen.
645/646	463,917 dozen.
647/648	2,392,807 dozen.
847	514,555 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 of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–17686 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool and Man-Made Fiber Textile Products Produced or Manufactured in Bulgaria

July 10, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 17, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for Categories 410/624 and 433 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 65 FR 66719, published on November 7, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 10, 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 wool and man-made fiber textile products, produced or manufactured in Bulgaria and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on July 17, 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]
410/624	3,255,710 square meters.
433	15,891 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 of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,
D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–17687 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DR–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 Indonesia

July 10, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 17, 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 adjusted for swing, special shift, carryover, carryforward and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 69911, published on November 21, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 10, 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, wool, man–made fiber, silk blend and other vegetable fiber textiles and textile products, produced or manufactured in Indonesia and exported during the twelve-month period which began on January 1, 2001 and extends through December 31, 2001.

Effective on July 17, 2001, you are directed to adjust the limits for the categories listed below, as provided for under the Uruguay Round Agreement on Textiles and Clothing:

Category	Twelve-month restraint limit [1]
Levels in Group I	
200	1,197,707 kilograms.
219	12,304,608 square meters.
225	8,821,592 square meters.
300/301	5,333,710 kilograms.
313–O [2]	24,141,068 square meters.
314– O [3]	79,294,573 square meters.
315– O [4]	34,156,471 square meters.
317–O [5]/326–O [6]/617	32,994,099 square meters of which not more than 5,220,052 square meters shall be in Category 326–O.
331/631	3,274,776 dozen pairs.
334/335	325,331 dozen.
336/636	881,156 dozen.
338/339	1,855,016 dozen.
340/640	1,989,217 dozen.
341	1,177,918 dozen.
342/642	522,256 dozen.
345	550,420 dozen.
347/348	2,389,848 dozen.
350/650	179,386 dozen.
351/651	706,090 dozen.
359–C/659–C [7]	1,966,853 kilograms.
359–S/659–S [8]	2,070,371 kilograms.
360	1,660,021 numbers.
361	1,699,894 numbers.
369–S [9]	1,270,885 kilograms.
433	12,503 dozen.
443	98,829 numbers.
445/446	64,230 dozen.
447	19,770 dozen.
448	21,683 dozen.
604–A [10]	913,653 kilograms.
611–O [11]	4,198,707 square meters.
613/614/615	31,092,809 square meters.
618–O [12]	7,281,490 square meters.
619/620	11,735,418 square meters.
625/626/627/628/629–O [13].	34,166,509 square meters.
634/635	397,214 dozen.
638/639	1,863,671 dozen.
641	3,185,141 dozen.
643	408,449 numbers.
644	589,607 numbers.
645/646	1,088,057 dozen.
647/648	4,368,985 dozen.
847	580,605 dozen.
Subgroup in Group II	
400, 410, 414, 431, 434, 435, 436, 438, 440, 442, 444, 459pt., 464 and 469pt., as a group.	2,962,580 square meters equivalent.
In Group II subgroup	
435	49,344 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

[2] Category 313–O: all HTS numbers except 5208.52.3035, 5208.52.4035 and 5209.51.6032.

[3] Category 314–O: all HTS numbers except 5209.51.6015.

[4] Category 315–O: all HTS numbers except 5208.52.4055.

[5] Category 317–O: all HTS numbers except 5208.59.2085.

[6] Category 326–O: all HTS numbers except 5208.59.2015, 5209.59.0015 and 5211.59.0015.

[7] 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; 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 359–S: only HTS numbers 6112.39.0010, 6112.49.0010, 6211.11.8010, 6211.11.8020, 6211.12.8010 and 6211.12.8020; 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.

[9] Category 369–S: only HTS number 6307.10.2005.

[10] Category 604–A: only HTS number 5509.32.0000.

[11] Category 611–O: all HTS numbers except 5516.14.0005, 5516.14.0025 and 5516.14.0085.

[12] Category 618–O: all HTS numbers except 5408.24.9010 and 5408.24.9040.

[13] Category 625/626/627/628; Category 629–O: all HTS numbers except 5408.34.9085 and 5516.24.0085.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–17690 Filed 7–13–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Wool Textile Products Produced or Manufactured in the Former Yugoslav Republic of Macedonia

July 10, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 16, 2001.

FOR FURTHER INFORMATION CONTACT: Naomi Freeman, International Trade Specialist, Office of Textiles and Apparel, U.S. Department of Commerce, (202) 482–4212. For information on the quota status of these limits, refer to the Quota Status Reports posted on the bulletin boards of each Customs port, call (202) 927–5850, or refer to the U.S. Customs website at http://www.customs.gov. For information on embargoes and quota re-openings, refer to the Office of Textiles and Apparel website at http://otexa.ita.doc.gov.

SUPPLEMENTARY INFORMATION:

Authority: Section 204 of the Agricultural Act of 1956, as amended (7 U.S.C. 1854); Executive Order 11651 of March 3, 1972, as amended.

The current limits for certain categories are being 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 66724, published on November 7, 2000.

D. Michael Hutchinson

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 10, 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 wool textile products, produced or manufactured in the Former Yugoslav Republic of Macedonia and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001.

Effective on July 16, 2001, you are directed to adjust the current limits for the following categories, as provided for in the Memorandum of Understanding between the Governments of the United States and the Former Yugoslav Republic of Macedonia dated November 7, 1997:

Category	Adjusted twelve-month limit [1]
433	24,266 dozen.
434	12,788 dozen.
435	33,117 dozen.
448	70,827 dozen.

[1] The limits have not been adjusted to account for any imports exported after December 31, 2000.

The Committee for the Implementation of Textile Agreements has determined that these actions fall within the foreign affairs exception to the rulemaking provisions of 5 U.S.C.553(a)(1).

Sincerely,

D. Michael Hutchinson
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–17688 Filed7–13–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMITTEE FOR THE IMPLEMENTATION OF TEXTILE AGREEMENTS

Adjustment of Import Limits for Certain Cotton, Man-Made Fiber, Silk Blend and Other Vegetable Fiber Textile Products Produced or Manufactured in Oman

July 10, 2001.

AGENCY: Committee for the Implementation of Textile Agreements (CITA).

ACTION: Issuing a directive to the Commissioner of Customs adjusting limits.

EFFECTIVE DATE: July 17, 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 limits for certain categories are being adjusted for swing, special shift and the recrediting of unused carryforward.

A description of the textile and apparel categories in terms of HTS numbers is available in the CORRELATION: Textile and Apparel Categories with the Harmonized Tariff Schedule of the United States (see **Federal Register** notice 65 FR 82328, published on December 28, 2000). Also see 65 FR 77593, published on December 12, 2000.

D. Michael Hutchinson,

Acting Chairman, Committee for the Implementation of Textile Agreements.

Committee for the Implementation of Textile Agreements

July 10, 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 5, 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 textile products, produced or manufactured in Oman and exported during the twelve-month period beginning on January 1, 2001 and extending through December 31, 2001.

Effective on July 17, 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]
334/634	175,657 dozen.
335/635	305,908 dozen.
338/339	747,582 dozen.
347/348	1,270,090 dozen.
647/648/847	410,398 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 of the rulemaking provisions of 5 U.S.C. 553(a)(1).

Sincerely,

D. Michael Hutchinson,
Acting Chairman, Committee for the Implementation of Textile Agreements.

[FR Doc. 01–17689 Filed7–13–01; 8:45 am]

BILLING CODE 3510–DR–S

COMMODITY FUTURES TRADING COMMISSION

Global Markets Advisory Committee Meeting

This is to give notice, pursuant to section 10(a) of the Federal Advisory Committee Act, 5 U.S.C. App. 2, section 10(a), that the Commodity Futures Trading Commission's Global Markets Advisory Committee (''GMAC'') will conduct a public meeting on August 1, 2001, in the first floor hearing room (Room 1000) of the Commission's Washington, DC headquarters, Three Lafayette Center, 1155-21st Street, NW., Washington, DC 20581. The meeting will begin at 1 p.m. and last until 4:30 p.m. The Agenda will consist of the following:

Agenda

A. Part 1

1. Introductory Remarks by Commissioner Barbara Pedersen Holum, Chairman, GMAC.
2. Overview of CFTC Rules to Implement the Commodity Futures Modernization Act of 2000 (CFMA).
3. Update on Recent Developments in Electronic Derivatives Trading.
4. Discussion of Security Futures Products under the CFMA.
5. Discussion of Cross-Border Market Access to Domestic and Foreign Investors.

B. Part 2

6. Presentation on the Regulators Information Alert System.
7. Overview of Activities of the International Organization of Securities Commissions (IOSCO).
8. New Business.

The GMAC was created by the Commodity Futures Trading Commission for the purpose of receiving advice and recommendations on the many complex and novel issues raised by the ever-increasing globalization of futures markets. The purposes and objectives of the GMAC are more fully set forth in its charter.

The meeting is open to the public. The Chairman of the GMAC, Commissioner Barbara Pedersen Holum, is empowered to conduct the meeting in a fashion that will, in her judgement, facilitate the orderly conduct of business. Any member of the public who wishes to file a written statement with the Advisory Committee should mail a copy of the statement to the attention of: Global Markets Advisory Committee, c/o Commissioner Barbara Pedersen Holum, Commodity Futures Trading Commission, Three Lafayette Centre, 1155-21st Street, NW., Washington, DC 20581, before the meeting. Members of the public who wish to make oral statements should also inform Commissioner Holum in writing at the foregoing address at least three business days before the meeting. Reasonable provision will be made, if time permits, for an oral presentation of no more than five minutes each in duration.

Issued by the Commission in Washington, DC on July 11, 2001.

Catherine D. Dixon,

Assistant Secretary for the Commission.

[FR Doc. 01–17707 Filed 7–13–01; 8:45 am]

BILLING CODE 6351–01–M

DEPARTMENT OF DEFENSE

Department of the Army

Final Environmental Impact Statement (FEIS) for Yuma Proving Ground, AZ

AGENCY: Yuma Proving Ground, Department of the Army, DoD.

ACTION: Notice of availability.

SUMMARY: This announces the availability of the Yuma Proving Ground FEIS. The FEIS is programmatic in nature and discloses impacts associated with direct, indirect, and cumulative effects of the proposed action under a range of alternatives. New programs require land use changes and construction of new facilities and military ranges. Examples of new programs that resulted in this action include: combat systems testing and troop training. Activities to support this action include modernization of outdated facilities, improvements to infrastructure, installation of utilities, and land use changes.

DATES: The public review period for this FEIS will end 30 days after publication of the Notice of Availability in the **Federal Register** by the U.S. Environmental Protection Agency.

ADDRESSES: Anyone wishing to receive a copy of this FEIS may send a postcard with their name and address to Commander, Yuma Proving Ground, Environmental Sciences Division, ATTN: STEYP–CD–ES (Mr. Junior Kerns), Yuma Proving Ground, AZ 85365. Requests may also be submitted electronically to: jkerns@yuma-exch1.army.mil.

FOR FURTHER INFORMATION CONTACT: Mr. Junior Kerns at (800) 330–1348 or (520) 328–2148.

SUPPLEMENTARY INFORMATION: The EIS's proposed action and alternatives are described below:

Proposed Action: The proposed action is the conversion of Yuma Proving Ground from a traditional Army test installation to a diversified, multipurpose test range. The multipurpose installation will integrate troop training and other mission-compatible uses with research, development, test, and evaluation activities as indicated in the Installation Master Plan and other planning documents. This proposed action supports the defense mission of the United States to maintain a prepared and technologically advanced military.

Alternatives Considered: Five alternatives were considered in the Draft EIS: Maintain Baseline Activity Levels (No Action), Decreased Military Mission, Increased Military Mission, Modified Nonmilitary Mission, and Diversified Mission. The Preferred Alternative was developed after public and agency comments on the Draft EIS were considered. Impacts of the alternatives are disclosed in accordance with the National Environmental Policy Act. The Preferred Alternative is analyzed in the FEIS.

Dated: July 11, 2001.

Raymond J. Fatz,

Deputy Assistant Secretary of the Army (Environment, Safety and Occupational Health), OASA (I&E).

[FR Doc. 01–17706 Filed 7–13–01; 8:45 am]

BILLING CODE 3710–08–M

DEPARTMENT OF EDUCATION

National Assessment Governing Board; Meeting

AGENCY: National Assessment Governing Board; Education.

ACTION: Notice of full and partially closed meetings.

SUMMARY: This notice sets forth the schedule and proposed agenda of a forthcoming meeting of the National Assessment Governing Board. This notice also describes the functions of the Board. Notice of this meeting is required under section 10(a)(2) of the Federal Advisory Committee Act. This document is intended to notify the general public of their opportunity to attend. Individuals who will need accommodations for a disability in order to attend the meeting (i.e. interpreting services, assistive listening devices, materials in alternative format) should notify Munira Mwalimu at 202–357–6938 or at *Munira.Mwalimu@ed.gov* no later than July 23, 2001. We will attempt to meet requests after this date, but cannot guarantee availability of the requested accommodation. The meeting

site is accessible to individuals with disabilities.

DATES: August 2–4, 2001.

Time:

August 2—Ad Hoc Committee on Confirming Test Results, 4:00 p.m.–5:00 p.m.; Executive Committee, 5:30 p.m.–7:00 p.m., (open), 6:00 p.m.–7:00 p.m. (closed).

August 3—Full Board 8:30 a.m.–9:30 a.m. (open); Assessment Development Committee 9:30 a.m.–10:15 a.m. (closed); 10:15 a.m.–12:00 p.m., (open); Committee on Standards, Design and Methodology, 9:30 a.m.–12:00 p.m. (open); Reporting and Dissemination Committee, 9:30 a.m.–12:00 p.m. (open); Full Board, 12:00 p.m.–1:15 p.m., (closed); 1:15 p.m.–4:15 p.m., (open).

August 4—Nominations Committee, 7:30 a.m.–8:00 a.m.; Full Board, 8:00 a.m.–12:00 p.m. (open).

Location: Ritz Carlton Pentagon City, 1250 South Hayes Street, Arlington, Virginia.

FOR FURTHER INFORMATION CONTACT: Munira Mwalimu, Operations Officer, National Assessment Governing Board, 800 North Capitol Street, NW., Suite 825, Washington, DC 20002–4233, Telephone: (202) 357–6938.

SUPPLEMENTARY INFORMATION: The National Assessment Governing Board is established under section 412 of the National Education Statistics Act of 1994 (Title IV of the Improving America's Schools Act of 1994) (Pub. L. 103–382).

The Board is established to formulate policy guidelines for the National Assessment of Educational Progress (NAEP). The Board is responsible for selecting subject areas to be assessed, developing assessment objectives, identifying appropriate achievement goals for each grade and subject tested, and establishing standards and procedures for interstate and national comparisons.

The Ad Hoc Committee on Confirming Test Results will meet in open session on August 2, 2001 from 4:00 p.m. to 5:00 p.m. to discuss matters pertaining to NAEP's confirming role envisaged under President Bush's ''No Child Left Behind'' initiative. The Executive Committee will meet on August 2, 2001 in open session from 5:30 p.m. to 6:00 p.m., and in closed session from 6:00 p.m. to 7:00 p.m.

In open session, the Executive Committee will receive updates on proposed legislation affecting NAEP and NAGB and on the contract to maintain test questions, and will receive a report on the Ad Hoc Committee on Confirming Test Results.

From 6:00—7:00 p.m. the Executive Committee will meet in closed session to discuss Independent Government Cost Estimates and Contract Decisions pertaining to the National Assessment of Educational Progress (NAEP) program. This session of the meeting must be conducted in closed session because public disclosure of this information would likely have an adverse financial and technical impact on the NAEP program. The discussion of this information would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

During the latter part of the closed portion of the Executive Committee meeting on August 2, the Committee will nominate the Vice Chair of the National Assessment Governing Board. This session has to be conducted in closed session, as reference will be made to private and personal background qualifications that will be assessed by the Committee in the nomination of the Vice Chair, in accordance with NAGB's bylaws. These discussions relate solely to information of a personal nature which disclosure would constitute an unwarranted invasion of personal privacy if conducted in open session. Such matters are protected by exemptions (2) and (6) of section 552b(c) of title 5 U.S.C.

On August 3, the full Board will convene in open session from 8:30 a.m.–9:30 a.m. The Board will approve the agenda; hear a report from the Executive Director of the National Assessment Governing Board; and receive an update on the NAEP Program. From 9:30 a.m. to 12:00 p.m., the Board's standing committees will meet in open session.

The Assessment Development Committee (ADC) will meet in closed session on Friday, August 3, 2001 from 9:30 a.m.–10:15 a.m. to review secure items from the NAEP reading assessment. This meeting must be closed because references will be made to specific test items from the NAEP assessment and premature disclosure of the items being reviewed whould significantly frustrate the implementation of the NAEP program. Such matters are protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

Following the closed session, the Assessment Development Committee will meet in open session from 10:15 a.m. to 11:30 a.m. to discuss the NAEP Oral Reading Study; the Economics Framework Procurement; and the draft 2004 NAEP Mathematics Framework. From 11:30 a.m.–12:00 noon the ADC will meet in joint session with the Committee on Standards, Design and Methodology (COSDAM) to discuss technical issues related to the draft NAEP Mathematics Framework.

The Committee on Standards, Design, and Methodology will meet on Friday, August 3, 2001 from 9:30 a.m.–11:30 a.m. to discuss technical issues arising from changes in the NAEP block/booklet structure; technical issues related to increasing precision; proposed changes to the 2004 mathematics framework with scaling considerations; and technical considerations pertaining to Office and Management Budget (OMB) mandated changes in racial/ethnic questions. This session will then be followed by the joint session of the ADC and COSDAM from 11:30 a.m. to 12:00 p.m. to discuss technical issues related to the draft NAEP Mathematics Framework.

The Reporting and Dissemination Committee will meet on Friday, August 3, 2001 from 9:30 a.m.–12:00 p.m. to review background questions for NAEP 2000; to discuss policy matters on the content of NAEP reports in reading and mathematics; and to discuss reporting matters pertaining to OMB mandated changes in racial/ethnic questions.

On August 3, 2001, the full Board will meet in closed session from 12:00 p.m.–1:15 p.m. to receive a briefing on the NAEP 2000 Science Report Card. This meeting must be closed because the report has not gone through complete National Center for Education Statistics (NCES) adjudication process and has not been released by the Secretary of Education. Premature disclosure of the information presented for review would be likely to significantly frustrate implementation of a proposed agency action if conducted in open session. Such matters are protected by exemption 9(B) of section 552b(c) of Title 5 U.S.C.

The full Board will meet in open session on August 3, 2001 from 1:15 p.m.–2:00 p.m. to receive survey results on academic standards and testing. From 2:15 p.m.–3:00 p.m., the Board will receive an update from Congressional staff on ''NAEP/NAGB: View from the Hill.'' From 3:00 p.m.–4:15 p.m., the full Board will hear a discussion on NAEP Mathematics Trends from a State Perspective upon which the August 3, 2001 session of the Board meeting will adjourn.

On August 4, 2001 the Nominations Committee will convene from 7:30 a.m.–8:00 a.m. to discuss a letter received from the Secretary of Education requesting NAGB to continue to provide input and names of potential candidates

for NAGB appointments made by the Secretary; to approve the timeline for seeking potential candidates in various categories; and to review and approve the rating and selection procedures.

From 8:00 a.m. to 8:30 p.m., the Board will receive a briefing on Achieve's Mathematics Achievement Partnership, followed by an update and discussion on the NAEP 2004 Mathematics Framework project from 8:30 a.m. to 9:30 a.m. The Board will then hear and take action on Committee reports from 9:30 a.m. to 11:45 a.m. From 11:45 a.m. to 12:00 p.m. the Board will elect the Vice Chair of the National Assessment Governing Board, whereupon the meeting will adjourn.

Summaries of the activities of the closed sessions and related matters, which are informative to the public and consistent with the policy of section 5 U.S.C. 552b(c), will be available to the public within 14 days of the meeting. Records are kept of all Board proceedings and are available for public inspection at the U.S. Department of Education, National Assessment Governing Board, Suite #825, 800 North Capitol Street, NW, Washington, DC, from 8:30 a.m. to 5:00 p.m. Eastern Standard Time.

Dated: July 11, 2001.

Roy Truby,

Executive Director, National Assessment Governing Board.

[FR Doc. 01–17693 Filed 7–13–01; 8:45 am]

BILLING CODE 4000–01–M

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–471–000]

Colorado Interstate Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 10, 2001.

Take notice that on June 29, 2001, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the following tariff sheet to become effective July 1, 2001:

Original Sheet No. 11B

CIG states that the above tariff sheet is being filed to implement a new negotiated rate contract pursuant to the Commission's Statement of Policy on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines and Regulation of Negotiated Transportation Services of Natural Gas Pipelines issued January 31, 1996 at Docket Nos. RM95–6–000 and RM96–7–000.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17669 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP00–325–003]

Colorado Interstate Gas Company; Notice of Compliance Filing

July 10, 2001.

Take notice that on July 2, 2001, Colorado Interstate Gas Company (CIG) tendered for filing as part of its FERC Gas Tariff, First Revised Volume No. 1, the tariff sheets listed on Appendix A to the filing, to become effective October 1, 2001.

CIG states that the filing is being made in compliance with the Commission's order issued May 31, 2001 at Docket No. RP00–325–000, et al.

CIG states that copies of the filing has been served upon all parties to the proceeding.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17670 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–389–026]

Columbia Gulf Transmission Company; Notice of Negotiated Rate Filing

July 10, 2001.

Take notice that on June 29, 2001, Columbia Gulf Transmission Company (Columbia Gulf) tendered for filing the following contract for disclosure of a recently negotiated rate transaction:

ITS–2 Service Agreement No. 70782 between Columbia Gulf Transmission Company and Amoco Energy Trading Corporation dated June 26, 2001

Transportation service is to commence July 1, 2001 under the Agreement.

Columbia Gulf states that copies of the filing has served on all parties identified on the official service list in Docket No. RP96–389.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings.

Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17681 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EL01–100–000]

Corn Belt Energy Corp.; Notice of Complaint

July 10, 2001.

Take notice that on July 6, 2001, Corn Belt Energy Corp. (Corn Belt) tendered for filing with the Federal Energy Regulatory Commission (Commission) a complaint against Soyland Power Cooperative, Inc., pursuant to 18 CFR 385.206 of the Commission's Rules of Practice and Procedure.

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 July 26, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Answers to the complaint shall also be due on or before July 26, 2001. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17683 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–383–029]

Dominion Transmission, Inc.; Notice of Negotiated Rate

July 10, 2001.

Take notice that on July 2, 2001, Dominion Transmission, Inc. (DTI) tendered for filing the following tariff sheets for disclosure of a recently negotiated transaction with Sithe Power Marketing, LP:

Original Sheet No. 1416
Sheet Nos. 1417–1499

DTI states that copies of its letter of transmittal and enclosures have been served upon DTI's customers and interested state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17679 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–479–000]

Florida Gas Transmission Company; Notice of Proposed Changes in FERC Gas Tariff

July 10, 2001.

Take notice that on July 5, 2001, Florida Gas Transmission Company (FGT) tendered for filing as part of its FERC Gas Tariff, Third Revised Volume No. 1, the following tariff sheets to become effective August 4, 2001:

Seventh Revised Sheet No. 2
First Revised Sheet No. 209
First Revised Sheet Nos. 210 through 299

FGT states that the tariff sheets listed above are being filed to include a general statement in its Tariff that the ''shipper must hold title'' policy is waived to the extent that FGT renders service for others using off-system capacity pursuant to its existing Tariff and rates.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17680 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–81–009]

Kinder Morgan Interstate Gas Transmission LLC; Notice of Negotiated Rate

July 10, 2001.

Take notice that on June 29, 2001, Kinder Morgan Interstate Gas Transmission LLC (KMIGT) tendered for filing as part of its FERC Gas Tariff, Fourth Revised Volume No. 1–A, Third Revised Sheet No. 4G, to be effective July 1, 2001.

KMIGT states that the above-referenced tariff sheet reflects a negotiated rate contract effective July 1, 2001 and removes a negotiated rate contract which was in effect for the month of June, 2001. This tariff sheet is being filed pursuant to Fourth Revised Volume No. 1–B, Section 36 of KMIGT's FERC Gas Tariff, and the procedures prescribed by the Commission in its December 31, 1996 ''Order Accepting Tariff Filing Subject to Conditions'', in Docket No. RP97–81 (77 FERC ¶ 61,350) and the Commission's Letter Orders dated March 28, 1997 and November 30, 2000 in Docket Nos. RP97–81–001, and RP01–70–000, respectively.

KMIGT states that a copy of this filing has been served upon all parties to this proceeding, KMIGT's customers and affected state commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17671 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–347–023]

Northern Natural Gas Company; Notice of Cashout Report

July 10, 2001.

Take notice that on June 29, 2001 pursuant to the Carlton Settlement filed in Docket No. RP96–347 and its FERC Gas Tariff, Northern Natural Gas Company (Northern) has filed various schedules detailing the Carlton buyout and surcharge dollars reimbursed to the appropriate parties.

Northern states that copies of the filing were served upon Northern's customers and interested State Commissions.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed on or before July 17, 2001. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17673 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–476–000]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 10, 2001.

Take notice that on July 2, 2001 Northern Natural Gas Company (Northern) tendered for filing changes in its FERC Gas Tariff, Fifth Revised Volume No. 1, the following tariff sheets proposed to be effective August 1, 2001:

Eighth Revised Sheet No. 201
Second Revised Sheet No. 304
Sheet No. 305

Northern is filing these tariff sheets to amend the current language in Northern's FERC Gas Tariff to include a general statement that the ''shipper must hold title'' policy is waived to the extent that Northern renders service for others using off-system capacity pursuant to its existing tariff and rates.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17675 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP96–272–034]

Northern Natural Gas Company; Notice of Proposed Changes in FERC Gas Tariff

July 10, 2001.

Take notice that on July 3, 2001, Northern Natural Gas Company (Northern) tendered for filing to become part of Northern's FERC Gas Tariff, Fifth Revised Volume No. 1, Substitute 12 Revised Sheet No. 66A, proposed to become effective on July 1, 2001.

Northern states that the above sheet is being filed to change the delivery points previously reported for the negotiated rate transaction with WPS Energy Services, Inc. in accordance with the Commission's Policy Statement on Alternatives to Traditional Cost-of-Service Ratemaking for Natural Gas Pipelines. The previously filed Sheet No. 66A identified the primary delivery point as Wisconsin Gas/NNG–Waukesha. The amended delivery points are reflected on Substitute 12 Revised Sheet No. 66A. No other change has been made to this tariff sheet.

Northern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17678 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP97–255–026]

TransColorado Gas Transmission Company; Notice of Compliance Filing

July 10, 2001.

Take notice that on June 29, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing as part of its FERC Gas Tariff, Original Volume No.1, the following tariff sheets, with an effective date of July 1, 2001:

Twenty-Sixth Revised Sheet No. 21
Twenty-Second Revised Sheet No. 22
Original Sheet No. 22A

TransColorado states that the filing is being made in compliance with the Commission's letter order issued March 20, 1997, in Docket No. RP97–255–000.

TransColorado states that the tendered tariff sheets revised TransColorado's Tariff to reflect one amended and three new negotiated-rate contracts.

TransColorado stated that a copy of this filing has been served upon all parties to this proceeding, TransColorado's customers, the Colorado Public Utilities Commission and the New Mexico Public Utilities Commission.

Any person desiring to protest said filing should file a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Section 385.211 of the Commission's Rules and Regulations. All such protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17672 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–478–000]

TransColorado Gas Transmission Company; Notice of Tariff Filing

July 10, 2001.

Take notice that on July 3, 2001, TransColorado Gas Transmission Company (TransColorado) tendered for filing of its FERC Gas Tariff, Original Volume No. 1, Third Revised Sheet No. 262, Second Revised Sheet No. 263 and Original Sheet No. 263A, to be effective August 1, 2001.

TransColorado states that the tendered tariff sheets revise the Negotiated Rates section of TransColorado's Tariff consistent with current Commission policy and decisions concerning tariff filings made by other interstate pipelines with respect to negotiated-rate authority.

TransColorado stated that a copy of this filing has been served upon all parties to this proceeding, TransColorado's customers, the Colorado Public Utilities Commission and the New Mexico Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18

CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17676 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–477–000]

TransColorado Gas Transmission Company; Notice of Tariff Filing

July 10, 2001.

Take notice that on July 3, 2001, TransColorado Gas Transmission Company(TransColorado) tendered for filing as part of its FERC Gas Tariff, Original Volume No. 1, the following tariff sheets, to be effective August 1, 2001:

Fifth Revised Sheet No. 102
Fourth Revised Sheet No. 112
Sixth Revised Sheet No. 200
Second Revised Sheet No. 244 and 245
Fourth Revised Sheet No. 246
First Revised Sheet Nos. 246A and 247B
Second Revised Sheet No. 265
First Revised Sheet No. 266
Second Revised Sheet No. 401 and 403

TransColorado is proposing to add a tiered cashout provision to its tariff to more appropriately link the cashout percentage penalty with the degree of the shipper's imbalance percentage. The proposed section will be added to TransColorado's Section 12.6, Cashout Procedures. This provision is in accordance with the Commission's Order No. 637 directive to provide a variety of imbalance provisions for Shippers.

Further, Section 12.10, Credit of Cashout Revenues, has been added to provide that cashout revenues in excess of cashout-related costs will be credited to firm shippers in proportion to the reservation charges paid by each shipper during the annual period that the cashed out imbalance occurred.

TransColorado is also proposing a provision for the incidental purchase and sale of gas necessary to provide transportation services or maintain system integrity, including the implementation of the proposed cashout provisions. The flexibility to buy and sell gas is essential for TransColorado's prudent management of its system.

TransColorado states that a copy of this filing has been served upon TransColorado's customers, the Colorado Public Utilities Commission and New Mexico Public Utilities Commission.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, N.E., Washington, D.C. 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17677 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. RP01–475–000]

Transwestern Pipeline Company; Notice of Proposed Changes in FERC Gas Tariff

July 10, 2001.

Take notice that on July 2, 2001, Transwestern Pipeline Company (Transwestern) tendered for filing as part of its FERC Gas Tariff, Second Revised Volume No. 1, 19 Revised Sheet No. 48 and First Revised Sheet No. 97, proposed to be effective August 1, 2001.

Transwestern is filing these tariff sheets to amend the current language in Transwestern's FERC Gas Tariff to include a general statement that the ''shipper must hold title'' policy is waived to the extent that Transwestern renders service for others using off-system capacity pursuant to its existing tariff and rates. In addition, this filing provides that Transwestern will acquire off-system capacity on Public Service Company of New Mexico pursuant to such generic authorization.

Transwestern further states that copies of the filing have been mailed to each of its customers and interested State Commissions.

Any person desiring to be heard or to protest said filing should file a motion to intervene or a protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Sections 385.214 or 385.211 of the Commission's Rules and Regulations. All such motions or protests must be filed in accordance with Section 154.210 of the Commission's Regulations. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceedings. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17674 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. EG01–253–000, et al.]

CPV Cana, Ltd., et al.; Electric Rate and Corporate Regulation Filings

July 10, 2001.

Take notice that the following filings have been made with the Commission:

1. CPV Cana, Ltd.

[Docket No. EG01–253–000]

Take notice that on July 6, 2001, CPV Cana, Ltd. (CPV Cana or Applicant), % Competitive Power Ventures, Inc., Silver Spring Metro Plaza II, 8403 Colesville Road, Suite 915, Silver Spring, MD 20910, filed with the Federal Energy Regulatory Commission (Commission) an Application for Determination of Exempt Wholesale Generator Status, pursuant to Part 365 of the Commission's Regulations and

Section 32 of the Public Utility Holding Company Act of 1935, as amended.

Applicant, a Florida limited partnership, is a special purpose entity established to develop, construct, own and operate a nominally rated 250 MW natural gas-fired combined cycle generating facility (Facility) to be located in St. Lucie County, Florida. The Facility will consist of one (1) F class combustion turbine, one (1) heat recovery steam generator and one (1) steam turbine. The Facility as currently configured will include certain transmission interconnection facilities necessary to effect the sale of electric energy at wholesale and interconnect the Facility to the transmission grid. All of the electricity generated by the Facility will be sold exclusively at wholesale.

Comment date: July 31, 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.

2. Commonwealth Edison Company

[Docket No. ER00–3668–002]

Take notice that on July 5, 2001, Commonwealth Edison Company (ComEd), in compliance with the Commission's June 4, 2001 ''Order Accepting in Part and Rejecting in Part Compliance Filing, and Establishing Further Proceedings,'' 95 FERC 61,349 (2001), submitted for filing in the above-referenced proceeding a new Order 614 designation for the Interconnection and Letter Agreements between ComEd and University Park LLC (University Park) that were submitted in the above-referenced proceeding. Copies of this filing were served on University Park, on the Illinois Commerce Commission and on the parties designated on the official service list compiled by the Secretary.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Sithe Fore River Development LLC; Sithe Mystic Development LLC

[Docket Nos. ER01–41–002 ER01–42–002]

Take notice that on July 5, 2001, Sithe Fore River Development LLC (SFRD) and Sithe Mystic Development LLC (SMD) filed with the Commission rate schedule designations for their FERC Electric Rate Schedules Nos. 1 and 2, in compliance with Order No. 614.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Megawatt Marketing, LLC

[Docket No. ER01–1690–001]

Take notice that on July 2, 2001, Megawatt Marketing, LLC (Megawatt Marketing), tendered for filing an amendment to an application filed on April 2, 2001, for acceptance of Megawatt Marketing 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. The instant filing amends the application by including required designations in the tariff rate schedule and including a statement that the individual principals do not have ownership interests in other businesses involved in the production of marketing of electric power.

Megawatt Marketing intends to engage in wholesale electric power and energy purchases and sales as a marketer. Megawatt Marketing is not in the business of generating or transmitting electric power. Megawatt Marketing is a Nevada limited liability company with its principal place of business in Carson City, Nevada.

Comment date: July 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Altorfer, Inc.

[Docket No. ER01–1758–001]

Take notice that Altorfer Inc. (Altorfer), of Cedar Rapids, Iowa, on July 5, 2001 tendered for filing with the Commission a revised Power Purchase Agreement with Central Illinois Light Company, under which Altorfer would sell energy to CILCO at market-based rates.

Copies of the filing were served on the affected customer and the Illinois Commerce Commission.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. PPL Southwest Generation Holdings, LLC

[Docket No. ER01–1870–001]

Take notice that on July 5, 2001, PPL Southwest Generation Holdings, LLC (PPL Southwest Generation) filed with the Commission a revised tariff sheet to PPL Southwest Generation's FERC Electric Tariff Original Volume No. 1 in compliance with the Letter Order issued on June 21, 2001 in the above-captioned docket. The revision incorporates a prohibition on power purchases from any affiliated public utility with a franchised service territory absent a separate filing under Section 205 of the Federal Power Act.

PPL Southwest Generation states that copies of this filing have been served upon each person designated on the official service list compiled by the Secretary in this proceeding.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Moses Lake Generating LLC

[Docket No. ER01–1871–001]

On July 5, 2001, Moses Lake Generating LLC (Seller) made a compliance filing pursuant to the order of the Federal Energy Regulatory Commission (Commission) issued on June 22, 2001, in the above-captioned docket. The Commission's June 22 order accepted Seller's market-based rate filing, conditioned upon Seller, within 15 days of the order, deleting the term ''to others that are self-supplying ancillary services to the ISO'' from Section 1(a) of its tariff, and adding the term ''all'' to Section 2(b) of its Code of Conduct. Seller's filing reflects these changes.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Maclaren Energy, Inc.

[Docket No. ER01–2104–001]

Take notice that on July 5, 2001, Maclaren Energy, Inc. submitted for filing, pursuant to Section 205 of the Federal Power Act, and Part 35 of the Commission's regulations, an amendment to its Petition for authorization to make sales of electric capacity and energy, including certain ancillary services, at market-based rates and for related waivers and blanket authorizations. The amendment was submitted in response to the Commission Staff's oral request for additional information.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. San Diego Gas & Electric Company

[Docket No. ER01–2318–001]

Take notice that on July 5, 2001, San Diego Gas & Electric Company (SDG&E) tendered for filing its amended Service Agreements numbers 7 and 8 to its FERC Electric Tariff, First Revised Volume No. 6. The amended filing was made to conform the Service Agreements to FERC Order No. 614. No substantive changes were made to either agreement.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Sierra Pacific Power Company

[Docket No. ER01–2506–000]

Take notice that on July 8, 2001, Sierra Pacific Power Company (Sierra) filed, pursuant to Section 205 of the Federal Power Act, an executed Interconnection and Operation Agreement between Sierra and Naniwa Energy LLC.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. IDACORP Energy LP

[Docket No. ER01–2507–000]

Take notice that on July 5, 2001, IDACORP Energy LP tendered for filing with the Federal Energy Regulatory Commission Service Agreements under IDACORP Energy LP's FERC Electric Tariff No. 1, Market Rate Power Sales Tariff.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. ENMAX Energy Marketing Inc.

[Docket No. ER01–2508–000]

Take notice that on July 5, 2001, ENMAX Energy Marketing Inc. (ENMAX) tendered for filing its FERC Electric Tariff No. 1 authorizing ENMAX to make sales of power services at market-based rates and requesting certain waivers of Commission regulations.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Valley Electric Association, Inc.

[Docket No. ER01–2510–000]

Take notice that on July 5, 2001, Valley Electric Association, Inc. tendered for filing a notice of cancellation of Service Schedule D to its Rate Schedule FERC No. 16.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Entergy Services, Inc.

[Docket No. ER01–2511–000]

Take notice that on July 5, 2001, Entergy Services, Inc., on behalf of Entergy Gulf States, Inc., tendered for filing an executed Interconnection and Operating Agreement with BASF Fina Petrochemicals Limited Partnership (BASF), and a Generator Imbalance Agreement with BASF.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. Avista Corporation

[Docket No. ER01–2512–000]

Take notice that on July 5, 2001, Avista Corporation (Avista) tendered for filing with the Federal Energy Regulatory Commission an executed Generation Interconnection Agreement Between Avista Corporation and Plummer Forest Products, Inc.

Avista requests waiver of the Commission's notice requirements to allow the Service Agreements to become effective on April 30, 2001.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

16. Illinois Power Company

[Docket No. ER01–2513–000]

Take notice that on July 5, 2001, Illinois Power Company (Illinois Power), filed with the Commission the First Revised Firm Long-Term Point-To-Point Transmission Service Agreement with Axia Energy, L. P. (Axia), entered into pursuant to Illinois Power's Open Access Transmission Tariff. Illinois Power states that a copy of this filing has been sent to Axia.

Illinois Power requests an effective date of July 1, 2001 for the First Revised Service Agreement and a waiver of the Commission's notice requirement.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Illinois Power Company

[Docket No. ER01–2514–000]

Take notice that on July 5, 2001, Illinois Power Company (Illinois Power), filed a Firm Short Term Point-to-Point Transmission Service Agreement entered into with EnerStar Power Corporation pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of July 1, 2001 for the Agreements. Illinois Power states that a copy of this filing has been sent to EnerStar Power Corporation.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. Illinois Power Company

[Docket No. ER01–2515–000]

Take notice that on July 5, 2001, Illinois Power Company (Illinois Power), filed a Non Firm Point-to-Point Transmission Service Agreement entered into with EnerStar Power Corporation pursuant to Illinois Power's Open Access Transmission Tariff.

Illinois Power requests an effective date of July 1, 2001 for the Agreements. Illinois Power states that a copy of this filing has been sent to EnerStar Power Corporation.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Exelon Generation Company, LLC

[Docket No.ER01–2516–000]

Take notice that on July 5, 2001, Exelon Generation Company, LLC (Exelon Generation) submitted for filing with the Federal Energy Regulatory Commission (FERC or the Commission) a service agreement for wholesale power sales transactions between Exelon Generation and Peoples Energy Services under Exelon Generation's wholesale power sales tariff, FERC Electric Tariff, Original Volume No. 1.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. PacifiCorp

[Docket No.ER01–2517–000]

Take notice that PacifiCorp on July 5, 2001, tendered for filing in accordance with 18 CFR 35 of the Commission's Rules and Regulations, Umbrella Service Agreements for Non-Firm and Short-Term Firm Transmission Service with Conoco Power Marketing, Inc. (Conoco), Desert Power LP (Desert), Dynegy Power Marketing, Inc. (Dynegy), State of Nevada, Colorado River Commission (Nevada), and Pinnacle West Marketing & Trading (Pinnacle) under PacifiCorp's FERC Electric Tariff, Second Revised Volume No. 11 (Tariff).

Copies of this filing were supplied to the Washington Utilities and Transportation Commission and the Public Utility Commission of Oregon.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. The Dayton Power and Light Company

[Docket No. ER01–2518–000]

Take notice that on July 5, 2001 The Dayton Power and Light Company (Dayton) submitted a service agreement establishing Orion Power Marketing as a customer under the terms of Dayton's FERC Electric Tariff, Original Volume No. 10.

Dayton requests an effective date of one day subsequent to this filing for the service agreements. Accordingly, Dayton requests waiver of the Commission's notice requirements. Copies of this filing were served upon Orion Power Marketing and the Public Utilities Commission of Ohio.

Comment date: July 26, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. Basin Electric Power Cooperative, Inc.

[Docket No. NJ01–8–000]

Take notice that on July 5, 2001, Basin Electric Power Cooperative, Inc. (Basin Electric) tendered for filing a modification to its loss factor under its Open Access Transmission Tariff, FERC Electric Original Volume No. 1 (Tariff).

Basin Electric requests that the modification become effective July 5, 2001.

Copies of the filing were served upon Basin Electric's customers receiving service under the Tariff.

Comment date: August 9, 2001, in accordance with Standard Paragraph E at the end of this notice.

Standard Paragraph

E. Any person desiring to be heard or to protest such filing should file a motion to intervene or protest with the Federal Energy Regulatory Commission, 888 First Street, NE., Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

David P. Boergers,

Secretary.

[FR Doc. 01–17667 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER01–1800–001, et al.]

Pierce Power LLC, et al.; Electric Rate and Corporate Regulation Filings

July 9, 2001.

Take notice that the following filings have been made with the Commission:

1. Pierce Power LLC

[Docket No. ER01–1800–001]

Take notice that on July 3, 2001, Pierce Power LLC tendered for filing its FERC Electric Tariff, Original Volume No. 1, Substitute Original Sheet No. 1, in compliance with the Commission's June 8, 2001, Order in the above-referenced Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

2. Ameren Services Company

[Docket No. ER01–2437–000]

Take notice that on July 3, 2001, Ameren Services Company (AMS) submitted a request to withdraw the filing of the Network Integration Transmission Service Agreement, dated June 1, 2001 for EnerStar Power Corporation and AMS and terminate this Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

3. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2442–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC filed a request to withdraw Market Rate Tariff Service Agreement No. 136 filed at the above Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

4. Wisconsin Public Service Corporation

[Docket No. ER01–2369–001]

Take notice that, on July 3, 2001, Wisconsin Public Service Corporation (WPSC) filed an amended, fully-executed long-term service agreement with Duke Energy Lee, LLC (Duke) under WPSC's market-based rate tariff, FERC Electric Tariff, Third Revised Volume No. 10 (Tariff). This service agreement replaces the unexecuted service agreement filed on June 21, 2001 in this Docket. WPSC requests that the Commission waive its notice of filing requirements to allow the service agreement to become effective on May 22, 2001.

A copy of the filing was served upon all parties on the Commission's official service list.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

5. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2376–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC filed a request to withdraw Market Rate Tariff Service Agreement No. 134 filed at the above Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

6. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2377–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC filed a request to withdraw Market Rate Tariff Service Agreement No. 133 filed at the above Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

7. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2378–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC filed a request to withdraw Market Rate Tariff Service Agreement No. 131 filed at the above Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

8. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2379–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC filed a request to withdraw Market Rate Tariff Service Agreement No. 132 filed at the above Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

9. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2381–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC filed a request to

withdraw Market Rate Tariff Service Agreement No. 129 filed at the above Docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

10. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2382–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC filed a request to withdraw Market Rate Tariff Service Agreement No. 127 filed at the above docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

11. Allegheny Energy Service Corporation on Behalf of Allegheny Energy Supply Company, LLC

[Docket No. ER01–2383–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on behalf of Allegheny Energy Supply Company, LLC filed a request to withdraw Market Rate Tariff Service Agreement No. 128 filed at the above docket.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

12. Northern Indiana Public Service Company

[Docket No. ER01–2496–000]

Take notice that on July 3, 2001, Northern Indiana Public Service Company tendered for filing an executed Standard Transmission Service Agreement for Non-Firm Point-to-Point Transmission Service between Northern Indiana Public Service Company and Axia Energy, LP (Axia). Copies of this filing have been sent to Axia Energy, LP, the Indiana Utility Regulatory Commission, and the Indiana Office of Utility Consumer Counselor

Under the Transmission Service Agreement, Northern Indiana Public Service Company will provide Non-Firm Point-to-Point Transmission Service to Axia pursuant to the Transmission Service Tariff filed by Northern Indiana Public Service Company in Docket No. OA96–47–000 and allowed to become effective by the Commission. Northern Indiana Public Service Company has requested that the Service Agreement be allowed to become effective as of July 5, 2001.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

13. Potomac Electric Power Company

[Docket No. ER01–2497–000]

Take notice that on July 3, 2001, Potomac Electric Power Company (Pepco) tendered for filing a service agreement pursuant to Pepco FERC Electric Tariff, Original Volume No. 5, entered into between Pepco and: Allegheny Energy Supply Company, LLC. An effective date of June 28, 2001 for this service agreement, with waiver of notice, is requested.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

14. Citizens Communications Company

[Docket No. ER01–2498–000]

Take notice that on July 2, 2001, in compliance with the Commission's Order in Arizona Independent Scheduling Administrator Association, Citizens Communications Company (Citizens) filed an Open Access Transmission Tariff (OATT) for its Arizona Electric Division (AED).

Citizens has requested an effective date of September 1, 2001 for the common service provisions and the point-to-point service provisions of its OATT. For the retail network integration transmission service provisions, Citizens requests an effective date that is coincident with the implementation date of a rule or order of the Arizona Corporation Commission (ACC) that directs AED to provide unbundled retail transmission service.

A copy of this filing was served on Arizona Independent Scheduling Administrator Association and the ACC. In addition, a copy is available for inspection at Citizens' AED's offices during regular business hours.

Comment date: July 23, 2001, in accordance with Standard Paragraph E at the end of this notice.

15. CinCap IX, LLC

[Docket No. EG01–213–000]

On July 6, 2001, CinCap IX, LLC, 139 East Fourth Street, Cincinnati, Ohio 45202, filed with the Federal Energy Regulatory Commission an amendment to its application for determination of exempt wholesale generator status pursuant to Section 32(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 an approximately 88 megawatt gas-fired electric generating facility located in Erlanger, Kenton County, Kentucky and selling electric energy at wholesale.

Comment date: July 27, 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.

16. IDACORP Energy LP

[Docket No. ER01–2499–000]

Take notice that on July 3, 2001, IDACORP Energy LP tendered for filing with the Federal Energy Regulatory Commission Service Agreements under IDACORP Energy LP's FERC Electric Tariff No. 1, Market Rate Power Sales Tariff.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

17. Ameren Energy, Inc. on behalf of Union Electric Company d/b/a AmerenUE, Ameren Energy Marketing Company and Ameren Energy Generating Company

[Docket No. ER01–2500–000]

Take notice that on July 3, 2001, Ameren Energy, Inc. (Ameren Energy), on behalf of Union Electric Company d/b/a AmerenUE, Ameren Energy Market Company, and Ameren Energy Generating Company (collectively, the Ameren Parties), pursuant to section 205 of the Federal Power Act, 16 U.S.C. 824d, and the market rate authority granted to the Ameren Parties, submitted for filing a pro forma umbrella power sales service agreement under the Ameren Parties' market rate authorizations. Ameren Energy seeks Commission acceptance of this form of service agreement for use by Ameren Energy on behalf of the Ameren Parties effective July 4, 2001.

Copies of this filing were served on the public utilities commissions of Illinois and Missouri.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

18. PacifiCorp

[Docket No. ER01–2501–000]

Take notice that PacifiCorp, July 3, 2001, tendered for filing Amendatory Agreement No. 5, to the Pacific Northwest Coordination Agreement datedSeptember 15, 1964.

PacifiCorp states that Amendatory Agreement No. 5 modifies the primary agreement to change agreement terms and conditions regarding: the City of Tacoma's withdrawal of its west-side hydroelectric projects from the primary agreement; the rate charged for interchange energy transactions; and the methods of accounting for interchange energy transactions.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

19. Xcel Energy Services Inc.

[Docket ER01–2502–000]

Take notice that on July 3, 2001 Xcel Energy Services Inc. (XES), on behalf of Public Service Company of Colorado (Public Service) tendered for filing an executed umbrella service agreement between Public Service and Idaho Power Company under Public Service's Rate Schedule for the Sale, Assignment, or Transfer of Transmission Rights.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

20. TXU Electric Company and TXU SESCO Company

[Docket No. ER01–2503–000]

Take notice that TXU Electric Company and TXU SESCO Company (TXU) on July 3, 2001, tendered for filing an amendment to the Remote Control Area Load Agreement for the Tex-La Load (Agreement) between TXU Electric Company and West Texas Utilities Company (WTU) under TXU's FERC Electric Service Tariff, Volume No. 2. The amendment to the Agreement adds a new point of delivery. TXU seeks an effective date of April 20, 2001 for this filing and, accordingly, seeks waiver of the Commission's notice requirements.

Copies of the filing have been served on WTU, Tex-La Electric Cooperative of Texas, Inc., and the Public Utility Commission of Texas.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

21. Allegheny Energy Service Corporation, on Behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (Allegheny Power)

[Docket No. ER01–2504–000]

Take notice that on July 3, 2001, Allegheny Energy Service Corporation on behalf of Monongahela Power Company, The Potomac Edison Company, and West Penn Power Company (AlleghenyPower), filed an Interconnection Agreement (Agreement) with Allegheny Energy Supply Company, LLC as Service Agreement No. 358 under Allegheny Power's Open Access Transmission Tariff. The proposed effective date under the Agreement is September 14, 2001.

Copies of the filing have been provided to the Public Utilities Commission of Ohio, the Pennsylvania Public Utility Commission, the Maryland Public Service Commission, the Virginia State Corporation Commission, and the West Virginia Public Service Commission.

Comment date: July 24, 2001, in accordance with Standard Paragraph E at the end of this notice.

22. TXU Electric Company and TXU SESCO Company

[Docket No. ER01–2505–000]

Take notice that TXU Electric Company and TXU SESCO Company (TXU) on July 3, 2001, tendered for filing amendments to the Transmission Service Agreement for Planned Service and Unplanned Service for Tex-La Electric Cooperative of Texas, Inc. between TXU and Tex-La Electric Cooperative of Texas, Inc. (Tex-La) and the Interconnection Agreement between TXU and Tex-La (collectively, the Agreements) under TXU's FERC Electric Service Tariff, Volume No. 2. The amendments to the Agreements add a new point of delivery. TXU seeks an effective date of March 30, 2001 for this filing and, accordingly, seeks waiver of the Commission's notice requirements.

Copies of the filing have been served on Tex-La and the Public Utility Commission of Texas.

Comment date: July 24, 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, N.E., Washington, D.C. 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). All such motions or protests should be filed on or before the comment date. Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a motion to intervene. Copies of this filing are on file with the Commission and are available for public inspection. This filing may also be viewed on the web at *http://www.ferc.gov* using the ''RIMS'' link, select ''Docket#'' and follow the instructions (call 202–208–2222 for assistance). Comments, protests and interventions may be filed electronically via the Internet in lieu of paper. See, 18 CFR 385.2001(a)(1)(iii) and the instructions on the Commission's web site under the ''e-Filing'' link.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17668 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 9025–012 Washington]

Hancock Hydro Inc.; Notice of Availability of Draft Environmental Assessment

July 10, 2001.

In accordance with the National Environmental Policy Act of 1969 and the Federal Energy Regulatory Commission's (Commission) regulations, 18 CFR Part 380 (Order No. 486, 52 F.R. 47897), the Office of Energy Projects has reviewed the application for amendment of the license for the Hancock Creek Hydroelectric Project, located on Hancock Creek in King County, Washington, and has prepared a Draft Environmental Assessment (DEA) for the project. No federal lands are affected by this project.

The DEA contains the staff's analysis of the potential environmental impacts of modifications to the project and concludes that amending the license for the project, with appropriate environmental protective measures, would not constitute a major federal action that would significantly affect the quality of the human environment.

Copies of the DEA are available for review at the Commission's Public Reference Room, located at 888 First Street, N.E., Washington, D.C. 20426, or by calling (202) 208–1371. The DEA may be viewed on the web at *http://www.ferc.gov* (call (202) 208–2222 for assistance).

Any comments should be filed within 30 days from the date of this notice and should be addressed to David P. Boergers, Secretary, Federal Energy Regulatory Commission, 888 First Street, NE, Washington, D.C. 20426. Please affix Project No. 9025–012 to all comments. 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.gov.*

For further information, contact Kenneth Hogan at (202) 208–0434.

Linwood A. Watson, Jr.,

Acting Secretary.

[FR Doc. 01–17682 Filed 7–13–01; 8:45 am]

BILLING CODE 6717–01–P

FEDERAL COMMUNICATIONS COMMISSION

[Report No. 2495]

Petitions for Reconsideration and Clarification of Action in Rulemaking Proceeding

July 10, 2001.

Petitions for Reconsideration and Clarification have been filed in the Commission's rulemaking proceeding listed in this Public Notice and published pursuant to 47 CFR Section 1.429(e). The full text of these documents are available for viewing and copying in Room CY–A257, 445 12th Street, SW., Washington, DC or may be purchased from the Commission's copy contractor, ITS, Inc. (202) 857–3800. Oppositions to these petitions must be filed by July 31, 2001. See Section 1.4(b)(1) of the Commission's rules (47 CFR 1.4(b)(1)). Replies to an opposition must be filed within 10 days after the time for filing oppositions has expired.

Subject:

Federal-State Joint Board on Universal Service (CC Docket No. 96–45)

Multi-Association Group (MAG) Plan for Regulation of Interstate Services of Non-Price Cap Incumbent Local Exchange Carriers and Interexchange Carriers (CC Docket No. 00–256)

Number of Petitions Filed: 4.

Magalie Roman Salas,

Secretary.

[FR Doc. 01–17664 Filed 7–13–01; 8:45 am]

BILLING CODE 6712–01–M

FEDERAL DEPOSIT INSURANCE CORPORATION

Request for Comment on Study of Banking Regulations Regarding the Online Delivery of Banking Services

AGENCY: Federal Deposit Insurance Corporation (FDIC).

ACTION: Request for comment.

SUMMARY: The FDIC is reviewing its regulations regarding the delivery of financial services. The purpose of this review is to identify changes or additions to its regulations that would facilitate the use of new technologies by financial institutions. This Request for Comment solicits comment on issues arising from the electronic delivery of financial products and services.

DATES: Comments must be received by September 14, 2001.

ADDRESSES: Send written comments to Robert E. Feldman, Executive Secretary, Attention: Comments/OES, Federal Deposit Insurance Corporation, 550 17th Street, NW., Washington, DC 20429. Comments may be hand-delivered to the guard station at the rear of the 550 17th Street Building (located on F Street), on business days between 7 a.m. and 5 p.m. (facsimile number (202) 898–3838; Internet address: *comments@fdic.gov* <*mailto:comments@fdic.gov*>). Comments may be posted on the FDIC internet site at *http://www.fdic.gov/regulations/laws/federal/propose.html* and may be inspected and photocopied in the FDIC Public Information Center, Room 100, 801 17th Street, NW., Washington, DC 20429, between 9 a.m. and 4:30 p.m. on business days.

FOR FURTHER INFORMATION CONTACT: Jeffrey M. Kopchik, Senior Policy Analyst, Division of Supervision (202) 898–3872; or Robert A. Patrick, Counsel, Legal Division (202) 898–3757.

SUPPLEMENTARY INFORMATION:

Introduction

Section 729 of the Gramm-Leach-Bliley Act, Public Law 106–102 (GLBA), requires the FDIC, and other federal bank regulatory agencies, to review regulations regarding the delivery of financial services and report to Congress recommendations for adapting existing requirements to online banking and lending. The purpose of this Request for Comment is to invite public comment on issues regarding financial institutions' involvement in electronic banking, before submission of the Corporation's report to Congress. Public comment will help determine whether any FDIC regulations should be revised to remove regulatory impediments to financial institutions' use of new technologies. The FDIC also would like to know whether it should consider promulgating regulations that would facilitate financial institutions' use of new technologies. Based on the comments received, the FDIC, in its report to Congress, may identify possible revisions or additions to FDIC regulations or supervisory guidance.

Background

The application of new technologies to traditional banking products and services is dramatically altering the ways in which financial institutions conduct business. Advances in telecommunications provide financial institutions with faster and more efficient communication and data transmission. The Internet provides financial institutions with a vehicle to reach a global market area without an investment in ''brick and mortar'' offices. Developments in technology are causing financial institutions to reevaluate existing delivery channels and business practices, develop new products and services, and serve customers more efficiently.

Through the issuance of supervisory guidelines such as the Standards for Safeguarding Customer Information, 12 CFR part 364, Appendix B (66 FR 8616, Feb. 1, 2001) (FIL 22–2001, March 14, 2001), the FDIC is working to identify and educate banks about the risks presented by electronic banking and to ensure that its regulations appropriately address these risks.[1]

General Comments

Commenters are invited to submit comments and recommendations in connection with any of the following questions or any other issues relating to the FDIC's policies or procedures for supervising financial institutions' use of electronic delivery channels.

- Are there specific regulations the FDIC should modify because they impede the use of a new technology that would allow financial institutions to offer improved products or services in a more efficient manner and at a lower cost?
- Are there areas where financial institutions would benefit from additional clarification of rules or guidance concerning the risks associated with electronic banking activities?
- Are there specific areas in which regulatory changes are needed to enhance consumer acceptance of, confidence in, or access to, electronic banking?

[1] The FDIC issued electronic banking examination procedures in January 1997 and implemented an electronic banking subject matter expert program in April 1997. The Division of Supervision created an Electronic Banking Branch to focus attention on electronic banking supervisory issues in September 2000. In addition, the FDIC has issued a variety of written guidance concerning risks and appropriate procedures for electronic banking. See *e.g.,* FIL 81–2000, Risk Management of Technology Outsourcing (November 29, 2000); FIL 77–2000, Bank Technology Bulletin, Internet Domain Names (November 9, 2000); FIL 72–2000, Electronic Signature in Global and National Commerce Act (November 2, 2000); FIL 67–2000, Security Monitoring of Computer Networks (October 3, 2000); FIL 63–2000, Online Banking (September 21, 2000); FIL 131–97, Security Risks Associated with the Internet (December 18, 1997).

Hyperlinking

The Internet has made it possible for financial institutions and non-financial commercial enterprises to partner in ways that may not be apparent to customers visiting a web site. For example, a financial institution's web site may include hyperlinks that transfer the customer to the web sites of one or more non-financial institutions. These other web sites may provide non-financial information or sell non-financial products or services. Sites differ in the degree to which they inform a person that products or services accessible through the selection of a hyperlink are, or are not, offered, sponsored, or endorsed by the bank, which may be confusing to site visitors.

• Should the FDIC promulgate a regulation or publish guidance setting forth standards for state nonmember banks concerning the use of hyperlinks?

• Are there technology solutions to address these issues?

Physical Location

Internet banking raises issues with respect to how the FDIC should interpret existing laws and regulations that reference geographic terms or rely on concepts of physical presence. For example, the definition of ''branch'' contained in § 303.41(a) of the FDIC's regulations (12 CFR 303.41(a)) assumes the existence of a building permanently or temporarily located at a specific physical location. It does not address banking transactions conducted over the Internet where the consumer and a bank representative do not meet face to face. *See* 12 CFR part 303, subpart C.

• Does reliance on these terms and concepts create an impediment to financial institutions conducting operations on the Internet? If so, how should the FDIC clarify its regulations?

• Are there other instances in which online banking or lending would benefit from a clarification of references to physical location in FDIC regulations? If so, how should the FDIC address those instances?

Appraisals

Certain loans must be supported by written real estate appraisals performed in accordance with uniform standards, supported by the presentation and analysis of relevant market information. *See* 12 CFR part 323.

• Would online lending benefit from any clarification of the FDIC's application of this regulation in terms of what constitutes a written appraisal, or the presentation of relevant market information. If so, what clarifications should the FDIC make to facilitate the use of appraisals in electronic form?

• What types of controls regarding authentication of an electronic appraisal, certification of the appraiser, or other standards would be appropriate to assure authenticity and integrity in connection with filing electronic appraisals?

Electronic Signatures

The Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001, *et seq.* (E-Sign Act), provides that contracts and signatures with respect to any transaction affecting interstate commerce may not be denied validity solely because they are in electronic form. The E-Sign Act also provides that records of such contracts may be maintained in electronic form, subject to certain requirements, *i.e.*, they must accurately reflect the information in the contract, be accessible to all persons who are entitled to access them, and be capable of being accurately reproduced for later reference.

• Should the FDIC promulgate regulations or publish guidance setting forth standards for the use of electronic signatures and records? *See* 15 U.S.C. 7004.

By order of the Board of Directors.

Dated at Washington, DC, this 10th day of July, 2001.

Federal Deposit Insurance Corporation.

Robert E. Feldman,

Executive Secretary.

[FR Doc. 01–17666 Filed 7–13–01; 8:45 am]

BILLING CODE 6714–01–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1370–DR]

Minnesota; Amendment No. 6 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 declaration for the State of Minnesota, (FEMA–1370–DR), dated May 16, 2001, and related determinations.

EFFECTIVE DATE: June 26, 2001

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–5920.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Minnesota is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 16, 2001:

Dodge, Faribault, and Isanti Counties for Public Assistance.

Beltrami County for Public Assistance (already designated for Individual Assistance).

McLeod and Pope Counties for Individual Assistance (already designated for Public Assistance).

(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,

Assistant Director, Readiness, Response and Recovery Directorate.

[FR Doc. 01–17642 Filed 7–13–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1384–DR]

Oklahoma; 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 Oklahoma (FEMA–1384–DR), dated June 29, 2001, and related determinations.

EFFECTIVE DATE: June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–5920.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated June 29, 2001, the President declared a major disaster under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 USC 5121, as follows:

I have determined that the damage in certain areas of the State of Oklahoma, resulting from severe storms, flooding, and tornadoes on May 27–30, 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 USC 5121 (Stafford Act). I, therefore, declare that such a major disaster exists in the State of Oklahoma.

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 Public Assistance in the designated areas, Hazard Mitigation throughout the State, and any other forms of assistance under the Stafford Act you may deem appropriate. 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.

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 Joe D. Bray 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 Oklahoma to have been affected adversely by this declared major disaster:

The counties of Alfalfa, Atoka, Beaver, Beckham, Blaine, Bryan, Caddo, Canadian, Carter, Choctaw, Cimarron, Coal, Comanche, Cotton, Custer, Dewey, Ellis, Garfield, Garvin, Grady, Harper, Haskell, Jackson, Jefferson, Johnston, Kingfisher, Kiowa, Latimer, LeFlore, Love, Major, Marshall, McClain, McCurtain, Murray, Muskogee, Okmulgee, Pushmataha, Roger Mills, Stephens, Texas, Tillman, Washita, and Woodward for Public Assistance.

All counties within the State of Oklahoma 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. 01–17643 Filed 7–13–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

[FEMA–1369–DR]

Wisconsin; Amendment No. 6 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 declaration for the State of Wisconsin, (FEMA–1369–DR), dated May 11, 2001, and related determinations.

EFFECTIVE DATE: June 29, 2001.

FOR FURTHER INFORMATION CONTACT: Madge Dale, Readiness, Response and Recovery Directorate, Federal Emergency Management Agency, Washington, DC 20472, (202) 646–5920.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Wisconsin is hereby amended to include the following areas among those areas determined to have been adversely affected by the catastrophe declared a major disaster by the President in his declaration of May 11, 2001:

Calumet and Rusk Counties for Individual Assistance (already designated for Public Assistance).

(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,

Assistant Director, Readiness, Response and Recovery Directorate.

[FR Doc. 01–17641 Filed 7–13–01; 8:45 am]

BILLING CODE 6718–02–P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR Part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 9, 2001.

A. Federal Reserve Bank of St. Louis (Randall C. Sumner, Vice President) 411 Locust Street, St. Louis, Missouri 63166–2034:

1. First Bank, Inc., St. Louis, Missouri and First Banks America, Inc., St. Louis, Missouri; to acquire 100 percent of the voting shares of Charter Pacific Bank, Agoura Hills, California.

B. Federal Reserve Bank of Kansas City (Susan Zubradt, Assistant Vice President) 925 Grand Avenue, Kansas City, Missouri 64198–0001:

1. Stamford Banco, Inc., Stamford, Nebraska; to acquire and additional 16.7 percent, for a total of 33.32 percent, of the voting shares of First Gothenburg Bancshares, Inc., Gothenburg, Nebraska, and thereby indirectly acquire First State Bank, Gothenburg, Nebraska.

Board of Governors of the Federal Reserve System, July 10, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–17647 Filed 7–13–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The applications listed below, as well as other related filings required by the Board, are available for immediate inspection at the Federal Reserve Bank indicated. The application also will be available for inspection at the offices of the Board of Governors. Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)). If the proposal also involves the acquisition of a nonbanking company, the review also includes whether the acquisition of the nonbanking company complies with the standards in section 4 of the BHC Act (12 U.S.C. 1843). Unless otherwise noted, nonbanking activities will be conducted throughout the United States. Additional information on all bank holding companies may be obtained from the National Information Center website at www.ffiec.gov/nic/.

Unless otherwise noted, comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors not later than August 10, 2001.

A. Federal Reserve Bank of Atlanta (Cynthia C. Goodwin, Vice President) 1000 Peachtree Street, NE., Atlanta, Georgia 30309–4470:

1. Medley Group, Inc., Dothan, Alabama; to become a bank holding company by acquiring 100 percent of the nonvoting shares of Bonifay Holding Company, Inc., Bonifay, Florida, and thereby indirectly The Bank of Bonifay, Bonifay, Florida.

B. Federal Reserve Bank of Chicago (Phillip Jackson, Applications Officer) 230 South LaSalle Street, Chicago, Illinois 60690–1414:

1. First Financial Corporation, Terre Haute, Indiana; to merge with Community Financial Corp., Olney, Illinois, and thereby indirectly acquire Community Bank and Trust, National Association, Olney, Illinois.

Board of Governors of the Federal Reserve System, July 11, 2001.

Robert deV. Frierson,

Associate Secretary of the Board.

[FR Doc. 01–17714 Filed 7–13–01; 8:45 am]

BILLING CODE 6210–01–S

FEDERAL TRADE COMMISSION

Public Conference: Factors That Affect Prices of Refined Petroleum Products

AGENCY: Federal Trade Commission.

ACTION: Notice announcing public conference and opportunity for public comment.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') will hold an initial public conference on August 2, 2001, to examine issues concerning prices of refined petroleum products in the United States. The Commission intends to solicit information and views relevant to the major factors affecting prices of refined products, and the relative importance of such factors. The Commission will hear from all interested parties—including consumer groups, industry participants, and independent experts—to identify issues that merit in-depth study in public hearings to be held later this year. Interested parties are invited to attend or to submit written presentations.

DATES: The public conference will be held on August 2, 2001. It will be open to the public, without fee, and advance registration is not required. Seats in the conference room will be available on a first-come, first-served basis; limited overflow seating will be available to view the conference via closed-circuit television. Because of the limited time available before the conference, written presentations may be submitted by September 14, 2001.

ADDRESSES: The initial public conference will be held in Room 432 of the Federal Trade Commission Headquarters Building, 600 Pennsylvania Avenue, N.W., Washington, D.C. 20580. All interested parties are invited to attend. Any interested party may submit a written presentation relevant to the Commission's inquiry; such presentations should be submitted on or before September 14, 2001. To facilitate efficient review of public presentations, each public presentation should if possible be filed in electronic form (as a WordPerfect, Word, or ASCII text file), by attaching it to an email message sent to the following email box: refinedpetroleumproducts@ftc.gov. The email message to which the presentation is attached should include the caption ''Presentation on Factors that Affect Prices of Refined Petroleum Products;'' the name of the presenter; and the name and version of the word processing program used to create the comment. Presentations which are instead filed in paper form should include the same caption and the name of the presenter, and should be addressed to Donald S. Clark, Office of the Secretary, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Washington, DC 20580.

FOR FURTHER INFORMATION CONTACT: James Mongoven, Office of Policy and Evaluation, Bureau of Competition, Federal Trade Commission, 600 Pennsylvania Avenue, NW., Room 390, Washington, DC 20580; (202) 326–2879 (telephone); *jmongoven@ftc.gov.* (email). A detailed agenda and additional information relating to the public conference will be posted on the Commission's website, *http://www.ftc.gov,* in advance of the conference.

SUPPLEMENTARY INFORMATION: The level and volatility of prices of refined petroleum products have resulted in increased public concern. Both crude oil and refined petroleum products prices have been volatile in recent years, including occasional price spikes that have brought prices to high levels. In addition, the oil industry has experienced substantial restructuring through mergers and joint ventures in the 1990s.

The Commission has longstanding expertise and authority with respect to the oil and refined petroleum products industries. For example, the Commission has recently concluded two investigations into gasoline prices on the West Coast and in a number of Midwestern states. The Commission has also conducted antitrust investigations of a number of recent oil industry mergers, and issued orders requiring substantial divestitures in several cases to preserve competition.

Because of the importance to the American economy of issues raised in these investigations, the Commission plans to broaden its focus beyond law enforcement and to study in more detail the central factors that can affect the level and volatility of refined petroleum products prices throughout the United States.

This public conference will be the first step in soliciting information from interested parties that will assist the Commission in structuring later hearings to focus in a comprehensive manner on the most relevant and important issues. During this initial

conference, participants will be asked to assist in identifying the issues that they find to be the most significant and that merit further study by the Federal Trade Commission.

The Commission anticipates that participants in the initial conference will focus on domestic and international aspects of some or all of the following areas: (1) The supply of crude oil, including exploration, production, importation, and transportation of crude oil; (2) the refining of fuel products and the importation of refined products; (3) the transportation of refined petroleum products; (4) the marketing and distribution of refined petroleum products; and (5) other factors that participants believe may be of interest to the Commission. Due to the expected high level of interest in this inquiry, participants will be limited to brief presentations, with questions and discussion to follow.

The Commission anticipates that the information gathered at this initial conference, and studied in greater depth at the later hearings, will lead to insights of importance to public policy concerning the level and volatility of prices of refined petroleum products, which the Commission expects to summarize and discuss in a public report.

By direction of the Commission.

Donald S. Clark,

Secretary.

[FR Doc. 01–17684 Filed 7–13–01; 8:45 am]

BILLING CODE 6750–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Office of Public Health and Science; Office of Disease Prevention and Health Promotion

AGENCY: Office of Public Health and Science, Office of Disease Prevention and Health Promotion, HHS.

ACTION: Notice of availability of funds and request for applications for the Healthy People 2010 Community Implementation Program.

SUMMARY: The Office of Disease Prevention and Health Promotion announces the availability of fiscal year (FY) 2001 funds for a competitive cooperative agreement with one or more organizations to manage and support one or more two-year pilots of the Healthy People 2010 Community Implementation Program to study the efficacy of microfinance to support Healthy People 2010 implementation activities by community-based organizations. The goal of this program is to provide very small amounts of money to a wide variety of local, community-based organizations to assist them in conducting one or more activities related to Healthy People 2010 and the Leading Health Indicators. Approximately $500,000 to $700,000 is available in first-year funds for creation and promotion of a program for distributing very small grants (no more than $2,010 per organization) to multiple community-based organizations from one or more predefined, geographic areas; for the coordination of solicited applications from community-based organizations; for administration of the selection process; and for evaluation of the project with the aim of developing a model to be used for national replication. This award will begin on or about September 30, 2001 for a 12-month budget period with a project period of 2 years. Funding estimates may vary and are subject to change. Continuation awards within the project period will be made on the basis of satisfactory progress and availability of funds. The OMB Catalog of Federal Domestic Assistance number for the National Health Promotion Program is 93.990.

SUPPLEMENTARY INFORMATION: The Office of Disease Prevention and Health Promotion (ODPHP) uses cooperative agreements with public and non-profit organizations to support its mandate to provide leadership to promote health and prevent disease among Americans through management and coordination of the implementation of Healthy People 2010, the nation's health objectives for this decade. Through cooperative agreements, ODPHP has forged public-private partnerships to extend the reach and effectiveness of its work. For a copy of Healthy People 2010, visit the Internet site: *http://www.health.gov/healthypeople*.

ODPHP intends to provide financial assistance in the range of $500,000 to $700,000 to one or more successful grantees to plan and administer one or more competitive grant programs for community-based organizations who demonstrate an interest in conducting Healthy People 2010 implementation activities at the local level and to pilot this program over two years in a defined geographic region with the intent of developing recommendations that will form the basis of a national program. The purpose of this program is to provide ''seed money'' to local, non-profit organizations to begin or continue programs designed to increase the quality and years of healthy life and/or to eliminate health disparities through the implementation of one or more Healthy People 2010 objectives or the Leading Health Indicators at the community level. This cooperative agreement is intended to encourage community health promotion efforts and link them to the larger, national health agenda that is described by Healthy People 2010. By developing catalysts in communities whose aim is to improve the quality of life of residents, we make progress toward improving the quality of life for the entire nation. The successful grantee will: design the program; advertise availability of funds; coordinate distribution of announcements; develop, distribute, receive and screen applications; arrange for the transfer of funds (the balance of the total grant award) to community-based projects with successful applications; design and implement a basic program evaluation component as described below; and develop recommendations and a model for national implementation of the program at the end of the two-year period.

Submission Information

Applications for this announcement shall be submitted to Ms. Karen Campbell, Grants Management Officer, Division of Management Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852. Send the original and 2 copies of the complete application to this address.

Application Deadline

To receive consideration, applications must be received by August 15, 2001. Applications will be considered as meeting the deadline if they are: (1) Received on or before the deadline date, or (2) postmarked by the U.S. Postal Service on or before the deadline date and received in time for orderly processing. A legibly dated receipt from a commercial carrier such as FedEx will be accepted in lieu of a postmark. Private metered postmarks will not be accepted as proof of timely mailing. Applications hand-carried by applicants or by applicant couriers shall be considered as meeting an announced deadline if they are received on or before the deadline date between the hours of 9 am to 5 pm at the address indicated above. Applications submitted by facsimile transmission (FAX) or any other electronic format will not be accepted. Applications which do not meet the deadline will be considered late and will be returned to the applicant unread.

Application Kit

For this cooperative agreement, Form PHS 5161–1 (Revised July, 2000 and approved by OMB under Control Number 0937–0189) must be used. An applicant is advised to pay close attention to the specific program guidelines and general instructions provided in the application kit. To get an application kit, write to: Ms. Karen Campbell, Grants Management Officer, Division of Management Operations, Office of Minority Health, Rockwall II Building, Suite 1000, 5515 Security Lane, Rockville, MD 20852; or call Karen Campbell at (301) 594–0758.

FOR FURTHER INFORMATION CONTACT: Ms. Sally Jones, Administrative Officer, Office of Disease Prevention and Health Promotion, Hubert H. Humphrey Building Room 738–G, 200 Independence Avenue, SW., Washington, DC 20201, (202) 260–7654.

Authority

This program is authorized under section 301 and sections 1701 through 1704 of the Public Health Service Act, as amended, 42 U.S.C. 241 and 42 U.S.C. 300u through 300u–3.

Eligible Applicants

To qualify for funding, an applicant must be a non-profit organization with a history of addressing health and human services or public health issues. The successful applicant must have a strong knowledge of disease prevention and health promotion policy and programs; must have an understanding of the Healthy People program and formulation and management of national health goals and objectives; must have demonstrated the ability to work with and obtain information from both community-based and public organizations in the health sector; must have demonstrated program evaluation experience; must have capacity to promote and manage this program in a defined geographic area; and must share the vision of the value of the microfinance approach to stimulate health promotion activities in communities.

Availability of Funds

About $500,000 to $700,000 is expected to be available for award in FY 2001, funding one or more cooperative agreements. It is expected that this award will begin on or about September 30, 2001 and will be made for a 12-month budget period with a project period of up to two years. Funding estimates may change. It is expected that the successful grantee will make at least 100 awards to widely diverse community-based organizations, with an amount of no more than $2,010 per award.

Use of Funds

Funds cannot be used for construction or renovation, to purchase or lease vehicles or vans, to purchase a facility to house project staff or carry out project activities, or to substitute new activities and expenditures for current ones.

Project Requirements

Recipient Responsibilities

1. The successful applicant(s) will widely advertise and solicit proposals in a particular geographic region of the nation from community-based organizations providing health promotion and disease prevention activities for the purpose of increasing progress toward the achievement of Healthy People 2010 objectives and the Leading Health Indicators at the local level. A key responsibility is making the program known to as wide a range of groups as possible.

2. The successful applicant(s) will provide funding to selected community-based organizations in their particular geographic region to implement Healthy People 2010 at the local level. Recipients could include community service or civic organizations; groups focused on specific populations such as youth, the elderly, minorities or the medically under-served; faith-based organizations; public health service groups, or any other relevant non-profit organization. The selected organizations must:

- Be a preexisting organization with a history of providing public health activities in the local community;
- Focus their project activities on one or more Healthy People 2010 objectives or Leading Health Indicators.

Priority will be given to collaborations of three or more organizations.

3. The successful applicant(s) will establish a management team to execute the Healthy People 2010 Community Implementation Program.

4. The successful applicant(s) will establish a 9 member advisory board, comprised of experts in community-based public health, which will provide guidance and technical advice solely to the cooperative agreement management team. This board will review and approve criteria and design plans before the pilot is implemented in the first year.

5. The successful applicant(s) will convene a meeting with the Advisory Board at least once a year thereafter.

6. The successful applicant(s) will require a one-page written summary of activities from each funded institution and will conduct site visits to at least 5 percent of funded institutions to ensure compliance with the intent of the program.

7. The successful applicant(s) will initiate an evaluation of the overall project at the end of the first year, which will be completed by the end of the second year.

8. The applicant will submit a report on the overall project at the end of the second year that provides recommendations for project design and implementation and details a national model that can be used to replicate the program across the country.

ODPHP Responsibilities

Substantial programmatic involvement is as follows:

1. ODPHP will provide technical assistance and oversight as necessary for the overall design and implementation of the Healthy People 2010 Community Implementation Program.

2. ODPHP will participate in the development of, and ultimately approve, evaluation criteria for the selection and funding of the applications.

3. ODPHP will have final approval of the Advisory Board membership.

4. ODPHP will provide assistance to the management team on program strategies, direction, evaluation activities, and decisions related to adjustments in funding levels of participating institutions.

5. ODPHP will participate in site visits to the participating projects as deemed appropriate.

Review of Applications

Applications that are not complete or that do not conform to or address the criteria of the announcement will be returned without comment. Each organization may submit no more than one proposal under this announcement. Organizations submitting more than one proposal will be deemed ineligible. The proposals will be returned without comment. Accepted applications will be reviewed for technical merit in accordance with PHS policies. Applications will be evaluated by an Objective Review Panel. Panel members are chosen for their expertise in community-based public health and their understanding of health promotion and disease prevention issues at the national and local levels. Applications should be no more than 30 pages in length, excluding resumes and organizational background material.

Application Review Criteria

The technical review of applications will consider the following 5 generic factors:

(1) Project Approach and Activities (30 points)

The proposed objectives in the work plan relate to the goal to increase the quality and years of healthy life and/or to eliminate health disparities through implementation of Healthy People 2010 at the local level through the engagement of community-based organizations addressing public health issues. Each work plan describes:

- Measurable or quantifiable results or outcomes;
- How the results or outcomes relate to the project goals;
- How the project can be accomplished with the available or expected resources during the project period;
- How the main activities will be accomplished;
- Which staff will conduct the specific project activities;
- How the criteria for selection of funded organizations will be developed and applied;
- How the application for community-based organizations will be developed, distributed, promoted, processed, and screened;
- How to ensure selected organizations link their projects to Healthy People 2010 objectives and/or the Leading Health Indicators;
- How to promote awareness of this program to nontraditional groups, especially local community-based organizations;
- How to ensure diversity of projects funded by type and subject; and
- How to ensure broad distribution of projects within the target population and/or region.

(2) Project Evaluation (20 points)

Clarity of the intent and plans to document the activities and their outcomes;

Feasibility and appropriateness of evaluation design;

Ability to share and disseminate project results widely;

Demonstration of innovative approaches for evaluating microfinancing in public health;

Preliminary indications of potential for replication of the project on a national level for communities; and

Described approach for final project report that focuses on expanding the project nationally and replicating best practices.

(3) Organizational Capabilities/ Qualifications (20 points)

The management and administrative structure of the applicant's ability to manage a project of the proposed scope is well defined. The application clearly demonstrates the successful management of projects of similar scope by the organization and or by the individual and/or team designated to manage the project. The organization's active involvement in community-based public health is demonstrated.

Position descriptions and/or resumes of key personnel, including those of consultants, are presented. The position descriptions and/or resumes relate specifically to the staff proposed in the proposed approach and in the proposed budget of the application. Position descriptions clearly describe the position and its duties and clearly relate to the personnel staffing required to achieve the project objectives. Resumes demonstrate that the proposed staff are qualified to carry out the proposed activities. Either the position descriptions or the resumes contain the qualifications, and/or specialized skills, necessary for overall quality management of the project. Resumes must be included if individuals have been identified for positions in the application.

(4) Background and Goals (15 points)

Demonstrated knowledge of health promotion and disease prevention objectives and issues at the local and national levels;

Demonstrated need within the proposed target population;

Demonstrated ties to the community;

Demonstrated support and established linkages in order to conduct proposed model;

Extent and documented outcome of past efforts/activities with the target population;

Description of stated priorities and goals in the targeted region or population proposed; and

Proposed number and type of community-based organizations the grantee plans to target.

(5) Budget (15 points)

A detailed and fully explained budget is provided which:

- Justifies each line item, with a well-written justification, in the budget categories of the application;
- Includes and justifies sufficient cost and other necessary details to facilitate the determination of cost allowability and the relevance of these costs to the proposed project;
- Requests funds which are appropriate and necessary for the scope of the proposed project; and
- Demonstrates administrative efficiency and value which allows for the maximizing of resources available to the selected, community-based organizations.

Reporting and Other Requirements

General Reporting Requirements

A successful applicant under this notice will submit: (1) Quarterly progress reports; (2) an annual Financial Status Report; and (3) a final progress report and Financial Status Report in the format established by ODPHP, in accordance with provisions of the general regulations which apply under ''Monitoring and Reporting Program Performance,'' 45 CFR 74.51— 74.52, with the exception of State and local governments to which 45 CFR part 92, Subpart C reporting requirements apply.

Provision of Smoke-Free Workplace and Non-Use of Tobacco Products by Recipients of PHS Grants

The PHS strongly encourages all grant recipients to provide a smoke-free workplace and to promote the non-use of all tobacco products. In addition, Public Law 103–227, the Pro-Children Act of 1994, prohibits smoking in certain facilities (or in some cases, any portion of a facility) in which regular or routine education, library, day care, health care or early childhood development services are provided to children.

Public Health System Reporting Requirements

This program is subject to Public Health System Reporting Requirements. Under these requirements, a community-based nongovernmental applicant must prepare and submit a Public Health System Impact Statement (PHSIS). The PHSIS is intended to provide information to State and local health officials to keep them apprised of proposed health services grant applications submitted by community-based organizations within their jurisdictions.

Community-based nongovernmental applicants are required to submit, no later than the Federal due date for receipt of the application, the following information to the head of the appropriate State and local health agencies in the area(s) to be impacted: (a) A copy of the face page of the application (SF 424), and (b) a summary of the project (PHSIS), not to exceed one page, which provides: (1) A description of the population to be served, (2) a

summary of the services to be provided, and (3) a description of the coordination planned with the appropriate State or local health agencies. Copies of the letters forwarding the PHSIS to these authorities must be contained in the application materials submitted to the Office of Disease Prevention and Health Promotion.

State Reviews

This program is subject to the requirements of Executive Order 12372 which allows States the option of setting up a system for reviewing applications from within their States for assistance under certain Federal programs. The application kit available under this notice will contain a list of States which have chosen to set up a review system and will include a State Single Point of Contact (SPOC) in the State for review. Applicants (other than federally recognized Indian tribes) should contact their SPOCs as early as possible to alert them to the prospective applications and receive any necessary instructions on the State process. For proposed projects serving more than one State, the applicant is advised to contact the SPOC of each affected State. The due date for State process recommendations is 60 days after the application deadline established by the Office of Disease Prevention and Health Promotion's Acting Grants Management Officer. The Office of Disease Prevention and Health Promotion does not guarantee that it will accommodate or explain its responses to State process recommendations received after that date. (See ''Intergovernmental Review of Federal Programs'' Executive Order 12372 and 45 CFR part 100 for a description of the review process and requirements).

Dated: July 3, 2001.

Randolph F. Wykoff,

Deputy Assistant Secretary for Health (Disease Prevention and Health Promotion), Director, Office of Disease Prevention and Health Promotion.

[FR Doc. 01–17696 Filed 7–13–01; 8:45 am]

BILLING CODE 4150–32–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Agency for Toxic Substances and Disease Registry

Community and Tribal Subcommittee of the Board of ScientificCounselors, Agency for Toxic Substances and Disease Registry: Meeting

In accordance with section 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463), the Agency for Toxic Substances and Disease Registry (ATSDR) announces the following subcommittee and committee meetings.

Name: Community and Tribal Subcommittee.

Times and Dates: 9 a.m.–5 p.m., July 27, 2001; 8:30 a.m.–4:30 p.m., July 28, 2001.

Place: Reno Hilton Hotel, 2500 E. Second Street, Reno Nevada 89595.

Status: Open to the public, limited by the available space.

The meeting room accommodates approximately 50 people.

Purpose: This subcommittee brings to the Board advice, citizen input, and recommendations on community and tribal programs, practices, and policies of the Agency.

Matters to be Discussed: Agenda items include a discussion of the ATSDR draft document ''Public Health Reviews of Hazardous Waste Thermal Treatment Technologies;'' an update on Action Items and Recommendations; an update by the CTS on the Task Force progress report and interactive session, and a discussion on the future activities of the Task Force.

Written comments are welcomed and should be received by the contact person listed below prior to the opening of the meeting.

Agenda items are subject to change as priorities dictate.

Contact Person For More Information: Robert Spengler, Executive Secretary, BSC, ATSDR contact, ATSDR, M/S E–28, 1600 Clifton Road, NE, Atlanta, Georgia 30333, telephone 404/498–0003.

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 ToxicSubstances and Disease Registry.

Dated: July 10, 2001.

John Burckhardt,

Acting Director, Management Analysis and Services Office, Centers for Disease Control and Prevention.

[FR Doc. 01–17659 Filed 7–13–01; 8:45 am]

BILLING CODE 4163–70–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[Program Announcement 01153]

Expansion of Prevention, Care and HIV/AIDS Surveillance With the Ministry of Public Health, Kingdom of Thailand; 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 with the Kingdom of Thailand, Ministry of Public Health (MOPH) for the improvement and expansion of prevention activities, care and surveillance, and targeting HIV/AIDS and HIV/AIDS-related conditions in Thailand.

The purpose of this cooperative agreement is to improve and expand in Thailand: (1) HIV transmission prevention capacity (e.g., MTCT, heterosexual, homosexual, and blood-borne), (2) care and support services for persons living with HIV/AIDS (e.g., psychosocial support, enhancing opportunistic infection prevention and treatment, and monitoring use of antiretroviral drugs), and (3) surveillance efforts, including laboratory-based surveillance activities (e.g., STDs, TB and other opportunistic infections, and drug-resistant HIV strains), which will be accomplished through cooperation between CDC and the Thai MOPH.

The U.S. Government seeks to reduce the impact of HIV/AIDS and related conditions in specific countries within sub-Saharan Africa, Asia, and the Americas through its Leadership and Investment in Fighting an Epidemic (LIFE) initiative. Through this program, CDC has initiated its Global AIDS Program (GAP) to strengthen capacity and expand activities in the areas of (1) HIV primary prevention; (2) HIV care, support, and treatment; and (3) capacity and infrastructure development, especially for surveillance. Targeted countries represent those with the most severe epidemics and the highest number of new infections. They also represent countries where the potential for impact is greatest and where U.S. Government agencies are already active. Thailand is one of these targeted countries.

To carry out its activities in these countries, CDC is working in a collaborative manner with national

governments and other agencies to develop programs of assistance to address the HIV/AIDS epidemic. CDC's program of technical assistance to Thailand focuses on several areas including strengthening surveillance and laboratory measures, scaling up promising prevention and care strategies, supporting behavior change communication projects, promoting technology transfer, and other capacity building efforts.

Thailand is experiencing one of Asia's most severe AIDS crises. As of the end of 1999, it was estimated that approximately 755,000 adults and children were living with HIV/AIDS in Thailand. In 1999, nearly 66,000 adults and children died of AIDS. Since the beginning of the epidemic, 75,000 children have been orphaned as a result of AIDS. Cumulative reported AIDS cases through 2000 (n = 160,350) demonstrate that sexual transmission accounts for the majority of cases (83 percent). Vertical transmission (mother to child) and transmission through injecting drug use each account for about five percent. In seven percent of AIDS cases, information about transmission is incomplete or unknown. The rising number of symptomatic HIV patients is posing an increasing burden for hospitals in Thailand-especially in the northern part of the country.

Internationally, Thailand is considered a model in the developing world for the implementation of timely and effective HIV/AIDS policies and programs. Thailand's National AIDS Program began in 1987, and was strongly endorsed by the Prime Minister, who chaired the National AIDS Committee to coordinate Program efforts. Three key accomplishments of the Program are noted here: (1) In 1990–91, in response to rising HIV prevalence among brothel-based CSWs (from three percent in 1989 to 15 percent in 1991) and male military conscripts (five-tenths percent in 1989 to three percent in 1991), the Thai government launched a multi-sectoral nationwide campaign to reduce HIV transmission. Key elements of the plan included expanded sexually transmitted diseases (STD) treatment, a mass media information campaign and a program to promote universal and consistent condom use in commercial sex ''100 percent Condom Programme''. As a result of these efforts, utilization of commercial sex declined, condom use in commercial sex increased, STD cases dropped, and the prevalence of HIV among army conscripts decreased by more than half. The World Bank estimates that since 1993, behavior change and condom use have prevented an estimated 200,000 new HIV infections in Thailand. (2) Since the early 1990's, voluntary counseling and testing (VCT) for all pregnant women has been progressively implemented throughout Thailand. To reduce maternal to child transmission (MTCT) of HIV, Thailand began in year 2000 a national program to provide HIV infected pregnant women a short regimen of AZT before and during delivery, AZT syrup for the child, and a one-year supply of infant formula. Initial results from earlier pilot programs demonstrated a reduction in vertical transmission rates from 30 percent to seven to eight percent. (3) Another major Thai accomplishment has been in ensuring the safety of the blood supply. The estimated rate of HIV transmission through blood products in Thailand is 1 in 80,000 transfusions—one of the lowest rates in any developing country. The Ministry of Public Health made HIV screening of all blood units mandatory in 1989 and has, through screening, discouraged high risk donors from donating.

However, despite these and others interventions, the World Bank estimates that 29,000 people in Thailand were newly infected with HIV in the year 2000 (25,000 adults and 4,000 children). Roughly half of the new adult infections occurred among women infected by their husbands, or sex partners, one-quarter were found among injection drug users (IDUs), about twenty percent were among sex workers and their clients, and five percent among other groups. Without appropriate intervention, it is estimated that the proportion of HIV infections related to injection drug use, either directly (e.g., sharing injection equipment between IDUs) or indirectly (i.e., sex partner of an IDU), will rise to some 40 percent of all new infections by 2005.

The Thai MOPH has a well-functioning, national HIV sero-surveillance system. Groups tested include blood donors, antenatal clinic attendees, IDUs, male STD clinic patients, and female sex workers in brothels ''direct'' sex workers as well as those in massage parlors and other places ''indirect'' sex workers. Surveillance needs to be strengthened to include behavioral surveillance among special populations such as IDUs and indirect sex workers engaging clients in new venues, and expanded, especially among youth, to include sexually active adolescents who are still attending school, and who are out of school. In addition, monitoring and evaluation activities to assess the impact of care and support programs for persons living with HIV/AIDS is urgently needed. Such activities should include enhanced surveillance for tuberculosis (TB) and other opportunistic infections, and monitoring the increasing use of antiretroviral drugs and the likely emergence of drug resistant HIV strains.

These collaborative activities could profoundly impact the scope and intensity of the implementation the National AIDS Policy. Cooperative efforts could lead to significant improvements in the collection of critical data to support future action, a better understanding of the association between specific behaviors and HIV prevalence, improved and more responsive systems of care, and strengthened aspects of the public health infrastructure. Since 1990, CDC has had a strong collaboration with the Thai MOPH to conduct research and related activities on HIV infection and AIDS in Thailand in order to improve understanding of the disease and provide a scientific basis for the development of public health actions. The collaboration seeks to broaden its mission to include the LIFE Initiative activities outlined in this program.

B. Eligible Applicants

Assistance will be provided only to the MOPH, Kingdom of Thailand. No other applications are solicited.

The MOPH is the only appropriate and qualified organization to fulfill the requirements set forth in this announcement for the following reasons:

1. The MOPH is directly responsible for the implementation, monitoring and evaluation of population-based HIV/AIDS prevention and care policies and services.

2. The MOPH is uniquely positioned-in terms of constitutional authority, mandate and ability-to oversee and safeguard public health, and to collect and analyze information and disseminate surveillance and health system performance reports related to the prevalence and incidence of HIV/AIDS, HIV/AIDS-related conditions and other health issues.

3. The MOPH has in place the central, provincial and district-based structures required to immediately engage in the activities listed in this announcement.

C. Availability of Funds

Approximately $1,500,000 is available in FY 2001 to fund this agreement. 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 five years. Annual funding estimates may change.

Continuation awards within the approved project period will be made on the basis of satisfactory progress as

evidenced by required reports and the availability of funds.

All requests for funds, including the budget contained in the application, shall be stated in U.S. dollars. Once an award is made, the Department of Health and Human Services (DHHS) will not compensate foreign grantees for currency exchange fluctuations through the issuance of supplemental awards.

No funds appropriated under this Act shall be used to carry out any program of distributing sterile needles or syringes for the hypodermic injection of any illegal drug.

Use of Funds

Funds received from this announcement may not be used for the direct purchase of antiretroviral drugs for treatment of established HIV infection (with the exception of nevirapin in PMTCT cases and with prior written approval), occupational exposures, and non-occupational exposures and will not be used for the purchase of machines and reagents to conduct the necessary laboratory monitoring for patient care.

Applicants may contract with other organizations under these cooperative agreements, however, applicants must perform a substantial portion of the activities (including program management and operations) and delivery of prevention services for which funds are requested.

The costs that are generally allowable in grants to domestic organizations are likewise allowable to foreign institutions and international organizations, with the following exceptions:

1. *Alterations and Renovations:* Unallowable.

2. *Customs and Import Duties:* Unallowable. This includes consular fees, customs surtax, value added taxes, and other related charges.

3. *Indirect Costs:* With the exception of the American University, Beirut, the Gorgas Memorial Institute, and the World Health Organization, indirect costs will not be paid (either directly or through a sub-award) to organizations located outside the territorial limits of the United States or to international organizations regardless of their location.

D. Program Requirements

In conducting activities to achieve the purpose of this program, the recipient will be responsible for the activities under 1. (Recipient Activities), and CDC will be responsible for the activities listed under 2. (CDC Activities).

1. Recipient Activities

a. Expand HIV/AIDS Prevention Programs

Support the national program to prevent mother-to-child HIV transmission through national monitoring and evaluation of the program and training health care workers implementing it; develop and implement pilot projects to improve the program by integrating into the program enhanced HIV prevention activities during pregnancy and systematic HIV-related care for HIV-infected pregnant women and their families.

b. Expand HIV/AIDS Care and Support Programs

(1) Collaborate in the development of national strategies for increasing the quality of community and home-based care of persons with HIV/AIDS and related conditions, and implement pilot projects in increased quality of HIV/AIDS care at district and provincial levels.

(2) Expand the development of stronger linkages between TB and HIV/AIDS prevention and care programs.

(3) Enhance access to TB preventive therapy and other opportunistic infection primary and secondary prophylaxis regimens and monitor their impact.

(4) Assist in monitoring and evaluating novel and appropriate uses of antiretroviral agents.

c. Strengthen HIV/AIDS and HIV/AIDS-Related Surveillance

(1) Expand and improve national HIV/AIDS/STD/TB surveillance programs with a focus on improved systems for case reporting, monitoring and evaluation, and measures to determine incidence, prevalence, and behavioral risk factors.

(2) Produce and disseminate an MOPH annual HIV/AIDS surveillance report containing data accruing from the HIV/AIDS-related surveillance systems (e.g., surveillance for TB, and other opportunistic infections), operational research, and special studies; expand the report to include data generated from other sources (e.g., non-MOPH), where appropriate; expand presentation and discussion of surveillance data, particularly at the local level to improve programs; and increase distribution of the report.

(3) In collaboration with CDC and other partner agencies, present project findings to other researchers and policy makers at local and international meetings and conferences.

d. Strengthen of Public Health Laboratory Services Supporting Surveillance, Prevention and Care Activities

(1) In collaboration with CDC and other relevant agencies, finalize the establishment of a National Microbiology Reference Laboratory (NMRL) system supportive of surveillance, training, research, reference-level testing services and quality assurance activities.

(2) Expand introduction of the use of rapid HIV tests through development of national guidelines, point of service protocols and quality assurance programs appropriate for national, provincial and district levels.

(3) Improve management of public health laboratory functions through development of information management systems and improved telecommunication infrastructure.

e. Strengthen of the Public Health Infrastructure

Improve MOPH planning for and infrastructure supporting the collection, management, analysis and distribution of health information related to HIV/AIDS and related conditions.

2. CDC Activities

a. Collaborate with MOPH on designing and implementing the activities listed above, including but not limited to the provision of technical assistance to develop and implement program activities, laboratory services, quality assurance, data management, statistical analysis, and presentation of program methods and findings.

b. Collaborate with MOPH and other relevant partners and agencies in the development of special laboratory-based surveillance activities.

c. Monitor project and budget performance.

E. Application Content

Please use the information in the Program Requirements, Other Requirements, and Evaluation Criteria sections of this document to develop your 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 25 double-spaced pages, printed on one side, with one-inch margins, and with unreduced font. Pages should be numbered, and a complete index to the application and any appendices must be included.

F. Submission and Deadline

Submit the original and two copies of PHS 5161–1 (OMB Number 0937–0189).

Forms are available in the application kit and at the following Internet address: www.cdc.gov/od/pgo/forminfo.htm

On or before August 15, 2001, in both electronic (Microsoft Word and Excel format) and hard copy, submit the application to the Grants Management Specialist identified in the ''Where to Obtain Additional Information'' section of this announcement.

G. Evaluation Criteria

Your application will be evaluated against the following criteria by an independent review group appointed by CDC.

1. Understanding of the Problem (10 Points)

Extent to which the applicant demonstrates a clear and concise understanding of the nature of the problem described in the Purpose section of this announcement. This specifically includes description of the public health importance of the planned activities to be undertaken and realistic presentation of proposed objectives and projects.

2. Technical Approach (30 Points)

The extent to which the applicant's proposal includes an overall design strategy, including measurable time lines, the extent to which the proposal addresses regular monitoring and evaluation, and the potential effectiveness of the proposed activities in meeting objectives.

3. Ability to Carry Out the Project (25 Points)

The extent to which the applicant documents demonstrated capability to achieve the purpose of the project.

4. Personnel (20 Points)

The extent to which professional personnel involved in this project are qualified, including evidence of experience in working with HIV/AIDS, opportunistic infections, and HIV/STD surveillance.

5. Plans for Administration and Management of Projects (15 Points)

Adequacy of plans for administering the projects.

6. Budget (Not Scored)

The extent to which itemized budget for conducting the project, along with justification, is reasonable and consistent with stated objectives and planned program activities.

7. Protection of Human Subjects (Not Scored)

The extent to which the application adequately addresses the requirements of 45 CFR 46 for the protection of human subjects.

H. Other Requirements

Technical Reporting Requirements

Provide CDC with original plus two copies of:

1. Written quarterly progress reports;
2. Financial status report, no more than 45 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.
4. Annual audit of these CDC funds (program-specific audit) by a U.S.-based audit firm with international branches and current licensure/authority in-country, and in accordance with International Accounting Standards or equivalent standard(s) approved in writing by CDC.

Send all reports to the program contact and the Grants Management Specialist, both identified in the ''Where to Obtain Additional Information'' section of this announcement.

The following additional requirements are applicable to this program. For a complete description of each, see Attachment I of the announcement. Some of the more complex requirements have some additional information provided below.

AR–1—Human Subjects Requirements
AR–6—Patient Care
AR–14—Accounting System Requirements
AR–22—Research Integrity

I. Authority and Catalog of Federal Domestic Assistance Number

This program is authorized under section 307 of the Public Health Service Act, [42 U.S.C. section 242I], as amended. The Catalog of Federal Domestic Assistance number is 93.941.

J. Where To Obtain Additional Information

This and other CDC announcements can be found on the CDC home page Internet address—http://www.cdc.gov. Click on ''Funding'' then ''Grants and Cooperative Agreements.''

If you have questions after reviewing the contents of all the documents, business management technical assistance may be obtained from: Dorimar Rosado, Grants Management Specialist, Grants Management Branch, Procurement and Grants Office, Centers for Disease Control and Prevention, 2920 Brandywine Road, Room 3000, MS–15, Atlanta, GA 30341–4146, Telephone: (770) 488–2782, Fax: (770) 488–2847, e-mail: dpr7@cdc.gov.

For program technical assistance, contact: Jordan W. Tappero, MD, MPH, Director, Thailand-CDC Collaboration, Director, The HIV/AIDS Program, DMS 6 Building, Ministry of Public Health, Tivanon Road, Nonthaburi 11000, THAILAND, Tel: (66 2) 591 8358, Fax: (66 2) 591 5443, Mobile: (66 1) 755 9011, e-mail: jwt0@cdc.gov.

Dated: July 10, 2001.

John L. Williams,

Director, Procurement and Grants Office, Centers for Disease Control and Prevention.

[FR Doc. 01–17658 Filed 7–13–01; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by writing to the indicated licensing contact at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7057; fax: 301/402–0220. A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

BRB Array Tools

Richard Simon (NCI)
DHHS Reference No. E–154–01/0

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: *berkleyd@od.nih.gov.*

The invention is a desktop software package that integrates into Microsoft Excel as an add-in for the analysis of DNA microarray data. The software incorporates numerous statistical analysis methods tailored to the analysis of DNA microarray data, providing a robust visualization capability for translating the data into biological knowledge that is lacking in currently available packages. The software is

oriented for use by biologists, but was developed by professional statisticians for this application. The invention is expected to find a wide range of applications throughout the biomedical sciences.

Real Time Interactive Volumetric Magnetic Resonance Imaging

Michael Guttman and Elliott McVeigh (NHLBI)
DHHS Reference No. E–082–01/0 filed Feb 16, 2001.

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: *berkleyd@od.nih.gov.*

The invention makes possible ''live'' volume renderings from a Magnetic Resonance Imaging (MRI) scanner. Previously, volume renderings from MRI data could only be generated off-line, some time after the image data was collected. In one embodiment of the invention, the time between data collection and volume rendering update (the latency) is approximately one third of a second at a frame rate of approximately 10 updates per second. User interaction with the rendering, such as rotation and cut planes, are allowed during imaging. This gives a caregiver real-time three-dimensional feedback while manipulating devices within a patient's body. The invention may be of benefit to several types of image-guided interventional procedures, including cardiac catheterization, tumor removal, ablation or biopsies.

STATLAB—A Matlab® Toolbox for Advanced Statistical Modeling and Data Analysis

Philip S. Rosenberg (NCI)
DHHS Reference No. E–217–00/0 filed Apr 05, 2001

Licensing Contact: Dale Berkley; 301/496–7735 ext. 223; e-mail: *berkleyd@od.nih.gov.*

The invention relates to a set of programs (a toolbox) to enhance Matlab's® statistical capabilities by utilizing an object-oriented design that helps statistical scientists more rapidly design, build and debug sophisticated statistical applications entirely in the Matlab® environment. This saves researchers from the time and effort required to code algorithms in low-level languages such as Fortran or C. Matlab® is the commercially available premiere technical computing environment that is widely used by scientists and engineers to solve mathematical problems arising in diverse scientific and engineering disciplines. STATLAB is the name given by the inventor to the set of programs that make up the invention, a toolbox for advanced statistical modeling and data analysis. This toolbox offers advanced error checking, report generation and data management capabilities not found together in any other package.

Engineered Human Topoisomerase I

Gary S. Laco (NCI), Michael A. Eissenstat, and Tatiana Guerassina (NCI)
DHHS Reference No. E–052–01/0

Licensing Contact: Sally Hu; 301/496–7056 ext. 265; e-mail: *hus@od.nih.gov.*

This invention describes a recombinant form of human topoisomerase (top68c) that encodes human topiosomerase (top 1) minus its localization signals. This invention provides an expression and purification strategy that allows wild type and mutant forms of top68c to be over-expressed and easily purified in vitro. The expressed top68c is pure (>99%) and retains full activity with a high yield. This invention has overcome the problems of the existing production of human topiosomerase 1 in insect cells such as low yields of difficult to purify protein. Therefore, this invention makes more research opportunities possible, such as screening for inhibitors, and providing sufficient quantities of the protein to do X-ray crystallography studies of top68c complexed with substrates and inhibitors. Such research is very important for determining the mechanism of top 1 activity and for finding future therapeutics related to top1. Finally, inhibiting this enzyme has possible anti-cancer and anti-HIV usage. This invention is available for licensing through a Biological Materials License because no patent applications exist.

Glycosylation-resistant Cyanovirins and Related Conjugates, Compositions, Nucleic Acids, Vectors, Host Cells, Methods of Production and Methods of Using Nonglycosylated Cyanovirins

Michael R. Boyd (NCI)
DHHS Reference No. E–074–99/7 filed Mar 22, 2001

Licensing Contact: Sally Hu; 301/496–7056 ext. 265; e-mail: *hus@od.nih.gov.*

This invention has two major aspects. The first is that cyanovirin-N (CV-N) and homologous proteins and peptides potently inhibit diverse laboratory and clinical isolates of influenza viruses A and B. Since influenza A and B are the two major types of influenza virus that infect humans, an agent that has anti-influenza virus activity against both influenza A and B, like CV-N, would be particularly useful in prevention or treatment of influenza virus infection. The second aspect provides CV-N mutants called glycosylation-resistant mutants. These mutants code sequences to enable ultra large-scale recombinant production of functional cyanovirins in non-bacterial (yeast or insect) host cells or in transgenic animals or plants. Therefore, these glycosylation-resistant mutants may allow industry to produce CV-Ns on a large scale and make CV-Ns cheap enough for developing countries to benefit from this invention.

Dated: July 6, 2001.

Jack Spiegel,

Director, Division of Technology, Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–17750 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Government-Owned Inventions; Availability for Licensing

AGENCY: National Institutes of Health, Public Health Service, DHHS.

ACTION: Notice.

SUMMARY: The inventions listed below are owned by agencies of the U.S. Government and are available for licensing in the U.S. in accordance with 35 U.S.C. 207 to achieve expeditious commercialization of results of federally-funded research and development. Foreign patent applications are filed on selected inventions to extend market coverage for companies and may also be available for licensing.

ADDRESSES: Licensing information and copies of the U.S. patent applications listed below may be obtained by contacting Susan S. Rucker, J.D., at the Office of Technology Transfer, National Institutes of Health, 6011 Executive Boulevard, Suite 325, Rockville, Maryland 20852–3804; telephone: 301/496–7056 ext. 245; fax: 301/402–0220; e-mail: *ruckers@od.nih.gov.* A signed Confidential Disclosure Agreement will be required to receive copies of the patent applications.

Interaction of AAV4 With Sialic Acid

JA Chiorini (NIDCR)

Serial No. E–131–01/0 filed Mar 28, 2001.

This patent application describes the ability of AAV4 (adeno-associated virus, serotype 4) to interact with particular alpha 2,3-linked sialic acid residues on susceptible cells. The 2,3-linked sialic acid residues constitute part of the cell surface receptor(s) for AAV4. The identification of these residues provides

a means of identifying host cells which may be particularly suited as targets for gene therapy using AAV4-based vector systems. In addition, the identification of this interaction permits the development of new means of purifying AAV4 viral particles.

This work will be published, in part, at Kaludov, N. et al., J. Virol. (2001), in press.

Interaction of AAV5 With Sialic Acid

JA Chiorini (NIDCR)

Serial No. E–145–01/0 filed Mar 28, 2001.

This patent application describes the ability of AAV5 (adeno-associated virus, serotype 5) to interact with particular alpha 2,3-linked sialic acid residues on cells. These 2,3-linked sialic acid residues are part of the cell surface receptor(s) for AAV5. The identification of these residues as part of the AAV5 receptor, or receptor complex, provides a means of identifying host cells that may be particularly suited as targets for gene therapy using AAV5-based vector systems. In addition, the identification of this interaction permits the development of new means of purifying AAV5 viral particles.

This work has been published, in part, at Walters, RW et al., JBC 276 (No. 23) 20610–16 (June 8, 2001), and Kaludov, N. et al., J. Virol. (2001), in press.

Use of Activity Dependent Neurotrophic Factor Derived Peptides for Enhancing Learning and Memory

DE Brenneman and Catherine Spong (NICHD), Ilana Gozes (Tel Aviv University)Serial No/Ref: No.: E–147–96/8 (PCT) filed May 31, 2001 which claims priority to 60/267,805 (E–147–96/6) filed February 8, 2001 and 60/208,944 (E–147–96/5) filed May 31, 2000.

These application(s) disclose the use of ADNF polypeptides, ADNF and ADNF III/ADNP or the ADNF derived peptides SAL (SALLRSIPA) and NAP (NAPVSIPQ) to improve learning and memory. The peptides SAL and NAP are preferred because of their ability to cross the blood-brain barrier and for their ease of synthesis. The peptides, when given alone or in combination, either *in utero* or post-natally, improve performance related to learning and memory. Combinations of NAP and SAL are preferred for prenatal administration. NAP alone is preferred for post-natal administration. The ability to improve learning and memory when given *in utero* makes them attractive as candidates for the development of therapeutics for prevention or treatment of Down's Syndrome or Fragile X syndrome or other conditions associated with mental retardation. The ability to improve performance related to learning and memory in adults makes them attractive candidates for the development of therapeutics for Alzheimer's disease as well as Down's Syndrome or other conditions associated with mental retardation.

This work has been published, in part, at Gozes I, et al. ''Activity-dependent neurotrophic factor: intranasal administration of femtomolar-acting peptides improve performance in a water maze'' J Pharmacol Exp Ther, 293(3):1091–8 (Jun 2000).

Dated: July 6, 2001.

Jack Spiegel,

Director, Division of Technology, Development and Transfer, Office of Technology Transfer, National Institutes of Health.

[FR Doc. 01–17751 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Initial Review Group, Subcommittee A—Cancer Centers.

Date: August 3, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: David E. Maslow, P.h.D., Scientific Review Administrator, Grants Review Branch, Division of Extramural Activities, National Cancer Institute, National Institutes of Health, 6116 Executive Boulevard—Room 8117, Bethesda, MD 20892–7405; 301/496–2330.

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17741 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Eye Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Eye Institute Special Emphasis Panel.

Date: August 3, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Jeanette M. Hosseini, PhD, Scientific Review Administrator, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, (301) 496–5561.

Name of Committee: National Eye Institute Special Emphasis Panel.

Date: August 9, 2001.

Time: 8:30 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 8120 Wisconsin Ave., Bethesda, MD 20814.

Contact Person: Samuel Rawlings, PhD, Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, Bethesda, MD 20892, 301–496–5561.

(Catalogue of Federal Domestic Assistance Program Nos. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17743 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Heart Lung, and Blood Institute Special Emphasis Panel, PA–00–005—MidCareer Investigator Award in Patient-Oriented Research (K24).

Date: July 12, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Rockledge II, Room 7214, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Diane M. Reid, M.D., Review Branch, Room 7182, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, (301) 435–0277.

This notice is being published less than 15 days prior to the meeting due to the urgent need to meet timing limitations imposed by the intramural research review cycle.

Name of Committee: National Heart Lung, and Blood Institute Special Emphasis Panel, PA–00–004—Mentored Patient-Oriented Research Career Development Award.

Date: July 13, 2001.

Time: 4 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Rockledge II, Room 7214, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Diane M. Reid, M.D., Review Branch, Room 7182, Division of Extramural Affairs, National Heart, Lung, and Blood Institute, National Institutes of Health, Bethesda, MD 20892, (301) 435–0277.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.233, National Center for Sleep Disorders Research; 93.837, Heart and Vascular Diseases Research; 93.838, Lung Diseases Research; 93.839, Blood Diseases and Resources Research, National Institutes of Health, HHS)

Dated: July 9, 2001.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17735 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Heart, Lung, and Blood Institute; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Heart, Lung, and Blood Institute Special Emphasis Panel, July 10, 2001, 8 a.m. to July 11, 2001, 5 p.m., Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD, 20815 which was published in the **Federal Register** on June 29, 2001, 66 FR 34700.

The meeting was previously advertised as a meeting open to the public, and now has changed to a meeting closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The meeting is closed to the public.

Dated: July 9, 2001.

Anna Snouffer,

Deputy Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17736 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel.

Date: October 14–15, 2001.

Time: October 14, 2001, 7 p.m. to adjournment on 10/15/2001.

Agenda: To review and evaluate grant applications.

Place: Embassy Square, 2000 N Street, NW., Washington, DC 20036.

Contact Person: Yen Li, PhD, Scientific Review Administrator, Scientific Review Program, Division of Extramural Activities, NIAID, NIH, Room 2217, 6700–B Rockledge Drive, MSC 7610, Bethesda, MD 20892–7610, 301–496–2550, *yli@niaid.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17738 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of person privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.

Date: August 8, 2001.
Time: 1 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: 6100 Executive Blvd., Room 5E01, Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Robert H. Stretch, PhD., Scientific Review Administrator, Division of Scientific Review, National Institute of Child Health, and Human Development, NIH, 6100 Executive Blvd., Room 5E01, MSC 7510, Bethesda, MD 20892, (301) 435–6912.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17739 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Child Health and Human Development; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Child Health and Human Development Special Emphasis Panel.
Date: July 17, 2001.
Time: 2 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications,
Place: 6100 Executive Blvd. 5th Floor, Rockville, MD 20852, (Telephone Conference Call).
Contract Person: Gopal M. Bhatnagar, PhD., Scientific Review Administrator, Division of Scientific, Review, National Institute of Child Health, and Human Development, National Institutes of Health, PHS DHHS, 9000 Rockville Pike, 6100 Bldg., Room 5E01, Bethesda, MD 20892, (301) 496–1485.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.209, Contraception and Infertility Loan Repayment Program; 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17740 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of General Medical Sciences; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the National Advisory General Medical Sciences Council, September 13, 2001, 8:30 a.m. to September 14, 2001, 5 p.m., Natcher Building, 45 Center Drive, Conference Rooms E1/E2, Bethesda, MD, 20892 which was published in the **Federal Register** on April 19, 2001, 66 FR 20154–20155.

The times for the Council agenda were changed. The new agenda follows: closed—September 13, 2001, 8:30 a.m. to 10:30 a.m.; open—September 13, 2001, 10:30 a.m. to 5 p.m.; closed—September 14, 2001, 8:30 a.m. to adjournment. The meeting is partially Closed to the public.

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17742 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel ''Regulatory Affairs Support''.
Date: July 17, 2001.
Time: 9 a.m. to 12 p.m.
Agenda: To review and evaluate contract proposals.
Place: Neuroscience Center, 6001 Executive Boulevard, Rockville, MD 20852, (Telephone Conference Call).
Contact Person: Lyle Furr, Contract Review Specialist, Office of Extramural Affairs, National Institute on Drug Abuse, National Institutes of Health, DHHS, 6001 Executive Boulevard, Room 3158, MSC 9547, Bethesda, MD 20892–9547, (301) 435–1439.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse Research Programs, national Institutes of health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17744 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel.

Date: August 8–10, 2001.

Time: 8 a.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: DoubleTree Hotel, 1750 Rockville Pike, Rockville, MD 20852.

Contact Person: Ronald Suddendorf, PhD. Scientific Review Administrator, Extramural Project Review Branch, National Institute on Alcohol Abuse and Alcoholism, National Institutes of Health, Suite 409, 6000 Executive Boulevard, Bethesda, MD 20892–7003, 301–443–2926.

(Catalogue of Federal Domestic Assistance Program Nos. 93.271, Alcohol Research Career Development Awards for Scientists and Clinicians; 93.272, Alcohol National Research Service Awards for Research Training; 93.273, Alcohol Research Programs; 93.891, Alcohol Research Center Grants, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17746 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Mental Health; Notice of Closed Meeting

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552(b)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Mental Health Special Emphasis Panel.

Date: July 20, 2001.

Time: 5 p.m. to 6 p.m.

Agenda: To review and evaluate grant applications.

Place: Governor's House, 1615 Rhode Island Avenue, NW, Washington, DC 20036.

Contact Person: Irina Gordienko, PhD., Scientific Review Administrator, Division of Extramural Activities, National Institute of Mental Health, NIH, Neuroscience Center, 6001 Executive Blvd., Room 615H, MSC 9608, Bethesda, MD 20892–9608, 301–443–1178.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review of funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93.242, Mental Health Research Grants; 93.281, Scientist Development Award, Scientist Development Award for Clinicians, and Research Scientist Award; 93.282, Mental Health National Research Service Awards for Research Training, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17747 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Amended Notice of Meeting

Notice is hereby given of a change in the meeting of the Center for Scientific Review Special Emphasis Panel, July 16, 2001, 9 a.m. to July 16, 2001, 5 p.m., Holiday Inn, 8777 Georgia Avenue, Silver Spring, MD, 20910 which was published in the **Federal Register** on July 5, 2001, 66 FR 35446–35449.

The meeting will be held on July 19, 2001. The time and location remain the same. The meeting is closed to the public.

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17737 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasions of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 13, 2001.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Gillian Einstein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5198, MSC 7850, Bethesda, MD 20817, 301–435–4433, *einsteig@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 17, 2001.

Time: 1 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Mary P. McCormick, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2208, MSC 7890, Bethesda, MD 20892, 301–435–1047.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 23–24, 2001.

Time: 10 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn—Silver Spring, 8777 Georgia Avenue, Silver Spring, MD 20910.

Contact Person: Nancy Shinowara, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4208, MSC 7814, Bethesda, MD 20892–7814, 301–435–1173, *shinowan@drg.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 23, 2001.

Time: 10 a.m. to 11 a.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 2092, (Telephone Conference Call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

This notice is being published less than 15 days prior to the meeting due to the timing

limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 23, 2001.
Time: 11:00 a.m. to 12:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Anshumali Chaudhari, Ph.D., Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4124, MSC 7802, Bethesda, MD 20892, (301) 435–1210.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 23, 2001.
Time: 12:00 p.m. 1:00 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (303) 435–1250.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 24, 2001.
Time: 9:00 a.m. to 5:00 p.m.
Agenda: To review and evaluate grant applications.
Place: St. James Hotel, 950 24th Street, NW., Washington, DC 20037.
Contact Person: Mary Sue Krause, BA, Scientific Review Administrator, Center for Scientific Review, National Institute of Health, 6701 Rockledge Drive, Room 3182, MSC, Bethesda, MD 20892, (301) 435–0902, *mkrause@mail.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 24, 2001.
Time: 11:00 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Stephen M. Nigida, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4112, MSC 7812, Bethesda, MD 20892, (301) 435–3565.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 24, 2001.
Time: 2 p.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Elaine Sierra-Rivera, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4136, MSC 7804, Bethesda, MD 20892, 301–435–1779, *riverse@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 24, 2001.
Time: 3 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Jo Pelham, BA, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4106, MSC 7814, Bethesda, MD 20892, (301) 435–1786.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 25, 2001.
Time: 11 a.m. to 12 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 25, 2001.
Time: 11:30 a.m. to 12:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: David M. Monsees, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3199, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *monseesd@drg.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 25, 2001.
Time: 1 p.m. to 3 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Victor A. Fung, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4120, MSC 7804, Bethesda, MD 20814–9692, 301–435–3504, *fungv@csr.nih.gov.*

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 26, 2001.
Time: 1 p.m. to 2 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: Jerry L. Klein, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4138, MSC 7804, Bethesda, MD 20892, (301) 435–1213.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 26–27, 2001.
Time: 6 p.m. to 5 p.m.
Agenda: To review and evaluate grant applications.
Place: Bethesda Marriott Suites, 6711 Democracy Boulevard, Bethesda, MD 20817.
Contact Person: Sally Ann Amero, PhD, Scientific Review Administrator, Center for Scientific Review, Genetic Sciences Integrated Review Group, National Institutes of Health, 6701 Rockledge Drive, Room 2206, MSC7890, Bethesda, MD 20892–7890, 301–435–1159, *ameros@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 27, 2001.
Time: 8 a.m. to 4 p.m.
Agenda: To review and evaluate grant applications.
Place: The River Inn, 924 25th Street, Washington, DC 20037.
Contact Person: Russell T. Dowell, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Rm. 2180, MSC 7818, Bethesda, MD 20892, (301) 435–1169, *dowellr@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 27, 2001.
Time: 11 a.m. to 1:30 p.m.
Agenda: To review and evaluate grant applications.
Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).
Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

Name of Committee: Center for Scientific Review Special Emphasis Panel.
Date: July 27, 2001.
Time: 11 a.m. to 1 p.m.
Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Marcia Litwack, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4150, MSC 7804, Bethesda, MD 20892, (301) 435–1719.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 27, 2001.

Time: 1 p.m. to 1:40 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: David M. Monsees, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3199, MSC 7770, Bethesda, MD 20892, (301) 435–0684, *monseesd@drg.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 30–31, 2001.

Time: 8 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Georgetown Suites, 1000 29th St., NW, Washington, DC 20007.

Contact Person: Eileen W. Bradley, DSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5120, MSC 7854, Bethesda, MD 20892, (301) 435–1179, *bradleye@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 30–31, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn, 5520 Wisconsin Avenue, Chevy Chase, MD 20815.

Contact Person: Jay Cinque, MSC, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5186, MSC 7846, Bethesda, MD 20892, (301) 435–1252.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 31, 2001.

Time: 8:30 a.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: Holiday Inn Georgetown, 2101 Wisconsin Avenue, N.W., Washington, DC 20007.

Contact Person: Harold M. Davidson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4216, MSC 7814, Bethesda, MD 20892, 301/435–1776, *davidsoh@csr.nih.gov.*

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 31, 2001.

Time: 8:30 a.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: Hay Adams, One Lafayette Square, 16th and H Streets, NW, Washington, DC 20006.

Contact Person: David L. Simpson, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5192, MSC 7846, Bethesda, MD 20892, (301) 435–1278.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 31, 2001.

Time: 11 a.m. to 12 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Michael H. Sayre, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5128, MSC 7840, Bethesda, MD 20892, (301) 435–1219.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 31, 2001.

Time: 1:30 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: John Bishop, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5180, MSC 7844, Bethesda, MD 20892, (301) 435–1250.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17745 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursant to section 10(d) of the Federal Advisory Committee Act, as amended (5 U.S.C. Appendix 2), notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 16, 2001.

Time: 2 p.m. to 4 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Rita Anand, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4188, MSC 7808, Bethesda, MD 20892, (301) 435–1151.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 20, 2001.

Time: 2 p.m. to 3 p.m.

Agenda: To review and evaluate grant applications.

Place: NIH, Rockledge 2, Bethesda, MD 20892, (Telephone Conference Call).

Contact Person: Bernard F. Driscoll, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5158, MSC 7844, Bethesda, MD 20892, (301) 435–1242.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 23, 2001.

Time: 8:30 a.m. to 2:30 p.m.

Agenda: The review and evaluate grant applications.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: H. Mac Stiles, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7770, Bethesda, MD 20892, (301) 435–1785.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

Name of Committee: Center for Scientific Review Special Emphasis Panel.

Date: July 23, 2001.

Time: 2:30 p.m. to 5 p.m.

Agenda: To review and evaluate grant applications.

Place: The Hyatt Regency Hotel, One Bethesda Metro Center, Bethesda, MD 20814.

Contact Person: H. Mac Stiles, PhD, Scientific Review Administrator, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, MSC 7770, Bethesda, MD 20892, (301) 435–1785.

This notice is being published less than 15 days prior to the meeting due to the timing limitations imposed by the review and funding cycle.

(Catalogue of Federal Domestic Assistance Program Nos. 93306, Comparative Medicine, 93.306; 93.333, Clinical Research, 93.333, 93.337, 93.393–93.396, 93.837–93.844, 93.846–93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: July 10, 2001.

LaVerne Y. Stringfield,

Director, Office of Federal Advisory Committee Policy.

[FR Doc. 01–17748 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–M

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Public Health Service

Draft Methanol Expert Panel Report and Meeting

National Toxicology Program (NTP), National Institute of Environmental Health Sciences (NIEHS), Center for the Evaluation of Risks to Human Reproduction (CERHR), announces:

(1) Availability of the Draft Methanol Expert Panel Report—Public comments are solicited on the draft report and the deadline for written comments is September 7, 2001.

(2) Methanol Expert Panel Meeting scheduled for October 15–17, 2001—The meeting is open to the public and will be held at the Radisson Hotel in Old Town Alexandria in Alexandria, Virginia.

Background

The NTP and the NIEHS established the NTP Center for the Evaluation of Risks to Human Reproduction (CERHR) [**Federal Register** (FR), December 14, 1998 (Volume 63, Number 239, page 68782)] in June 1998. The purpose of the Center is to provide scientifically-based, uniform assessments of the potential for adverse effects on reproduction and development caused by agents to which humans may be exposed. Expert panels conduct scientific evaluations of agents selected by the Center in public forums. The agent currently under evaluation is methanol. Additional details about CERHR and the formal review process are provided below (see Additional Information about CERHR).

Methanol (CASRN: 67–56–1) is a commercially important, high production volume chemical (10.54 billion pounds, US production, 1993), with high potential for occupational, consumer, and environmental exposure. Methanol is used in chemical syntheses and as an industrial solvent. It is found in a variety of consumer products such as paints, antifreeze, cleaning solutions, and adhesives and is a by-product of sewage treatment, fermentation, and paper production. Methanol is used in racing car fuels, and there is the potential for the expanded use of methanol as a vehicle fuel or fuel additive. There is a large toxicity database on reproductive and developmental effects of methanol, including a recently completed study in primates.

Draft Methanol Expert Panel Report Available

The Draft Methanol Draft Expert Panel Report is composed of the following sections:

1.0 Chemistry, Use, and Human Exposure
2.0 General Toxicological and Biological Effects
3.0 Developmental Toxicity Data
4.0 Reproductive Toxicity Data
5.0 Summary, Conclusions, and Critical Data Needs

Sections 1–4 will be available to the public by July 9. Copies can be obtained electronically on the CERHR web site (http://cerhr.niehs.nih.gov) or in hard copy by contacting Dr. Michael Shelby, CERHR Director (NIEHS, 79 T.W. Alexander Drive, Building 4401, Room 103, P.O. Box 12233, MD EC–32, Research Triangle Park, NC 27709, Phone: (919) 541–3455; Fax: (919)316–4511; shelby@niehs.nih.gov).

Request for Written Comments on Draft Methanol Expert Panel Report

The CERHR invites written public comments on Sections 1–4 of the Draft Methanol Expert Panel Report. Comments can be submitted in hard copy or electronic format and must be received by the Center by September 7, 2001. These comments will be distributed to CERHR staff and the Methanol Expert Panel for consideration in reviewing the draft report and in preparing for the Methanol Expert Panel Meeting (see below). These comments should be sent to Dr. Michael Shelby at the address provided above. Persons submitting written comments are asked to include their name and contact information (affiliation, mailing address, phone, fax, e-mail, and sponsoring organization, if any).

Expert Panel Will Review Methanol

An expert panel (the Panel) of 13 independent scientists selected for their scientific expertise in reproductive and developmental toxicology and other relevant areas of science are conducting this review. The roster of experts follows:

Methanol Expert Panel (Name and Affiliation)

Eula Bingham, Ph.D. (Chair), University of Cincinnati, Cincinnati, Ohio
Stanley Barone, Ph.D. US EPA, Research Triangle Park, NC
David Bellinger, Ph.D., Children's Hospital, Boston, MA
Gary Burin, Ph.D., Technology Sciences Group, Washington, DC
Robert Chapin, Ph.D., DuPont Pharmaceuticals, Newark, DE
J. Michael Davis, Ph.D., US EPA, Research Triangle Park, NC
David Dorman, DVM, Ph.D., CIIT Centers for Health Research, Research Triangle Park, NC
John R. Glowa, Ph.D., LSU Medical Center, Shreveport, LA
Deborah K. Hansen, Ph.D., National Center for Toxicological Research, Jefferson, AR
H.B. (Skip) Matthews, Ph.D., Consultant, Durham, NC
Mark Miller, M.D., MPH Cal EPA, Oakland, CA
Kathleen M. Nauss, Ph.D., Consultant, Sudbury, MA
John M. Rogers, Ph.D., US EPA, Research Triangle Park, NC

Public Meeting of the Methanol Expert Panel

This meeting is open to the public and attendance is limited only by the availability of space. Theis meeting will take place from October 15–17, 2001 in the Washington Ballroom of the Radisson Hotel Old Town Alexandria, 901 N. Fairfax Street, Alexandria, Virginia, telephone (703) 683–6000, fax (703) 683–7597.

Preliminary Meeting Agenda

The meeting begins each day at 8:30 a.m. It is anticipated that a lunch break will occur from 12–1 p.m. daily and that adjournment will be between 5 and 6 p.m. each day.

October 15, 2001 (8:30 a.m.)

Opening comments—Public Comment comment session

- The Panel will receive comments from the public (up to seven minutes per speaker; details are given below).

Review of Sections 1–4 of the Draft Methanol Expert Panel Report
Discussion of Section 5.0 Summary, Conclusions, and Critical Data Needs

October 16, 2001 (8:30 a.m.)

Discussion of Section 5.0 Summary, Conclusions, and Critical Data Needs
Preparation of draft summaries and conclusion statements

October 17, 2001 (8:30 a.m.)

Presentation and discussion of and agreement on summaries and conclusions
Closing comments

Oral Comments Can Be Presented at the Expert Panel Meeting

Time is set aside on October 15 for presentation of oral public comments at

the Methanol Expert Panel Meeting. To facilitate planning of this meeting, those persons wishing to make oral public comments are asked to contact the CERHR Director by October 10 [Dr. Michael Shelby, NIEHS, 79 T.W. Alexander Drive, Building 4401, Room 103, P.O. Box 12233, MD EC–32, Research Triangle Park, NC 27709, Phone: (919) 541–3455; Fax (919) 316–4511; shelby@niehs.nih.gov]. Seven minutes will be available for each speaker (one speaker per organization). When registering to comment orally, please provide your name, affiliation, mailing address, phone, fax, e-mail and sponsoring organization (if any). If possible, also send a copy of the statement or talking points to CERHR by October 10. This information will be provided to the Expert Panel and will assist the Panel in identifying issues for discussion. Registration for presentation of oral comments will also be available at the meeting on October 15 (7:30—8:30 a.m.). Those registering at the meeting are asked to bring 20 copies of their statement or talking points. In lieu of making an oral presentation at the meeting, the public is invited to submit a written statement to CERHR by October 10. This statement will be distributed to CERHR staff and the Methanol Expert Panel and noted in the meeting record.

Post-Meeting Public Comments

Following the Methanol Expert Panel Meeting and completion of the Expert Panel Report, public comment will be solicited. This solicitation will be announced in a future **Federal Register** notice.

For other questions about the Draft Methanol Report or the Methanol Expert Panel Meeting, contact Dr. Michael Shelby [CERHR, NIEHS, 79 T.W. Alexander Drive, Building 4401, Room 103, P.O. Box 12233, MD EC–32, Research Triangle Park, NC 27709, Phone: (919) 541–3455; Fax (919) 316–4511; *shelby@niehs.nih.gov.*]

Additional Information About CERHR

CERHR invites the nomination of agents for review or scientists for its expert registry. Information about CERHR and the nomination process can be obtained from its homepage (*http://cerhr.niehs.nih.gov*) or by contacting the Center Director, Dr. Shelby (contact information provided above). The Center selects chemicals for evaluation based upon several factors including production volume, extent of human exposure, public concern, and published evidence of reproductive or developmental toxicity. The Center establishes an expert panel to review the scientific evidence on the chemical(s) under review, to receive public comments, and to prepare a report on the chemical(s). This draft Expert Panel Report is made publicly available for comment on the CERHR web site and upon request from CERHR, and an Expert Panel Meeting is held to discuss and evaluate the draft report. Following the Expert Panel Meeting and completion of the Expert Panel Report, public comment is solicited again.

After this public comment period ends, the NTP staff prepares a NTP Center Report on the evaluated chemical(s) that integrates background information on the chemical(s), findings of the expert panel, and a discussion of any additional, recent studies. The NTP Center Report includes all public comments received on the Expert Panel Report. The final NTP Center Report is made publicly available and distributed to interested stakeholders and to appropriate regulatory and research agencies. The formal evaluation process is outlined below.

CERHR Review Process

• Chemical Nominations.

Open nomination process includes interested individuals, NTP ExecutiveCommittee, Federal Agencies, NTP Staff, Labor Unions, Industry

• CERHR Multi-agency Core Committee.

—Nominations reviewed quarterly by Core Committee made up of NTP agency representatives

—Highest priority chemicals identified based on production volume, evidence of reproductive or developmental toxicity, human exposure, public concern

—Center staff prepares dossiers on priority chemicals for review by Core Committee

—Core Committee recommends candidate chemicals to be considered for evaluation

—Candidate chemicals approved by Associate Director, NTP

• First Solicitation of Public Comment.

—Notice of candidate chemicals and request for public comment published in **Federal Register**, NTP Newsletter and listserver, and CERHR web site

—Center staff compiles public comments for review by the Core Committee

• CERHR Core Committee Review.

—Reviews dossiers and material submitted in public comments

—Recommends list of prioritized chemicals to Associate Director, NTP, for final selection

• Second Solicitation of Public Comment.

—**Federal Register** notice announces selected chemical(s) and solicits public comment, new data, information on exposure, and nominations of individuals qualified to serve on the Expert Panel

• Third Solicitation of Public Comment.

—**Federal Register** notice announces availability of sections 1–4 of the Draft Expert Panel Report, requests public comments, and announces the Expert Panel Meeting

• Expert Panel Meeting.

—The Panel meets in public session to discuss their review of the literature and to prepare the final panel report

—The meeting includes time for presentation of public comments

• Final Solicitation of Public Comment.

—**Federal Register** notice announces availability of Expert Panel Report and requests public comment

• NTP Center Report Transmitted.

—NTP staff prepares an NTP Center Report on the chemical(s). This report integrates background information on the chemical evaluated, the findings in the Expert Panel Report, a discussion of any recent relevant study findings, public comments, and an executive summary that includes conclusions intended for a readership of non-scientists

—The Center Report is distributed to Federal and state agencies, interested stakeholders, and the public

Dated: July 2, 2001.

Samuel H. Wilson,

Deputy Director, National Institute of Environmental Health Sciences.

[FR Doc. 01–17749 Filed 7–13–01; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

Agency Information Collection Activities: Proposed Collection; Comment Request

In compliance with section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995 concerning opportunity for public comment on proposed collections of information, the Substance Abuse and Mental Health Services Administration will publish periodic summaries of proposed projects. To request more information

on the proposed projects or to obtain a copy of the information collection plans, call the SAMHSA Reports Clearance Officer on (301) 443–7978.

Comments are invited on: (a) Whether the proposed collections of information are necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology.

Proposed Project: The National Historically Black College and University Substance Use Survey Project—New—The National Historically Black College and University (HBCU) Substance Abuse Consortium, sponsored by the Substance Abuse and Mental Health Services Administration's Center for Substance Abuse Treatment (CSAT), was organized in an effort to increase awareness of substance abuse related problems on our nation's HBCU campuses. To this end, CSAT and the Consortium's major objectives include: (a) Assess the prevalence of alcohol, tobacco, and other drug use at participating institutions and identify strategies for combating the problem; (b) enhance substance abuse curriculum development that will lead to degrees in substance abuse treatment and prevention; (c) provide resources for the development of substance abuse education awareness programs on campuses, and (d) provide resources for the necessary counseling and referral for students with substance abuse problems.

This survey will be used to assess the extent of substance knowledge, attitudes and behaviors in first semester freshmen at HBCUs across the country. The survey is an anonymous, self-report 65-item questionnaire. The objectives of this project are to assess the attitudes, knowledge and behaviors of entering freshmen students in a select sample of 40 HBCU's and to determine the extent of problem behavior as it relates to substance abuse on these campuses. This data will give valuable information that will enable CSAT and Consortium schools to meet the above objectives. A follow-up survey activity is planned during the students' junior year which will allow for an examination of the changes in attitudes, behaviors and knowledge as the students matriculate on the campuses. The National HBCU Substance Use Survey project will be able to fill gaps in the literature and contribute incremental knowledge about an important, but understudied population.

The burden estimates are summarized below and include time for distributing the survey questionnaire, giving instructions and collecting the completed questionnaires. This burden will be experienced over a three-year period.

Survey	Number of respondents	Responses per respondent	Average burden per response (Hr.)	Total burden
Freshmen	35,000	1	1	35,000
Juniors	35,000	1	1	29,750
Total	29,750			64,759

Send comments to Nancy Pearce, SAMHSA Reports Clearance Officer, Room 16–105, Parklawn Building, 5600 Fishers Lane, Rockville, MD 20857. Written comments should be received within 60 days of this notice.

Dated: July 9, 2001.

Richard Kopanda,

Executive Officer, SAMHSA.

[FR Doc. 01–17660 Filed 7–13–01; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4653–N–10]

Notice of Proposed Information Collection for Public Comment; Notice of Funding Availability and Application Kit for the Community Development Work Study Program (CDWSP)

AGENCY: Office of the Assistant Secretary for Policy Development and Research, HUD.

ACTION: Notice.

SUMMARY: The proposed information collection requirement described below will be submitted to the Office of Management and Budget (OMB) for review, as required by the Paperwork Reduction Act. The Department is soliciting public comments on the subject proposal.

DATES: *Comment Due Date:* September 14, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Comments should refer to the proposal by name or OMB Control Number and be sent to: Reports Liaison Officer, Office of Policy Development and Research, U.S. Department of Housing and Urban Development, 451 7th Street, SW., Room 8226, Washington, DC 20410.

FOR FURTHER INFORMATION CONTACT: Jane Karadbil, Office of University Partnerships—telephone (202) 708–1537. This is not a toll-free number.

SUPPLEMENTARY INFORMATION: The Department will submit the proposed information collection to OMB for review, as required by the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35, as amended).

This Notice is soliciting comments from members of the public and affected entities concerning the proposed information collection to: (1) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information; (3) enhance the quality, utility, and clarity of information to be collected; and (4) minimize the burden of collection of information on those who are to respond; including through the use of appropriate technology, e.g., permitting electronic submission of responses.

This Notice also lists the following information:

Title of the Proposal: Notice of Funding Availability and Application Kit for the Community Development Work Study Program (CDWSP).

Description of the need for the information and proposed use: The

information is being collected to select grantees in this statutorily created competitive grant program. The information is also being used to monitor the performance of grantees to ensure that they meet statutory and program goals and requirements.

Members of the affected public: Institutions of higher education offering graduate degrees in community development fields: 60 applicants and 30 grantees.

Estimation of the total number of hours needed to prepare the information collection including the number of respondents, frequency of response, and hours of response: Information pursuant to submitting applications will be submitted once. Information pursuant to grantee monitoring requirements will be submitted once a year.

The following chart details the respondent burden on an annual basis:

	Number of respondents	Total annual responses	Hours per response	Total hours
Application	60	60	40	2,400
Annual Reports	30	30	6	180
Final Reports	30	30	8	240
Recordkeeping	30	30	5	150
				2,970

Status of proposed information collection: OMB approved a paperwork clearance for this information collection and assigned it OMB Control No. 2528–0175, expiration date March 31, 2002.

Authority: Section 3506 of the Paperwork Reduction Act of 1995, 44 U.S.C. Chapter 35, as amended.

Dated: July 3, 2001.

Lawrence L. Thompson,

General Deputy Assistant, Secretary for Policy Development and Research.

[FR Doc. 01–17646 Filed 7–13–01; 8:45 am]

BILLING CODE 4210–62–M

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[ES–032–1430–BJ, ES–51103, Group 104, Michigan]

Notice of Filing of Plat of Survey; MIchigan

The plat of the dependent resurvey of the Pointe Aux Barques Lighthouse Reservation in lot 2, section 2, Township 18 North, Range 14 East, Michigan Meridian, Michigan, will be officially filed in Eastern States, Springfield, Virginia at 7:30 a.m., on August 20, 2001.

The survey was made at the request of the Milwaukee Field Office.

All inquiries or protests concerning the technical aspects of the survey must be sent to the Chief Cadastral Surveyor, Eastern States, Bureau of Land Management, 7450 Boston Boulevard, Springfield, Virginia 22153, prior to 7:30 a.m., August 20, 2001.

Copies of the plat will be made available upon request and prepayment of the appropriate fee.

Dated: June 25, 2001.

Stephen D. Douglas,

Chief Cadastral Surveyor.

[FR Doc. 01–17661 Filed 7–13–01; 8:45 am]

BILLING CODE 4310–6J–P

INTERNATIONAL TRADE COMMISSION

[Investigations Nos. 731–TA–935–942 (Preliminary)]

Certain Structural Steel Beams From China, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission determines, pursuant to section 733(a) of the Tariff Act of 1930 (19 U.S.C. 1673b(a)) (the Act), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports from China, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan of certain structural steel beams, provided for in subheadings 7216.32.00, 7216.33.00, 7216.50.00, 7216.61.00, 7216.69.00, 7216.91.00, 7216.99.00, 7228.70.30, and 7228.70.60 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (LTFV).

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the Department of Commerce of affirmative preliminary determinations in the investigations under section 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in these investigations under section 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Background

On May 23, 2001, a petition was filed with the Commission and Commerce by counsel on behalf of Northwestern Steel & Wire Co., Sterling, IL; Nucor Corp., Charlotte, NC; Nucor-Yamato Steel Co., Blytheville, AR; and TXI-Chaparral Steel Co., Midlothian, TX, alleging that an industry in the United States is materially injured and threatened with material injury by reason of LTFV imports of structural steel beams from China, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan. Accordingly, effective May 23, 2001, the Commission instituted antidumping duty investigations Nos. 731–TA–935–942 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 4, 2001 (66 FR 29989). The conference was held in Washington, DC, on June 13, 2001, and all persons who requested the opportunity were permitted to appear in person or by counsel.

The Commission transmitted its determinations in these investigations to the Secretary of Commerce on July 9, 2001. The views of the Commission are contained in USITC Publication 3438 (July 2001), entitled Certain Structural Steel Beams from China, Germany, Italy, Luxembourg, Russia, South Africa, Spain, and Taiwan: Investigations Nos. 731–TA–935–942 (Preliminary).

Issued: July 10, 2001.

By order of the Commission.

Donna R. Koehnke,

Secretary.

[FR Doc. 01–17662 Filed 7–13–01; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

Notice of Appointment of Individuals To Serve as Members of Performance Review Boards

AGENCY: United States International Trade Commission.

ACTION: Appointment of individuals to serve as members of performance review board.

EFFECTIVE DATES: July 10, 2001.

FOR FURTHER INFORMATION CONTACT: Micheal J. Hillier, Director of Personnel U.S. International Trade Commission (202) 205–2651.

SUPPLEMENTARY INFORMATION: The Chairman of the U.S. International Trade Commission has appointed the following individuals to serve on the Commission's Performance Review Board (PRB).

Chairman of PRB: Vice-Chairman Deanna Tanner Okun.

Members: Commissioner Lynn M. Bragg, Commissioner Marcia E. Miller, Commissioner Jennifer A. Hillman, Commissioner Dennis M. Devaney, Robert A. Rogowsky, Lyn M. Schlitt, Stephen A. McLaughlin, Eugene A. Rosengarden, Lynn Featherstone, Vern Simpson, Lynn I. Levine, Robert B. Koopman.

Notice of these appointments is being published in the **Federal Register** pursuant to the requirement of 5 U.S.C. 4314(c)(4).

Hearing-impaired individuals are advised that information on this matter can be obtained by contacting our TDD terminal on (202) 205–1810.

Issued: July 10, 2001.

By order of the Chairman:

Donna R. Koehnke,

Secretary.

[FR Doc. 01–17663 Filed 7–13–01; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Antitrust Division

United States v. The Thomson Corporation, Harcourt General, Inc. & Reed Elsevier Inc.; Proposed Final Judgment and Competitive Impact Statement

Notice is hereby given pursuant to the Antitrust Procedures and Penalties Act, 15 U.S.C. 16(b)–(h), that a proposed Final Judgment, Hold Separate Stipulation and Order and Competitive Impact Statement have been filed with the United States District Court for the District of Columbia in *United States of America* v. *The Thomson Corporation, Harcourt General, Inc., and Reed Elsevier Inc.,* No. 1:01CV01419. On June 27, 2001, the United States filed a Complaint alleging that The Thomson Corporation's proposed acquisition of the college textbook publishing and computer-based testing businesses of Harcourt General, Inc. from Reed Elsevier Inc. would violate section 7 of the Clayton Act, 15 U.S.C. 18. The proposed Final Judgment, filed at the same time as the Complaint, requires the defendants to divest textbooks and related ancillary educational materials for thirty-eight college courses and Harcourt's national computer-basing testing business. Copies of the Complaint, proposed Final Judgment, and Competitive Impact Statement are available for inspection at the Department of Justice in Washington, DC in Room 200, 325 Seventh Street, NW., and at the Office of the Clerk of the United States District Court for the District of Columbia, 333 Constitution Avenue, NW., Washington, DC.

Public comment is invited within sixty days of the date of this notice. Such comments, and responses thereto, will be published in the **Federal Register** and filed with the Court. Comments should be directed to James R. Wade, Chief, Civil Task Force, Antitrust Division, Department of Justice, 325 Seventh Street, NW., Suite 300, Washington, DC 20530 (telephone: (202) 616–5935).

Constance K. Robinson,

Director of Operations and Merger Enforcement.

United States District Court for the District of Columbia

[Civil Action No: 01–1419 (Antitrust)]

United States of America, Plaintiff, v. The Thomson Corporation, Harcourt General, Inc. and Reed Elsevier Inc., Defendants

Filed: June 27, 2001.

Hold Separate Stipulation and Order

It is hereby stipulated and agreed by and between the undersigned parties, subject to approval and entry by the Court, that:

I. Definitions

As used in this Hold Separate Stipulation and Order:

A. ''Acquirer'' or ''Acquirers'' means the entity or entities to whom defendants divest any of the Divestiture Assets.

B. ''AIMS Business'' means Harcourt's Agency Information Management Services business, which provides assistance to state agencies, departments, or other such organizations in the management of the state licensing process, including:

1. All tangible assets that are used exclusively for the AIMS Business, including research and development activities, all networking equipment, tooling and fixed assets, personal property, inventory, office furniture, materials, supplies, and other tangible property, and all assets used exclusively in connection with the AIMS Business; all licenses, permits and authorizations issued by any governmental organization relating exclusively to the AIMS Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating exclusively to the AIMS Business, including supply agreements; all customer lists, contracts, accounts, and credit records or similar records of all sales and potential sales by the AIMS Business; all sales support and promotional materials, advertising materials and production, sales, and marketing files relating exclusively to the AIMS Business; all repair and performance records, and all other records relating exclusively to the AIMS Business.

2. All intangible assets that are used exclusively in the AIMS Business and are used in the development, production, servicing, sale, administration, assessment, and

dissemination of tests and test results including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, but no corporate trademarks or trade names of Thomson or Harcourt; technical information; computer software and related documentation; know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices; all research data concerning historic and current research and development relating exclusively to the AIMS Business including, but not limited to the designs of experiments, and the results of successful and unsuccessful designs and experiments; quality assurance and control procedures; design tools and simulation capability; and all manuals and technical information defendants provide to those employees, customers, suppliers, agents or licensees exclusively devoted to the AIMS Business.

C. ''ASI'' means all of the assets of defendant Harcourt's wholly-owned subsidiary Assessment Systems, Inc., a Pennsylvania corporation with its headquarters in Bala Cynwyd, Pennsylvania, excluding Harcourt's AIMS Business and State Testing Business, as defined in the proposed Final Judgment, but including the following:

1. All tangible assets that comprise ASI, including research and development activities, all fixed, mobile, and other testing centers listed in Exhibit B of the proposed Final Judgment, any accompanying property rights in real estate or equipment used in any of those testing centers, all networking equipment, tooling and fixed assets, personal property, inventory, office furniture, materials, supplies, and other tangible property, and all assets used exclusively in connection with ASI; all licenses, permits and authorizations issued by any governmental organization relating to ASI; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to ASI, including supply agreements; all customer lists, contracts, accounts, and credit records or similar records of all sales and potential sales by ASI; all sales support and promotional materials, advertising materials and production, sales, and marketing files relating to ASI; all repair and performance records, and all other records relating to ASI.

2. All intangible assets used in the development, production, servicing, sale, administration, assessment, and dissemination of tests and test results including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, but no corporate trademarks or trade names of Thomson or Harcourt; technical information; computer software and related documentation including, but not limited to, test drivers, scheduling software, and the OMEGA, EXPro, and REG2000 software platforms; know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices; all research data concerning historic and current research and development relating to ASI including, but not limited to, all test item banks, psychometric data, statistical reports of test results, designs of computer-based examinations and testing centers, and the designs of experiments, and the result of successful and unsuccessful designs and experiments; quality assurance and control procedures, including all security measures used in the development, administration, and assessment of computer-based tests and the report of exam results; design tools and simulation capability; and all manuals and technical information defendants provide to their own employees, customers, suppliers, agents or licensees.

D. ''College Textbook Products'' means all of the college textbooks identified on Exhibit A of the proposed Final Judgment. Each College Textbook Product also includes all ancillary educational materials offered for sale or under development by any subsidiary or division of the defendants that are designed to be specific to a textbook product identified in Exhibit A, including teacher editions, workbooks, notebooks, charts, audio, video, software, any CD–ROM, DVD–ROM, Internet and broadcast components, teacher support and staff development materials, and any other materials in any form, format or media, and also includes:

1. All tangible assets that comprise the College Textbook Products, including research and development activities; all original and digital artwork, film plates, and other reproductive materials relating to the College Textbook Products including, but not limited to, all manuscripts, illustrations, any other content, and any revisions or revision plans thereof in print or digital form; all licenses, permits and authorizations issued by any governmental organization relating to the College Textbook Products; all contracts, teaming arrangements, agreements, commitments, certifications, and understandings relating to the College Textbook Products including, but not limited to, author permissions and other similar agreements, supply and distribution agreements; all customer lists, contracts, accounts, and credit records, or similar records of all sales and potential sales of the College Textbook Products; all sales support and promotional materials, advertising materials, and production, sales and marketing files relating to the College Textbook Products; at the Acquirer(s)' option, computers and other tangible assets used primarily for the production of the College Textbook Products; and all performance and all other records relating to the College Textbook Products;

2. All intangible assets used in the development, production, servicing, marketing, and sale of the College Textbook Products including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks (registered and unregistered), trade names, service marks, service names, including all titles of existing products comprising the College Textbook Products, but no corporate trademarks or trade names of Thomson or Harcourt; all technical information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, all manuals and technical information defendants provide to their own employees, customers, suppliers, agents or licensees; and all research data concerning historic and current research and development efforts relating to the College Textbook Products, including, but not limited to designs of experiments, and the results of successful and unsuccessful designs and experiments.

Defendants shall use their best efforts to facilitate the assignment to the Acquirer(s) of any of the above that defendants presently hold or use pursuant to a license or any other agreement.

E. ''Complete ASI Assets'' means ASI, the AIMS Business, and the State Testing Business, as defined in this Hold Separate Stipulation and Order.

F. ''Divestiture Assets'' means the College Textbook Products and the Complete ASI Assets, as defined in this Hold Separate Stipulation and Order.

G. ''Harcourt'' means defendant Harcourt General, Inc., a Delaware corporation with its headquarters in Chestnut Hill, Massachusetts, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

H. ''Reed Elsevier'' means defendant Reed Elsevier Inc., a Massachusetts corporation with its headquarters in Newton, Massachusetts, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

I. ''State Testing Business'' means only those contracts, agreements, or other understandings between Harcourt and any entity for the development, delivery, or administration of any licensing examinations to any state agencies or departments that are in effect as of the date of the filing of the Complaint in this matter, including:

1. All tangible assets that are used exclusively for the State Testing Business, including research and development activities, all networking equipment, tooling and fixed assets, personal property, office furniture, materials, supplies, and other tangible property, and all assets used exclusively in connection with the State Testing Business, including supply agreements; all customer lists, contracts, accounts, and credit records or similar records of all sales and potential sales relating exclusively to the State Testing Business; all sales support and promotional materials, advertising materials and production, sales, and marketing files relating exclusively to the State Testing Business; and

2. All intangible assets that are used exclusively in the State Testing Business and are used in the development, production, servicing, sale and assessment of tests and test results including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, but no corporate trademarks or trade names of Thomson or Harcourt; technical information; computer software and related documentation; know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices; all research data concerning historic and current research and development relating exclusively to the State Testing Business including, but not limited to, all item banks, psychometric data, test development resources, statistical reports of test results, designs of computer-based examinations, the designs of experiments, and the results of successful and unsuccessful designs and experiments; quality assurance and control procedures; design tools and simulation capability; and all manuals and technical information defendants provide to those employees, customers, suppliers, agents or licensees exclusively devoted to the State Testing Business.

Provided, however that, to the extent that any of these assets are also employed in the delivery or administration of any tests that are the subject of these contracts, such assets shall not deem to be part of the State Testing Business.

J. ''Thomson'' means defendant The Thomson Corporation, a foreign corporation with its headquarters in Toronto, Ontario, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

II. Objectives

The proposed Final Judgment filed in this case is meant to ensure the defendants' prompt divestiture of the College Textbook Products and either ASI or the Complete ASI Assets for the purposes of establishing one or more viable competitors in the college textbook publishing and computer-based testing businesses, to remedy the effects the United States alleges would otherwise result from Thomson's acquisition of certain assets of the Higher Education and Corporate and Professional Services Groups of Harcourt from Reed Elsevier. This Hold Separate Stipulation and Order ensures that, prior to such divestitures, the Divestiture Assets will continue to be economically viable and ongoing business concerns that will remain independent and uninfluenced by the defendants and, further, that competition will be maintained during the pendency of the ordered divestitures.

III. Jurisdiction and Venue

The Court has jurisdiction over the subject matter of this action and over each of the parties hereto, and venue of this action is proper in the United States District Court for the District of Columbia.

IV. Compliance With and Entry of Proposed Final Judgment

A. The parties stipulate that a Final Judgment in the form attached hereto as Exhibit A may be filed with and entered by the Court upon the motion of any party or upon the Court's own motion, at any time after compliance with the requirements of the Antitrust Procedures and Penalties Act (15 U.S.C. 16), and without further notice to any party or other proceedings, provided that the United States has not withdrawn its consent, which it may do at any time before the entry of the proposed Final Judgment by serving notice thereof on the defendants and by filing that notice with the Court.

B. Defendants shall abide by and comply with the provisions of the proposed Final Judgment pending its entry by the Court, or until expiration of time for all appeals of any Court ruling declining entry of the proposed Final Judgment, and shall, from the date of the signing of this Hold Separate Stipulation and Order by the parties, comply with all the terms and provisions of the proposed Final Judgment as though the same were in full force and effect as an order of the Court.

C. Defendants shall not consummate the transaction sought to be enjoined by the Compliant herein before the Court has signed this Hold Separate Stipulation and Order.

D. This Hold Separate Stipulation and Order shall apply with equal force and effect to any amended proposed Final Judgment agreed upon in writing by the parties and submitted to the Court.

E. In the event that: (1) The United States has withdrawn its consent, as provided in Section IV.A above; or (2) the proposed Final Judgment is not entered pursuant to this Hold Separate Stipulation and Order, the time has expired for all appeals of any Court ruling declining entry of the proposed Final Judgment, and the Court has not otherwise ordered continued compliance with the terms and provisions of the proposed Final Judgment, the parties are released from all further obligations under this Hold Separation Stipulation and Order, and the making of this Hold Separate Stipulation and Order shall be without prejudice to any party in this or any other proceeding.

F. Defendants represent that the divestitures ordered in the proposed Final Judgment can and will be made, and that defendants will later raise no claim of mistake, hardship or difficulty of compliance as grounds for asking the Court to modify any of the provisions contained therein.

V. Hold Separate Provisions

Until the divestitures required by the proposed Final Judgment have been accomplished:

A. Defendants shall preserve, maintain, and continue to operate the Divestiture Assets as independent, ongoing, economically viable competitive businesses, with management, production, operation, marketing, distribution, licensing, or sale of such assets held entirely separate, distinct and apart from those of defendants' other operations. Defendants shall not coordinate the production, operation, development, delivery, marketing, distribution, licensing, sale, or editorial content of any products or services with those produced, operated, developed, delivered, marketed, distributed, licensed, or sold under any of the Divestiture Assets. Within twenty (20) calendar days after the entry of this Hold Separate Stipulation and Order, defendants will inform the United States of the steps taken to comply with this Hold Separate Stipulation and Order.

B. Defendants shall take all steps necessary to ensure that: (1) The Divestiture Assets will be maintained and operated as independent, ongoing, economically viable and active competitors in the college textbook publishing and computer-based testing businesses; (2) management of the Divestiture Assets will not be influenced by defendants; and (3) the books, records, competitively sensitive sales, marketing, and pricing information, and decision-making concerning production, operation, development, delivery, marketing, distribution, licensing, sale, or editorial content of products, services, or facilities by or under any of the Divestiture Assets will be kept separate and apart from defendants' other operations.

C. Defendants shall use all reasonable efforts to maintain and increase the sales and revenues of the products and services produced, operated, developed, delivered, marketed, distributed, licensed, or sold under the Divestiture Assets, and shall maintain at 2001 or previously approved levels for 2002, whichever are higher, all promotional, advertising, sales, technical assistance, marketing and merchandising support for the Divestiture Assets.

D. Defendants shall provide sufficient working capital and lines and sources of credit to continue to maintain the Divestiture Assets as economically viable and competitive ongoing businesses, consistent with the requirements of Sections V.A and B of this Hold Separate Stipulation and Order.

E. Defendants shall take all steps necessary to ensure that the Divestiture Assets are fully maintained in operable and saleable condition at no less than their current capacity and sales, and shall maintain and adhere to normal repair and maintenance schedules for the Divestiture Assets.

F. Defendants shall not, except as part of a divestiture approved by the United States in accordance with the terms of the proposed Final Judgment, remove, sell, lease, assign, transfer, pledge or otherwise dispose of any of the Divestiture Assets.

G. Defendants shall maintain, in accordance with sound accounting principles, separate, accurate, and complete financial ledgers, books and records that report on a periodic basis, such as the last business day of every month, consistent with past practices, the assets, liabilities, expenses, revenues and income of the Divestiture Assets.

H. Defendants shall take no action that would jeopardize, delay, or impede the sale of the Divestiture Assets.

I. Defendants' employees with primary responsibility for the production, operation, development, delivery, marketing, distribution, licensing, sale, or editorial content of the Divestiture Assets shall not be transferred or reassigned to other areas within the company except for transfer bids initiated by employees pursuant to defendants' regular, established job posting policy. Defendants shall provide the United States with ten (10) calendar days notice of such transfer.

J. Defendants shall appoint a person or persons to oversee the Divestiture Assets and be responsible for defendants' compliance with this section. This person shall have complete managerial responsibility for the Divestiture Assets, subject to the provisions of the proposed Final Judgment. In the event such person is unable to perform his duties, defendants shall appoint, subject to the approval of the United States, a replacement within ten (10) working days. Should defendants fail to appoint a replacement acceptable to the United States within this time period, the United States shall appoint a replacement.

K. Defendants shall take no action that would interfere with the ability of any trustee appointed pursuant to the Final Judgment to complete the divestiture pursuant to the Final Judgment to an Acquirer or Acquirers acceptable to the United States.

L. This Hold Separate Stipulation and Order shall remain in effect until consummation of the divestitures required by the proposed Final Judgment or until further Order of the Court.

Respectfully submitted,

For Plaintiff United States of America

James D. Villa,
D.C. Bar #417471, U.S. Department of Justice, Antitrust Division, Civil Task Force, 325 Seventh Street, NW., Washington, DC 20530, (202) 514–8361.

For Defendant Thomson Corporation

Paul L. Yde, Esq.,
D.C. Bar #449751, Vinson & Elkins, LLP, The Willard Office Building, 1455 Pennsylvania Ave. NW., Washington, DC 20004–1008, (202) 639–6685.

For Defendant Harcourt General, Inc.

Stephen M. Axinn, Esq.,
John D. Harkrider, Esq.,
Axinn, Veltrop & Harkrider LLP, 1370 6th Avenue, 19th Floor, New York, NY 10019, (212) 728–2222.

For Defendant Reed Elsevier Inc.

Robert A. Lipstein,
D.C. Bar #253724, Lipstein, Jaffe & Lawson, LLP, 1225 I Street, NW., Suite 700, Washington, DC 20005–3914, (202) 296–6655.

Order

It is so ordered by the Court, this _____day of June, 2001.

_____

United States District Judge

Parties Entitled to Notice of Entry of Order

Counsel for Plaintiff United States of America

James R. Wade, U.S. Department of Justice, Antitrust Division, Civil Task Force, 325 Seventh Street, NW., Suite 300, Washington, DC 20530.

Counsel for Defendant The Thomson Corporation

Paul L. Yde, Esq., Vinson & Elkins, LLP, The Willard Office Building, 1455 Pennsylvania Avenue, NW., Washington, DC 20004–1008.

Counsel for Harcourt General, Inc.

Stephen M. Axinn, Esq., Axinn, Veltrop & Harkrider LLP, 1370 6th Avenue, 19th Floor, New York, NY 10019.

Counsel for Reed Elsevier Inc.

Robert A. Lipstein, Esq., Lipstein, Jaffe & Lawson LLP, 1225 I Street, NW., Washington, DC 20005–3914.

Final Judgment

Whereas, plaintiff, the United States of America (''United States''), filed its Complaint on June 27, 2001, plaintiff and defendants, The Thomson Corporation (''Thomson''), Harcourt General, Inc. (''Harcourt''), and Reed Elsevier Inc. (''ReedElsevier''), by their respective attorneys, have consented to the entry of this Final Judgment without trial or adjudication of any issue of fact or law, and without this Final Judgment constituting any evidence against or admission by any party regarding any issue of fact or law;

And Whereas, defendants agree to be bound by the provisions of this Final Judgment pending its approval by the Court;

And Whereas, the essence of this Final Judgment is the prompt and certain divestiture of certain rights or assets by defendants to assure that competition is not substantially lessened;

And Whereas, plaintiff requires defendants to make certain divestitures for the purpose of remedying the loss of competition alleged in the Complaint;

And Whereas, defendants have represented to the United States that the divestitures required below can and will be made and that defendants will later raise no claim of hardship or difficulty as grounds for asking the Court to modify any of the divestiture provisions contained below;

Now Therefore, before any testimony is taken, without trial or adjudication of any issue of fact or law, and upon consent of the parties, it is *Ordered, Adjudged and Decreed:*

I. Jurisdiction

The Court has jurisdiction over the subject matter of and each of the parties to this action. The Complaint states a claim upon which relief may be granted against defendants under Section 7 of the Clayton Act, as amended (15 U.S.C. 18).

II. Definitions

As used in this Final Judgment:

A. ''Acquirer'' or ''Acquirers'' means the entity or entities to whom defendants divest any of the Divestiture Assets.

B. ''AIMS Business'' means Harcourt's Agency Information Management Services business, which provides assistance to state agencies, departments, or other such organizations in the management of the state licensing process, including:

1. All tangible assets that are used exclusively for the AIMS Business, including research and development activities, all networking equipment, tooling and fixed assets, personal property, inventory, office furniture, materials, supplies, and other tangible property, and all assets used exclusively in connection with the AIMS Business; all licenses, permits and authorizations issued by any governmental organization relating exclusively to the AIMS Business; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating exclusively to the AIMS Business, including supply agreements; all customer lists, contracts, accounts, and credit records or similar records of all sales and potential sales by the AIMS Business; all sales support and promotional materials, advertising materials and production, sales, and marketing files relating exclusively to the AIMS Business; all repair and performance records, and all other records relating exclusively to the AIMS Business;

2. All intangible assets that are used exclusively in the AIMS Business and are used in the development, production, servicing, sale, administration, assessment, and dissemination of tests and test results including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, but no corporate trademarks or trade names of Thomson or Harcourt; technical information; computer software and related documentation; know-how, trade secrets, drawings, blueprints, design, design protocols, specifications for materials, specifications for parts and devices; all research data concerning historic and current research and development relating exclusively to the AIMS Business including, but not limited to the designs of experiments, and the results of successful and unsuccessful designs and experiments; quality assurance and control procedures; design tools and simulation capability; and all manuals and technical information defendants provide to those employees, customers, suppliers, agents or licensees exclusively devoted to the AIMS Business.

C. ''ASI'' means all of the assets of defendant Harcourt's wholly-owned subsidiary Assessment Systems, Inc., a Pennsylvania corporation with its headquarters in Bala Cynwyd, Pennsylvania, excluding Harcourt's AIMS Business and State Testing Business, as defined in this Final Judgment, but including the following:

1. All tangible assets that comprise ASI, including research and development activities, all fixed, mobile, and other testing centers listed in Exhibit B, any accompanying property rights in real estate or equipment used in any of those testing centers, all networking equipment, tooling and fixed assets, personal property, inventory, office furniture, materials, supplies, and other tangible property, and all assets used exclusively in connection with ASI; all licenses, permits and authorizations issued by any governmental organization relating to ASI; all contracts, teaming arrangements, agreements, leases, commitments, certifications, and understandings relating to ASI, including supply agreements, all customer lists, contracts, accounts, and credit records or similar records of all sales and potential sales by ASI; all sales support and promotional materials, advertising materials and production, sales, and marketing files relating to ASI; all repair and performance records, and all other records relating to ASI;

2. All intangible assets used in the development, production, servicing, sale, administration, assessment, and dissemination of tests and test results including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, but no corporate trademarks or trade names of Thomson or Harcourt; technical information; computer software and related documentation including, but not limited to, test drivers, scheduling software, and the OMEGA, EXPro, and REG2000 software platforms; know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices; all research data concerning historic and current research and development relating to ASI including, but not limited to, all test item banks, psychometric data, statistical reports of test results, designs of computer-based examinations and testing centers, and the designs of experiments, and the results of successful and unsuccessful designs and experiments; quality assurance and control procedures, including all security measures used in the development, administration, and assessment of computer-based tests and the reporting of exam results; design tools and simulation capability; and all manuals and technical information defendants provide to their own employees, customers, suppliers, agents or licensees.

D. ''College Textbook Products'' means all of the college textbooks identified on Exhibit A attached hereto. Each College Textbook Product also includes all ancillary educational materials offered for sale or under development by any subsidiary or division of the defendants that are designed to be specific to a textbook product identified in Exhibit A, including teacher editions, workbooks, notebooks, charts, audio, video, software, any CD–ROM, DVD–ROM, Internet and broadcast components, teacher support and staff development materials, and any other materials in any form, format or media, and also includes:

1. All tangible assets that comprise the College Textbook Products,

including research and development activities, all original and digital artwork, film plates, and other reproductive materials relating to the College Textbook Products including, but not limited to, all manuscripts, illustrations, any other content, and any revisions or revision plans thereof in print or digital form; all licenses, permits and authorizations issued by any governmental organization relating to the College Textbook Products; all contracts, teaming arrangements, agreements, commitments, certifications, and understandings relating to the College Textbook Products including, but not limited to, author permissions and other similar agreements, supply and distribution agreements; all customer lists, contracts, accounts, and credit records, or similar records of all sales and potential sales of the College Textbook Products; all sales support and promotional materials advertising materials, and production, sales and marketing files relating to the College Textbook Products; at the Acquirer(s)' option, computers and other tangible assets used primarily for the production of the College Textbook Products; and all performance and all other records relating to the College Textbook Products;

2. All intangible assets used in the development, production, servicing, marketing, and sale of the College Textbook Products including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks (registered and unregistered), trade names, service marks, service names, including all titles of existing products comprising the College Textbook Products, but no corporate trademarks or trade names of Thomson or Harcourt; all technical information, computer software and related documentation, know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices, safety procedures for the handling of materials and substances, quality assurance and control procedures, all manuals and technical information defendants provide to their own employees, customers, suppliers, agents or licensees; and all research data concerning historic and current research and development efforts relating to the College Textbook Products, including, but not limited to designs of experiments, and the results of successful and unsuccessful designs and experiments.

Defendants shall use their best efforts to facilitate the assignment to the Acquirer(s) of any of the above that defendants presently hold or use pursuant to a license or any other agreement.

E. ''Complete ASI Assets'' means ASI, the AIMS Business, and the State Testing Business, as defined in this Final Judgment.

F. ''Divestiture Assets'' means the College Textbook Products and the Complete ASI Assets, as defined in this Final Judgment.

G. ''Harcourt'' means defendant Harcourt General, Inc., a Delaware corporation with its headquarters in Chestnut Hill, Massachusetts, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnership and joint ventures, and their directors, officers, managers, agents, and employees.

H. ''Reed Elsevier'' means defendant Reed Elsevier Inc., a Massachusetts corporation with its headquarters in Newton, Massachusetts, its successors and assigns, and subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

I. ''Retained Products'' means any product offered for sale or in development by defendants as of the date of the filing of the Complaint in this matter that are not Divestiture Assets.

J. ''State Testing Business'' means only those contracts, agreements, or other understandings between Harcourt and any entity for the development, delivery, or administration of any licensing examinations to any state agencies or departments that are in effect as of the date of the filing of the Complaint in this matter, including

1. All tangible assets that are used exclusively for the State Testing Business, including research and development activities, all networking equipment, tooling and fixed assets, personal property, office furniture, materials, supplies, and other tangible property, and all assets used exclusively in connection with the State Testing Business, including supply agreements; all customer lists, contracts, accounts, and credit records or similar records of all sales and potential sales relating exclusively to the State Testing Business; all sales support and promotional materials, advertising materials and production, sales, and marketing files relating exclusively to the State Testing Business; and

2. All intangible assets that are used exclusively in the State Testing Business and are used in the development, production, servicing, sale and assessment of tests and test results including, but not limited to, all patents, licenses and sublicenses, intellectual property, copyrights, trademarks, trade names, service marks, service names, but no corporate trademarks or trade names of Thomson or Harcourt; technical information; computer software and related documentation; know-how, trade secrets, drawings, blueprints, designs, design protocols, specifications for materials, specifications for parts and devices; all research data concerning historic and current research and development relating exclusively to the State Testing Business including, but not limited to, all item banks, psychometric data, test development resources, statistical reports of test results, designs of computer-based examinations, the designs of experiments, and the results of successful and unsuccessful designs and experiments; quality assurance and control procedures; design tools and simulation capability; and all manuals and technical information defendants provide to those employees, customers, suppliers, agents or licensees exclusively devoted to the State Testing Business.

Provided, however that, to the extent that any of these assets are also employed the delivery or administration of any tests that are the subject of these contracts, such assets shall not be deemed to be part of the State Testing Business.

K. ''Thomson'' means defendant The Thomson Corporation, a foreign corporation with its headquarters in Toronto, Ontario, its successors and assigns, and its subsidiaries, divisions, groups, affiliates, partnerships and joint ventures, and their directors, officers, managers, agents, and employees.

III. Applicability

A. This Final Judgment applies to Thomson, Harcourt, and Reed Elsevier, as defined above, and all other persons in active concert or participation with any of them who receive actual notice of this Final Judgment by personal service or otherwise.

B. Defendant Thomson shall require, as a condition of the sale or other disposition of all or substantially all of their assets or of lesser business units that include the Divestiture Assets, that the purchaser agrees to be bound by the provisions of this Final Judgment, provided, however, that defendant Thomson need not obtain such an agreement from the Acquirer(s).

IV. Divestitures

A. Defendants are ordered and directed, within one hundred and twenty (120) calendar days after the filing of the Complaint in this matter, or five (5) days after notice of the entry of

this Final Judgment by the Court, whichever is later, to divest the College Textbook Products in a manner consistent with this Final Judgment to an Acquirer or Acquirers acceptable to the United States in its sole discretion. The United States, in its sole discretion, may agree to one extension of time of up to thirty (30) calendar days, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the College Textbook Products as expeditiously as possible.

B. Defendants are ordered and directed, within one hundred and twenty (120) calendar days after the filing of the Complaint in this matter, or five (5) days after notice of the entry of this Final Judgment by the Court, whichever is later, to divest in accordance with the procedures set forth in this paragraph, either ASI or the Complete ASI Assets to an Acquirer or Acquirers acceptable to the United States in its sole discretion. The United States, in its sole discretion, may agree to up to two extensions of this time period of up to thirty (30) calendar days each, and shall notify the Court in such circumstances. Defendants shall invite bids for both: (1) ASI, as defined in this Final Judgment, as well as (2) the Complete ASI Assets, as defined in this Final Judgment. Defendants shall permit all Acquirers to make an offer to purchase either or both ASI or the Complete ASI Assets. Defendants agree to use their best efforts to accomplish such divestitures as expeditiously as possible.

C. In accomplishing the divestitures ordered by this Final Judgment, defendants promptly shall make known, by usual and customary means, the availability of the Divestiture Assets. Defendants shall inform any person making inquiry regarding a possible purchase of the Divestiture Assets that they are being divested pursuant to this Final Judgment and provide that person with a copy of this Final Judgment. Defendants shall offer to furnish to all prospective Acquirers, subject to customary confidentiality assurances, all information and documents relating to the Divestiture Assets customarily provided in a due diligence process except such information or documents subject to the attorney-client or work-product privileges. Defendants shall make such information available to the United States at the same time that such information is made available to any other person.

D. Defendants shall provide the Acquirer(s) and the United States information relating to the personnel responsible for the editorial content of any College Textbook Product identified in Exhibit A to enable the Acquirer(s) to make offers of employment. In addition, defendants shall provide the Acquirer(s) and the United States information relating to all personnel of ASI or the Complete ASI Assets, as appropriate, including employees, agents, consultants, and independent contractors, to enable the Acquirer(s) to make offers of employment. Defendants shall not interfere with any negotiations by the Acquirer(s) to employ any defendant employee whose primary responsibility is for the editorial content of any College Textbook Product listed in Exhibit A, nor interfere with any negotiations by the Acquirer(s) to employ any employee, agent, consultant, or independent contractor of ASI or the Complete ASI Assets, as appropriate.

E. Defendants shall permit prospective Acquirers of the Divestiture Assets to have reasonable access to personnel responsible for the editorial content of any College Textbook Product identified in Exhibit A and to all personnel of the Complete ASI Assets. Defendants shall permit prospective Acquirers of ASI to make inspections of the physical facilities of ASI, and to have access to any and all environmental, zoning, and other permit documents and information of ASI. Further, defendants shall permit prospective Acquirers of the Complete ASI Assets to make inspections of the physical facilities of the Complete ASI Assets, and to have access to any and all environmental, zoning, and other permit documents and information of the Complete ASI Assets. Defendants shall also permit prospective Acquirers of the Divestiture Assets to have reasonable access to any and all financial, operational, or other documents and information related to the Divestiture Assets that are customarily provided as part of a due diligence process.

F. Defendants shall warrant to all Acquirers of the Divestiture Assets that each asset will be operational on the date of sale. Defendants Reed Elsevier and Harcourt shall make the warrants required under this provision to Thomson at the time of the sale by Reed Elsevier to Thomson of the Harcourt assets identified in Paragraph 10 of the complaint filed in this matter, and shall thereafter have no further obligations under this provision.

G. Defendants shall take no action that will impede in any way the permitting, publication, marketing, sale, development, administration, operation, or divestiture of the Divestiture Assets.

H. Defendants shall warrant to the Acquirer(s) of the Divestiture Assets that there are no material defects in the environmental, zoning, or other permits pertaining to the operation of each asset, and that following the sale of the Divestiture Assets, defendants will not undertake, directly or indirectly, any challenges to the environmental, zoning, or other permits relating to the operation of the Divestiture Assets. Defendants Reed Elsevier and Harcourt shall make the warrants required under this provision to Thomson at the time of the sale by Reed Elsevier to Thomson of the Harcourt assets identified in Paragraph 10 of the complaint filed in this matter, and shall thereafter have no further obligations under this provision.

I. Defendant Thomson shall retain the right to use any College Textbook Product listed on Exhibit A to the extent necessary to fulfill the terms of agreements, in effect as of the date this Final Judgment is filed with the Court, with purchasers of the product lines listed on Exhibit A. The Acquirer of any College Textbook Product listed on Exhibit A shall grant defendant Thomson a royalty-free license to continue to use that College Textbook Product to the extent necessary to fulfill the terms of such existing agreements. The Acquirer of any College Textbook Product that defendants currently use, in whole or in part, in any Retained Product, shall grant to defendant Thomson a royalty-free license to continue to use the College Textbook Product to the same extent in the production or sale of the Retained Product.

J. At the option of the Acquirer(s) of ASI and upon commercially reasonable terms, defendant Thomson shall contract with the Acquirer(s) to allow the Acquirer(s) to provide the delivery and administration of the State Testing Business. Such contractual arrangement between defendant Thomson and Acquirer(s) shall continue for the duration of the terms of each state contract, agreement or other understanding included in the State Testing Business. The Acquirer(s) of ASI shall grant to defendant Thomson a royalty-free license to any patents, licenses, or other intellectual property divested pursuant to Section IV.B of this Final Judgment to the extent that such intellectual property is used in the AIMS Business or the State Testing Business as of the date of the filing of the Complaint in this matter. This paragraph shall not apply in the event that defendant Thomson divests the Complete ASI Assets.

K. Unless the United States otherwise consents in writing, the divestitures pursuant to Section IV, or by trustee appointed pursuant to Section V, of this Final Judgment, shall include the entire

Divestiture Assets, and shall be accomplished in such a way as to satisfy the Untied States, in its sole discretion, that the Divestiture Asset can and will be used by the Acquirer(s) of the College Textbook Products as part of a viable, ongoing college textbook publishing business and by the Acquirer of ASI or the Complete ASI Assets as part of a viable, ongoing computer-based testing business. Divestiture of the Divestiture Assets may be made to one or more Acquirers, provided that in each instance it is demonstrated to the sole satisfaction of the United States that the Divestiture Assets will remain viable and that the divestiture of such assets will remedy the competitive harm alleged in the Complaint. The divestitures, whether pursuant to Section IV or Section V of this Final Judgment.

(1) Shall be made to an Acquirer (or Acquirers), that, in the United States's sole judgment, has the intent and capability (including the necessary managerial, operational, technical and financial capability) of competing effectively in the business of college textbook publishing in the case of the Acquirer(s) of the College Textbook Products and in the business of computer-based testing in the case of the Acquirer(s) of ASI or the complete ASI Assets; and

(2) Shall be accomplished so as to satisfy the United States, in its sole discretion, that none of the terms of any agreement between an Acquirer (or Acquirers) and Thomson, Harcourt, and/or Reed Elsevier give Thomson, Harcourt, and/or Reed Elsevier the ability unreasonably to raise the Acquirer's or (Acquirers') costs, to lower the Acquirer's or (Acquirers') efficiency, or otherwise to interfere in the ability of the Acquirer(s) to compete effectively.

V. Appointment of Trustee

A. If defendant Thomson has not divested the College Textbook Products and either ASI or the Complete ASI Assets within the time periods specified in Sections IV.A and B of this Final Judgment, defendant Thomson shall notify the United States of that fact in writing. Upon application of the United States, the Court shall appoint a trustee selected by the United States and approved by the Court to effect the divestitures of the College Textbook Products and the Complete ASI Assets, which are defined herein as the Divestiture Assets. Upon appointment, the trustee may only sell the Complete ASI Assets.

B. After the appointment of a trustee becomes effective, only the trustee shall have the right to sell the Divestiture Assets. Upon notice to defendant Thomson, the trustee shall have the power and authority to accomplish the divestitures to an Acquirer (or Acquirers) acceptable to the Untied States at such price and on such terms as are then obtainable upon reasonable effort by the trustee, subject to the provisions of Sections IV, V, and VI of this Final Judgment, and shall have such other powers as the Court deems appropriate. Subject to Section V.D of this Final Judgment, the trustee may hire, at the cost and expense of defendant Thomson, any investment bankers, attorneys, or other agents, who shall be solely accountable to the trustee and are reasonably necessary in the trustee's judgment to assist in the divestitures.

C. Defendants shall not object to a sale by the trustee on any ground other than the trustee's malfeasance. Any such objections must be conveyed in writing to the United States and the trustee within ten (10) calendar days after the trustee has provided the notice required under Section VI of this Final Judgment.

D. The trustee shall serve at the cost and expense of defendant Thomson on such terms and conditions as the United States approves, and shall account for all monies derived from the sale of the assets sold by the trustee and all costs and expenses so incurred. After approval by the Court of the trustee's accounting, including fees for its services and those of any professionals and agents retained by the trustee, all remaining money shall be paid to defendant Thomson and the trust shall then be terminated. The compensation of the trustee and any professionals and agents retained by the trustee shall be reasonable in light of the value of the Divestiture Assets and based on a fee arrangement providing the trustee with an incentive based on the price and terms of the divestitures and the speed with which they are accomplished, but timeliness is paramount.

E. Defendants Thomson and Harcourt shall use their best efforts to assist the trustee in accomplishing the required divestitures. The trustee and any consultants, accountants, attorneys, and other persons retained by the trustee shall have full and complete access to the personnel, books, records, and facilities of the businesses to be divested, and defendants Thomson and Harcourt shall develop financial and other information relevant to such businesses as the trustee may reasonably request, subject to reasonable protection for trade secret or other confidential research, development, or commercial information. Defendants shall take no action to interfere with or impede the trustee's accomplishment of the divestitures.

F. After its appointment, the trustee shall file monthly reports with the United States and the Court setting forth the trustee's efforts to accomplish the divestitures ordered under this Final Judgment. To the extent that such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. Such reports shall include the name, address, and telephone number of each person who, during the preceding month, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in the Divestiture Assets, and shall describe in detail each contact with any such person. The trustee shall maintain full records of all efforts made to divest the Divestiture Assets.

G. If the trustee has not accomplished such divestitures within six (6) months after its appointment, the trustee shall promptly file with the Court a report setting forth: (1) The trustee's efforts to accomplish the required divestitures; (2) the reasons, in the trustee's judgment, why the required divestitures have not been accomplished; and (3) the trustee's recommendations. To the extent that such reports contain information that the trustee deems confidential, such reports shall not be filed in the public docket of the Court. The trustee shall at the same time furnish such report to the United States who shall have the right to make additional recommendations consistent with the purpose of the trust. The Court thereafter shall enter such orders as it shall deem appropriate to carry out the purpose of the Final Judgment which may necessary, include extending the trust and the term of the trustee's appointment by a period requested by the United States.

VI. Notice of Proposed Divestitures

A. Within two (2) business days following the execution of a definitive divestiture agreement, defendant Thomson or the trustee, whichever is then responsible for effecting the divestitures required herein, shall notify the United States of any proposed divestitures required by Section IV or V of this Final Judgment. If the trustee is responsible, it shall similarly notify defendant Thomson. The notice shall set forth the details of the proposed divestitures and list the name, address, and telephone number of each person not previously identified who offered or expressed an interest in or desire to acquire any ownership interest in any of

the Divestiture Assets, together with full details of the same.

B. Within fifteen (15) calendar days of receipt by the United States of such notice, the United States may request from defendant Thomson and Harcourt, the proposed Acquirer(s), any other third party, or the trustee, if applicable, additional information concerning the proposed divestitures, the proposed Acquirer(s), and any other potential Acquirer. Defendants Thomson and Harcourt and the trustee shall furnish any additional information requested within fifteen (15) calendar days of the receipt of the request, unless the parties shall otherwise agree.

C. Within thirty (30) calendar days after receipt of the notice or within twenty (20) calendar days after the United States has been provided the additional information requested from defendants, the proposed Acquirer(s), any third party, and the trustee, whichever is later, the United States shall provide written notice to defendant Thomson and the trustee, if there is one, stating whether or not it objects to the proposed divestitures. If the United States provides written notice that it does not object, the divestitures may be consummated, subject only to defendants' limited right to object to the sale under Section V. C of this Final Judgment. Absent written notice that the United States does not object to the proposed Acquirer(s) or upon objection by the United States, a divestiture proposed under Section IV or Section V shall not be consummated. Upon objection by defendants under Section V C, a divestiture proposed under Section V shall not be consummated unless approved by the Court.

VII. Financing

Defendants shall not finance all or any part of any purchase made pursuant to Section IV or V of this Final Judgment.

VIII. Hold Separate

Until the divestitures required by this Final Judgment have been accomplished, defendants shall take all steps necessary to comply with the Hold Separate Stipulation and Order entered by the Court. Defendants shall take no action that would jeopardize the divestitures ordered by the Court.

IX. Affidavits

A. Within twenty (20) calendar days of the filing of the Complaint in this matter, and every thirty (30) calendar days thereafter until the divestitures have been completed under Section IV or V, defendants shall deliver to the United States an affidavit as to the fact and manner of their compliance with Section IV or V of this Final Judgment. Each such affidavit shall include the name, address, and telephone number of each person who, during the preceding thirty (30) days, made an offer to acquire, expressed an interest in acquiring, entered into negotiations to acquire, or was contacted or made an inquiry about acquiring, any interest in any of the Divestiture assets, and shall describe in detail each contact with any such person during that period. Each such affidavit shall also include a description of the efforts defendants have taken to solicit buyers for the Divestiture Assets, and to provide required information to prospective purchasers, including the limitations, if any, on such information. Assuming the information set forth in the affidavit is true and complete, any objection by the United States to information provided by defendants, including limitations on information, shall be made within fourteen (14) days of receipt of such affidavit.

B. Within twenty (20) calendar days of the filing of the Complaint in this matter, each defendant shall deliver to the United States an affidavit that describes in reasonable detail all actions that have been taken and all steps such defendant has implemented on an ongoing basis to comply with Section VIII of this Final Judgment. Each defendant shall deliver to the United States an affidavit describing any changes to the efforts and actions outlined in such defendant's earlier affidavits filed pursuant to this section within fifteen (15) calendar days after the change is implemented.

C. Defendants shall keep all records of all efforts made to preserve and divest the Divestiture Assets until one year after such divestiture has been completed.

D. Defendant Reed Elsevier's obligations under paragraphs A. and B. of this Section shall cease upon completion of its sale to Thomson of the Harcurt assets identified in Paragraph 10 of the Complaint filed in this matter.

X. Compliance Inspection

A. For the purposes of determining or securing compliance with this Final Judgment, or of determining whether the Final Judgment should be modified or vacated, and subject to any legally recognized privilege, from time to time duly authorized representatives of the United States Department of Justice, including consultants and other persons retained by the United States, shall, upon written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, and on reasonable notice to defendants, be permitted:

(1) Access during defendants' office hours to inspect and copy or, at plaintiff's option, to require defendants to provide copies of, all books, ledgers, accounts, records and documents in the possession, custody, or control of defendants, relating to any matters contained in this Final Judgment; and

(2) To interview, either informally or on the record, defendants' officers, employees, or agents, who may have their individual counsel present, regarding such matters. The interviews shall be subject to the reasonable convenience of the interviewee and without restraint or interference by defendants.

B. Upon the written request of a duly authorized representative of the Assistant Attorney General in charge of the Antitrust Division, defendants shall submit written reports, under oath if requested, relating to any of the matters contained in this Final Judgment as may be requested.

C. No information or documents obtained by the means provided in this section shall be divulged by the United States to any person other than an authorized representative of the executive branch of the United States, except in the course of legal proceedings to which the United States is a party (including grand jury proceedings), or for the purpose of securing compliance with this Final Judgment, or as otherwise required by law.

D. If at the time information or documents are furnished by a defendant to the United States, such defendant represents and identifies in writing the material in any such information or documents to which a claim of protection may be asserted under Rule 26(c)(7) of the Federal Rules of Civil Procedure, and such defendant marks each pertinent page of such material, ''Subject to claim of protection under Rule 26(c)(7) of the Federal Rules of Civil Procedure,'' then the United States shall give such defendant ten (10) calendar days notice prior to divulging such material in any legal proceeding (other than a grand jury proceeding).

XI. No Reacquisition

Defendant Thomson may not reacquire any part of the Divestiture Assets during the term of this Final Judgment.

XII. Retention of Jurisdiction

The Court retains jurisdiction to enable any party to this Final Judgment to apply to the Court at any time for

further orders and directions as may be necessary or appropriate to carry out or construe this Final Judgment, to modify any of its provisions, to enforce compliance, and to punish violations of its provisions.

XIII. Expiration of Final Judgment

Unless the Court grants an extension, this Final Judgment shall expire ten years from the date of its entry.

XIV. Public Interest Determination

Entry of this Final Judgment is in the public interest.

Date: _____

Court approval subject to procedures of Antitrust Procedures and Penalties Act, 15 U.S.C. 16

_____

United States District Judge

EXHIBIT A

College course	Divesture products
Accounting: Financial: Introductory: Graduate	Pratt, *Financial Accounting in an Economic Context* (2000) (Thomson)
Chemistry: Biochemistry: Principles: One Term	Boyer, *Concepts in Biochemistry* (1999) (Thomson)
Chemistry: Introductory: Nursing/Allied Health	Hein, *Introduction to General, Organic, and Biochemistry* (1997) (Thomson)
	Lygre, *General, Organic, and Biological Chemistry* (1995) (Thomson)
Chemistry: Organic: Introductory: One Term	Brown, *Introduction to Organic Chemistry* (2000) (Harcourt)
Communication: Communication: Interpersonal Communications	Alder, *Interplay* (1998) (Harcourt)
	Verderber, *Inter-Act: Using Interpersonal Communication Skills* (1998) (Thomson)
	Trenholm, *Interpersonal Communication* (2000) (Thomson)
Communication: Communication: Principles	Alder, *Understanding Human Communication* (2000) (Harcourt)
Communication: Journalism: Reporting	Felder, *Reporting for the Media* (1997) (Harcourt)
	Lanson, *Writing and Reporting the News* (1994) (Harcourt)
	Scanlan, *Reporting and Writing, Basics for the 21st Century* (1999) (Harcourt)
Criminal Justice: Introductory	Inciardi, *Elements of Criminal Justice* (1996) (Harcourt)
	Inciardi, *Criminal Justice* (1998) (Harcourt)
Economics: Introductory	Welch, *Economics* (1998) (Harcourt)
Economics: Microeconomics: Managerial Economics	Samuelson, *Managerial Economics* (1998) (Harcourt)
	Truett, *Managerial Economics* (1998) (Thomson)
Education: Psychology: Learning and Cognition	Best, *Cognitive Psychology* (1999) (Thomson)
.	
	Medin, *Cognitive Psychology* (1996) (Harcourt)
	Matlin, *Cognition* (1998) (Harcourt)
Environmental Science: Introductory	Raven, *Environment* (2000) (Harcourt)
Family and Consumer Studies: Nutrition	Smolin, *Nutrition: Science & Application* (2000) (Harcourt)
Finance: Financial Markets and Institutions: Commercial Bank Management.	Fraser, *Commercial Banking: The Management of Risk* (1995) (Thomson)
Finance: Financial Markets and Institutions: Financial Institutions and Markets.	Kidwell, *Financial Institutions, Markets & Money* (2000) (Harcourt)
Finance: Survey	Melicher, *Finance, Introduction to Instititutions* (2000) (Thomson)
Foreign Languages & Literature: French: Language: Elementary	Magnan, *Paroles* (1999) (Harcourt)(Harcourt)
	Siskin, *Situations et Contexts* (1994) (Harcourt)
	Rassias, *Le Francais Depart Arrivee* (1992) (Thomson)
	Rosenthal, *Objectif France: Introduction to French* (1993) (Thomson)
	Rosenthal, *Objectif France: Travaux Pratiques* (1993) (Thomson)
Foreign languages and Literature: French: Language: Intermediate	Comeau, *Ensemble* (all versions and years) (Harcourt)
Foreign Language and Literature: French: Literature	Berg, *Litterature francaise* (Vol. I) (1980) (Harcourt)
	Berg, *Litterature francaise* (Vol. II) (1997) (Harcourt)
Foreign Languages & Literature: Spanish: Language: Intermediate	Gilman, *Horizontes: Cultura Y Literatura* (1997) (Thomson)
	Gilman, *Horizontes: Gramatica Y Conversacioin* (1997) (Thomson)
Foreign Languages & Literature: Spanish: Literature: Literature	Anderson-Imber, *Literatura Hispanoamerica* (1970) (Harcourt)
	Mujica, *Texto Y Vida: Introduction a La Literatura Hispanoamerica* (1992) (Harcourt)
Geology: History	Wicander & Monroe, *Historical Geology: Evolution of the Earth* (2000) (Thomson)
Management: Strategic Management: Small Business Management	Hodgetts, *Effective Small Business Management* (1998) (Harcourt)
Marketing: Research	McDaniel/Gates, *Contemporary Marketing Research* (1999) (Thomson)
	McDaniel/Gates, *Marketing Research Essentials* (1998) (Thomson)
Mathematics: Calculus: General: Reform	Ostebee, *Calculus from Graphical, Numerical & Symbolic Points* (1997) (Harcourt)
Mathematics: Trigonometry	Barnett, *Analytical Trigonometry with Applications* (1999) (Thomson)
Music: Applied: Piano/Organ	Mach, *Contemporary Class Piano* (1997) (Harcourt)
Music: Music Theory: All Other	Benjamin, *Music for Analysis: Examples from the Common Practice* (1996) (Thomson)
Philosophy: Introductory	Solomon, *Introducing Philosophy* (1997) (Harcourt)
	Pojman, *Philosophy: the Quest for Truth* (1999)(Thomson)
	Pojman, *Introduction to Philosophy: Classical and Contemporary Readings* (2000) (Thomson)
	Kolak, *Experience of Philosophy* (1999) (Thomson)
	Titus, *Living Issues in Philosophy* (1995) (Thomson)

EXHIBIT A—Continued

College course	Divesture products
	Barcalow, *Open Questions: An Introduction to Philosophy* (1997) (Thomson)
Philsophy: Logic: Logic	Kalish, *Logic* (1980) (Harcourt)
	Bonevac, *Simple Logic* (1999) (Harcourt)
	Baum, *Logic* (1996) (Harcourt)
	Pine, *Essential Logic* (1996) (Harcourt)
	Herrick *The Many Worlds of Logic* (1999) (Harcourt)
Philosophy: Philosophy of: Law	Schauer, *Philosophy of Law* (1996) (Harcourt)
Philosophy: Philosophy of: Religion	Rowe & Wainright *Philosophy of Religion: Selected Readings* (1997) (Harcourt)
Psychology: Adjustment	Rathus, *Adjustment and Growth* (1998) (Harcourt)
Psychology: Clinical: Personality	Monte, *Beneth the Mask* (1998) (Harcourt)
	McAdams, *The Person: An Introduction to Personality* (1994) (Harcourt)(Harcourt)
	Mischel, *Introduction to Personality* (1998) (Harcourt)
Psychology: Development: Motivation and Emotion	Reeve, *Understanding Motivation and Emotion* (1997) (Harcourt)
Psychology: Physiological: Sensation and Perception	Coren, *Sensation and Perception* (1999) (Harcourt)
Psychology: Research: Statistics	Witte, *Statistics* (1996) (Harcourt)
	Welkowitz, *Introductory Statistics for Behavioral Sciences* (1991) (Harcourt)
Psychology: Social: of Women	Rider, *Our Voices: Psychology of Women* (2000) (Thomson)

EXHIBIT B.—LOCATIONS OF ASSESSMENT SYSTEMS, INC. TESTING CENTERS

Test center No.	Type	Address
0019	Flex	DBM-Falls Church Test Center, 3141 Fairview Park Drive, Suite 410, Falls Church, VA 22042.
0020	Flex	DBM/ASI Richmond Center, 9011 Arboretum Parkway, #150, Richmond, VA 23236.
0174	Lease	New York ASI Assessment Center, 15 East 26th Street, 1st Floor, New York, NY 10010.
0176	Lease	Tarrytown ASI Center, 220 White Plains, 2nd Floor, Tarrytown, NY 10591.
0179	Lease	Westbury ASI Center, 1600 Stewart Avenue, Suite 109, Westbury, NY 11590.
0180	Lease	Binghamton ASI Center, 49 Court Street/Metro Center, Binghamton, NY 13901.
0182	Lease	Albany ASI Center, 14 Computer Drive East, 2nd Floor, Albany, NY 12205.
0183	Lease	Amherst/Buffalo ASI Center, 385 N. French Road, Suite 104, Amherst, NY 14228.
0184	Lease	Syracuse ASI Center, 6315 Fly Road, Suite 3, Syracuse, NY 13057.
0185	Lease	Rochester ASI Center, 1200–A Scottsville Rd., Suite 397-Floor C, Rochester, NY 14624.
0270	Lease	Boston ASI/Harcourt Learning Center, 745 Boylston Street, Suite #300, Boston, MA 02116.
0271	Flex	Downes Professional Building, 1201 Westford Street, Lowell, MA 01851.
0272	Lease	Springfield ASI Center, Tower Square, 1500 Main Street, 25th Floor, Springfield, MA 01115.
0273	Lease	Dartmouth ASI Center, Smith Mill Shops, 331 State Road, Suite D, North Dartmouth, MA 02747.
0274	Lease	Malden ASI Cosmetology Center, Gateway Apartment Building, 14 Summer Street, Malden, MA 02148.
0275	Flex	Mansfield Beauty Academy, 266 Bridge Street, Springfield, MA 01103.
0277	Flex	Rob Roy Academy, 150 Pleasant Street, Worcester, MA 01608.
0330	Flex	ASI Phoenix/DBM, 2398 E. Camelback Road, Suite 600, Phoenix, AZ 85016.
0331	Lease	Tucson ASI Center, 1605 N. Wilmot, Suite 105 B, Tucson, AZ 85712.
0416	Lease	Little Rock ASI Assessment, University Tower Building, 1123 S. University, Suite 915, Little Rock, AR 72204.
0417	Lease	Springdale ASI Center-Building H, Springdale Business Park, 3291 S. Thompson, Suite 102 B, Springdale, AR 72764.
0418	Flex	El Dorado, Arkansas.
0540	Lease	Sacramento ASI Center, 1300 Ethan Way, Suite 330, Sacramento, CA 95825.
0541	Flex	DBM/ASI, 100 Bayview Circle, Suite 5500, Newport Beach, CA 92660.

EXHIBIT B.—LOCATIONS OF ASSESSMENT SYSTEMS, INC. TESTING CENTERS—Continued

Test center No.	Type	Address
0542	Flex	San Jose ASI Center, 1735 Technology Drive, Suite 150, Career Transition Center, San Jose, CA 95110.
0543	Lease	San Diego ASI Center, Kearny Office Park, Suite 109, 8334 Claremont Mesa Boulevard, San Diego, CA 92111.
0545	Lease	Glendale ASI Assessment Center, 213 N. Orange Street, Suite D, Glendale, CA 91203.
0546	Lease	DBM-Bakersfield Test Center, Ming Office Park, 5500 Ming Avenue, Suite 490, Bakersfield, CA 93309.
0547	Lease	Edgewater Park Plaza, 7700 Edgewater Drive, 600 Building, Suite 602, Oakland, CA 94621.
0550	Flex	DBM Site/Los Angeles, 6701 Center Drive West, Suite 11011, Los Angeles, CA 90045.
0623	Lease	Colorado Springs ASI Center, 1045 Garden of Gods Road, Unit F, Colorado Springs, CO 80907.
0624	Lease	Grand Junction ASI Center, Skyline Building, 751 Horizon Court #101, Grand Junction, CO 81506.
0625	Lease	Denver ASI Center, Denver Interplaza, Suite G, 601 S. Broadway, Denver, CO 80209.
0626	Lease	Pueblo ASI Center, University Center, 41 Montebello, 2nd Floor, Pueblo, CO 81001.
0627	Flex	Bayfield Senior High School, 800 County Road 501, Room 103, Bayfield, CO 81122.
0629	Lease	Greeley ASI Center, 5754 West 11th Street, #203, Greeley, CO 80634.
0714	Lease	Rocky Hill ASI Center, Pavilion-West Shopping Center, 632 Cromwell Avenue, Unit A, Rocky Hill, CT 06067.
0716	Flex	DBM-Stamford Test Center, Drake Beam Morin, One Station Place, 3rd Floor South, Stamford, CT 06901.
0805	Lease	Dover ASI Center, Kays Building–Suite 202, 1012 College Road, Dover, DE 19904.
0807	Lease	Wilmington/New Castle ASI Center, New Castle Corporation Common Complex, 2 Reads Way–Suite 212, New Castle, DE 19720.
0918	Lease	DC ASI Center, Suite 820, 1000 Vermont Avenue, NW., Washington, DC 20005.
1055	Lease	Harcourt/ASI Orlando Center, Harcourt Building, 6277 Sea Harbor Drive, Orlando, FL 32887.
1056	Lease	Boynton Beach ASI Center, Woolbright Professional Building, 2240 Woolbright Road, Suite #403, Boynton Beach, FL 33426.
1057	Lease	Ft. Lauderdale ASI Center, Oakland Commerce Center, 3317 NW 10th Terrace, Suite 401, Ft. Lauderdale, FL 33309.
1058	Lease	Ft. Myers ASI Center, 11691 Gateway Boulevard/Bank of America Building/Suite 200, Ft. Myers, FL 33913.
1059	Lease	Gainesville ASI Center, Northwood Park, 5000 NW 34th Street, Unit #10, Gainesville, FL 32606.
1060	Lease	Jacksonville ASI Center, Centurion Square, Suite #11, 8380 Baymeadows Road, Jacksonville, FL 32256.
1061	Lease	Miami ASI Center, Atrium Office Park, 3900 NW 79th Avenue, Suite 518, Miami, FL 33166.
1062	Lease	Pensacola ASI Center, Eastgate Plaza, 7143A North 9th Avenue, Pensacola, FL 32504.
1063	Lease	Tallahassee ASI Center, Capital Circle Commerce Center, 508 Capital Circle SE, Suite D–1, Tallahassee, FL 32301.
1064	Lease	Tampa ASI Center, Carrollwood Crossing, 4012 Gunn Highway/Suite 110, Tampa, FL 33624.
1065	Lease	Hollywood ASI Center, 6363 Taft Street, Suite 101, Hollywood, FL 33024.
1066	Lease	St. Petersburg ASI Center, Bay View Centre Building, Suite 250, 11300 4th Street North, St. Petersburg, FL 33716.
1067	Lease	Miami 2 ASI Center, 5805 Blue Lagoon Drive–Suite #380, Waterford Building Complex, Miami, FL 33126.
1068	Lease	Daytona Beach ASI Center, Sun Trust Bank Building, 501 N. Grandview Avenue/Suite #205, Daytona Beach, FL 32118.
1070	Lease	Lake Mary ASI Center, 100 Technology Park, Suite 165, Lake Mary, FL 32746.
1072	Flex	DBM-Boca Raton Test Center, 777 Yamato Road, Suite 310, Boca Raton, FL 33431.
1073	Flex	DBM-Miami 4 Test Center, 5200 Blue Lagoon Drive, Suite #110, Miami, FL 33126.
1120	Lease	Norcross ASI Center, 6500 McDonough Drive, Building E—Suite 5, Norcross, GA 30093.
1121	Lease	Marietta ASI Center, Cobb Corporate Center, 425 Franklin Road, Suite 525, Marietta, GA 30067.

EXHIBIT B.—LOCATIONS OF ASSESSMENT SYSTEMS, INC. TESTING CENTERS—Continued

Test center No.	Type	Address
1122	Lease	Macon ASI Center, 828 Walnut Street, Suite B, Macon, GA 31201.
1123	Flex	Realty Exec., 231 Stephenson Avenue, 2nd Floor Training Room, Savannah, GA 31405.
1124	Lease	Augusta ASI Center, Westgate Center Office Park, 2531 Center West Parkway, Suite 232, Augusta, GA 30909.
1125	Lease	Tifton ASI Center, 114 West 12th Street, Suite G, Tifton, GA 31794.
1128	Lease	Marietta North ASI Center, 1279 Kennestone Circle, Suite 100, Marietta, GA 30066.
1236	Lease	Honolulu ASI Center, Kapiolani Business Plaza, 1580 Makaloa, Suite 900, Honolulu, HI 96814.
1237	Flex	Waikloa ASI Center, 68–1845 Waikoloa Shopping Center, Suite 211, Waikoloa Highlands, HI 96738.
1238	Flex	Kauai Community College, Campus Center Building, Room 214, 3–1901 Kaumaulii Highway, Lihue, HI 96766.
1239	Flex	Lihikai School, 335 S. Papa Avenue, Building C, Rooms 1&2, Kahula-Maui, HI 96732.
1320	Lease	Boise ASI Center, Blackeagle Center, 9376 Overland Road, Boise, ID 83709.
1321	Flex	Tesh, Inc., 3803 Industrial Avenue South, Coeur d' Alene, ID 83814.
1322	Lease	Pocatello ASI Center, Re/Max Building, 812 E. Clark Street, Pocatello, ID 83201.
1440	Lease	Springfield ASI Center, Realty Plaza, Suite 301, 3180 Adloff Lane, Springfield, IL 62703.
1441	Lease	Schaumberg ASI Center, Salem Plaza, 1089 North Salem Plaza, Schaumberg, IL 60194.
1442	Lease	Chicago ASI Center, 645 North Michigan Avenue, Room 410, Michigan & Erie, Chicago, IL 60611.
1445	Lease	Westmont ASI Center, 508 A East Ogden Avenue, Westmont, IL 60559.
1446	Flex	Knox College, Corner of South & West Street, Science-Math Center, Room A–107, Galesburg, IL 61401.
1448	Flex	DBM-Deerfield Test Center, 520 Lake Cook Road, Suite 200, Deerfield, IL 60015.
1451	Flex	John A Logan College, 700 John Logan Drive, Administrative Building, E–132, Carterville, IL 62918.
1541	Lease	Evansville ASI Center, 125 N. Weinbach Avenue, Suite 720, Evansville, IN 47711.
1542	Lease	Schererville ASI Center, Oak Ridge Center, 142–4 East Highway 30, Schererville, IN 46375.
1543	Lease	Indianapolis ASI Center, First Floor, Room 170, 9102 North Meridian Street, Indianapolis, IN 46260.
1620	Flex	Univ Park Holiday Inn, 1800 50th Street, Lucas Room, W. Des Moines, IA 50266.
1621	Mobile	Holiday Inn Express, North Cedar Rapids, 1230 Collins Road, Cedar Rapids, IA 52402.
1622	Mobile	Sioux City Hilton, 707 4th Street, Sioux City, IA 51106.
1704	Flex	DBM-Overland Park Test Center, 7400 West 130th Street, Suite 150, Overland Park, KS 66213.
1705	Flex	Johnson County Community College, 12345 College Boulevard, CC Building, 2nd Floor, Room 224, Overland Park, KS 66210.
1706	Lease	Wichita ASI Center, Building 400, Northrock Business Park, 3450 N. Rock Road, Suite 407, Wichita, KS 67266.
1707	Lease	Topeka ASI Center, 2942 B Wanamaker Drive, Suite #2D, Topeka, KS 66604.
1708	Flex	Hays High School, 2300 East 13th Street, Room 102 Hays, KS 67601.
1827	Lease	Lexington ASI Center, 2365 Harrodsburg Road, Suite B–175, Lexington, KY 40504.
1828	Lease	Louisville ASI Center, 11003 Bluegrass Parkway, Suite 590, Louisville, KY 40299.
1942	Lease	Shreveport ASI Center, Harry Patterson Tower, 6007 Financial Plaza, Suite 505, Shreveport, LA 71129.
1943	Lease	Metairie ASI Center, Hibernia Bank Building, Suite 411, 2201 Veterans Memorial Boulevard Metairie, LA 70005.
2015	Flex	Beal College, 629 Main Street, Bangor, ME 04401.
2016	Lease	Portland ASI Center, 500 Southborough Drive, S. Portland, ME 04106.
2150	Lease	Parkville ASI Center, North Plaza Office Building, #204, 8813 Waltham Woods Road, Parkville, MD 21234.
2151	Lease	Crofton ASI Center, 2137 Epsey Court, Unit #5, Crofton, MD 21114.
2152	Flex	Landover ASI Center, Metro-Plex II, Suite 400, 8201 Corporate Drive, Landover, MD 20785.

EXHIBIT B.—LOCATIONS OF ASSESSMENT SYSTEMS, INC. TESTING CENTERS—Continued

Test center No.	Type	Address
2153	Flex	Allegany Community College, 12401 Willowbrook Road, Room 20, Continuing Education Building, Cumberland, MD 21502.
2260	Lease	Anchorage ASI Center, 2217 E. Tudor Road, Suite 5, Anchorage, AK 99503.
2261	Lease	Fairbanks ASI Center, Eagle Plaza Mall, 418 3rd Avenue, Unit 1B, Fairbanks, AK 99701.
2262	Lease	University of Alaska, 11120 Glasier Highway, Juneau, AK 99801.
2345	Lease	Redford ASI Center, Heritage Plaza Shopping Center, 14645 Telegraph Road, Redford, MI 48239.
2346	Lease	Lansing ASI Center, 6920 S. Cedar, Suite 6, Lansing, MI 48911.
2347	Lease	Grand Rapids ASI Test Center, 4489 Byron Center Drive, Wyoming, MI 49509.
2348	Flex	DBM Troy Test Center, 201 West Big Beaver Road, Suite 450, Troy, MI 48007.
2353	Flex	Marquette High School, 1203 W. Fair Avenue, Room 222, NE entrance, Marquette, MI 49855.
2440	Lease	Edina ASI Center, 4550 W. 77th Street, Suite 224, Edina, MN 55435.
2441	Lease	Duluth ASI Center, 718 Medical Arts Building, 324 W. Superior Street, Suite 718, Duluth, MN 55802.
2442	Flex	University Rochester Center (UCR), 851 30th Avenue SE, Room SH105—Singley Hall, Rochester, MN 55904.
2443	Lease	Waite Park/St. Cloud ASI Center, Market Place Annex, 256 2nd Avenue South, Waite Park, MN 56387.
2444	Lease	Moorhead ASI Center, McDonald's Plaza, 501 Main Avenue, Moorhead, MN 56560.
2445	Flex	Marshall High School, 401 South Saratoga Street, Room C20, Marshall, MN 56258.
2520	Lease	Ridgeland ASI Center, Odyssey North Shopping Center, 731 S. Pear Orchard Road, Suite 35, Ridgeland, MS 39157.
2616	Lease	St. Ann ASI Center, 500 Northwest Plaza Office Tower, Suite 813, St. Ann, MO 63074.
2617	Lease	Kansas City ASI Center, Broadway Summit Building, 3101 Broadway, Suite 214, Kansas City, MO 64111.
2618	Lease	Springfield ASI Center, 3046 S. Delaware, Suite K, Springfield, MO 65804.
2620	Flex	DBM—St. Louis Test Center, Clayton Mercantile Center, 8000 Maryland Avenue, Suite 1300, St. Louis, MO 63105.
2722	Mobile	The Billings Hotel and Conference Center, 1223 Mullowny Lane, Billings, MT 59101.
2730	Flex	Billings Skyview High School, 1775 High Sierra Boulevard, Room #126, Billings, MT 59105.
2731	Flex	University of Montana, The Lodge Building, Room 231, Arthur & University Avenues, Missoula, MT 59812.
2820	Lease	Omaha ASI Center, 11635 Arbor Street #100, Omaha, NE 68144.
2914	Lease	Las Vegas ASI Center, Renaissance III, 3230 E. Flamingo Road, Suite #1, Las Vegas, NV 89121.
2915	Lease	Reno ASI Center, 5250 S. Virginia Street, Suite 255, Reno, NV 89502.
3020	Lease	Lebanon ASI Center, Miracle Mile Plaza #8, Route #4, Lebanon, NH 03766.
3180	Lease	Milburn ASI Center, 15 Bleeker Street, Suite #102, Millburn, NJ 07041.
3183	Lease	Mt. Laurel ASI Center, Princeton Place, 3747 Church 2nd Floor, Mount Laurel, NJ 08054.
3184	Lease	Cedar Knolls ASI Center, 14 Ridgedale Avenue, Cedar Knolls, NJ 07927.
3185	Lease	Northfield ASI Center, 950 Tilton Road, Northfield, NJ 08225.
3186	Lease	Toms River ASI, Summer Plaza, 1228 Route 27 West, Suite 5, Toms River, NJ 08753.
3187	Lease	Hamilton Township ASI Center, Quakerbridge Plaza, Building 2, 3444 Quakerbridge Road—Rear, Hamilton Township, NJ 08619.
3188	Lease	Pompton Plains ASI Center, Scott Center, 449 Route 23 (Southbound), Pompton Plains, NJ 07444.
3220	Lease	Albuquerque ASI Center, 2815 Broadbent Parkway, NE, Suite C, Albuquerque, NM 87107.
3320	Lease	Montgomery ASI Center, East Park Plaza, 140 Mendel Parkway, Montgomery, AL 36117.
3221	Lease	BZirmingham ASI Center, 216 Acquarius Drive, Suite 305, Homewoodd, AL 35209.
3440	Flex	DBM—Charlotte Test Center, 8720 Red Oak Boulevard, Suite 301, Charlotte, NC 28217.

EXHIBIT B.—LOCATIONS OF ASSESSMENT SYSTEMS, INC. TESTING CENTERS—Continued

Test center No.	Type	Address
3441	Flex	DBM—Raleigh Test Cetner, 1121 Situs Court, Suite 100, Raleigh, NC 27606.
3442	Lease	Wilmington ASI Center, Pine Valley II Shopping Center, 3534 S. College Road, Unit D, Wilmington, NC 28412.
3443	Lease	Raleigh ASI Center, 2801 Blue Ridge Road, Suite 110, Raleigh, NC 27607.
3444	Lease	Statesville ASI Center, City Center Building, 211 S. Center Street, Suite 218, Statesville, NC 28687.
3445	Lease	Huntersville ASI Center, Northcross Corporate Center, 16419 B Northcross Drive Hunterville, NC 28078.
3446	Lease	Ascheville ASI Center, 1316 D Patton Avenue, Asheville, NC 28806.
3447	Lease	New Bern ASI Center, 3515 Trent Road, #16 Village Square, New Bern, NC 28562.
3520	Mobile	Radisson Inn Bismarck, 800 South Third Street, Bismarck, ND 58504.
3521	Mobile	Westward Ho Grand Forks, 3500 Gateway Drive, Grand Forks, ND 58206.
3522	Mobile	Holiday Inn Minot, 2200 Burdick Expressway, East, Minot, ND 58206.
3656	Lease	Columbus ASI Center, 6555 Busch Boulevard, Suite 101, Columbus, OH 43229.
3657	Lease	Cleveland ASI Center, The Superior Building, Suite 1420, 815 Superior Avenue NE, Cleveland, OH 44114.
3658	Lease	Cincinnati ASI, Center, Court Street Center, Suite 475 E, 250 West Court Street, Cincinnati, OH 45202.
3720	Lease	Oklahoma City ADSI Center, Shepherd Mall, Suite 45, 2401 NW 23rd Street, Oklahoma City, OK 73107.
3721	Lease	Tulsa ASI Center, Business Common Tech Center, 5115 S. 122nd E. Avenue, Suite 201, Tulsa, OK 74146.
3722	Mobile	Ardmore Omega Mobile, Best Western/ASI, 6 Holiday Drive, Ardmore, OK 73401.
3819	Flex	Portland ASI/DBM Center, 2 Centerpointe Drive, Suite 100, Lake Oswego, OR 97035.
3820	Lease	Springfield ASI Center, Gateway Market Place, 840 Beltline Road, #206, Springfield, OR 97477.
3972	Lease	Bala Cynwyd ASI Center, 3 Bala Plaza West, 2nd Floor, Bala Cynwyd, PA 19004.
3973	Lease	Pittsburgh ASI Center, Campbell Run Business Center, 500 Business Center Drive, Suite 501, Pittsburgh, PA 15205.
3974	Flex	DBM–Berwyn Test Center, 1205 Westlakes Drive, Suite 250, Berwyn, PA 19312.
3976	Flex	South Hills Business School, 480 Waupelani Drive, State College, PA 16801.
3977	Lease	Scranton ASI Center, 409 Lackawanna Avenue, Mezzanine Level, Scranton, PA 18503.
3979	Mobile	Lemoyne ASI Center, 20 Erford Road, Suite 204, Lemoyne, PA 17043.
4011	Lease	Providence ASI Center, 36 Hemingway Drive, E. Providence, RI 02815.
4108	Lease	Greenville ASI Center, Greengate Office Park, 25 Woodslake Road, Suite 708, Greenville, SC 29607.
4109	Lease	Charleston ASI Center, 7410 Northside Drive, Suite 103,North Charleston, SC 29420.
4110	Lease	Columbia ASI Center, Converse Building, 250 Berryhill Road, Suite 210, Columbia, SC 29210.
4218	Mobile	Sioux Falls Mobile Test Center, Sheraton Hotel and Convention Center, 1211 N. West Avenue, Sioux Falls, SC 57104.
4219	Mobile	Ramada Inn Aberdeen, 272 6th Avenue SE, Aberdeen, SD 57401.
4220	Mobile	Rapid City Mobile Test Center, Holiday Inn Rushmore Plaza Hotel and Conference Center, 505 North Fifth Street, Rapid City, SD 57701.
4322	Lease	Nashville ASI Center, Bell Trace Plaza, Suite 106, 5814 Nolensville Pike, Nashville, TN 37211.
4323	Lease	Knoxville ASI Center, The Terraces 154–F, Market Place Boulevard, Knoxville, TN 37922.
4324	Lease	Memphis ASI Center, 6073 Mt. Moriah Extended, Appletree Center, Suite 8, Memphis, TN 38115.
4340	Lease	Johnson City ASI Assessment Center, 503 Princeton Road, Suite E, Johnson City, TN 37601.
4341	Lease	Jackson ASI Center, 77B Executive Drive, Jackson, TN 38305.
4342	Lease	Chattanooga ASI Center, 115 Nowlin Lane, Suite 3000, Chattanooga, TN 37421.

EXHIBIT B.—LOCATIONS OF ASSESSMENT SYSTEMS, INC. TESTING CENTERS—Continued

Test center No.	Type	Address
4402	Lease	El Paso ASI Center, 10737 Gateway West, Suite 220, El Paso, TX 79935.
4407	Lease	Arlington ASI Center, 2201 North Collins, Suite 230, Arlington, TX 76011.
4408	Flex	Lubbock Christian University, Nursing and Math Building, Room 1, 5601 19th Street, Lubbock, TX 79407.
4412	Flex	Del Mar College-West Campus, Morgan St.-at Old Airport road, Coleman Center, Room 144, Corpus Christi, TX 78404.
4421	Flex	DBM–Suite 200 E, 9600 Great Hills Trail, Great Hills Plaza, Austin, TX 78759.
4422	Lease	Houston ASI Center, 2424 Wilcrest, Suite 240, Houston, TX 77042.
4423	Flex	Texas Careers, 1015 Jackson Keller Road, Suite 204, San Antonio, TX 78213.
4517	Flex	Midvale ASI Center, 7302 South 300 West, Suite B, 301, Midvale, UT 84047.
4813	Flex	Wenatchee Valley College, Eller Fox Building, Rooms 3012 and 3016, Wenatchee, WA 98195.
4814	Lease	Lacey ASI Center, 719 Sleater-Kinney Road, Suite 124, Lacey, WA 98503.
4815	Lease	Kennewick ASI Center, 1149 N. Edison, Suite B, Kennewick, WA 99336.
4816	Lease	Seattle/Tukwila ASI Assessment Center, 12720 Gateway Drive, Suite 208, Tukwila, WA 98168.
4817	Lease	Spokane ASI Center, North 505 Argonne Road, Suite 4, Spokane, WA 99212.
4818	Lease	Vancouver ASI Center, First Place Plaza, 12503 SE Mill Plain Road, #130, Vancouver, WA 98684.
4819	Lease	Yakima, Washington.
4931	Lease	Dunbar ASI Center, 1400 Ohio Avenue, Suite C, Dunbar, WV 25064.
4932	Flex	West Virginia University, Oakland Street, 701 B Allen/Percival Hall, Morgantown, WV 26506.
4933	Flex	Beckley High School, 410 Stanford Road, Room #D–12, Beckley, WV 25801.
5050	Lease	Elm Grove ASI Center, Enterprise Center, 2nd Floor, 12700 West Blue Mound Road, Elm Grove, WI 53122.
5051	Lease	Madison ASI Center, 582 Grand Canyon Drive, Madison, WI 53719.
5052	Lease	Green Bay ASI Center, 2350 University Avenue, #100, Green Bay, WI 54302.
5053	Lease	Menomonie ASI Center, 2521 South Broadway, Office 101 (lower level), Menomonie, WI 54751.
5054	Flex	University of Wisconsin Center, Marathon County, Room 070, 518 South 7th Avenue, Wausau, WI 54401.
5055	Flex	DBM–Milwaukee, 18000 West Sara Lane, Suite 300, Brookfield, WI 53045
5118	Mobile	Rock Springs Holiday Inn, 1675 Sunset Boulevard, Rock Springs, WY 99999.
5119	Mobile	Sharidan Holiday Inn and Convention Center, 1809 Sugurland Drive, Sharidan, WY 99999.
5121	Mobile	Holiday Inn Casper, 300 West ''F'' Street, Casper, WY 82601.

United States District Court for the District of Columbia

CASE NUMBER 1:01CV01419
JUDGE: Gladys Kessler
DECK TYPE: Antitrust
DATE STAMP: 06/27/2001

United States of America, Plaintiff, v. The Thomson Corporation, Harcourt General, Inc., and Reed Elsevier Inc., Defendants

Competitive Impact Statement

The United States, pursuant to section 2(b) of the Antitrust procedures and Penalties Act (''APPA''), 15 U.S.C. 16(b)–(h), files this Competitive Impact Statement relating to the proposed Final Judgment submitted for entry in this civil antitrust proceeding.

I. Nature and Purpose of the Proceeding

On June 27, 2001, the United States filed a civil antitrust Complaint alleging that the proposed acquisition by The Thomson Corporation (''Thomson'') of the college textbook publishing and computer-based testing businesses of Harcourt General, Inc. (''Harcourt'') from Reed Elsevier Inc. (''Reed Elsevier'') would violate Section 7 of the Clayton Act, 15 U.S.C. 18. The Complaint alleges that Thomson and Harcourt, two of the world's largest publishers of textbooks and other educational materials, are direct competitors in the development, marketing, and sale of textbooks and print and Internet-based supplemental educational materials used in college courses. For dozens of college courses, they publish textbooks that are close substitutes. Unless the acquisition is blocked, competition in certain markets for college textbooks and ancillary educational materials will be substantially lessened and likely will lead to higher textbook prices and a reduction in the number and quality of ancillary educational materials provided to teachers and students.

Thomson and Harcourt also are direct competitors in the market for nationwide delivery and administration

of certain high stakes computer-based tests used by professional organizations and state and local government agencies for licensure and certification. Further, the Complaint alleges that competition in the market for nationwide delivery and administration of certain high stakes computer-based examinations will be substantially lessened and likely will result in both test sponsors and candidates paying higher prices for such examinations and in a reduction in the quality of test delivery and administration services.

The request for relief in the Complaint seeks: (1) A judgment that Thomson's proposed acquisition would violate section 7 of the Clayton Act; (2) a preliminary and permanent injunction preventing consummation of the merger agreement; (3) an award of costs to the plaintiff; and (4) such other relief as the Court may deem just and proper.

Shortly before the Complaint was filed, the parties reached a proposed settlement that permits Thomson to complete its acquisition of Harcourt's college textbook publishing and computer-based testing businesses, yet preserves competition in the markets in which the transaction would raise significant competitive concerns. Along with the Complaint, the parties filed a Hold Separate Stipulation and Order and a proposed Final Judgment which establishes the terms of the settlement.

The proposed Final Judgment orders the defendants to divest sixty-eight (68) college textbooks and related ancillary educational materials so that competition in the development, marketing, and sale of textbooks in each of the thirty-eight (38) courses identified in the Complaint will be preserved. In addition, the proposed Final Judgment orders the defendants to make certain divestitures of Harcourt's computer-based testing business, specifically, Harcourt's subsidiary Assessment Systems, Inc. (''the Complete ASI Assets'') or ASI, which includes all the assets of Assessment Systems, Inc., excluding the Agency Information Management Services Business and the State Testing Business, as such terms are defined in the proposed Final Judgment. Unless the United States agrees to an extension of time, the defendants must complete all of these divestitures within one hundred and twenty (120) calendar days of the filing of the Complaint, or within five (5) days of the expiration of the sixty-day (60) statutory notice-and-comment period that commenced upon the publication of this Competitive Impact Statement, whichever is later.

If defendant Thomson does not complete the college textbook divestitures within the appropriate time period, the Court, upon application of the United States, will appoint a trustee selected by the United States to complete the remaining divestitures. Should defendant Thomson fail to complete the computer-based testing business divestitures within the specified time period, the Court, upon application of the United States, will appoint a trustee selected by the United States to accomplish the divestiture of the Complete ASI Assets. The proposed Final Judgment also requires the defendants to take all steps necessary to maintain, operate, and market the divestiture assets as independent and active competitors until the divestitures mandated by the proposed Final Judgment have been accomplished.

The plaintiff and defendants have stipulated that the Court may enter the proposed Final Judgment after compliance with the APPA. Entry of the proposed Final Judgment would terminate this action, except that the Court would retain jurisdiction to construe, modify, or enforce provisions of the Final Judgment and punish violations thereof.

II. Description of the Events Giving Rise to the Alleged Violation

A. The Defendants and the Proposed Transaction

The Thomson Corporation is a foreign corporation organized and existing under the laws of Canada, with its headquarters in Toronto, Ontario. Thomson publishes textbooks and other educational materials used in higher education under such names as Southwestern, Wadsworth, Heinle & Heinle, and Brooks/Cole. It is one of the world's largest commercial publishers and a leading competitor in many segments of the educational publishing marketplace. In addition, through its subsidiary Prometric, Inc., a Maryland corporation, Thomson offers computer-based testing services, including test delivery and administration, throughout the United States. Prometric is one of the few companies that operates a nationwide network of testing facilities, and/or is offering high stakes computer-based testing delivery and administration services.

Harcourt General, Inc. is a corporation organized and existing under the laws of Delaware, with its headquarters in Chestnut Hill, Massachusetts. Harcourt publishes textbooks and other educational materials under the Harcourt, Saunders, Dryden, and Holt Rinehart Winston imprints. It is one of the world's largest publishing companies and a leading competitor in many segments of the educational publishing marketplace. In addition, through its subsidiary Assessment Systems, Inc., a Pennsylvania corporation, Harcourt offers computer-based testing services, including test development, delivery, and administration, throughout the United States. Assessment Systems, Inc. is one of the few companies that operates a nationwide network of facilities, and/or is offering high stakes computer-based testing delivery and administration services.

Reed Elsevier Inc. is a corporation organized and existing under the laws of Massachusetts, with its headquarters in Newton, Massachusetts. Reed Elsevier and Harcourt reached in agreement on October 27, 2000, under which Reed Elsevier will purchase all of the assets of Harcourt. On the same date, Reed Elsevier and Thomson reached a separate agreement under which Thomson will acquire from Reed Elsevier: (1) Harcourt's Higher Education Group, which publishes textbooks and print and Internet-based ancillary educational materials in major academic disciplines in higher education, and (2) most of Harcourt's Corporate and Professional Services Group, the latter of which includes Assessment Systems, Inc.

B. Product Markets

1. College Textbook Markets

a. *Description of the Markets.* Publishers market textbooks and ancillary educational materials to professors and in colleges and universities throughout the country. College professors generally select textbooks to serve as the primary teaching material for their courses. Textbooks provide the core written material for a course, serve as the foundation for the professor's overall lesson plan, and establish the framework for class discussions. Professors choose among textbooks that can provide this core content and structure. Students then buy the selected textbooks, typically at college bookstores.

Publishers often attempt to induce a professor to select their textbooks by offering free ancillary educational materials, such as a teacher's edition of the textbooks, audio-visual teaching tools, and copies of the textbooks for teaching assistants. In addition, sometimes students buy the textbooks as part of a discounted package that includes further ancillary educational materials, such as CD–ROMs, workbooks, and study guides.

The Complaint identifies thirty-eight (38) college courses in which Thomson and Harcourt are among the leading competitors in the provision of textbooks and related educational materials. These courses fall primarily within the disciplines of chemistry, communications, finance, foreign languages, philosophy, and psychology. In most of these courses, textbooks are used as a primary teaching material. A small but significant increase in the price of textbooks for a college course—or a small but significant decrease in the number of quality of ancillary educational materials provided with the textbooks—would not cause a significant number of professors or students to switch to alternative products. In addition, used textbooks cannot defeat an increase in the price of new textbooks or a decrease in the supply of ancillaries provided with them. The supply of used textbooks is limited, and professors usually require their students to use the newest edition of a textbook, which, generally, is revised every three to four years.

b. *Harm to Competition as a Consequence of the Merger.* In each of the thirty-eight (38) college textbook markets identified in the Complaint, Thomson and Harcourt compete vigorously by offering textbooks that are close substitutes. Together, they account for a major share of new textbook sales and face significant competition from only a few other publishers. Thus, the proposed acquisition would significantly increase concentration in already high concentrated markets.

Competition between Thomson and Harcourt has resulted in lower prices and has created a significant incentive for each to publish new titles and improve product quality. The proposed acquisition would eliminate this competition, giving Thomson the ability to raise the prices of its or Harcourt's textbooks or reduce the number of quality of ancillary educational materials provided with the textbooks.

In each of the thirty-eight (38) college textbook markets, there is unlikely to be timely entry by any company that would be sufficient to defeat an anticompetitive increase in textbook prices or a decrease in the number or quality of ancillary educational materials or that would spur continuing innovation in the development and production of such products. Successful entry involves a costly and time-consuming process in which a publisher must locate an author qualified to write a new textbook and assemble an editorial staff to edit and develop the textbook, which then must be reviewed by numerous professors prior to its publication. In addition, effectively selling college textbooks require a trained and knowledgeable sales force to visit and foster relationships with professors at each school to which the textbooks are sold, along with direct mail solicitation and participation in educational conventions. Entry is also impeded by the difficulty in challenging the reputation of successful incumbent textbooks.

The Complaint alleges that the transaction likely will have the following effects:

i. Actual and future competition between Thomson and Harcourt will be eliminated;

ii. Competition generally in the markets for the textbooks and ancillary educational materials for each of the college courses identified in the Complaint will be substantially lessened;

iii. Prices for college textbooks and ancillary educational materials for each of the college courses identified in the Complaint will increase or the number and quality of materials will decline; and

iv. Competition in the development and improvement of college textbooks and ancillary educational materials in each of the college courses identified in the Complaint will be substantially lessened.

2. Computer-Based Testing Markets

a. *Description of the Markets.* Many different test sponsors, including professional associations and state and local governments, use computer-based testing for licensing and certification. The creation, delivery, and evaluation of a test involves three stages: (1) Developing test content; (2) delivering and administering tests; and (3) processing and reporting test results. Test sponsors using computer-based testing generally rely upon outside companies to perform each of the steps involved in developing and delivering their tests and evaluating the results.

Test sponsors' examinations may be classified as either ''high stakes'' or ''low stakes.'' High stakes tests involve those that have very important consequences for the candidates, such as real estate or stockbroker licenses, and certification to assist in surgical procedures, while low stakes tests include practice, training, and self-improvement tests. Test sponsors invariably require a higher level of security during the delivery and administration of high stakes tests than of low stakes tests.

Traditionally, licensing and certification examinations have been administered through paper-and-pencil tests. However, computer-based testing offers both test sponsors and candidates a number of significant advantages compared to paper-and-pencil testing. Typically, paper-and-pencil tests are given only a few times each year at specified dates and times, while computer-based testing allows test sponsors to offer a test throughout the year on multiple days of the week. Candidates can therefore schedule the test at a convenient time. Such flexible schedule also benefits test sponsors, enabling them to distribute work evenly throughout the year, rather than in concentrated periods surrounding the test dates, thus increasing the efficiency of their business operations.

Computer-based testing also allows the use of more innovative testing features than paper-and-pencil testing. Computer-based tests can be scored instantly, and test questions are more easily updated and improved. Computer-based tests also allow test sponsors to better identify questions that lead to false positives or false negatives. Further, ''computer adaptive testing'' allows for the test to adapt to the test taker's performance (*e.g.,* correct responses lead to increasingly difficult questions), thereby providing for more effective evaluations.

Test sponsors that offer high stakes computer-based examinations to a nationwide pool of candidates require that the computer-based testing company with whom they contract have a network of testing centers throughout the United States. Test sponsors require that, while examinations are occurring, such testing centers be devoted solely to testing and have adequate security to ensure the integrity of the sponsor's examination and to prevent candidates from cheating. Requisite security measures include having secure computer servers, checking each candidate's identification prior to the examination, and providing proctors to ensure that candidates are not using unauthorized materials during the examination period. Because the proctors' attention and time must be dedicated to monitoring the candidates, they cannot perform other tasks during the examination period. Additional security measures that may be used include video cameras, fingerprint checks, viewing windows, and additional proctors.

Test sponsors using or considering nationwide high stakes computer-based tests would not turn to any alternative product in sufficient numbers to defeat a small but significant increase in the price of delivery and administration services provided through a secure testing center network. As discussed

above, computer-based testing providing numerous advantages over paper-and-pencil testing. As a result, the existence of paper-and-pencil testing cannot defeat an increase in the price of computer-based test delivery and administration given through a nationwide secure testing center network.

Test sponsors also would not self-deliver and administer computer-based tests in response to a small but significant increase in the price of such services. Individual test sponsors do not have the testing volume to justify operating a network of year-round testing centers or purchasing the necessary computer equipment and software to operate such centers. Additionally, computer-based testing administered via the Internet cannot defeat a small but significant increase in the price of delivery and administration services given through a secure testing center network because the security required for high stakes examinations still requires that they be administered in a secure, proctored environment. Currently, the technology is not available to enable test proctoring via the Internet.

b. *Harm to Competition as a Consequence of the Acquisition.* Both Prometric and Assessment Systems, Inc. offer a nationwide network of secure testing centers for the delivery and administration of high stakes computer-based examinations that are close substitutes. They are among the very few firms that compete to provide such a network and account for a significant share of all new contracts.

Competition between Prometric and Assessment Systems, Inc. to provide nationwide high stakes computer-based testing delivery and administration services has resulted in lower prices for test sponsors and candidates, and has created significant incentives for each to maintain and expand its nationwide network of testing centers and improve service quality. The proposed transaction would eliminate this competition, give Prometric the ability to raise the prices for, or reduce the quality of, its high stakes computer-based testing delivery and administration services, and significantly increase concentration in this already highly concentrated market.

If Thomson acquires Assessment Systems, Inc. there is unlikely to be timely entry by any company offering a nationwide network of secure testing sites for the delivery and administration of high stakes computer-based examinations sufficient to defeat an anticompetitive increase in the price of such services. Successful entry requires a computer-based testing vendor to develop a nationwide network of approximately 200 secure testing centers that meet the requirements for high stakes computer-based testing. The ongoing, day-to-day operation of such a network is costly and time-consuming.

In addition, to successfully enter the market for nationwide delivery and administration of high stakes computer-based tests, a vendor must be able to obtain contracts with enough test sponsors to cover the cost building and maintaining a nationwide network. A new entrant faces a number of hurdles in attempting to obtain the requisite amount of business. First, the duration for contracts for high stakes computer-based testing delivery and administration services typically is several years, and test sponsors generally contract with a single company to provide these services. A computer-based testing vendor attempting to enter the market for delivery and administration services therefore must wait until a contract is near its expiration before the company has an opportunity to bid for it. Second, because there are significant costs involved in switching computer-based test providers, an incumbent provider has a substantial advantage in bidding for such contracts. Third, it is expensive and time-consuming to convert an examination from paper-and-pencil to computer-based format, thus making it difficult for a new entrant to enter the market through conversion of sponsors currently using paper-and-pencil testing. Finally, many test sponsors will contract only with a provider whose testing centers are currently operational, and who has demonstrated an ability to successfully administer high stakes examinations.

The complaint alleges that the transaction likely will have the following effects:

i. Actual and future competition between Thomson and Harcourt will be eliminated;

ii. Competition generally in the market for nationwide computer-based testing delivery and administration services will be substantially lessened;

iii. Prices for nationwide computer-based testing delivery and administration services will increase or the value of services will decline; and

iv. Competition in the development and improvement of nationwide computer-based testing delivery and administration services will be substantially lessened.

III. Explanation of the Proposed Final Judgment

The proposed Final Judgment is designed to eliminate the anticompetitive effects of the proposed acquisition by Thomson of Harcourt's college textbook publishing and computer-based testing businesses from Reed Elsevier and to ensure that adequate competition is maintained in each of the relevant product markets identified in the Complaint.

The proposed Final Judgment requires the defendants to divest the sixty-eight (68) college textbooks identified on Exhibit A to the proposed Final Judgment to an acquirer(s) acceptable to the United States within one hundred and twenty (120) calendar days after the filing of the Complaint in this matter, or within five (5) days after the expiration of the sixty-day (60) statutory notice-and-comment period that commenced with the publication of this Competitive Impact Statement in the **Federal Register,** whichever is later, so as to ensure competition in the market for the development, marketing, and sale of college textbooks and other ancillary educational materials. The United States, in its sole discretion, may agree to an extension of time for one additional thirty (30) day period, and shall notify the Court in such circumstances. Defendants agree to use their best efforts to divest the college textbook assets as expeditiously as possible.

Exhibit A to the proposed Final Judgment specifies the one or more textbooks in each course that must be divested to ensure that there is no reduction in competition in each such course. The college textbook divestitures include all textbooks and ancillary educational materials offered for sale or under development by any subsidiary or division of the defendants that are designed to be specific to a textbook product listed in Exhibit A of the proposed Final Judgment, including all the tangible and intangible assets that constitute the college textbook products identified in the Complaint including, but not limited to, teacher editions, workbooks, notebooks, charts, audio, video, software, any CD–ROM, DVD–ROM, Internet and broadcast components, teacher support and staff development materials, and any other materials in any form, format or media.

The proposed Final Judgment also requires the defendants to divest all of Assessment Systems, Inc. (as previously defined, the ''Complete ASI Assets'') or that entity excluding Harcourt's Agency Information Management Services and State Testing Businesses (as previously

defined, ''ASI'') to an acquirer or acquirers acceptable to the United States within one hundred and twenty (120) days after the filing of the Complaint in this matter, or within five (5) days after the expiration of the sixty-day (60) statutory notice-and-comment period that commenced with the publication of this Competitive Impact Statement in the **Federal Register,** whichever is later, so as to ensure competition in the market for the nationwide delivery and administration of high stakes computer-based tests. The United States, in its sole discretion, may agree to an extension of time for two additional thirty (30) day periods, not to exceed sixty (60) calendar days in total, and shall notify the Court in such circumstances. Defendants shall offer for sale to an Acquirer or Acquirers both: (1) ASI, as well as (2) the Complete ASI Assets. The proposed acquirers may then make an offer to purchaser either ASI or the Complete ASI Assets, or both. The United States shall decide which, if any, of the proposed divestitures of the computer-based testing business adequately resolve the competitive harms identified in the Complaint. Defendants agree to use their best efforts to divest either ASI or the Complete ASI Assets as expeditiously as possible.

In the event that ASI also is divested, at the acquirer's or acquirers' option and on commercially reasonable terms, defendant Thomson shall contract with the acquirer(s) to allow the acquirer(s) to provide the delivery and administration of the State Testing Business. Any such contractual arrangement shall continue for the duration of the terms of each currently existing state contract, agreement, or other understanding included in the State Testing Business.

Divestiture of ASI alone shall include all tangible and intangible assets of ASI including, but not limited to, all research and development activities, all fixed, mobile, and other testing centers listed in Exhibit B of the proposed Final Judgment, any accompanying property rights in real estate or equipment used in any of those testing centers, all networking equipment, licenses, permits and authorizations issued by any governmental organization relating to ASI, all patents, intellectual property, copyrights, trademarks, trade names, service marks, service names, but no corporate trademarks or trade names of Thomson or Harcourt, technical information, computer software and related documentation including, but not limited to, test drivers, scheduling software, and the OMEGA, EXPro, and REG2000 software platforms, all test item banks, psychometric data, statistical reports of test results, designs of computer-based examinations and testing centers, and all security measures used in the development, administration, and assessment of computer-based tests and the reporting of exam results. Divestiture of the Complete ASI Assets shall include the foregoing list of tangible and intangible assets, as well as the Agency Information Management Systems and State Testing Businesses.

Until the divestitures occur, the defendants are required to develop and maintain all assets to be divested as independent, ongoing, economically viable, and active competitors, and to continue to fund their development, operations, promotional advertising, sales, marketing, merchandising, and support at existing or already approved levels. If defendant Thomson fails to make the required divestitures within the applicable time periods, the Court will appoint a trustee selected by the United States to effect the remaining divestitures. With regard to the computer-based testing business, should defendant Thomson fail to divest either ASI or the Complete ASI Assets within the requisite time periods, the trustee will effect the divestiture of the Complete ASI Assets. The proposed Final Judgment provides that defendant Thomson will pay all costs and expenses of the trustee. After the trustee's appointment becomes effective, the trustee will file monthly reports with the parties and the Court setting forth the trustee's efforts to accomplish the divestitures. At the end of six (6) months, if the divestitures have not been accomplished, the trustee and the parties will have the opportunity to make recommendations to the Court, which shall enter such orders as appropriate to carry out the purpose of the trust, including extending the trust and the term of the trustee's appointment.

The proposed Final Judgment takes steps to ensure that the acquirer(s) of the college textbook assets will be viable and effective competitors in the college textbook publishing. The United States must be satisfied that the acquiring parties of each of the college textbook products have the ability and intention (including the necessary managerial, operational, technical and financial capability) to operate and market the divestiture assets as viable, ongoing businesses, as appropriate. The proposed Final Judgment requires defendants to provide the acquirer(s) and the United States with information relating to the personnel responsible for the editorial content of the college textbooks to be divested, including employees, agents, consultants, and independent contractors, to enable the acquirer(s) to make offers of employment. The proposed Final Judgment forbids the defendants from interfering with any acquirer's employment negotiations with those employees, and from transferring those employees to new positions prior to the divestitures.

Further, the proposed Final Judgment takes steps to ensure that the acquirer(s) of the computer-based testing assets will be viable and effective competitors in the computer-based testing business. The United States must be satisfied that the acquiring parties of the computer-based testing business have the ability and intention (including the necessary managerial, operational, technical and financial capability) to operate and market the divestiture assets as viable, ongoing businesses. The proposed Final Judgment requires defendants to provide the acquirer(s) and the United States with information relating to all personnel of either ASI or Complete ASI Assets, as appropriate, including employees, agents, consultants, and independent contractors, to enable the acquirer(s) to make offers of employment. The proposed Final Judgment forbids the defendants from interfering with any acquirer's employment negotiations with those employees, and from transferring those employees to new positions prior to the divestitures.

The proposed Final Judgment is designed to maintain the present level of competition in the college textbook publishing market identified in the Compliant in this matter by replacing the competitor eliminated as a result of the merger with one or more that is equally effective. It accomplishes this goal by: (1) Requiring prompt divestitures of the college textbook products so that the acquirer(s) has adequate time to participate in the significant upcoming sales opportunities in colleges and universities; (2) providing the acquirer(s) with an opportunity to employ the personal that are critical to the success of the divestiture assets; and (3) requiring divestiture of all tangible and intangible assets that make up each of those assets.

Further, the proposed Final Judgment is designed to maintain the present level of competition in the computer-based testing market identified in the Compliant in this matter by replacing the competitor eliminated as a result of the merger with one or more that is equally effective. It accomplishes this goal by: (1) Affording the acquirer(s) an opportunity to purchase either ASI or

the Complete ASI Assets, thus ensuring a viable competitor in the computer-based testing market; (2) in the event that ASI alone is divested, and should the acquirer(s) so choose, requiring that defendant Thomson contract with the acquirer of ASI for the delivery and administration of the State Testing Business for the duration of all existing state contracts; (3) providing the acquirer(s) with an opportunity to employ the personnel that are critical to the success of the divestiture assets; and (4) requiring divestiture of all tangible and intangible assets that make up each of those assets.

IV. Remedies Available to Potential Private Litigants

Section 4 of the Clayton Act, 15 U.S.C. 15, provides that any person who has been injured as a result of conduct prohibited by the antitrust laws may bring suit in federal court to recover three times the damages the person has suffered, as well as costs and reasonable attorneys' fees. Entry of the proposed Final Judgment will neither impair nor assist the bringing of any private antitrust damage action. Under the provisions of section 5(a) of the Clayton Act, 15 U.S.C. 16(a), the Final Judgment has no *prima facie* effect in any subsequent private lawsuit that may be brought against the defendants.

V. Procedures Available for Modification of the Proposed Final Judgment

The United States and defendants have stipulated that the proposed Final Judgment may be entered by the Court after compliance with the provisions of the APPA, provided that the United States has not withdrawn its consent. The APPA conditions entry of the proposed Final Judgment upon the Court's determination that it is in the public interest.

The APPA provides a period of at least sixty (60) days preceding the effective date of the proposed Final Judgment within which any person may submit to the United States written comments regarding the proposed Final Judgment. Any person who wishes to comment should do so within sixty (60) days of the date of publication of this Competitive Impact Statement in the **Federal Register**. The United States will evaluate and respond to the comments. All comments will be given due consideration by the Department of Justice, which remains free to withdrawn its consent to the proposed Final Judgment at any time prior to entry. The comments and the response to the United States will be filed with the Court and published in the **Federal Register**.

Written comments should be submitted to: James R. Wade, Chief, Civil Task Force, Antitrust Division, United States Department of Justice, 325 Seventh Street, N.W., Suite 300, Washington, D.C. 20530.

The proposed Final Judgment provides that the Court retains jurisdiction over this action, and the parties may apply to the Court for any order necessary or appropriate for the modification, interpretation, or enforcement of the Final Judgment.

VI. Alternatives to the Proposed Final Judgment

The United States considered, as an alternative to the proposed Final Judgment, a full trial on the merits against the defendants. The United States is satisfied that the divestitures required by the proposed Final Judgment will facilitate continued viable competition in the college textbook publishing and computer-based testing markets identified in the Compliant and will effectively prevent the anticompetitive effects that the Compliant alleges would result from the proposed acquisition.

VII. Standard of Review Under the APPA for Proposed Final Judgment

The APPA requires that consent judgments in antitrust cases brought by the United States be subject to a sixty-day (60) comment period, after which the Court shall determine whether entry of the proposed Final Judgment ''is in the public interest.'' In making that determination, the Court may consider

(1) The competitive impact of such judgment, including termination of alleged violations, provisions for enforcement and modification, duration or relief sought, anticipated effects of alternative remedies actually considered, and any other considerations bearing upon the adequacy of such judgment;

(2) The impact of entry of such judgment upon the public generally and individuals alleging specific injury from the violations set forth in the compliant including consideration of the public benefit, if any, to be derived from a determination of the issues at trial.

15 U.S.C. 16(e).

As the Court of Appeals for the District of Columbia Circuit held, the APPA permits a court to consider, among other things, the relationship between the remedy secured and the specific allegations set forth in the government's complaint, whether the decree is sufficiently clear, whether enforcement mechanisms are sufficient, and whether the decree may positively harm third parties. *See United States* v. *Microsoft,* 56 F.3d 1448 (D.C. Cir. 1995). The courts have recognized that the '' 'term ''public interest' * * * take[s] meaning from the purposes of the regulatory legislation.'' *NAACP* v. *Federal Power Comm'n,* 425 U.S. 662, 669 (1976). Since the purpose of the antitrust laws is to preserve ''free and unfettered competition as the rule of trade,'' *Northern Pacific Railway Co* v. *United States,* 356 U.S. 1, 4 (1958), the focus of the ''public interest'' inquiry under the APPA is whether the proposed Final Judgment would serve the public interest in free and unfettered competition. *United States* v. *American Cyanamid Co.,* 719 F.2d 558, 565 (2d Cir. 1983), *cert. denied* 465 U.S. 1101 (1984); *United States* v. *Waste Management Inc.,* 1985–2 Trade Cas. ¶ 66,651, at 63,046 (D.D.C. 1985). In conducting this inquiry, ''the Court is nowhere compelled to go to trial or to engage in extended proceedings which might have the effect of vitiating the benefits of prompt and less costly settlement through the consent decree process.''[1] Rather,

> [a]bsent a showing of corrupt failure of the government to discharge its duty, the Court, in making its public interest finding, should * * * carefully consider the explanations of the government in the competitive impact statement and its responses to comments in order to determine whether those explanations are reasonable under the circumstances.

United States v. *Mid-America Dairymen, Inc.,* 1977–1 Trade Cas. ¶ 61,508, at 71,980 (W.D. Mo. 1977).

Accordingly, with respect to the adequacy of the relief secured by the decree, a court may not ''engage in an unrestricted evaluation of what relief would best serve the public.'' *United States* v. *BNS. Inc.,* 858 F.2d 456, 462 (9th Cir. 1988) (quoting *United States* v. *Bechtel Corp.,* 648 F.2d 660, 666 (9th Cir.), *cert. denied,* 454 U.S. 1083 (1981)). Precedent requires that

> [t]he balancing of competing social and political interests affected by a proposed antitrust consent decree must be left, in the first instance, to the discretion of the

[1] 119 Cong. Rec. 24598 (1973). *See United States* v. *Gillette Co.,* 406 F. Supp. 713, 715 (D. Mass. 1975). A ''public interest'' determination can be made properly on the basis of the Competitive Impact Statement and Response to Comments filed pursuant to the APPA. Although the APPA authorizes the use of additional procedures, 15 U.S.C. 16(f), those procedures are discretionary. A court need not invoke any of them unless it believes that the comments have raised significant issues and that further proceedings would aid the court in resolving those issues. *See* H.R. 93–1463, 93rd Cong. 2d Sess. 8–9, reprinted in (1974) U.S.C.C.A.N. 6535, 6538.

Attorney General. The court's role in protecting the public interest is one of insuring that the government has not breached its duty to the public in consenting to the decree. The court is required to determine not whether a particular decree is the one that will best serve society, but whether the settlement is '*within the reaches of the public interest.*' More elaborate requirements might undermine the effectiveness of antitrust enforcement by consent decree.[2]

A proposed consent decree is an agreement between the parties that is reached after exhaustive negotiations and discussions. Parties do not hastily and thoughtlessly stipulate to a decree because, in doing so, they

waive their right to litigate the issues involved in the case and thus save themselves the time, expense, and inevitable risk of litigation. Naturally, the agreement reached normally embodies a compromise; in exchange for the saving of cost and the elimination of risk, the parties each give up something they might have won had they proceeded with the litigation.

United States v. *Armour & Co.,* 402 U.S. 673, 681 (1971).

The proposed Final Judgment, therefore, should not be reviewed under a standard of whether it is certain to eliminate every anticompetitive effect of a particular practice or whether it mandates certainty of free competition in the future. Court approval of a final judgment requires a standard more flexible and less strict than the standard required for a finding of liability. ''[A] proposed decree must be approved even if it falls short of the remedy the court would impose on its own, as long as it falls within the range of acceptability or is 'within the reaches of public interest'''[3]

VIII. Determinative Documents

There are no determinative materials or documents within the meaning of the APPA that were considered by the United States in formulating the proposed Final Judgment.

For Plaintiff United States of America

Dated: June 27, 2001.

Respectfully submitted,

James D. Villa,
(D.C. Bar #417471),
Ahmed E. Taha,
Jacqueline S. Kelley,
Laura A. Brill,
Trial Attorneys, U.S. Department of Justice, Antitrust Division, Civil Task Force, 325 Seventh Street, NW., Suite 300, Washington, DC 20530, Telephone: (202) 514–8361, Facsimile: (202) 307–9952.

[FR Doc. 01–17480 Filed 7–13–01; 8:45 am]

BILLING CODE 4410–11–M

[2] *United States* v. *Bechtel,* 648 F.2d at 666 (emphasis added) (internal citations omitted). *See United States* v. *BNS, Inc.,* 858 F.2d at 463; *United States* v. *National Broadcasting Co.,* 449 F. Supp. 1127, 1143 (C.D. Cal. 1978); *Gillette,* 406 F. Supp. at 716. *See also United States* v. *American Cyanamid Co.,* 719 F.2d 558, 565 (2d Cir. 1983).

[3] *United States* v. *American Tel. & Tel. Co.,* 552 F. Supp. 131, 151 (D.D.C. 1982), *aff'd sub nom. Maryland* v. *United States,* 460 U.S. 1001 (1983) (quoting *Gillette,* 406 F. Supp. at 716, other citations omitted); *United States* v. *Alcan Aluminum Ltd.,* 605 F. Supp. 619, 622 (W.D. Ky. 1985).

DEPARTMENT OF JUSTICE

Antitrust Division

Notice Pursuant to the National Cooperative Research and Production Act of 1993—RXHUB LLC

Notice is hereby given that, on May 14, 2001, pursuant to Section 6(a) of the National Cooperative Research and Production Act of 1993, 15 U.S.C. 4301 *et seq.* (''the Act''), RxHub LLC has filed written notifications simultaneously with the Attorney General and the Federal Trade Commission disclosing (1) the identities of the parties and (2) the nature and objectives of the venture. The notifications were filed for the purpose of invoking the Act's provisions limiting the recovery of antitrust plaintiffs to actual damages under specified circumstances.

Pursuant to Section 6(b) of the Act, the identities of the parties are AdvancePCS, Dallas, TX; Express Scripts, Inc., Maryland Heights, MO; and Merck-Medco Managed Care, L.L.C., Franklin Lakes, NJ.

The nature and objectives of the venture are the development and operation of an electronic prescription and information routing service for the purpose of facilitating error-free prescription benefit communications.

Constance K. Robinson,
Director of Operations, Antitrust Division.

[FR Doc. 01–15671 Filed 7–13–01; 8:45 am]

BILLING CODE 4410–11–M

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–369, 370, 413, and 414]

Duke Energy Corporation, McGuire, Units 1 and 2, and Catawba, Units 1 and 2; Notice of Receipt of Application for Renewal of Facility Operating License Nos. NPF–9, NPF–17, NPF–35, and NPF–52 for an Additional 20-Year Period

The U.S. Nuclear Regulatory Commission has received applications from Duke Energy Corporation, dated June 13, 2001, filed pursuant to section 103 of the Atomic Energy Act of 1954, as amended, and 10 CFR part 54 for renewal of Operating License Nos. NPF–9, NPF–17, NPF–35, and NPF–52, which authorize the applicant to operate McGuire Nuclear Station, Units 1 and 2, and Catawba Nuclear Station, Units 1 and 2, respectively. The McGuire nuclear facility is located 17miles north-northwest of Charlotte, NC, in Mecklenburg County. The current operating licenses for McGuire, Units 1 and 2, expire on June 12, 2021, and March 3, 2023, respectively. The Catawba nuclear facility is located 18 miles southwest of Charlotte, NC, in York County. The operating licenses for Catawba, Units 1 and 2, expire on December 6, 2024, and February 24, 2026, respectively. All four Duke Energy Corporation nuclear units are four-loop pressurized-water reactors designed by Westinghouse. The acceptability of the tendered applications for docketing and other matters, including an opportunity to request a hearing will be the subject of a subsequent **Federal Register** notice.

Copies of the applications are available electronically for public inspection at the Commission's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland, or from the Publicly Available Records (PARS) component of the NRC's Agencywide Documents Access and Management System (ADAMS). The ADAMSPublic Electronic Reading Room is accessible from the NRC Web site at *http://www.nrc.gov/NRC/ADAMS/index.html.* In addition, the applications are available on the NRC web page at *http://www.nrc.gov/NRC/REACTOR/LR/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

The staff has verified that copies of the license renewal applications for the McGuire and Catawba nuclear stations have been provided to the J. Murrey Atkins Library in Charlotte, North Carolina, and to the York County Library System in South Carolina.

Dated at Rockville, Maryland, the 10th day of July 2001.

For the Nuclear Regulatory Commission.

Christopher I. Grimes,
Chief, License Renewal and Standardization Branch, Division of Regulatory Improvement Programs, Office of Nuclear Reactor Regulation.

[FR Doc. 01–17697 Filed 7–13–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 50–335]

Florida Power & Light Company; Notice of Withdrawal of Application for Amendments to Facility Operating License

The U.S. Nuclear Regulatory Commission (the Commission) has granted the request of Florida Power and Light Company (FPL, the licensee) to withdraw its January 17, 2001, application for proposed amendment to Facility Operating License No. DPR–67 for the St. Lucie Nuclear Plant, Unit 1, located in St. Lucie County, Florida.

The proposed amendment would have revised the Technical Specification (TS) Section 4.8.1.1.2.e by relocating the restriction to only perform the 18-month surveillance tests during shutdown to the individual surveillance requirements under 4.8.1.1.2.e. In addition, the proposed amendment would have revised TS 4.8.1.1.2.e.6 to remove the restriction to perform the emergency diesel generator 24-hour run surveillance test during shutdown.

The Commission had previously issued a Notice of Consideration of Issuance of amendment published in the **Federal Register** on March 7, 2001 (66 FR 13804). However, by letter dated May 14, 2001, the licensee withdrew the proposed change.

For further details with respect to this action, see the application for amendment dated January 17, 2001, and the licensee's letter dated May 14, 2001, which withdrew the application for license amendment. Documents may be examined, and/or copied for a fee, at the Commission's Public Document room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the internet at the NRC Web site, *http://www.nrc.gov/NRC/ADAMS/index/html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by email to *pdr@nrc.gov.*

Dated at Rockville, Maryland, this 10th day of July 2001.

For the Nuclear Regulatory Commission.

Brendan T. Moroney,

Project Manager, Section 2, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–17699 Filed 7–13–01; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–269, 50–270, 50–287]

Duke Energy Corporation; Oconee Nuclear Station, Units 1, 2, and 3; Environmental Assessment and Finding of No Significant Impact

The U.S. Nuclear Regulatory Commission (NRC) is considering issuance of an exemption from the requirements of Title 10 of the Code of Federal Regulations (10 CFR) § 50.44, 10 CFR part 50, Appendix A, General Design Criterion 41, and 10 CFR Part 50, Appendix E, Section VI for Facility Operating License Nos. DPR–38, DPR–47, and DPR–55, issued to the Duke Energy Corporation (the licensee), for operation of the Oconee Nuclear Station, Units 1, 2, and 3 (ONS), located in Seneca, South Carolina. The licensee requested the exemption by letter dated July 26, 2000.

Environmental Assessment

Identification of the Proposed Action

The proposed action would exempt the ONS from certain requirements of 10 CFR 50.44, 10 CFR part 50, Appendix A, General Design Criterion 41, and Part 10 CFR 50, Appendix E, Section VI pertaining to the hydrogen control system requirements (i.e., containment post-accident hydrogen monitors and recombiners) and remove them from the ONS design basis. The licensee's exemption request from the functional requirements for hydrogen monitoring is not being approved. This position is described in the safety evaluation for the associated exemption. Consequently, this environmental assessment only addresses the exemption from the requirements related to the recombiners and the removal of the recombiners from the ONS design basis.

The Need for the Proposed Action

The requested exemption to remove the requirements pertaining to recombiners would improve the safety focus at ONS during an accident and would represent a more effective and efficient method of maintaining adequate protection of public health and safety by simplifying the Emergency and Emergency Response Plan Procedures. This would reduce the operators' post-accident burden and allow them to give higher priority to more important safety functions following postulated plant accidents.

Environmental Impacts of the Proposed Action

The NRC has completed its evaluation of the proposed action and concludes, as set forth below, that there are no environmental impacts associated with the removal of the recombiners from the ONS design basis. The proposed action will not significantly increase the probability or consequences of accidents, no changes are being made in the types or amounts of any effluents that may be released off site, 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 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 environmental 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 ONS.

Agencies and Persons Consulted

In accordance with its stated policy, on July 2, 2001, the staff consulted with the South Carolina State official, Mr. Henry Porter of the Division of Waste Management, 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 July 26, 2000. Documents may be examined, and/or copied for a fee, at the NRC's Public Document Room, located at One White Flint North, 11555 Rockville Pike (first floor), Rockville, Maryland. Publicly available records will be accessible electronically from the Agencywide Documents Access and Management Systems (ADAMS) Public Electronic Reading Room on the Internet at the NRC web site, *http://www.nrc.gov/NRC/ADAMS/index.html.* If you do not have access to ADAMS or if there are problems in accessing the documents located in ADAMS, contact the NRC Public Document Room (PDR) Reference staff at 1–800–397–4209, 301–415–4737 or by e-mail to pdr@nrc.gov.

Dated at Rockville, Maryland, this 10th day of July 2001.

For the Nuclear Regulatory Commission.

David E. LaBarge,

Senior Project Manager, Section 1, Project Directorate II, Division of Licensing Project Management, Office of Nuclear Reactor Regulation.

[FR Doc. 01–17698 Filed 7–13–01; 8:45 am]

BILLING CODE 7590–01–P

SECURITIES AND EXCHANGE COMMISSION

[Rel. No. IC–25060; 812–12126]

Northern Institutional Funds, et al.; Notice of Application

July 11, 2001.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Notice of application for an order under section 12(d)(1)(J) of the Investment Company Act of 1940 (''Act'') exempting applicants from section 12(d)(1) of the Act, under sections 6(c) and 17(b) of the Act exempting applicants from section 17(a) of the Act, under section 6(c) of the Act for an exemption from section 17(e) of the Act, and under section 17(d) of the Act and rule 17d–1 under the Act permitting certain joint transactions.

SUMMARY: *Summary of Application:* The order would permit certain registered open-end investment companies to use their cash reserves that have not been invested in portfolio securities (''Uninvested Cash'') to purchase shares of certain money market funds (''Money Market Portfolios''). The order also would permit certain registered open-end investment companies to use cash collateral from securities lending transactions (''Cash Collateral'') to purchase shares of the Money Market Portfolios or private investment funds (''Private Funds'' and, together with the Money Market Portfolios, the ''Investment Funds'') and to pay fees based on a share of the revenue generated from securities lending transactions to an affiliated lending agent. The order also would permit the lending agent and certain of its affiliates to engage in principal transactions with, and receive brokerage commissions from, certain open-end investment companies that are affiliated with the lending agent and its affiliates solely as a result of investing Cash Collateral in the Investment Funds.

Applicants: Northern institutional Funds (''NIF''), Northern Funds (''NF''), The Northern Trust Company (''Northern''), Northern Trust Investments, Inc. (''NTI''), Northern Trust Global Investments (Europe) Limited (''NTGIE''), and AB Funds Trust (''AB'').

Filing Dates: The application was filed on May 31, 2000. Applicants have agreed to file an amendment during the notice period, the substance of which is reflected in this notice.

Hearing or Notification of Hearing: An order granting the application will be issued unless the Commission orders a hearing. Interested persons may request a hearing by writing to the Commission's Secretary and serving applicants with a copy of the request, personally or by mail. Hearing requests should be received by the Commission by 5:30 p.m. on July 31, 2001, and should be accompanied by proof of service on applicants, in the form of an affidavit or, for lawyers, a certificate of service. Hearing requests should state the nature of the writer's interest, the reason for the request, and the issues contested. Persons may request notification of a hearing by writing to the Commission's Secretary.

ADDRESSES: Secretary, Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Applicants (other than AB), 50 South LaSalle Street, Chicago, IL 60675. AB, 2401 Cedar Springs Road, Dallas, TX 75201.

FOR FURTHER INFORMATION CONTACT: John L. Sullivan, Senior Counsel, at (202) 942–0681, or Michael W. Mundt, Branch Chief, at (202) 942–0564 (Division of Investment Management, Office of Investment Company Regulation).

SUPPLEMENTARY INFORMATION: The following is a summary of the application. The complete application may be obtained for a fee at the Commission's Public Reference Branch, 450 Fifth Street, NW., Washington, DC 20549–0102 (tel. 202–942–8090).

Applicants' Representations

1. NIF, NF and AB, all of which are Delaware business trusts, are open-end management investment companies registered under the Act that have 22, 35 and 13 portfolio series, respectively. Northern, a principal subsidiary of Northern Trust Corporation, is an Illinois state-chartered commercial bank and a member of the Federal Reserve System. NTI, an indirect wholly owned subsidiary of Northern Trust Corporation, is an Illinois state-chartered trust company. NTGIE, an indirect wholly owned subsidiary of Northern Trust Corporation, is organized under the laws of the United Kingdom. NTI and NTGIE are registered investment advisers under the Investment Advisers Act of 1940 and serve as the investment advisers to both NIF and NF. It is contemplated that Northern, NTI, NTGIE or an entity controlling, controlled by, or under common control (within the meaning of section 2(a)(9) of the Act) with Northern, NTI, or NTGIE (collectively, ''Northern Entities'') will serve as sub-adviser to certain portfolio series of AB when they commence operations. NIF, NF, AB and any other registered investment company or portfolio series that currently, or in the future, is advised by a Northern Entity are collectively referred to as the ''Affiliated Funds.'' [1] The Money Market Portfolios will comply with rule 2a–7 under the Act and will either be a portfolio series of NIF or an Affiliated Fund that is organized specifically for the investment of Uninvested Cash and/or Cash Collateral.

2. The Private Funds are common trust funds that will operate as private investment companies in reliance on section 3(c)(1) or 3(c)(7) of the Act. Units of the Private Funds (''Units'') may be offered to the Lending Funds (as defined below) in reliance on Regulation D under the Securities Act of

[1] A registered investment company or series that is subadvised, but not advised, by a Northern Entity may be considered an Affiliated Fund for purposes of the requested relief except that (a) the relief requested from section 12(d)(1) to permit the investment of Uninvested Cash will not apply to such fund, and (b) such fund will not be a Money Market Portfolio that receives Uninvested Cash and/or Cash Collateral.

1933. Any Private Fund that uses the amortized cost method of valuation as defined in rule 2a–7 under the Act will comply with rule 2a–7. A Northern Entity will act as the trustee (''Trustee'') of each Private Fund.

3. Applicants request relief for any existing or future Northern Entity, Affiliated Fund, Private Fund, or other registered investment company or series that is not an Affiliated Fund (''Other Fund'').[2]

4. Each of the Affiliated Funds has, or may be expected to have, Uninvested Cash that results from a variety of sources, including new monies received from investors, dividends or interest received on portfolio securities, unsettled securities transactions, reserves held for investment strategy purposes, scheduled maturity of investments, and liquidation of investment securities to meet anticipated redemptions and dividend payments. Applicants propose that the Affiliated Funds use Uninvested Cash to purchase shares (''Shares'') of the Money Market Portfolios. An Affiliated Fund's aggregate investment of Uninvested Cash in Money Market Portfolios will not exceed 25% of the Affiliated Fund's total assets and will be in accordance with the Affiliated Fund's investment restrictions and policies described in its prospectus and statement of additional information.

5. A Northern Entity (the ''Lending Agent'') will administer a securities lending program (the ''Lending Program'') whose participants will include Affiliated Funds and Other Funds (together, the ''Lending Funds''). Each Lending Fund will be authorized to seek additional income by lending portfolio securities. The Lending Agent will enter into agreements (''Agreements'') with certain entities (''Borrowers'') designated by a Lending Fund. Under the Agreements, the Lending Agent will lend securities to Borrowers in exchange for Cash Collateral or other types of collateral, such as U.S. Government securities or irrevocable letters of credit, as approved by the board of directors or trustees of a Lending Fund (''Board''). Cash Collateral will be delivered in connection with most loans. The Lending Agent will invest Cash Collateral in accordance with specific guidelines provided by the Lending Fund. These guidelines will identify the particular types of instruments, including Shares, Units, repurchase agreements and other money market instruments, in which Cash Collateral may be invested, as well as the amounts that may be invested.

6. The personnel of the Northern Entity providing day-to-day lending agency services to the Lending Funds will neither provide investment advisory or sub-advisory services to the Lending Funds, nor participate in any way in the selection of portfolio securities for, or other aspects of management of the Lending Funds.

7. With respect to loans involving Cash Collateral, the Borrower will be entitled to receive an agreed-upon Cash Collateral rebate (''Borrower's Rebate''). The Lending Fund will be compensated based on the difference between the Borrower's Rebate and the actual return on the investment of the Cash Collateral. In the case of collateral other than cash, the Lending Agent will negotiate a loan free to be paid by the Borrower, which will likely approximate the return the Lending Fund would receive had the Borrower delivered Cash Collateral. For its services, the Lending Agent will receive fees based on a share of the revenue generated from the securities lending transactions.

8. As agent for a Lending Fund, the Lending Agent may not purchase Shares or Units with Cash Collateral unless participation in the Lending Program has been approved by the Board of each Lending Fund, including a majority of the directors or trustees who are not ''interested persons'' of the Lending Fund within the meaning of section 2(a)(19) of the Act (''Independent Directors''). The Board, including the Independent Directors, is required to determine that the investment of Cash Collateral in an Investment Fund is in the best interests of the shareholders of the Lending Fund.

9. In addition, the Lending Agent may not purchase Shares or Units of any Investment Fund as agent for a Lending Fund unless the Lending Fund has represented to the Lending Agent that (a) its policies generally permit the Lending Fund to engage in securities lending transactions, (b) the transactions are conducted in accordance with the guidelines of the Commission and/or its staff, (c) its policies permit the Lending Fund to purchase Shares or Units with Cash Collateral, and (d) its securities lending activities are conducted in accordance with all representations and conditions in the applications.

Applicants' Legal Analysis

A. Investment of Uninvested Cash and Cash Collateral in Money Market Portfolios and Private Funds

1. Section 12(d)(1)(A) of the Act provides that no registered investment company may acquire securities of another investment company representing more than 3% of the acquired company's outstanding voting stock, more than 5% of the acquiring company's total assets, or together with the securities of other investment companies, more than 10% of the acquiring company's total assets. Section 12(d)(1)(B) of the Act provides that no registered open-end investment company may sell its securities to another investment company if the sale will cause the acquiring company to own more than 3% of the acquired company's voting stock, or if the sale will cause more than 10% of the acquired company's voting stock to be owned by investment companies. Section 12(d)(1)(J) of the Act provides that the Commission may exempt any person or transaction from any provision of section 12(d)(1) if and to the extent that the exemption is consistent with the public interest and the protection of investors.

2. Applicants request an exemption under section 12(d)(1)(J) to permit each Affiliated Fund to use Uninvested Cash and Cash Collateral and each Other Fund to use Cash Collateral to acquire Shares in excess of the limits imposed by section 12(d)(1)(A), and each Money Market Portfolio to sell its securities to Affiliated Funds and Other Funds in excess of the limits in section 12(d)(1)(B).

3. Applicants state that none of the abuses meant to be addressed by section 12(d)(1) is created by the proposed investment of Uninvested Cash and Cash Collateral in the Money Market Portfolios. Applicants further state that access to the Money Market Portfolios will enhance each Affiliated Fund's and Other Fund's ability to manage and invest Cash Collateral and each Affiliated Fund's ability to manage and invest Uninvested Cash. Applicants represent that the proposed arrangement will not result in an inappropriate layering of fees because the Money Market Portfolios will not charge a sales load, redemption fee, asset-based distribution fee or service fee (as defined in rule 2830(b)(9) of the NASD Conduct Rules). In addition, in connection with approving any advisory contract, the Affiliated Fund's Board, including a majority of the Independent Directors, will consider to what extent, if any, the advisory fees charged to the

[2] All existing Affiliated Funds that currently intend to rely on the requested order have been named as applicants. Any existing or future Northern Entity, Affiliated Fund, Private Fund, or Other Fund may rely on the requested order in the future only in accordance with the terms and conditions stated in the application.

Affiliated Fund by its adviser should be reduced to account for reduced services provided when Uninvested Cash is invested in Money Market Portfolios. Applicants represent that if a Money Market Portfolio offers more than one class of shares, each Affiliated Fund or Other Fund will invest its Cash Collateral or Uninvested Cash (in the case of Affiliated Funds) in the class with the lowest expense ratio at the time of investment. Applicants represent that no Money Market Portfolio in which Uninvested Cash or Cash Collateral is invested will acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

4. Sections 17(a)(1) and (2) of the Act prohibit an affiliated person of a registered investment company, or any affiliated person of the affiliated person (''Second Tier Affiliate''), acting as principal, from selling any security to, or purchasing any security from, the registered investment company. Section 2(a)(3) of the Act defines an ''affiliated person'' of another person to include: any person directly or indirectly owning, controlling, or holding with power to vote 5% or more of the outstanding voting securities of the other person; any person directly or indirectly controlling, controlled by, or under common control with, the other person; and, in the case of an investment company, its investment adviser.

5. Applicants state that NTI and NTGIE, by serving as investment advisers to the Affiliated Funds (including the Money Market Portfolios), are affiliated persons of each of these entities. Applicants state that a Northern Entity may be deemed to control the Private Funds by virtue of being the Trustee, and thus may be an affiliated person of the Private Funds. Therefore, an Investment Fund may be deemed either an affiliated person, or a Second Tier Affiliate, of the Affiliated Funds. In addition, applicants indicate that if an Other Fund acquires 5% or more of a Money Market Portfolio's Shares or a Private Fund's Units, the Money Market Portfolio or Private Fund may be deemed to be an affiliated person of the Other Fund. As a result, section 17(a) may prohibit each Investment Fund from selling its Shares or Units to, and redeeming its Shares or Units from, Affiliated Funds or Other Funds.

6. Section 17(b) of the Act authorizes the Commission to exempt a transaction from section 17(a) if the terms of the proposed transaction, including the consideration to be paid or received, are reasonable and fair and do not involve overreaching on the part of any person concerned, and the proposed transaction is consistent with the policy of each registered investment company concerned and with the general purposes of the Act. Section 6(c) of the Act authorizes the Commission to exempt any person or transaction from any provision of the Act if the exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

7. Applicants request an order under sections 6(c) and 17(b) to permit (a) Investment Funds to sell Shares or Units to, and redeem Shares or Units from, the Lending Funds (in connection with the investment of Cash Collateral) and (b) Money Market Portfolios to sell Shares to and redeem Shares from the Affiliated Funds (in connection with the investment of Uninvested Cash). Applicants maintain that the terms of the proposed transactions are reasonable and fair because the Affiliated Funds and the Other Funds will be treated like any other investors in the Investment Funds, and will purchase and sell Shares and/or Units on the same terms and one the same basis as Shares and/or Units are purchased and sold by all other shareholders of the Money Market Portfolios and all other unitholders of the Private Funds. Applicants assert that the proposed transactions will comply with the investment restrictions and policies of each Affiliated Fund and Other Fund. Applicants state that Cash Collateral of a Lending Fund that is a Money Market Portfolio will not be used to acquire Units of any Private Fund that does not comply with rule 2a–7 under the Act. Applicants further state that the investment of Cash Collateral will comply with all present and future Commission and staff positions concerning securities lending. Applicants state that the Private Funds will comply with the major substantive provisions of the Act, including the prohibitions against affiliated transactions, leveraging and issuing senior securities, and rights of redemption.

8. Section 17(d) of the Act and rule 17d–1 under the Act prohibit any affiliated person or principal underwriter for a registered investment company, or a Second Tier Affiliate, acting as principal, from effecting any transaction in connection with any joint enterprise or other joint arrangement or profit sharing plan in which the investment company participates, without an order of the Commission.

9. Applicants state that the Affiliated Funds and the Other Funds (by purchasing and redeeming Shares and Units), the Northern Entities (by (a) managing the assets of the Affiliated Funds and the Private Funds and (b) acting as Lending Agent, investing Cash Collateral in Shares or Units, and receiving portion of the revenue generated by securities lending transactions), and the Money Maker Portfolios and Private Funds (by selling Shares or Units to, and redeeming them from, the Affiliated Funds and Other Funds) could be deemed to be participants in a joint enterprise or other joint arrangement within the meaning of section 17(d) and rule 17d–1. Applicants request an order in accordance with section 17(d) and rule 17d–1 to permit certain transactions incident to investment in Investment Funds.

10. Under rule 17d–1, in passing on applications for orders under section 17(d), the Commission considers whether the company's participation in the joint enterprise is consistent with the provisions, policies, and purposes of the Act, and the extent to which the participation is on a basis different from or less advantageous than that of other participants. Applicants submit that the proposed transactions meet these standards for the reasons discussed above.

B. Payment of Lending Agent Fees to a Northern Entity

1. As noted above, section 17(d) and rule 17d–1 generally prohibit joint transactions involving registered investment companies and certain of their affiliates unless the Commission has approved the transaction. Applicants state that a lending agent arrangement between an Affiliated Fund or Other Fund and the Lending Agent under which compensation is based on a share of the revenue generated by the Lending Agent's activities may be a joint enterprise or other joint arrangement or profit sharing plan within the meaning of section 17(d) and rule 17d–1. Consequently, applicants request an order to permit each Northern Entity, as Lending Agent, to receive fees on a share of the revenue generated from securities lending transactions undertaken pursuant to the Lending Program.

2. Each Affiliated Fund that will enter into the Lending Program will adopt the following procedures to ensure that the proposed fee arrangement and other terms governing the relationship with a Northern Entity, as Lending Agent, will be fair and meet the standards of rule 17d–1:

(a) In connection with the approval of any Northern Entity as Lending Agent

for an Affiliated Fund and implementation of the proposed fee arrangement, a majority of the Board (including a majority of the Independent Directors) will determine that (i) the securities lending agreement with the Northern Entity is in the best interests of the Affiliated Fund and its shareholders; (ii) the services to be performed by the Northern Entity are appropriate for the Affiliated Fund; (iii) the nature and quality of the services provided by the Northern Entity are at least equal to those provided by others offering the same or similar services for similar compensation; and (iv) the fees for the Northern Entity's services are fair and reasonable in light of the usual and customary charges imposed by others for services of the same nature and quality.

(b) Each Affiliated Fund's securities lending agreement with a Northern Entity for lending agent services will be reviewed annually by the Board and will be approved for continuation only if a majority of the Board (including a majority of the Independent Directors) makes the findings referred to in paragraph (a) above.

(c) In connection with the initial implementation of the proposed fee arrangement whereby a Northern Entity will be compensated as lending agent based on a percentage of the revenue generated by an Affiliated Fund's participation in the Lending Program, the Board will obtain competing quotes with respect to lending agent fees from at least three independent lending agents to assist the Board in making the findings referred to in paragraph (a) above.

(d) The Board, including a majority of the Independent Directors, will: (i) determine at each regular quarterly meeting that the loan transactions during the prior quarter were effected in compliance with the conditions and procedures set forth in the application, and (ii) review no less frequently than annually the conditions and procedures set forth in the application for continuing appropriateness.

(e) Each Affiliated Fund will maintain and preserve: (i) permanently, in an easily accessible place, a written copy of the procedures and conditions described in the application and (ii) for a period of not less than six years from the end of the fiscal year in which any loan transaction under the Lending Program occurred, the first two years in an easily accessible place, a written record of each such loan transaction setting forth a description of the security loaned, the identity of the person on the other side of the loan transaction, the terms of the loan transaction, and the information or materials upon which the determination was made that the loan was made in accordance with the procedures set forth above and the conditions to the application.

3. With respect to Other Funds, applicants assert that the nature of the affiliation between the Other Funds and any Northern Entity serving as Lending Agent is only technical. Applicants assert that any Northern Entity serving as Lending Agent would not have any influence over the decisions made by any Other Fund and that any fee arrangements between the Other Funds and the Northern Entities will be the product of arms-length bargaining. Accordingly, applicants believe that the proposed arrangement between Other Funds and the Northern Entities would meet the standards of rule 17d–1.

C. Transactions by Other Funds With Northern Entities

1. As noted above, sections 17(a)(1) and (2) prohibit certain principal transactions between a registered investment company and its affiliates. Applicants assert that a Northern Entity could be deemed a Second-tier Affiliate of an Other Fund that owns 5% or more of an Investment Fund.

2. Applicants request relief under sections 6(c) and 17(b) from sections 17(a)(1) and (2) to permit principal transactions between Other Funds and Northern Entities where the affiliation between the parties arises solely as a result of an investment of Cash Collateral by an Other Fund in Shares and/or Units. Applicants state that there will be no element of self-dealing because none of the Northern Entities has any influence over the decisions made by any Other Fund. Applicants assert that each transaction will be the product of arms-length bargaining. Because the interests of the Other Funds' investment advisers are solely aligned with those of the Other Funds (to which the advisers have fiduciary responsibilities), applicants believe it is reasonable to conclude that the consideration paid to or received by Other Funds in connection with a principal transaction with a Northern Entity will be reasonable and fair.

3. Section 17(e) of the Act makes it unlawful for any affiliated person of a registered investment company, or any Second-tier Affiliate, acting as broker in connection with the sale of securities to or by that registered investment company, to receive from any source a commission for effecting the transaction that exceeds specified limits. Rule 17e–1 under the Act provides that a commission shall be deemed a usual and customary broker's commission if certain procedures are followed by the registered investment company.

4. Applicants request relief under section 6(c) from section 17(e) to the extent necessary to permit the Northern Entities to receive fees or commissions for acting as broker or agent in connection with the purchase or sale of securities for any Other Fund for which a Northern Entity becomes a Second-tier Affiliate solely because of the investment of Cash Collateral by the Other Fund in Shares and/or Units.

5. Applicants submit that brokerage or similar transactions by a Northern Entity for the Other Funds raise no possibility of self-dealing or any concern that these Other Funds would be managed in the interest of a Northern Entity. Applicants believe that each transaction between an Other Fund and a Northern Entity would be the product of arms-length bargaining because each adviser to an Other Fund would have no interest in benefiting a Northern Entity at the expense of the Other Fund.

Applicants' Conditions

Applicants agree that the order granting the requested relief will be subject to the following conditions:

Securities Lending Program

1. Before a Lending Fund may participate in the Lending Program, a majority of the Board (including a majority of the Independent Directors) will approve of the Lending Fund's participation in the Lending Program. Such Board also will evaluate the Lending Program and its results no less frequently than annually and a majority of the Board (including a majority of the Independent Directors) will determine that any investment of Cash Collateral in Shares and/or Units is in the best interests of the shareholders of the Lending Fund.

2. Cash Collateral of any Affiliated Fund or Other Fund that relies on rule 2a–7 under the Act will not be used to acquire Units of any Private Fund that does not comply with the requirements of rule 2a–7.

3. The approval of an Affiliated Fund's Board, including a majority of the Independent Directors, will be required for the initial and subsequent approvals of a Northern Entity's service as Lending Agent for the Affiliated Fund pursuant to the Lending Program, for the institution of all procedures relating to the Lending Program as it relates to the Affiliated Fund, and for any periodic review of loan transactions for which a Northern Entity acted as Lending Agent pursuant to the Lending Program.

4. The Lending Program of each Lending Fund will comply with all present and future applicable Commission and staff positions regarding securities lending arrangements.

Private Funds

5. Each Lending Fund will purchase and redeem Units as of the same time and at the same price, and will receive dividends and bear its proportionate share of expenses on the same basis, as other holders of the Units. A separate account will be established in the unitholder records of each Private Fund for the account of each Lending Fund.

6. Each Private Fund will comply with the requirements of sections 17(a), (d), (e), and 18 of the Act as if the Private Fund was a registered open-end investment company. With respect to all redemption requests made by a Lending Fund, the Private Funds will comply with section 22(e) of the Act. The Trustee of a Private Fund shall adopt procedures designed to ensure that the Private Fund complies with sections 17(a), (d), and (e), 18 and 22(e) of the Act. Such Trustee will periodically review and periodically update as appropriate such procedures and will maintain books and records describing such procedures, and maintain the records required by rules 31a–1(b)(1), 31a–1(b)(2)(ii) and 31a–1(b)(9) under the Act. All books and records required to be made pursuant to this condition will be maintained and preserved for a period of not less than six years from the end of the fiscal year in which any transaction occurred, the first two years in an easily accessible place, and will be subject to examination by the Commission and its staff.

7. The net asset value per Unit with respect to Units of the Private Funds will be determined separately for each Private Fund by dividing the value of the assets belonging to that Private Fund, less the liabilities of that Private Fund, by the number of Units outstanding with respect to that Private Fund.

8. Any Private Fund that uses the amortized cost method of valuation, as defined in rule 2a–7 under the Act, will comply with rule 2a–7. With respect to each such Private Fund, the Trustee will adopt and monitor the procedures described in rule 2a–7(c)(7) and will take such other actions as are required to be taken under those procedures. The Lending Funds may only purchase Units of such Private Fund if the Trustee determines on an ongoing basis that the Private Fund is in compliance with rule 2a–7. The Trustee will preserve for a period of not less than six years from the date of determination, the first two years in an easily accessible place, a record of the determination and the basis upon which the determination was made. This record will be subject to examination by the Commission and its staff.

Other Conditions

9. Investment of Uninvested Cash in Shares and Cash Collateral in Shares and/or Units will be in accordance with each Affiliated Fund's and Other Fund's respective investment restrictions, if any, and will be consistent with its policies as recited in its prospectus and statement of additional information (and supplements thereto).

10. Shares and Unites will not be subject to a sales load, redemption fee, asset-based distribution fee or service fee (as defined in rule 2830(b)(9) of the NASD Conduct Rules).

11. Before the next meeting of the Board of an Affiliated Fund is held for the purpose of voting on an advisory contract under section 15 of the Act, the Northern Entity acting as investment adviser of the Affiliated Fund will provide the Board with specific information regarding the approximate cost to such investment adviser of, or portion of the advisory fee under the existing advisory contract attributable to, managing the Uninvested Cash of the Affiliated Fund that can be expected to be invested in the Money Market Portfolios. In connection with approving any advisory contract for an Affiliated Fund, the Board of the Affiliated Fund, including a majority of the Independent Directors, will consider to what extent, if any, the advisory fees charged to the Affiliated Fund by a Northern Entity should be reduced to account for reduced services provided to the Affiliated Fund by the Northern Entity as a result of Uninvested Cash being invested in the Money Market Portfolios. The minute books of the Affiliated Fund will record fully the Board's consideration in approving the advisory contract, including the consideration referred to above.

12. Each Affiliated Fund will invest Uninvested Cash in, and hold Shares of, the Money Market Portfolios only to the extent that the Affiliated Fund's aggregate investment of Uninvested Cash in the Money Market Portfolios does not exceed 25% of the Affiliated Fund's total assets.

13. Each Affiliated Fund, Money Market Portfolio and Private Fund that relies on the order will be advised by a Northern Entity.

14. Neither the Private Funds nor the Money Market Portfolios in which Cash Collateral or Uninvested Cash is invested shall acquire securities of any other investment company in excess of the limits contained in section 12(d)(1)(A) of the Act.

For the Commission, by the Division of Investment Management, under delegated authority.

Jonathan G. Katz,

Secretary.

[FR Doc. 01–17721 Filed 7–13–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44532; File No. SR–Amex–2001–25]

Self-Regulatory Organizations; American Stock Exchange LLC; Order Granting Approval to Proposed Rule Change Relating to Generic Listing Standards for Portfolio Depositary Receipts and Index Fund Shares

July 10, 2001.

On May 3, 2001, the American Stock Exchange LLC (''Amex'') 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 to amend Amex Rule 1000, Commentary .03 and Amex Rule 1000A, Commentary .02 regarding generic listing standards for Portfolio Depositary Receipts and Index Fund shares to increase from 25 percent to 30 percent the permissible weight of the most heavily weighted component stock in an underlying index.

The proposed rule change was published for comment in the **Federal Register** on June 4, 2001.[3] The Commission received no comments on the proposal.

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] and, in particular, the requirements of Section 6 of the Act [5] and the rules and regulations thereunder. The Commission finds specifically that the proposed rule change is consistent with section 6(b)(5) of the Act [6] because it is designed to

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 34–44354 (May 25, 2001), 66 FR 30031.

[4] In approving this proposed rule change, the Commission notes that it has considered the proposed rule' impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[5] 15 U.S.C. 78f.

[6] 15 U.S.C. 78f(b)(5).

prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

It Is Therefore Ordered, pursuant to section 19(b)(2) of the Act,[7] that the proposed rule change (File No. SR–Amex–2001–25) be, and it hereby is, approved.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[8]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–17712 Filed 7–13–01; 8:45 am]

BILLING CODE 8010–01–M

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44530 File No. SR–CBOE–2001–27]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed Rule Change by the Chicago Board Options Exchange, Inc., Relating to Rerouting of Certain Orders

July 9, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934, (''Act'')[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on May 29, 2001, the Chicago Board Options Exchange, Incorporated (''CBOE'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by the CBOE. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The CBOE proposes to amend Exchange Rule 6.8, *RAES Operations,* to make it clear than an order rerouted from RAES may be routed to a location of the sending firm's choice. Below is the text of the proposed rule change. New text is in *italics.* Proposed deletions are in [brackets].

* * * * *

Chicago Board Options Exchange, Inc. Rules

* * * * *

Chapter IX—Doing Business with the Public

* * * * *

RAES Operations

Rule 6.8.

(a)–(c) No change.

(d) Execution on RAES.

(i) When RAES receives an order, the system automatically will attach to the order its execution price, determined by the prevailing market quote at the time of the order's entry to the system, except as otherwise provided in this Rule 6.8 and the Interpretations to this rule. A buy order will pay the offer, a sell order sell at the bid. Marketable limit orders will not be executed to sell for less or buy for more than the specified price, but the order can be executed to sell for a higher price or buy for a lower price. However, if the order's limit price is under $3, RAES will execute the order only if the necessary bid or offer is 1 point or less from the limit price. If the order's limit price is $3 of more, RAES will execute the order only if the necessary bid or offer is one dollar or less from the limit price.

(ii) A Market-Maker logged on to participate in RAES (a ''Participating Market-Maker'') will be designated as contra-broker on the trade.

(iii) A trade executed on RAES at an erroneous quote should be treated as a trade reported at an erroneous price and adjusted to reflect the accurate market after receiving a Floor Official's approval.

(iv) When the best bid or offer on the Exchange's book constitutes the best bid or offer on the Exchange, contra-side incoming RAES orders shall be executed in accordance with either *(A)*[(i)] or *(B)*[(ii)] below, as determined by the appropriate Floor Procedure Committee is a class-by-class basis.

(A)[(i)] When the best bid or offer on the Exchange's book constitutes the best bid or offer on the Exchange and is for a size less than RAES order eligibility size for that class, such fact shall be denoted in the Exchange's disseminated quote by a ''Book Indicator''. An incoming RAES order will be executed against the order in the book. In the event the order in the book is for a smaller number of contracts than the RAES order, the balance of the RAES order will be assigned to participating market-makers at the same price at which the initial portion of the order was executed up to an amount prescribed by the appropriate Floor Procedure Committee on a class-by-class basis (the ''Book Price Commitment Quantity''). Any remaining balance thereafter shall be (i) routed to the crowd PAR terminal *(or to another location in the event of system problems or contrary firm routing instructions)* if Autoquote is not in effect for that series; (ii) assigned to participating market-makers at the Autoquote price if Autoquote constitutes the new prevailing market bid or offer; or (iii) executed against any order in the book that constitutes the new prevailing market bid or offer with the balance of the RAES order being assigned to participating market-makers at that price up to the Book Price Commitment Quantity. Any additional remaining balance of a RAES order shall be handled in accordance with (ii) or (iii) of this paragraph.

(B)[(ii)] An incoming RAES order will be executed against the order in the book. In the event the order in the book is for a smaller number of contracts than the RAES order, the balance of the RAES order will be assigned to participating market-makers at the same price at which the initial portion of the RAES order was executed.

(v) Notwithstanding sub-paragraph (d)(iv), for a six month pilot program ending August 21, 2001, for any series of options where the bid or offer generated by the Exchange's Autoquote system (or any Exchange approved proprietary quote generation system used in lieu of the Exchange's Autoquote system) crosses or locks the Exchange's best bid or offer as established by an order in the Exchange's customer limit order book, orders in RAES for options of that series will not be automatically executed but instead will be rerouted on ORS to the crowd PAR terminal or to another location in the event of system problems or contrary firm routing instructions.

(e)–(g) No change.

Interpretations and Policies

.01 No change.

.02 Orders to buy or sell options that are multiply traded in one or more markets in addition to the Exchange will not be automatically executed on RAES at prices inferior to the current best bid or offer in any other market, as such best bids or offers are identified in RAES. In respect of those classes of options that have been specifically designated by the appropriate Floor Procedure Committee as coming within the scope of this sentence (''automatic step-up classes''),

---

[7] 15 U.S.C. 78s(b)(2).

[8] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

under circumstances where the Exchange's best bid or offer is inferior to the current best bid or offer in another market by no more than the ''step-up amount'' as defined below, such orders will be automatically executed on RAES at the current best bid or offer in the other market. In respect of (i) automatic step-up classes of options under circumstances where the Exchange's best bid or offer is inferior to the current best bid or offer in another market by more than the step-up amount, or (ii) in respect of series of option classes designated by the appropriate Floor Procedure Committee or its Chairman under circumstances where the NBBO for one of the series is cross (e.g., 6.10 bid, 6 asked) or locked (e.g., 6 bid, 6 asked), or (iii) in respect of specified automatic step-up classes or series of options or specified markets under circumstances where the Chairman of the appropriate Floor Procedure Committee or his designee has determined that automatic step-up should not apply because quotes in such options or markets are deemed not to be reliable, or (iv) in respect of classes of options other than automatic step-up classes where the Exchange's best bid or offer is inferior to the current best bid or offer in another market by any mount, such orders will be rerouted *for nonautomated handling* to the DPM or OBO for that class of options, *or to any other location in the event of system problems or contrary routing instructions for the firm that forwarded the order to RAES.* [for non-automated handling.] *If the order has been rerouted to the DPM or OBO, the* [The] DPM or OBO will report the execution or non-execution of such orders to the firm that originally forwarded the order to RAES. With respect to the orders that are rerouted for manual handling pursuant to (ii) above, the appropriate Floor Procedure Committee may determine to have the orders for a particular series within a designated class of options executed on RAES notwithstanding the fact that the NBBO is either cross or locked. Also, with respect to (ii) above, the appropriate Floor Procedure Committee may determine to have the orders rerouted for manual handling only when the CBOE RAES becomes cross or locked as a result of applying the step-up amount. As used in this Interpretation and Policy .02, the term ''step-up amount'' shall mean the minimum increment for options of that series established pursuant to Rule 6.42, or any greater amount established by the appropriate Floor Procedure Committee in respect of specified automatic step-up classes or series of options. The procedures described in this Interpretation .02 shall not apply in circumstances where a ''fast market'' in the options that are the subject of the orders in question has been declared on the Exchange or where comparable conditions exist in the other market such that firm quote requirements do not apply.

.03–.08 No change.

* * * * *

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, CBOE included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The CBOE has prepared summaries, set forth in sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange is proposing to amend Exchange Rule 6.8 to make it clear that an order that is rerouted from RAES may be routed to a location designated by the order routing firm. Currently, there are two sections in the RAES rule that provide that orders rerouted from RAES will be routed to the Designated Primary Market-Maker (''DPM'') or to the Public Automated Routing (''PAR'') terminal in the trading crowd.[3] Specifically, paragraph (d)(iv)(A) of Rule 6.8 states that where a RAES order is executed against a booked order and there is a remaining balance, that remaining balance may be routed to one of three locations. The first location which the rule designates as a location for the remaining balance is ''the crowd PAR terminal if Autoquote is not in effect for that series.'' The second section in Rule 6.8 which describes an order rerouted from RAES being routed to a PAR terminal is in Interpretation .04 to the rule, which governs orders that are rerouted because another market is displaying a better bid or offer. Interpretation .04 states that ''in respect of classes of options other than automatic step-up classes where the Exchange's best bid or offer is inferior to the current best bid or offer in another market by any amount, such orders will be rerouted to the DPM or OBO for that class of options.''

In both of these cases, the Exchange was not intending to limit the alternative locations to which a firm could choose to have a rejected RAES order route. Instead, the rules were meant to describe the default locations to which the RAES order would route absent any contrary indications from the firm. In fact, paragraph (d)(v) states that orders that are rejected from RAES pursuant to this provision will ''be rerouted on ORS to the crowd PAR terminal or *to another location in the event of system problems or contrary firm routing instructions.*'' [emphasis added]. The Exchange is, therefore, making clear in its rules that a firm may choose to determine to have its orders routed to another location other than to PAR or to the DPM.[4] The Exchange believes that, unless there is some overriding regulatory concern, firms should be able to choose the location to which their orders should be routed so that they may handle their business in the most effective manner.

Additionally, system problems may occasionally prevent the Exchange from routing an order to the PAR terminal or to the DPM. In these events, although this fact may be obvious, the Exchange believes that it should specifically note this possibility in its RAES rule in those locations where it is not presently noted.

2. Statutory Basis

Because the proposed rule amends the Exchange's rules to make clear that a firm may determine where to route its RAES rejected orders and because the proposed rule otherwise makes clear that there may be some circumstances where RAES orders will need to be rerouted due to system problems, the proposed rule change is consistent with Section 6(b) of the Act[5] in general and furthers the objectives of section 6(b)(5)[6] in particular in that it is designed to remove impediments to and perfect the mechanism of a free and open market and a national market system.

B. Self-Regulatory Organization's Statement on Burden on Competition

CBOE does not believe that the proposed rule change will impose any burden on competition not necessary or

[3] DPMs in each trading crowd typically are responsible for managing the orders that are routed to the PAR terminal in each crowd.

[4] Currently, the Exchange's ORS provides for the order to route to a firm booth (whereupon it may be rerouted electronically from a BART terminal) or to a crowd printing terminal. The Exchange may provide other routing locations in the future.

[5] 15 U.S.C. 78f(b).

[6] 15 U.S.C. 78f(b)(5).

appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were solicited or received with respect to the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to section 19(b)(3)(A) of the Act,[7] and subparagraph (f)(1) of Rule 19b–4 thereunder.[8] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the CBOE. All submissions should refer to File No. CBOE–2001–27 and should be submitted by August 6, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[9]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–17653 Filed 7–13–01; 8:45 am]

BILLING CODE 8010–01–M

[7] 15 U.S.C. 78s(b)(3)(A).

[8] 17 CFR 240.19b–4(f)(1).

[9] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44534; File No. SR–CHX–2001–14]

Self-Regulatory Organizations; Notice of Filing of Proposed Rule Change by The Chicago Stock Exchange, Inc., To Eliminate the ''E-Session'' After-Hours Trading Session

July 10, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 2, 2001, The Chicago Stock Exchange, Inc. (''CHX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to delete CHX Article XXA, which governed an after-hours trading session (the ''E-Session'') conducted by the Exchange, and to eliminate other rule references to the E-Session. The Exchange intends to cease conducting the E-Session following the Commission's approval of this proposed rule change. The text of the proposed rule change is available at the Commission and at the CHX.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of, and basis for, the proposed rule change, and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

On February 7, 2000, the Commission approved the CHX's proposed rule change granting access to and governing the E-Session.[3] Following continuous operation for the E-Session for the past year, the E-Session has not sustained the increases in order flow that the CHX anticipated. Consequently, in light of the costs attendant to operation of an after-hours trading session by a self-regulatory organization, the Exchange has determined that it is not feasible at this time to continue conducting the E-Session. The Exchange has discussed its intention to eliminate the E-Session with its principal E-Session order-sending firms, and is confident that each of these order-sending firms has sufficient alternative liquidity sources in the after-hours market. Accordingly, upon the Commission's approval of this proposed rule change, which proposal would delete from the CHX rules all references to the E-Session, the CHX intends to cease conducting the E-Session.

2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder that are applicable to a national securities exchange. In particular, the Exchange believe the proposed rule change is consistent with sections 6(b) of the Act.[4] In particular, the CHX believes the proposal is consistent with the section 6(b)(5) of the Act,[5] in that it is designed to promote just and equitable principles of trade, to remove impediments and to perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

No written comments were either solicited or received.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 42403 (February 7, 2000), 65 FR 7581 (February 15, 2000)(SR–CX–99–08). *See also* Securities Exchange Act Release No. 42004 (October 13, 1999), 64 FR 56548 (October 20, 1999) (SR–CHX–99–16).

[4] 15 U.S.C. 78f(b).

[5] 15 U.S.C. 78f(b)(5).

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (I) as the commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the CHX consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference room. Copies of such filing will also be available for inspection and copying at the principal office of the CHX. All submissions should refer to File No. SR–CHX–2001–14 and should be submitted by August 6, 2001.

For the Commission, by the division of Market Regulation, pursuant to delegated authority.[6]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–17711 Filed 7–13–01; 8:45 am]

BILLING CODE 8010–01–M

[6] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44529; File No. SR–NASD–2001–43]

Self-Regulatory Organizations; Notice of Filing and Immediate Effectiveness of Proposed rule Change by the National Association of Securities Dealers, Inc., To Extend the Pilot for Limit Order Protection of Securities Priced in Decimals

July 9, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on July 6, 2001, the National Association of Securities Dealers, Inc. (''NASD'' or ''Association''), through its subsidiary, the Nasdaq Stock Market, Inc. (''Nasdaq''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been prepared by Nasdaq. Nasdaq filed the proposal pursuant to section 19(b)(3)(A) of the Act,[3] and Rule 19b–4(f)(6)[4] thereunder, which renders the proposal effective upon filing with the Commission. The Commission is publishing this notice to solicit comments on the proposed rule change for interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Nasdaq proposes to extend through November 5, 2001 the current pilot price-improvement standards for decimalized securities contained in NASD Interpretative Material 2110–2—Trading Ahead of Customer Limit Order (''Manning Interpretation'' or ''Interpretation''). Without such an extension these standards would terminate on July 9, 2001. Nasdaq does not propose to make any substantive changes to the pilot; the only change is an extension of the pilot's expiration date through November 5, 2001. Nasdaq requests that the Commission waive both the 5-day notice and 30-day pre-operative requirements contained in Rule 19b–4(f)(6)(iii)[5] of the Act. If such waivers are granted by the Commission, Nasdaq will implement this rule change immediately.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A).

[4] 17 CFR 240.19b–4(f)(6).

[5] 17 CFR 240.19b–4(f)(6)(iii).

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, Nasdaq included statements concerning the purpose of and basis for its proposal and discussed any comments it received regarding the proposal. The text of these statements may be examined at the places specified in Items IV below. Nasdaq has prepared summaries, set forth in Sections A, B and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

NASD's Manning Interpretation requires NASD member firms to provide a minimum level of price improvement to incoming orders in NMS and Small Cap securities if the firm chooses to trade as principal with those incoming orders at prices superior to customer limit orders they currently hold. If a firm fails to provide the minimum level of price improvement to the incoming order, the firm must execute its held customer limit orders. Generally, if a firm fails to provide the requisite amount of price improvement and also fails to execute its held customer limit orders, it is in violation of the Manning Interpretation.

On April 6, 2001,[6] the Commission approved, on a pilot basis, Nasdaq's proposal to establish the following price improvement standards whenever a market maker wished to trade proprietarily in front of its held customer limit orders without triggering an obligation to also execute those orders:

(1) For customer limit orders priced at or inside the best inside market displayed in Nasdaq, the minimum amount of price improvement required is $0.01; and

(2) For customer limit orders priced outside the best inside market displayed in Nasdaq, the market maker must price improve the incoming order by executing the incoming order at a price at least equal to the next superior minimum quotation increment in Nasdaq (currently $0.01).[7]

[6] *See* Securities Exchange Act Release No. 44165 (April 6, 2001), 66 FR 19268 (April 13, 2001). (Order approving proposed rule change modifying NASD's Interpretative Material 2110–2—Trading Ahead of Customer Limit Order).

[7] Pursuant to the terms of the Decimals Implementation Plan for the Equities and Options Markets, the minimum quotation increment for Nasdaq securities (both National Market and

Since approval, these standards have operated on a pilot basis and are currently scheduled to terminate on July 9, 2001. Nasdaq originally selected the July 9, 2001, termination date of its Manning pilot to coincide with deadline for submitting rule filings related to decimalization contained in the Commission's June 8, 2000 Order directing the submission of a Decimals Implementation Plan For the Equities and Options Markets (Implementation Plan or Plan).[8]

Subsequent to the Interpretation pilot's approval, the Commission extended the deadline for the submission of decimal-related rule filing to November 5, 2001.[9] As such, Nasdaq has determined to seek an extension of its current Manning Interpretation pilot until that date. Nasdaq believes that such an extension will provide needed additional time for Nasdaq and the Commission to analyze data and the many complex issues related to customer limit order protection in a decimalized Nasdaq.

2. Statutory Basis

Nasdaq believes that the proposed rule change is consistent with the provisions of section 15A(b)(6) of the Act[10] in that it is designed to: (1) Promote just and equitable principles of trade; (2) foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to and facilitating transactions in securities; (3) perfect the mechanism of a free and open market and a national market system; and (4) protect investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

Nasdaq does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants or Others

Written comments were neither solicited or received.

SmallCap) at the outset of decimal pricing is $0.01. As such, Nasdaq displays priced quotations to two places beyond the decimal point (to the penny). Quotations submitted to Nasdaq that do not meet this standard are rejected by Nasdaq systems. *See* Securities Exchange Act Release No. 43876 (January 23, 2001) 66 FR 8251 (January 30, 2001).

[8] *See* Securities Exchange Act Release No. 42914 (June 8, 2000), 65 FR 38010 (June 19, 2000).

[9] *See* Securities Exchange Act Release No. 44336 (May 22, 2001), 66 FR 29368 (May 30, 2001).

[10] 15 U.S.C. 78o–3.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Because the foregoing proposed rule change does not:

(i) significantly affect the protection of investors or the public interest;

(ii) impose any significant burden on competition; and

(iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has become effective pursuant to section 19(b)(3)(A) of the Act[11] and Rule 19b–4(f)(6) thereunder.[12] At any time within 60 days of the filing of the proposed rule change, the Commission may summarily abrogate such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act.

Nasdaq has requested the Commission waive both the 5-day notice and 30-day pre-operative requirements contained in Rule 19b–4(f)(6)[13] and has requested that the Commission accelerate the operative date. The Commission finds good cause to designate the proposal to become operative immediately because such designation is consistent with the protection of investors and the public interest. Acceleration of the operative date will allow the pilot to continue uninterrupted through November 5, 2001, the deadline for which self-regulatory organizations must file proposed rule changes to set the minimum price variation for quoting in a decimals environment. For these reasons, the Commission finds good cause to designate that the proposal is both effective and operative upon filing with the Commission.[14]

IV. Solicitation of Comments

Interested persons are invited to submit written date, views, and arguments concerning the foregoing, including whether the proposal is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of Nasdaq. All submissions should refer to file number SR–NASD–2001–43 and should be submitted by August 6, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[15]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–17710 Filed 7–13–01; 8:45 am]

BILLING CODE 8010–01–M

[11] 15 U.S.C. 78s(b)(3)(A).

[12] 17 CFR 240.19b–4(f)(6).

[13] *Id.*

[14] For purposes only of accelerating the operative date of this proposal, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[15] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–44533; File No. SR–Phlx–00–20]

Self-Regulatory Organizations; Notice of Filing of Amendment No. 1 to a Proposed Rule Change by the Philadelphia Stock Exchange, Inc. Relating to Trading Certain Over-the-Counter Securities

July 10, 2001.

Pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on November 16, 2000, the Philadelphia Stock Exchange, Inc. (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change regarding the trading of certain over-the-counter (''OTC'') securities. Notice of the proposed rule change was published in the **Federal Register** on December 14, 2000.[3] On May 14, 2001, the Exchange submitted Amendment No. 1 to the proposed rule change, as described in Items I, II, and III, below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change, as amended by Amendment No. 1, from interested persons.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Securities Exchange Act Release No. 43692 (December 8, 2000), 65 FR 78240.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Phlx proposes to trade certain OTC securities, Nasdaq National Market (''Nasdaq/NM'') securities, on the Exchange, pursuant to unlisted trading privileges (''UTP'') under Section 12(f) of the Act.[4] As discussed in the original notice, minor changes to Phlx rules are necessary to accommodate such trading, including a revision to the term ''Nasdaq/NM securities,'' and the addition of a reference to handheld orders received from a floor broker on the floor of the Exchange to Phlx Rule 233(b).

In Amendment No. 1, the Exchange proposes to amend the application of the odd-lot rules to Nasdaq/NM securities and to add provisions relating to the allocation of Nasdaq/NM securities to specialist on a pilot basis. The text of the proposed rule change, including Amendment No. 1, is available at the Office of the Secretary, the Phlx, and at the Commission.

II. Self-Regulatory Organization's Statement Regarding the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

In 1992, the Commission approved on a pilot basis a Phlx proposal to permit the trading of Nasdaq/NM securities on the Exchange pursuant to UTP (''Phlx OTC/UTP Pilot Program'' or ''Pilot'').[5] The Phlx began trading Nasdaq/NM securities pursuant to the Pilot in February 1993. The effectiveness of the Pilot was extended four times[6] before the Phlx determined to cease trading such securities pending reorganization of its OTC/UTP program as a whole. The Phlx OTC/UTP Pilot Program expired on February 12, 1996. The Phlx intends to reinstate OTC/UTP trading in Nasdaq/NM securities in the near future, and, thus, seeks reinstatement of the Phlx OTC/UTP Pilot Program. Such reinstatement requires no changes to Phlx rules except as stated herein, since various rules implicated by OTC/UTP trading were amended in connection with the original Phlx OTC/UTP Pilot Program.

Reinstatement of the Phlx OTC/UTP Pilot Program will enable the trading of Nasdaq/NM securities Phlx specialists. The Phlx proposes to reinstate the Pilot for a six-month period.[7] Initially, Phlx specialists will be provided with quotation generation capability, as well as the ability to manually enter and execute orders through a separate system designed by a third party vendor, TradinGear, separate from the Exchange's PACE System.[8]

In this regard, the Phlx proposes to trade these securities pursuant to its equity rules, where applicable. The following series of provisions that continue to appear in Phlx rules specifically reference Nasdaq/NM securities and are outlined more fully below. They include Phlx Rules 102; 105, Supplementary Material .01; 226; 233; 455 and 606.

- Phlx Rule 102: Specifies that all Nasdaq/NM securities transactions must be conducted during the applicable Exchange trading floor hours.
- Phlx Rule 105: Includes language requiring that in the event of unusual market conditions, as determined by the Floor Procedure Committee, quotations in a given issue will not be subject to firmness provided that the Exchange notifies the processor of Nasdaq/NM securities.
- Phlx Rule 226: Incorporates Nasdaq/NM securities into the rule dealing with round-lot orders.
- Phlx Rule 233: Enables the Exchange to trade Nasdaq/NM securities pursuant to UTP.
- Phlx Rule 455: Exempts Nasdaq/NM securities from the short sale rule.
- Phlx Rule 606: Enables access by telephone or any other such access as may be established between the Exchange and the Nasdaq system to the Phlx assigned specialist for any Nasdaq system market maker.

In addition, the Exchange proposes to amend Phlx Rule 225 (''Odd Lot Orders in Nasdaq/NM Securities and Securities for Which the Exchange is the Primary Market'') to delete the reference to Nasdaq/NM securities. By deleting this reference, odd-lot orders for Nasdaq/NM securities will be governed by Phlx Rule 227 as amended (''Odd Lot Orders in Securities for Which Another Exchange is the Primary Market and in Nasdaq/NM Securities''), which states specifically, in new paragraph (b), the execution parameters for odd-lot market and limit orders in Nasdaq/NM Securities. According to proposed Phlx Rule 227(b), odd-lot market orders would be executed at a price equal to or better than the best bid disseminated pursuant to SEC Rule 11Ac1–1[9] on a sell order, or the best offer disseminated pursuant to SEC Rule 11Ac1–1[10] on a buy order, which would be in effect at the time the order is presented at the specialist post. Odd-lot limit orders in Nasdaq/NM securities would be executed at the limit price or better when the consolidated best bid or offer disseminated pursuant to SEC Rule 11Ac1–1[11] is at the limit price on a sell or buy order respectively.[12]

Finally, the Exchange proposes to add a new rule, Phlx Rule 516, which will govern the allocation of the Nasdaq/NM securities to specialists. Specifically, the proposed rule would permit the Equity Allocation, Evaluation and Securities Committee (''Committee'') to solicit and allocate each Nasdaq/NM security to a specialist on a six-month pilot basis (or such shorter period as determined by the Committee). At the expiration of the pilot period, the Committee would resolicit specialists for the security. During the resolicitation period, the existing specialist would receive a preference in the allocation process.[13] The allocation criteria of Phlx Rule 511(b) would apply to each applicant, however the 90-day evaluation procedure of Phlx Rule 511 would not automatically apply, but could be invoked by the Exchange in its discretion. This provision is intended to coincide with its vendor contract as well as enable the Committee to resolicit

[4] 15 U.S.C. 78*l*.

[5] *See* Securities Exchange Act Release No. 31672 (December 30, 1992), 58 FR 3054 (January 7, 1993).

[6] Most recently, the Pilot was extended through February 12, 1996. *See* Securities Exchange Act Release No. 36087 (August 10, 1995), 60 FR 42637 (August 16, 1995).

[7] The current number of Nasdaq/NM securities that may be traded on an unlisted trading privileges basis is 1,000 securities. *See* Securities Exchange Act Release No. 41392 (May 12, 1999), 64 FR 27839 (May 21, 1999).

[8] PACE is the Exchange's Automated Communication and Execution System. PACE provides a system for the automatic execution of orders on the Exchange equity floor under predetermined conditions. *See generally* Phlx Rule 229 which includes the ability, if available, to use PACE as an order delivery system for Nasdaq/NM securities.

[9] 17 CFR 240.11Ac1–1.

[10] *Id.*

[11] *Id.*

[12] For a similar rule, *see* Chicago Stock Exchange Article XXXI, Rule 9.

[13] This is similar to an existing Phlx provision respecting foreign currency option specialists who apply to trade their option during a different trading hours segment.

such securities more widely, because this program represents a new business for the Exchange (albeit a re-entry) as well as a new technology platform.

2. Statutory Basis

The Exchange believes that reinstatement of the Phlx OTC/UTP Pilot Program with the above-noted changes is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange, including sections 6(b)(5),[14] 11A [15] and 12(f) [16] of the Act. Specifically, the Phlx believes that the proposed rule change, as amended, is consistent with section 6(b)(5) [17] of the Act, because permitting Phlx specialists to trade Nasdaq/NM securities should promote just and equitable principles of trade and facilitate transactions in securities, thereby removing impediments to and perfecting the mechanism of a free and open market in a manner consistent with the protection of investors and the public interest.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any inappropriate burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received from Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing For Commission Action

Within 35 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the PHLX consents, the Commission will:

A. by order approve such proposed rule change, or

B. institute proceedings to determine whether the proposed rule change should be disapproved.[18]

[14] 15 U.S.C. 78f(b)(5).

[15] 15 U.S.C. 78k–1.

[16] 15 U.S.C. 78*l*.

[17] 15 U.S.C. 78f(b)(5).

[18] The Commission notes that the Exchange has requested accelerated approval of Amendment No. 1 to the proposed rule change.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change, as amended, is consistent with the Act. Persons making written submissions should file six copies thereof with the Secretary, Securities and Exchange Commission, 450 Fifth Street, NW., Washington, DC 20549–0609. Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for inspection and copying in the Commission's Public Reference Room. Copies of such filing will also be available for inspection and copying at the principal office of the Phlx. All submissions should refer to File No. SR–Phlx–00–20 and should be submitted July 31, 2001.

For the Commission, by the Division of Market Regulation, pursuant to delegated authority.[19]

Margaret H. McFarland,

Deputy Secretary.

[FR Doc. 01–17709 Filed 7–13–01; 8:45 am]

BILLING CODE 8010–01–M

[19] 17 CFR 200.30–3(a)(12).

SOCIAL SECURITY ADMINISTRATION

Agency Information Collection Activities: Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages that will require clearance by the Office of Management and Budget (OMB) in compliance with Pub. L. 104–13 effective October 1, 1995, The Paperwork Reduction Act of 1995. SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility and clarity; and on ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology.

Written comments and recommendations regarding the information collection(s) should be submitted to the OMB Desk Officer and the SSA Reports Clearance Officer at the following addresses:

(OMB)

Office of Management and Budget, Attn: Desk Officer for SSA, New Executive Office Building, Room 10230, 725 17th St., NW., Washington, DC 20503

(SSA)

Social Security Administration, DCFAM, Attn: Frederick W. Brickenkamp, 1–A–21 Operations Bldg., 6401 Security Blvd., Baltimore, MD 21235

The information collections listed below have been submitted to OMB for clearance. Your comments on the information collections would be most useful if received by OMB and SSA within 30 days from the date of this publication. You can obtain a copy of the OMB clearance packages by calling the SSA Reports Clearance Officer on (410) 965–4145, or by writing to him at the address listed above.

1. Chinese Custom Marriage Statement; Statement Regarding Marriage—0960–0086. The information collected on Forms SSA–1344 and SSA–1345 is used to determine whether the spouse/claimant is (or was) legally married to the numberholder for the purpose of paying Social Security Benefits. The respondents are individuals who were married in a Chinese custom marriage.

	SSA–1344	SSA–1345
Number of Respondents	10	10
Frequency of Response	1	1
Average Burden Per Response (in minutes) ...	14	14
Estimated Annual Burden (in hours)	2.3	2.3

2. State Agency Ticket Assignment Form—0960–NEW. The information collected on this form will be used by SSA's contracted Program Manager (PM) to perform the task of assigning beneficiaries' tickets and monitoring the use of tickets under the Ticket to Work and Self-Sufficiency Program. The State Vocational Rehabilitation (VR) agency answers the questions and the beneficiary reviews the data and if in agreement will sign the form acknowledging their Ticket assignment. The respondents are State VR agencies.

Number of Respondents: 21.

Frequency of Response: 4,048 annually per respondent.

Average Burden Per Response: 3 minutes.

Estimated Annual Burden: 4,250 hours.

Please note that the Ticket to Work Program is being implemented in stages. The above represents the initial phase of the program with 13 participating states that includes 21 State VR agencies. As the program continues to be phased in, each initial program year will result in a large number of new tickets for the participating State VRs because existing clients will also be brought into the program.

3. Statement for Determining Continuing Eligibility, Supplemental Security Income Payment—0960–0145—Forms SSA–8202–F6 and SSA–8202–OCR–SM. SSA uses form SSA–8202–F6 to conduct low- and middle-error-profile (LEP–MEP) telephone or face-to-face redetermination (RZ) interviews with Supplemental Security Income (SSI) recipients and representative payees. The information collected during the interview is used to determine whether SSI recipients have met and continue to meet all statutory and regulatory requirements for SSI eligibility and whether they have been and are still receiving the correct payment amount. Form SSA–8202–OCR–SM (Optical Character Recognition-Self Mailer) collects information similar to that collected on Form SSA–8202–F6. However it is used exclusively in LEP RZ cases on a 6-year cycle. The respondents are recipients of SSI benefits or their representative payees.

	Respondents	Frequency of response	Average burden per response (in minutes)	Estimated annual burden (in hours)
SSA–8202–F6	920,000	1	18	276,000
SSA–8202–OCR–SM	800,000	1	9	120,000
Total Burden				396,000

4. Statement for Determining Continuing Eligibility for Supplemental Security Income Payments—0960–0416. SSA uses form SSA–8203–BK for high-error-profile (HEP) redeterminations. The information is normally completed in field offices by personal contact (face-to-face or telephone interview) using the automated Modernized SSI Claim System (MSSICS). The paper form is used only when a systems limitation prevents the interview from being completed on MSSICS. When the paper form is used, a tear-off sheet (Pages 7 and 8 of the form) is given to recipients at the conclusion of a face-to-face interview or is mailed to recipients at the completion of the telephone interview. The tear-off includes information about how, what, when, where, and why SSI recipients report when there is a change in income, resources, or living arrangements. The respondents are recipients of title XVI SSI benefits.

Number of Respondents: 920,000.

Frequency of Response: 1.

Average Burden Per Response: 18 minutes.

Estimated Annual Burden: 276,000 hours.

5. Summary of Evidence—0960–0430. The information on Form SSA–887 is used by State Disability Determination Services (DDS) to provide claimants with a list of medical/vocational reports pertaining to their disability. The form will aid claimants in reviewing the evidence in their folders and will be used by hearing officers in preparing for and conducting hearings. The respondents are State DDSs that make disability determinations.

Number of Respondents: 49,000.

Frequency of Response: 1.

Average Burden Per Response: 15 minutes.

Estimated Average Burden: 12,250 hours.

6. Notice Regarding Substitution of Party Upon Death of Claimant—Reconsideration of Disability Cessation—0960–0351. The Social Security Administration uses the form SSA–770 to obtain information from substitute parties regarding their intention to pursue the appeals process for an individual who has died. The respondents are such parties.

Number of Respondents: 1,200.

Frequency of Response: 1.

Average Burden Per Response: 10 minutes.

Estimated Annual Burden: 200 hours.

Dated: July 9, 2001.

Frederick W. Brickenkamp,

Reports Clearance Officer.

[FR Doc. 01–17539 Filed 7–13–01; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF STATE

[Public Notice 3680]

Notice of Meetings; United States International Telecommunication Advisory Committee Telecommunication Development Sector (ITAC–D)

The Department of State announces meetings of the U.S. International Telecommunication Advisory Committee. The purpose of the Committee is to advise the Department on policy and technical issues with respect to the International Telecommunication Union. Meetings will be held at the Department of State, 2201 ''C'' Street, NW., Washington, DC.

The IATC–D will meet from 10 a.m. to noon on July 18, and August 1, 2001 to prepare for the September meeting of ITU–D Study Groups 1 and 2. Both meetings will be in Room 2533A in Main State.

Members of the general public may attend these meetings. Directions to meeting locations and actual room assignments may be determined by calling the Secretariat at 202 647–0965/2592. For meetings held at the Department of State: entrance to the building is controlled; people intending to attend any of the ITAC meetings should send an e-mail to samuelsrn@state.gov no later than 48 hours before the meeting for preclearance. This e-mail should display the name of the meeting and date of meeting, your name, social security number, date of birth, and organizational affiliation. One of the following valid photo identifications will be required for admission: U.S. driver's license, passport, U.S. Government identification card. Enter the Department of State from the C Street Lobby; in view of escorting requirements, non-Government attendees should plan to arrive not less than 15 minutes before the meeting begins.

Attendees may join in the discussions, subject to the instructions of the Chair. Admission of members will be limited to seating available.

Dated: July 2, 2001.

Doreen McGirr,

Director, Telecommunication Development Sector, U.S. Department of State.

[FR Doc. 01–17835 Filed 7–13–01; 8:45 am]

BILLING CODE 4710–45–M

TENNESSEE VALLEY AUTHORITY

Sunshine Act Meeting

AGENCY HOLDING THE MEETING: Tennessee Valley Authority (Meeting No. 1532).

TIME AND DATE: 9 a.m. (EDT), July 18, 2001.

PLACE: Bristol, Tennessee, Electric System Meeting Room.

STATUS: Open.

Agenda

Approval of minutes of meeting held on June 11, 2001.

New Business

B—Purchase Award

B1. Contract with Primacy Relocation, LLC, for relocation services.

C—Energy

C1. Supplement to Contract No. 00BYS–254372–000 with Henwood Energy Services, Inc., to increase the contract expenditure ceiling for consulting services.

E—Real Property Transactions

E1. Sale of noncommercial, nonexclusive permanent easements to Kevin and Karen Millikan (Tract No. XTELR–220RE) and Merle and Marilyn Isaacs (Tract No. XTELR–222RE) for construction and maintenance of recreational water-use facilities affecting approximately 0.19 acre of Tellico Reservoir shoreline in Loudon and Monroe Counties, Tennessee.

E2. Grant of a 30-year term easement to Campbell County, Tennessee, for a county park affecting approximately 35 acres of land on Norris Reservoir in Campbell County, Tennessee (Tract No. XTNR–114RE).

E3. Grant of a 30-year term easement to the City of Knoxville, Tennessee, for a public park affecting approximately 30.1 acres of land on Fort Loudoun Reservoir in Knox County, Tennessee (Tract No. XTFL–126RE).

E4. Approval of Cherokee Reservoir Land Management Plan—Jefferson, Hamblen, Grainger, and Hawkins Counties, Tennessee.

F—Other

F1. Approval to file condemnation cases to acquire easement rights-of-way and right to enter upon land to survey for transmission lines. The affected tracts are West Ringgold-Center Point transmission line in Whitfield County, Georgia, and Aspen Grove-Bingham transmission line in Williamson County, Tennessee.

Information Item

1. Approval of the transfer to the State of Tennessee of approximately 12,800 acres of land acquired for the Columbia Dam Project and of various easements.

For more information: Please call TVA Media Relations at (865) 632–6000, Knoxville, Tennessee. Information is also available at TVA's Washington Office (202) 898–2999. People who plan to attend the meeting and have special needs should call (865) 632–6000.

Dated: July 11, 2001.

Charles L. Young,

Assistant General Counsel, and Assistant Secretary.

[FR Doc. 01–17865 Filed 7–12–01; 2:37 pm]

BILLING CODE 8120–08–M

DEPARTMENT OF TRANSPORTATION

Coast Guard

[USCG–2000–10067]

Chemical Transportation Advisory Committee

AGENCY: Coast Guard, DOT.

ACTION: Notice of meeting.

SUMMARY: The Subcommittee of the Chemical Transportation Advisory Committee (CTAC) on Prevention Through People (PTP) will meet to discuss the progress and development of its risk guide for the chemical transportation industry. This meeting will be open to the public.

DATES: The Subcommittee will meet on Monday, August 6, 2001, from 12:30 p.m. to 4 p.m. and on Tuesday, August 7, 2001, from 8:30 a.m. to 4 p.m. The meeting may close early if all business is finished. Written material and requests to make oral presentations should reach the Coast Guard on or before July 25, 2001. Requests to have a copy of your material distributed to each member of the Subcommittee should reach the Coast Guard on or before July 25, 2001.

ADDRESSES: The Subcommittee will meet at the American Bureau of Shipping (ABS) Offices, 16855 Northchase Drive, Houston, Texas. Send written material and requests to make oral presentations to Lieutenant Greg Herold, Coast Guard Technical Representative for the Subcommittee, Commandant (G–MSO–3), U.S. Coast Guard Headquarters, 2100 Second Street SW., Washington, DC 20593–0001.

FOR FURTHER INFORMATION CONTACT: Lieutenant Gregory F. Herold, Deputy Assistant to the Executive Director of CTAC, telephone 202–267–1217, fax 202–267–4570.

SUPPLEMENTARY INFORMATION: Notice of this meeting is given under the Federal Advisory Committee Act, 5 U.S.C. App. 2.

Agenda of Meeting

The agenda of the Subcommittee of the Chemical Transportation Advisory Committee (CTAC) on PTP includes the following:

(1) Introduction of Subcommittee members.

(2) Brief overview of Subcommittee's past work and review of the chemical transportation industry risk guide.

(3) Review and discussion of case studies to measure and incorporate into the risk guide.

(4) Development of future Subcommittee activities.

Procedural

The meeting is open to the public. Please note that the meeting may close early if all business is finished. All attendees at the meeting are encouraged to fully review the Subcommittee's task statement prior to the meeting. Copies of the Subcommittee's task statement can be obtained from Lieutenant Gregory F. Herold, telephone 202–267–1217, fax 202–267–4570. It is also available from the CTAC Internet Website at: *www.uscg.mil/hq/g-m/advisory/ctac.* At the discretion of the Subcommittee Chair, members of the public may make oral presentations during the meeting. If you would like to make an oral presentation at the meeting, please notify the Coast Guard Technical Representative to the Subcommittee and submit written material on or before July 25, 2001. If you would like a copy of your material distributed to each member of the Subcommittee in advance of a meeting, please submit 25 copies to the Coast Guard Technical Representative to the Subcommittee no later than July 25, 2001.

Information on Services for Individuals With Disabilities

For information on facilities or services for individuals with disabilities, or to request special assistance at the meeting, contact the Deputy Assistant to the Executive Director of CTAC as soon as possible.

Dated: July 9, 2001.

Howard L. Hime,

Director of Standards (Acting), Marine Safety and Environmental Protection.

[FR Doc. 01–17725 Filed 7–13–01; 8:45 am]

BILLING CODE 4910–15–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Aviation Rulemaking Advisory Committee; Aircraft Certification Procedures Issues Meeting

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of public meeting.

SUMMARY: This notice announces a public meeting of the Federal Aviation Administration's Aviation Rulemaking Advisory Committee to discuss Aircraft Certification Procedures issues.

DATES: The meeting will be held on July 20, 2001, from 9 a.m. to 11 a.m. Arrange for oral presentations by July 16, 2001.

ADDRESSES: The meeting will be held at the Federal Aviation Administration, 800 Independence Ave. SW., room 827, Washington, DC 20591.

FOR FURTHER INFORMATION CONTACT: Marisa Mullen, FAA, Office of Rulemaking (ARM–205), 800 Independence Avenue, SW., Washington, DC 20591; telephone: (202) 267–7653, fax: (202) 267–5075.

SUPPLEMENTARY INFORMATION: Pursuant to § 10(a)(2) of the Federal Advisory Committee Act (Pub. L. 92–463; 5 U.S.C. App. II), notice is hereby given of a meeting of the Aviation Rulemaking Advisory Committee to be held on July 20, 2001, from 9 a.m. to 11 a.m. at the Federal Aviation Administration, 800 Independence Ave. SW., room 827, Washington, DC. The agenda will include:

1. Opening Remarks.
2. Committee Administration.
3. A status report on the FAA submitted rulemaking projects for ''Establishment of Organization Designation Authorization (ODA) Procedures'' and ''Production Certification and Parts Manufacturing''.
4. A status report on the Parts and Production Certification Working Groups tasking.
5. Future Meetings.

Attendance is open to the interested public, but will be limited to the space available. The FAA will arrange teleconference capability for individuals wishing to participate by teleconference if we receive notification before July 16, 2001. Arrangements to participate by teleconference can be made by contacting the person listed in the **FOR FURTHER INFORMATION CONTACT** section. Callers outside the Washington metropolitan area will be responsible for paying long distance charges.

The public must make arrangements by July 16, 2001, to present oral statements at the meeting. The public may present written statements to the committee at any time by providing 25 copies to the Assistant Executive Director, or by bringing the copies to the meeting. Public statements will only be considered if time permits. In addition, sign an oral interpretation, as well as an assistive listening device, can be made available at the meeting, if requested 10 calendar days before the meeting. Arrangements may be made by contacting the person listed under the heading **FOR FURTHER INFORMATION CONTACT.**

Issued in Washington, DC, on July 10, 2001.

Brian Yañez,

Assistant Executive Director for Aircraft Certification Procedures Issues, Aviation Rulemaking Advisory Committee.

[FR Doc. 01–17713 Filed 7–11–01; 3:48 pm]

BILLING CODE 4910–13–M

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA–2001–10120]

Agency Information Collection Activity Under OMB Review

AGENCY: Federal Transit Administration, DOT.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces that the Information Collection Request (ICR) abstracted below has been forwarded to the Office of Management and Budget (OMB) for approval. The **Federal Register** Notice with a 60-day comment period soliciting comments was published on April 20, 2001.

DATES: Comments must be submitted before August 15, 2001. A comment to OMB is most effective if OMB receives it within 30 days of publication.

FOR FURTHER INFORMATION CONTACT: Sylvia L. Marion, Office of Administration, Office of Management Planning, (202) 366–6680.

SUPPLEMENTARY INFORMATION: *Title:* 49 CFR part 611 Major Capital Investment Projects

Abstract: On June 9, 1998, the Transportation Equity Act for the 21st Century (TEA–21) (Pub. L. 105–178) was enacted. Section 3009(e)(5) of TEA–21 requires FTA to issue regulations on the manner in which candidate projects for capital investment grants and loans for new fixed guideway systems and extensions to existing systems (''new starts'') will be evaluated and rated for purposes of the FTA Capital Investment Grants and Loans program for new starts under 49 U.S.C. Section 5309.

The Notice of Proposed Rulemaking (NPRM) for this regulation was issued on April 7, 1999, (64 FR 17062). The docket was open for public comment through July 6, 1999, though late-filed comments were accepted through July 19, 1999. Comments were received from a total of 41 individuals and organizations. During the comment period, FTA held three additional public outreach workshops to solicit comments on the proposed rule: one in Toronto, Ontario, on May 24, 1999, in conjunction with the 1999 American Public Transit Association's Commuter Rail/Rapid Transit Conference; one in Oakland, California, on June 3, 1999; and one in in Washington, DC, on June 8, 1999. Notes from these workshops have been placed in the docket for this rule (Docket No. FTA–99–5474–48).

The Final Rule was issued on December 7, 2000, (65 FR 76864) noting that a separate burden analysis would be published for public comment and that FTA would seek a control number from the Office of Management and Budget (OMB) authorizing FTA to collect the required information. This notice serves that purpose. It is important to note that while the new starts project evaluation and rating regulation is new, the requirements for project evaluation and data collection for the new starts program are not. FTA's requirement to evaluate proposed new starts against a prescribed set of statutory criteria is longstanding. The Surface Transportation and Uniform Relocation Assistance Act of 1987 (STURAA) established in law a set of criteria that proposed projects had to meet in order to be eligible for federal funding. The requirement for summary project ratings has been in place since 1998.

In general, the information used by FTA for new starts project evaluation and rating purposes should arise as a part of the normal planning process. Prior to this Rule, FTA collected project evaluation information from project sponsors under a Paperwork Reduction Act request (OMB No. 2132–0529) approved under the joint FTA/FHWA planning regulations. However, as the project evaluation criteria have expanded under TEA–21, it has become apparent that some information required

under this Rule may be beyond the scope of ordinary planning activities. Further, while FTA has long required the reporting of information for project evaluations, there has never been a regulatory requirement until TEA–21. Finally, this Rule adds a new requirement for before-and-after data collection for purposes of Government Performance and Results Act reporting as a condition of obtaining a Full Funding Grant Agreement (FFGA). Therefore, FTA is submitting a separate Paperwork Reduction Act request.

It is also important to note that since this is a new regulatory requirement, the burden estimates include all data collection efforts required by this Rule, regardless of whether or not the same data would have been required under the previous, policy statement-driven process. Thus, the total burden estimate includes items that would have been required whether this regulation had been issued or not. These estimates were also provided in the preamble to the Final Rule dated December 7, 2000.

Estimated Total Annual Burden: 47,200 hours.

ADDRESSES: All written comments must refer to the docket number that appears at the top of this document and be submitted to the Office of Information and Regulatory Affairs, Office of Management and Budget, 725—17th Street, NW., Washington, DC 20503, Attention: FTA Desk Officer.

Comments Are Invited On: Whether the proposed collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; the accuracy of the Department's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the collected information to be collected; and ways to minimize the burden of the collection of information on respondents, including the use of automated collection techniques or other forms of information technology.

Issued: July 11, 2001.

Dorrie Y. Aldrich,

Associate Administrator for Administration.

[FR Doc. 01–17727 Filed 7–13–01; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Research and Special Programs Administration

[Docket No. RSPA–00–7740 (PD–25(R))]

Missouri Prohibition Against Recontainerization of Hazardous Waste at a Transfer Facility

AGENCY: Research and Special Programs Administration (RSPA), DOT.

ACTION: Notice of administrative determination of preemption by RSPA's Associate Administrator for Hazardous Materials Safety.

Applicant: The Kiesel Company (Kiesel).

Local Laws Affected: 10 Missouri Code of State Regulations (CSR) 25–6.263(2)(A).10.H.

Applicable Federal Requirements: Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, and the Hazardous Materials Regulations (HMR), 49 CFR parts 171–180.

Mode Affected: Rail and highway.

SUMMARY: Federal hazardous material transportation law preempts Missouri's prohibition against the recontainerization of hazardous wastes at a transfer station, in 10 CSR 25–6.263(2)(A).10.H, because that prohibition is not substantively the same as provisions in the HMR on the packing, repacking, and handling of hazardous material.

FOR FURTHER INFORMATION CONTACT: Frazer C. Hilder, Office of the Chief Counsel, Research and Special Programs Administration, U.S. Department of Transportation, 400 Seventh Street, SW., Washington, DC 20590–0001 (Tel. No. 202–366–4400).

SUPPLEMENTARY INFORMATION:

I. Background

In this determination, RSPA considers whether Federal hazardous material transportation law, 49 U.S.C. 5101 *et seq.*, preempts the prohibition against recontainerization of hazardous waste in the following regulation of the Missouri Department of Natural Resources (DNR) at 10 CSR 25–6.263(2)(A).10.H:

> Recontainerization of hazardous waste at a transfer facility is prohibited; however, hazardous waste containers may be overpacked to contain leaking or to safeguard against potential leaking. When containers are overpacked, the transporter shall affix labels to the overpack container, which are identical to the labels on the original shipping container; * * *.

In a notice published in the **Federal Register** on August 14, 2000, RSPA invited interested parties to submit comments on Kiesel's application for a determination that this regulation is preempted. 65 FR 49633. In its application, Kiesel stated that it is a licensed hazardous waste transporter and wanted to off-load hazardous wastes from rail cars to trucks at a rail siding at its facility located within the City of St. Louis, Missouri, for further transportation to a licensed disposal site in Illinois. Kiesel stated that the transfer from rail car to motor vehicle would constitute a prohibited ''recontainerization'' and that RSPA had found ''an identical regulation'' preempted in PD–12(R), New York Department of Environmental Conservation Requirements on the Transfer and Storage of Hazardous Waste Incidental to Transportation, 60 FR 62527 (Dec. 6, 1995), decision on petition for reconsideration, 62 FR 15970 (Apr. 3, 1997), petition for judicial review dismissed, *New York* v. *U.S. Dep't of Transportation,* 37 F. Supp. 2d 152 (N.D.N.Y. 1999).

Following publication of the August 14, 2000 notice, it appears that Kiesel and DNR exchanged correspondence regarding the prohibition in 10 CSR 25–6.263(2)(A).10.H, because (1) Kiesel first clarified that it had not been advised by DNR that transferring hazardous waste from a rail car to motor vehicles would constitute a prohibited recontainerization; (2) DNR then stated that it had informed Kiesel that ''the off-loading of hazardous waste from rail cars onto trucks is not prohibited by 10 CSR 25–6.263(1)''; and (3) Kiesel purported to withdraw its application. In response to the August 14, 2000 notice, RSPA also received comments from National Tank Truck Carriers, Inc. (NTTC) and Safco Safe Transport supporting a finding that Missouri's prohibition is preempted.

In a further public notice published in the **Federal Register** on December 11, 2000, RSPA explained that it does not have any procedure for withdrawing an application for a preemption determination. 65 FR 77417. RSPA stated that, in the past, it has dismissed proceedings when a local requirement never went into effect or was repealed after the application was filed, but an applicant does not have the option to end a preemption determination proceeding by simply withdrawing its application when the non-Federal requirement on transporting hazardous materials remains in effect. As discussed in the December 11, 2000 notice (65 FR at 77418–19),

> Unlike a lawsuit, these administrative proceedings are initiated only when RSPA

publishes a notice in the **Federal Register** inviting interested persons to comment on an application. 49 U.S.C. 5125(d)(1), 49 CFR 107.203(d), 107.205(b). RSPA may dismiss an application without prejudice and return it to the applicant without publishing a notice in the **Federal Register**. *See* 49 CFR 107.207(b). Moreover, there is no ''default'' suffered in a preemption proceeding if the State, locality, or Indian tribe does not submit comments on an application. *See, e.g.,* PD–5(R), Massachusetts Requirement for an Audible Back-up Alarm on Bulk Tank Carriers Used to Deliver Flammable Material, 58 FR 62702 (Nov. 29, 1993), and IR–27, Colorado Regulations on Transportation of Radioactive Materials, 54 FR 16326 (Apr. 21, 1989), *aff'd, Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571 (10th Cir. 1991), *reversing* No. 88–Z–1524 (D. Colo. 1989).

Any interested person may submit comments on an application for a preemption determination, unlike a lawsuit where the proceedings are limited to the named parties. 49 CFR 107.205(c). And RSPA may go beyond the application and comments to ''initiate an investigation of any statements in an application and utilize * * * any relevant facts obtained by that investigation'' and ''may consider any other source of information.'' 49 CFR 107.207(a). Following issuance of a determination, any ''aggrieved'' person may file a petition for reconsideration, 49 CFR 107.211(a), and any party to the proceeding may ''bring an action for judicial review.'' 49 U.S.C. 5125(f), 49 CFR 107.213.

These differences from a lawsuit are consistent with the very purpose for issuing preemption determinations. RSPA believes that the value in deciding whether a non-Federal requirement is inconsistent with (or preempted by) Federal hazardous material transportation law ''goes beyond the resolution of an individual controversy. At a time when hazardous materials transportation is receiving a great deal of public attention, the forum provides [RSPA] an opportunity to express its views on the proper role of State and local vis-a-vis Federal regulatory activity in this area.'' IR–2, Rhode Island Rules and Regulations Governing the Transportation of Liquefied Natural Gas, etc., decision on appeal, 45 FR 71881, 71882 (Oct. 30, 1980).

Therefore, RSPA reopened the period for interested parties to comment on Kiesel's application and specifically invited comments on the meaning of the Missouri prohibition, the manner in which that prohibition is applied and enforced, and whether that prohibition precludes the transfer of hazardous wastes from a rail car to a motor vehicle and is preempted because it is not substantively the same as requirements in the HMR on packing, repacking, and handling. The only further comments were submitted by DNR.

II. Federal Preemption

RSPA explained in its August 14, 2000 notice that 49 U.S.C. 5125 contains several preemption provisions that are relevant to this proceeding. 65 FR at 49634–35. Subsection (a) provides that—in the absence of a waiver of preemption by DOT under § 5125(e) or specific authority in another Federal law—a requirement of a State, political subdivision of a State, or Indian tribe is preempted if

> (1) complying with a requirement of the State, political subdivision, or tribe and a requirement of this chapter or a regulation prescribed under this chapter is not possible; or
>
> (2) the requirement of the State, political subdivision, or tribe, as applied or enforced, is an obstacle to accomplishing and carrying out this chapter or a regulation prescribed under this chapter.

These two paragraphs set forth the ''dual compliance'' and ''obstacle'' criteria that RSPA had applied in issuing inconsistency rulings prior to 1990, under the original preemption provision in the Hazardous Materials Transportation Act (HMTA). Pub. L. 93–633 § 112(a), 88 Stat. 2161 (1975). The dual compliance and obstacle criteria are based on U.S. Supreme Court decisions on preemption. *Hines* v. *Davidowitz,* 312 U.S. 52 (1941); *Florida Lime & Avocado Growers, Inc.* v. *Paul,* 373 U.S. 132 (1963); *Ray* v. *Atlantic Richfield, Inc.,* 435 U.S. 151 (1978).

Subsection (b)(1) of 49 U.S.C. 5125 provides that a non-Federal requirement concerning any of the following subjects, that is not ''substantively the same as'' a provision of Federal hazardous material transportation law or a regulation prescribed under that law, is preempted unless it is authorized by another Federal law or DOT grants a waiver of preemption:

> (A) the designation, description, and classification of hazardous material.
>
> (B) the packing, repacking, handling, labeling, marking, and placarding of hazardous material.
>
> (C) the preparation, execution, and use of shipping documents related to hazardous material and requirements related to the number, contents, and placement of those documents.
>
> (D) the written notification, recording, and reporting of the unintentional release in transportation of hazardous material.
>
> (E) the design, manufacturing, fabricating, marking, maintenance, reconditioning, repairing, or testing of a packaging or a container represented, marked, certified, or sold as qualified for use in transporting hazardous material.

To be ''substantively the same,'' the non-Federal requirement must conform ''in every significant respect to the Federal requirement. Editorial and other similar de minimis changes are permitted.'' 49 CFR 107.202(d).

These preemption provisions in 49 U.S.C. 5125 carry out Congress's view that a single body of uniform Federal regulations promotes safety in the transportation of hazardous materials. In considering the HMTA, the Senate Commerce Committee ''endorse[d] the principle of preemption in order to preclude a multiplicity of State and local regulations and the potential for varying as well as conflicting regulations in the area of hazardous materials transportation.'' S. Rep. No. 1102, 93rd Cong. 2nd Sess. 37 (1974). When it amended the HMTA in 1990, Congress specifically found that:

> (3) many States and localities have enacted laws and regulations which vary from Federal laws and regulations pertaining to the transportation of hazardous materials, thereby creating the potential for unreasonable hazards in other jurisdictions and confounding shippers and carriers which attempt to comply with multiple and conflicting registration, permitting, routing, notification, and other regulatory requirements,
>
> (4) because of the potential risks to life, property, and the environment posed by unintentional releases of hazardous materials, consistency in laws and regulations governing the transportation of hazardous materials is necessary and desirable,
>
> (5) in order to achieve greater uniformity and to promote the public health, welfare, and safety at all levels, Federal standards for regulating the transportation of hazardous materials in intrastate, interstate, and foreign commerce are necessary and desirable.

Pub. L. 101–615 § 2, 104 Stat. 3244. A Federal Court of Appeals has found that uniformity was the ''linchpin'' in the design of the HMTA, including the 1990 amendments that expanded the original preemption provisions. *Colorado Pub. Util. Comm'n* v. *Harmon,* 951 F.2d 1571, 1575 (10th Cir. 1991). (In 1994, Congress revised, codified and enacted the HMTA ''without substantive change,'' at 49 U.S.C. Chapter 51. Pub. L. 103–272, 108 Stat. 745.)

Under 49 U.S.C. 5125(d)(1), any directly affected person may apply to the Secretary of Transportation for a determination whether a State, political subdivision, or Indian tribe requirement is preempted. The Secretary of Transportation has delegated authority to RSPA to make determinations of preemption, except for those that concern highway routing (which have been delegated to the Federal Motor Carrier Safety Administration). 49 CFR 1.53(b).

Section 5125(d)(1) requires that notice of an application for a preemption determination must be published in the **Federal Register**. Following the receipt and consideration of written comments, RSPA will publish its determination in the **Federal Register**. *See* 49 C.F.R.

107.209. A short period of time is allowed for filing of petitions for reconsideration. 49 C.F.R. 107.211. Any party to the proceeding may seek judicial review in a Federal district court. 49 U.S.C. 5125(f).

Preemption determinations do not address issues of preemption arising under the Commerce Clause, the Fifth Amendment or other provisions of the Constitution or under statutes other than the Federal hazardous material transportation law unless it is necessary to do so in order to determine whether a requirement is authorized by another Federal law, or whether a fee is ''fair'' within the meaning of 49 U.S.C. 5125(g)(1). A State, local or Indian tribe requirement is not authorized by another Federal law merely because it is not preempted by another Federal statute. *Colorado Pub. Util. Comm'n* v. *Harmon,* above, 951 F.2d at 1581 n.10.

In making preemption determinations under 49 U.S.C. 5125(d), RSPA is guided by the principles and policies set forth in Executive Order No. 13132, entitled ''Federalism'' (64 FR 43255 (August 10, 1999). Section 4(a) of that Executive Order authorizes preemption of State laws only when a statute contains an express preemption provision, there is other clear evidence that Congress intended to preempt State law, or the exercise of State authority directly conflicts with the exercise of Federal authority. Section 5125 contains express preemption provisions, which RSPA has implemented through its regulations.

III. Discussion

In its application, Kiesel stated that 10 CSR 25–6.263(2)(A).10.H ''prohibits recontainerization'' whereas nothing in the HMR or regulations of the U.S. Environmental Protection Agency (EPA) precludes recontainerization of hazardous waste at a transfer facility. Kiesel also stated that, in PD–12(R), RSPA had found that 49 U.S.C. 5125(b)(1)(B) preempts ''an identical regulation'' of the New York Department of Environmental Conservation because ''the prohibition of recontainerization 'applies to the ''repacking'' and ''handling'' of hazardous materials and transportation and is not substantively the same as the requirements in the HMR.' '' In further comments, Kiesel stated that ''the plain language'' of DNR's regulation prohibits ''the practice of transferring product from railcar to trucks or trailers for further transportation.''

NTTC stated that Missouri ''has imposed a prohibition on a transportation-related activity which is (not only) permitted by Federal regulations, but is necessary to the safe and prudent handling of environmentally sensitive products.'' NTTC considered that Missouri's regulation prohibits ''the transfer of product from one container to another'' and stated that ''[p]roduct transfer (in contemplation of subsequent transportation) is a common 'unloading/loading' activity, particularly in intermodal transportation'' which is encompassed by Federal hazardous material transportation law and permitted by the HMR. NTTC found ''an inherent conflict within the state's regulatory structure,'' because Missouri has adopted the HMR as State law. *See* 10 CSR 25–6.263(1), Mo. Rev. Stat. 307.177.1.

In its initial submission in this proceeding, DNR stated that it had informed Kiesel that its regulations did not prohibit ''the off-loading of hazardous wastes from rail cars onto trucks,'' and that ''nothing in Missouri hazardous waste regulations is intended to impede intermodal transportation activities.'' In its further comments, DNR stated that 10 CSR 25–6.263(2)(A).10.H

> is a general prohibition on the re-containerization of hazardous waste at transfer facilities; however, the Department has interpreted the regulation to prohibit blending separate contents of containers. The Department has not interpreted the regulations to mean a transporter may not transfer hazardous waste from a railcar to a truck or similar container (intermodal transfer).

With this submission, DNR included a copy of its October 13, 2000 letter to Kiesel stating that ''misunderstanding [of its regulation] is not uncommon'' and that it ''means to control the blending of different materials into a common container, perhaps leading to some type of adverse reaction, similar in scope to the United States Department of Transportation's prohibition of mixing incompatibles.'' DNR also advised that it is in the process of amending its regulations and is proposing to replace the first sentence of 10 CSR 25–6.263(2)(A) to read: ''The contents of separate containers of hazardous waste may not be combined at a transfer facility.''

DNR also stated that its hazardous waste regulations are authorized by the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. 6921 *et seq.*, and argued that, under RCRA, the ''state may enact regulations and statutes that are stricter than the RCRA'' because 49 U.S.C. 5125(a) and (b) do not preempt non-Federal requirements that are ''authorized by another law of the United States.'' DNR stated that the decision in *New York* v. *U.S. Dep't of Transportation* ''is a district court case and thus is not precedent.''

In PD–12(R), RSPA discussed industry practices of transferring hazardous wastes from one container to another during transportation. It noted that EPA had recognized this practice in a 1980 rule amending its hazardous waste regulations:

> Many transporters own or operate transfer facilities (sometimes called ''break-bulk'' facilities) as part of their transportation activities. At these facilities, for example, shipments may be consolidated into larger units or shipments may be transferred to different vehicles for redirecting or rerouting.

Interim final amendments and request for comments, Hazardous Waste Management System, etc., 45 FR 86966 (Dec. 31, 1980), quoted at 60 FR at 62528. RSPA also referred to comments that consolidation occurs in various forms. NCH Corporation stated that some transporters pick up hazardous waste in drums from relatively small generators and then consolidate them

> into loads that are large enough to be accepted by the permitted recycler or waste treatment facility. Transferring the drummed waste upon delivery to the transfer facility into a tanker truck * * * eliminates the labor-intensive and wasteful unloading, reloading, and management of multiple drums of waste that would otherwise be necessary.

60 FR at 62528. The Association of American Railroads stated that

> It is a common practice for hazardous waste to be transferred from truck to rail. For example, contaminated soil has been trucked from hazardous waste sites to rail sidings for rail delivery to treatment or disposal facilities. Hazardous waste liquids are trucked to sidings for pumping into tank cars and subsequent delivery to consignees for burying or recycling.

Id. at 62528–29.

In addition, RSPA explained that both the HMR and EPA's regulations place limitations on, but do not completely prohibit, transferring hazardous wastes from one container to another. As summarized in the August 14, 2000 notice in this proceeding, ''Specific provisions in the HMR prohibit:

—mixing two materials in the same packaging or container when it ''is likely to cause a dangerous evolution of heat, or flammable or poisonous gases or vapors, or to produce corrosive materials.'' 49 CFR 173.21(e).

—loading two or more materials in the same cargo tank motor vehicle ''if, as a result of any mixture of the materials, an unsafe condition would occur, such as an explosion, fire, excessive increase in pressure or heat, or the release of toxic vapors.'' 49 CFR 173.33(a)(2).

—loading certain flammable materials from tank trucks or drums into tank cars on the carrier's property. 49 CFR 173.10(e).

—transferring a Class 3 (flammable liquid) material between containers or vehicles ''on any public highway, street, or road, except in case of emergency.'' 49 CFR 177.856(d).

65 FR at 49834. RSPA also noted that:

> [T]he HMR contain segregation requirements, applicable to rail and motor carriers, limiting which hazardous materials may be ''loaded, transported, or stored together.'' 49 CFR 174.81(f), 177.848(d). EPA's regulations provide that a hazardous waste transporter must also follow the requirements applicable to generators if it ''[m]ixes hazardous wastes of different DOT shipping descriptions by placing them into a single container.'' 40 CFR 263.10(c).

Id. See also 60 FR at 62534, 62529.

In PD–12(R), RSPA found that, ''[b]y its very terms,'' New York's prohibition against the ''consolidation or transfer of [hazardous wastes] either by repackaging in, mixing, or pumping from one container or transport vehicle into another'' involved ''repacking'' and was not substantively the same as requirements in the HMR for ''the packing, repacking, [and] handling * * * of hazardous material.'' 60 FR at 62536. The prohibition against ''recontainerization'' in 10 CSR 25–6.263(2)(A).10.H similarly involves ''repacking'' and is not substantively the same as requirements in the HMR for ''the packing, repacking, [and] handling * * * of hazardous material.'' 49 U.S.C. 5125(b)(1)(B).

DNR's claim that it interprets its ''recontainerization'' prohibition ''to control the blending of different materials into a common container'' is inconsistent with the plain words of its regulation and, in light of the Federal regulations adopted as State requirements, unnecessary. In PD–12(R), RSPA discussed that New York's

> prohibition against repackaging hazardous wastes prevents transporters from transferring the contents of many drums into a cargo tank, from transferring the contents of several cargo tanks into a tank car (or from dump trucks into a gondola or hopper car), and from transferring the contents from rail cars into trucks.

60 FR at 62536. DNR's interpretation that it allows intermodal transfers ''from a rail car to a cargo tank'' accepts only one of these forms of transfer, and seems to leave the remainder prohibited. Apparently, DNR would allow only the transfer from a larger container to smaller ones (railcar to trucks) and not consolidation of the contents of smaller containers into a larger one (drums to a cargo tank or cargo tanks to a rail car), on the theory that there is the possibility of ''blending of different materials into a common container.''

Because Missouri has adopted the HMR as State law (*see* 10 CSR 25–6.263(1)), it is already a violation of separate State requirements to ''blend[] different materials into a common container'' whenever there would be ''a dangerous evolution,'' or ''an unsafe condition'' in a cargo tank motor vehicle. 49 CFR 173.21(e), 173.33(a)(2). Missouri has also adopted EPA's ''Standards Applicable to Transporters of Hazardous Waste'' in 40 CFR Part 263 (*see* 10 CSR 25–6.263(1)), making a hazardous waste generator subject to all requirements applicable to a generator if it mixes hazardous wastes of different DOT shipping descriptions. 40 CFR 263.10(c).

In PD–12(R), RSPA rejected arguments that New York's consolidation prohibition was ''consistent with and complimentary to'' the HMR, or a regulation on ''management activities'' at a transfer facility. 60 FR at 62535. RSPA also discussed at length and rejected the argument that RCRA authorized New York to adopt additional requirements that are ''more stringent'' than EPA's regulations, under 42 U.S.C. 6929. *Id.* at 62532–34.

As RSPA noted, this issue had been raised, without success, several times before. *See* PD–1(R), Maryland, Massachusetts, and Pennsylvania Bonding Requirements, 57 FR 58848, 58854–55 (Dec. 11, 1992), decision on petition for reconsideration, 58 FR 32418, 32420 (June 9, 1993), reversed, 93 F.3d 890 (D.C. Cir. 1996); PD–2(R), Illinois Environmental Protection Agency's Uniform Hazardous Waste Manifest, 58 FR 11176, 11183 (Feb. 23, 1993); and PD–7(R), Maryland Certification Requirements for Transporters of Oil or Controlled Hazardous Substances, 59 FR 28913, 28919–20 (June 3, 1994).

In all of these decisions and PD–12(R), RSPA found ''no basis for the position * * * that any State can avoid preemption of its hazardous waste requirements simply by obtaining authorization under RCRA.'' 60 FR at 62534. RSPA discussed the requirement in RCRA (42 U.S.C. 6923) for EPA to consult with DOT and issue regulations on the transportation of hazardous waste that are ''consistent with'' Federal hazardous material transportation law and the HMR. *Id.* Moreover, Congress also provided that a State program ''must be equivalent to the Federal program'' under RCRA and ''consistent with the Federal or State programs applicable in other States'' to be approved by EPA. 42 U.S.C. 6926(b).

Thus, EPA itself has stated that ''preemption issues under other Federal laws * * * do not affect the State's RCRA authorization'' and ''the RCRA authorization decisions provide no basis for shielding state regulations touching upon hazardous materials transport from possible preemption challenges raised under the HMTA.'' Quoted at 60 FR at 52533.

DNR's argument that RCRA authorizes States to adopt ''more stringent'' regulations on hazardous waste transportation was also rejected when New York petitioned for review of PD–12(R) in Federal court. In *New York* v. *U.S. Dep't of Transportation,* the court specifically agreed that:

> DOT does have primary jurisdiction over the regulation of the transportation of hazardous waste as hazardous ''material'' includes that of ''waste.'' *See* 49 CFR § 171.8. * * * EPA is statutorily obligated to coordinate its RCRA regulations applicable to transporters of hazardous waste with DOT regulations applicable to transporters of all hazardous material * * * [and] this general state empowerment [in 42 U.S.C. 6929] must be read in conjunction with the statutory mandate that EPA regulations be consistent with the HMTA. *See* 42 U.S.C. § 6923(b); * * *
>
> Finally, EPA clearly does not decide whether a preemption problem exists under the HMTA when considering an application for state authorization under the RCRA. * * * EPA's authorization of a state RCRA program is not the equivalent of ''authoriz[ation] by another law of the United States.'' Therefore, if the [State] regulation at issue is ''about'' one of the ''covered subjects,'' then the [State] regulation must be found to be preempted as it is not ''authorized'' by the RCRA.

37 F. Supp. 2d at 157–58 (footnote omitted).

IV. Ruling

Federal hazardous material transportation law preempts Missouri's prohibition against the recontainerization of hazardous wastes at a transfer station, in 10 CSR 25–6.263(2)(A).10.H, because that prohibition is not substantively the same as provisions in the HMR on the packing, repacking, and handling of hazardous material.

V. Petition for Reconsideration/Judicial Review

In accordance with 49 CFR 107.211(a), any person aggrieved by this decision may file a petition for reconsideration within 20 days of publication of this decision in the **Federal Register**. Any party to this proceeding may seek review of RSPA's decision ''in an appropriate district court of the United States * * * not

later than 60 days after the decision becomes final.'' 49 U.S.C. 5125(f).

This decision will become RSPA's final decision 20 days after publication in the **Federal Register** if no petition for reconsideration is filed within that time. The filing of a petition for reconsideration is not a prerequisite to seeking judicial review of this decision under 49 U.S.C. 5125(f).

If a petition for reconsideration of this decision is filed within 20 days of publication in the **Federal Register**, the action by RSPA's Associate Administrator for Hazardous Materials Safety on the petition for reconsideration will be RSPA's final decision. 49 CFR 107.211(d).

Issued in Washington, DC on July 11, 2001.

Robert A. McGuire,

Associate Administrator for Hazardous Materials Safety.

[FR Doc. 01–17726 Filed 7–13–01; 8:45 am]

BILLING CODE 4910–60–P

DEPARTMENT OF TRANSPORTATION

Surface Transportation Board

[STB Finance Docket No. 34058 (Sub–No. 1)]

Union Pacific Railroad Co.—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Co.

AGENCY: Surface Transportation Board, DOT.

ACTION: Notice of exemption.

SUMMARY: The Board, under 49 U.S.C. 10502, exempts the trackage rights described in STB Finance Docket No. 34058 [1] to permit the trackage rights to expire, as they relate to the operations extending from Pasco, WA, to Spokane, WA, on September 4, 2001.

DATES: This exemption is effective on September 15, 2001. Petitions to reopen must be filed by September 5, 2001.

ADDRESSES: An original and 10 copies of all pleadings referring to STB Finance Docket No. 34058 (Sub-No. 1) 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 all pleadings must be served on petitioner's representative Robert T. Opal, Esq., Union Pacific Railroad Company, 1416 Dodge Street, Room 830, Omaha, NE 68179.

FOR FURTHER INFORMATION CONTACT: Joseph H. Dettmar, (202) 565–1600. [TDD for the hearing impaired: 1 (800) 877–8339.]

SUPPLEMENTARY INFORMATION: Additional information is contained in the Board's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dā to Dā Office Solutions, Suite 405, 1925 K Street, NW., Washington, DC 20006. Telephone: (202) 293–7776. [Assistance for the hearing impaired is available through TDD services 1 (800) 877–8339.]

Board decisions and notices are available on our website at *www.stb.dot.gov.*

Decided: July 6, 2001.

By the Board, Chairman Morgan, Vice Chairman Clyburn, and Commissioner Burkes.

Vernon A. Williams,

Secretary.

[FR Doc. 01–17708 Filed 7–13–01; 8:45 am]

BILLING CODE 4915–00–P

[1] On June 18, 2001, UP concurrently filed a notice of exemption under the Board's class exemption procedures at 49 CFR 1180.2(d)(7). The notice covered the trackage rights agreement (agreement) by The Burlington Northern and Santa Fe Railway Company (BNSF) to grant temporary overhead trackage rights to UP over 136.5 miles of BNSF trackage extending from BNSF milepost 2.7, near Pasco, WA, to BNSF milepost 11.8, near Spokane, WA. *See Union Pacific Railroad Company—Trackage Rights Exemption—The Burlington Northern and Santa Fe Railway Company,* STB Finance Docket No. 34058 (STB served June 29, 2001). The agreement is scheduled to expire on September 4, 2001. The trackage rights operations under the exemption were scheduled to be consummated on June 26, 2001.

DEPARTMENT OF THE TREASURY

Bureau of Alcohol, Tobacco and Firearms

Proposed Collection; Comment Request

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork 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 Bureau of Alcohol, Tobacco and Firearms within the Department of the Treasury is soliciting comments concerning the Race and National Origin Identification.

DATES: Written comments should be received on or before September 14, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Bureau of Alcohol, Tobacco and Firearms, Linda Barnes, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8930.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form(s) and instructions should be directed to Dennis Snyder, Employment Branch, 650 Massachusetts Avenue, NW., Washington, DC 20226, (202) 927–8553.

SUPPLEMENTARY INFORMATION:

Title: Race and National Origin Identification.

OMB Number: 1512–0547.

Form Number: ATF F 2931.1.

Abstract: This form when combined with other Bureau tracking forms will allow the Bureau to determine its applicant/employee pool, and thereby, enhance its recruitment plan. It will also allow the Bureau to determine how its diversity/EEO efforts are progressing and to determine adverse impact on the employee selection process.

Current Actions: There are no changes to this information collection and it is only being submitted for extension purposes only.

Type of Review: Extension.

Affected Public: Individuals or households.

Estimated Number of Respondents: 10,000.

Estimated Time Per Respondent: 3 minutes.

Estimated Total Annual Burden Hours: 500.

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.

Dated: June 29, 2001.

William T. Earle,

Assistant Director (Management) CFO.

[FR Doc. 01–17691 Filed 7–13–01; 8:45 am]

BILLING CODE 4810–31–P

DEPARTMENT OF THE TREASURY

Office of the Comptroller of the Currency

Proposed Extension of Information Collection; Comment Request

AGENCY: Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Notice and request for comment.

SUMMARY: The OCC, 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 a continuing information collection, as required by the Paperwork Reduction Act of 1995. The OCC is soliciting comment concerning its information collection titled, ''(MA)—Management Official Interlocks—12 CFR 26.''

DATES: You should submit written comments by September 14, 2001.

ADDRESSES: You should direct written comments to the Communications Division, Office of the Comptroller of the Currency, Public Information Room, Mailstop 1–5, Attention: 1557–0196, 250 E Street, SW., Washington, DC 20219. In addition, comments may be sent by facsimile transmission to (202) 874–4448, or by electronic mail to *regs.comments@occ.treas.gov.* You can inspect and photocopy the comments at the OCC's Public Information Room, 250 E Street, SW., Washington, DC 20219. You can make an appointment to inspect the comments by calling (202) 874–5043.

FOR FURTHER INFORMATION CONTACT: You can request additional information or a copy of the collection from Jessie Dunaway, OCC Clearance Officer, or Camille Dixon, (202) 874–5090, Legislative and Regulatory Activities Division, Office of the Comptroller of the Currency, 250 E Street, SW., Washington, DC 20219.

SUPPLEMENTARY INFORMATION: The OCC is proposing to extend OMB approval of the following information collection:

Title: (MA)—Management Official Interlocks—12 CFR 26.

OMB Number: 1557–0196.

Description: The OCC is requesting comment on its proposed extension, without change, of the information collection titled, ''(MA)-Management Official Interlocks—12 CFR 26.''

Under the Interlocks Act, two competing depository institutions generally may not share management officials. However, the OCC has legal authority to implement exemptions to this general prohibition. This information collection is needed to prevent any management official interlock that would result in a monopoly or substantial lessening of competition, and to foster competition between unaffiliated institutions. The OCC uses the information to ensure that a proposed management interlock is permitted under statute, is eligible for an exemption, and does not have an anticompetitive effect. The OCC also uses the information to determine whether it can share a management official with a competing depository institution.

Type of Review: Extension of OMB approval.

Affected Public: Businesses or other for-profit (national banks).

Estimated Number of Respondents: 7.

Estimated Total Annual Responses: 7.

Frequency of Response: On occasion.

Estimated Time per Respondent: 4 hours.

Estimated Total Annual Burden: 29 hours.

An agency may not conduct or sponsor, and a respondent is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number.

Comments submitted in response to this notice will be summarized and 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 has 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 on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or startup costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: July 9, 2001.

Mark J. Tenhundfeld,

Assistant Director, Legislative and Regulatory Activities Division.

[FR Doc. 01–17656 Filed 7–13–01; 8:45 am]

BILLING CODE 4810–33–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO–88–90]

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, CO–88–90 (TD 8530), Limitation on Net Operating Loss Carryforwards and Certain Built-In Losses Following Ownership Change; Special Rule for Value of a Loss Corporation Under the Jurisdiction of a Court in a Title 11 Case (Section 1.382–9).

DATES: Written comments should be received on or before September 14, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Limitation on Net Operating Loss Carryforwards and Certain Built-In Losses Following Ownership Change; Special Rule for Value of a Loss Corporation Under the Jurisdiction of a Court in a Title 11 Case.

OMB Number: 1545–1324.

Regulation Project Number: CO–88–90.

Abstract: This regulation provides guidance on determining the value of a loss corporation following an ownership change to which section 382(1)(6) of the Internal Revenue Code applies. Under Code sections 382 and 383, the value of the loss corporation, together with certain other factors, determines the rate at which certain pre-change tax attributes may be used to offset post-change income and tax liability.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 3,250.

Estimated Time Per Respondent: 15 minutes.

Estimated Total Annual Burden Hours: 813.

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: July 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–17722 Filed 7–13–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

[CO–99–91]

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, CO–99–91 (TD 8490), Limitations on Corporate Net Operating Loss (Section 1.382–3).

DATES: Written comments should be received on or before September 11, 2001 to be assured of consideration.

ADDRESSES: Direct all written comments to Garrick R. Shear, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the regulation should be directed to Allan Hopkins, (202) 622–6665, Internal Revenue Service, room 5244, 1111 Constitution Avenue NW., Washington, DC 20224.

SUPPLEMENTARY INFORMATION:

Title: Limitations on Corporate Net Operating Loss.

OMB Number: 1545–1345.

Regulation Project Number: CO–99–91.

Abstract: This regulation modifies the application of the segregation rules under Internal Revenue Code section 382 in the case of certain issuances of stock by a loss corporation. The regulation provides exceptions to the segregation rules for certain small issuances of stock and for certain other issuances of stock for cash. The regulation also provides that taxpayers may make an irrevocable election to apply the exceptions retroactively.

Current Actions: There is no change to this existing regulation.

Type of Review: Extension of a currently approved collection.

Affected Public: Business or other for-profit organizations.

Estimated Number of Respondents: 10.

Estimated Time Per Respondent: 1 hour.

Estimated Total Annual Burden Hours: 10.

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: July 9, 2001.

Garrick R. Shear,

IRS Reports Clearance Officer.

[FR Doc. 01–17723 Filed 7–13–01; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Low Income Taxpayer Clinic Grant Program; Availability of 2002 Grant Application Package

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice.

SUMMARY: This document contains a notice that the IRS has made available the grant application package (Publication 3319) for parties interested in applying for a Low-Income Taxpayer Clinic Grant for the 2002 grant cycle. The IRS will award a total of up to $6,000,000 to qualifying organizations.

DATES: Grant applications for the 2002 grant cycle must be received by the IRS (not postmarked) by August 24, 2001.

ADDRESSES: Send completed grant applications to: Internal Revenue Service, SPEC Hqs, Mail Stop 54 WI, Attn: Grants Administration Office, 401 W. Peachtree St. NW, Atlanta, GA 30308. Copies of the grant application

package (IRS Publication 3319) can be downloaded from the IRS Internet site at: *http://www.irs.gov* or ordered by calling 1–800–829–3676.

FOR FURTHER INFORMATION CONTACT: Carolyn Sanders-Walsh, LITC Program Analyst at 202–283–0769 or Beverly Smith, LITC Program Analyst, at 317–226–6771. (not a toll-free number)

SUPPLEMENTARY INFORMATION:

Background

Section 7526 of the Internal Revenue Code authorizes the IRS, subject to the availability of appropriated funds, to make grants to provide matching funds for the development, expansion, or continuation of qualified low income taxpayer clinics. Section 7526 authorizes the IRS to provide grants to qualified organizations that represent low income taxpayers in controversies with the IRS and/or inform individuals for whom English is a second language of their tax rights and responsibilities.

Selection Criteria

Applications that pass the eligibility screening process will be numerically ranked in each of the areas listed below based on the information contained in their proposed program plan. Each criterion reflects the maximum number of points that may be assigned. In assigning numerical points, the IRS will evaluate the program plan based on how it will assist in accomplishment of the IRS mission and goals and meeting the LITC statutory requirements as stated elsewhere in the application package. Organizations can receive a maximum of 100 points. If you are applying for more than one qualifying activity (i.e. representation, referral, ESL, or combination thereof) each type of program will be evaluated separately. The ranking points will be assigned as follows:

A. Quality of programs offered to assist low income taxpayers or individuals for whom English is a second language, including (Maximum 75 points) —

1. Qualifications of administrators and qualified representatives;
2. The amount of time devoted to the program by clinic staff;
3. Training clinic participants will be provided;
4. Plans for supervising clinic participants;
5. Procedures for ensuring the confidentiality of taxpayer information;
6. Publicity of clinic operations; and
7. The dates and days and hours of clinic operation.

B. Experience in sponsoring a tax clinic where individuals with tax controversies with the IRS were represented; or

Experience in sponsoring a tax clinic where individuals with tax controversies with the IRS were referred; or

Experience in providing a program to inform individuals for whom English is a second language about their rights and responsibilities. (Maximum 10 points)

C. Quality of grant administration and internal accounting procedures. (Maximum 10 points)

D. Number of low-income and ESL taxpayers in geographical area. (Maximum 5 points)

Other Considerations

Please note that the IRS Volunteer Income Tax Assistance (VITA) Program is a separate and distinct program from the LITC grant program. Organizations currently participating in the VITA Program may be eligible to apply for a LITC grant if they meet the criteria and qualifications outlined in the LITC Grant Application Package & Guidelines (Publication 3319). Organizations that seek to operate both VITA and LITC programs must maintain separate and distinct programs to ensure proper cost allocation for LITC grant funds and adherence to both VITA and LITC program rules and regulations. In addition to the foregoing criteria, to foster parity regarding clinic availability and accessibility for taxpayers nationwide, the IRS will consider the geographic area of applicants as part of the decision making process. The IRS will also seek to attain a proper balance of academic and non-profit organizations as well as a proper balance of start-up and existing clinics.

Comments

Interested parties are encouraged to provide comments on the IRS's administration of the grant program on an ongoing basis.

Jim Grimes,

Director, Field Operations, Stakeholder, Partnership, Education and Communications (SPEC), Wage and Investment Division.

[FR Doc. 01–17207 Filed 7–13–01; 8:45 am]

BILLING CODE 4830–01–P

Federal Register

Monday,
July 16, 2001

Part II

Department of Housing and Urban Development

24 CFR Part 1000

Indian Housing Block Grant Allocation Formula; Notice of Intent To Establish a Negotiated Rulemaking Committee and Request for Nominations; Proposed Rule

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Part 1000

[Docket No. FR–4676–N–01]

Indian Housing Block Grant Allocation Formula; Notice of Intent To Establish a NegotiatedRulemaking Committee and Request for Nominations

AGENCY: Office of the Assistant Secretary for Public and Indian Housing, HUD.

ACTION: Notice of intent to establish a Negotiated Rulemaking Committee and request for comments.

SUMMARY: HUD announces its intent to establish a negotiated rulemaking committee for the purpose of negotiating a proposed rule that would revise the allocation formula used under the Indian Housing Block Grant (IHBG) Program. The establishment of the committee will offer Indian tribal governments the opportunity to have input into any changes determined to be necessary to improve the distribution of funds under the IHBG Program. Section 564 of the Negotiated Rulemaking Act of 1990 requires that an agency, prior to the establishment of a negotiated rulemaking committee, publish a document in the **Federal Register** announcing its intent to establish the committee, provide certain information regarding the formation of the committee, and solicit nominations for membership on the committee. The purpose of this document is to implement the requirements of section 564.

DATES: Comment Due Date: August 15, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding the Committee and its proposed members to the Office of the Rules Docket Clerk, Office of General Counsel, Room 10276, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410–0500. Communications should refer to the above docket number and title. Facsimile (FAX) comments are *not* acceptable. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Ted Key, Acting Deputy Assistant Secretary for Native American Programs, Office Public and Indian Housing, Department of Housing and Urban Development, Room 4126, 451 Seventh Street, SW, Washington, DC 20410–0500; telephone (202) 401–7914 (this number is not toll-free). Hearing or speech-impaired individuals may access this number via TTY by calling the toll-free Federal Information Relay Service at 1–800–877–8339.

SUPPLEMENTARY INFORMATION:

I. Background

On March 12, 1998 (63 FR 12349), HUD published its final rule implementing the Native American Housing Assistance and Self-Determination Act of 1996 (25 U.S.C. 4101 *et seq.*) (referred to as ''NAHASDA''). NAHASDA reorganized the system of Federal housing assistance to Native Americans by eliminating several separate HUD programs of assistance and replacing them with a single Indian Housing Block Grant (IHBG) Program. In addition to simplifying the process of providing housing assistance, the purpose of NAHASDA is to provide Federal assistance for Indian tribes in a manner that recognizes the right of Indian self-determination and tribal self-governance. As required by NAHASDA, HUD developed the March 12, 1998 final rule with active tribal participation and using the procedures of the Negotiated Rulemaking Act of 1990 (5 U.S.C. 561–570). The March 12, 1998 final rule created a new 24 CFR part 1000 containing the regulations for the IHBG Program.

Under the IHBG Program, HUD makes assistance available to tribes for Indian housing activities. The amount of assistance made available to each Indian tribe is determined using a formula that was developed as part of the NAHASDA negotiated rulemaking process. A regulatory description of the formula is located in subpart D of 24 CFR part 1000 (§§ 1000.301–1000.340). Generally, the amount of funding for a tribe is the sum of the formula's Need component and the Formula Current Assisted Stock (FCAS) component, subject to a minimum funding amount authorized by § 1000.328. Based on the amount of funding appropriated annually for the IHBG Program, HUD calculates the annual grant for each tribe and conveys this information to Indian tribes. An Indian Housing Plan (IHP) for the tribe is then submitted to HUD. If the IHP is found to be in compliance with statutory and regulatory requirements, the grant is made. In Federal fiscal year 2001, HUD allocated approximately $643.4 million to Indian tribes.

Section 1000.306 of the IHBG Program regulations provide that the allocation formula shall be reviewed within five years after issuance. This 5-year period does not close until March 2003. However, the recently enacted Omnibus Indian Advancement Act (Pub.L. 105–568, approved December 27, 2000) (referred to hereafter as the ''Omnibus Act'') makes several statutory changes to the IHBG allocation formula that HUD has decided to implement through rulemaking. Accordingly, HUD believes this would be an appropriate time to revisit the IHBG formula and to determine whether any changes, in addition to those mandated by the Omnibus Act, should be made to 24 CFR part 1000, subpart D.

The Omnibus Act made two statutory changes concerning allocations under the IHBG formula. First, section 1003(g) of the Omnibus Act amends section 302(d)(1) of NAHASDA to address the allocation of funds for operation and modernization of housing units developed under the United States Housing Act of 1937 (42 U.S.C. 1437 *et seq.*) (referred to as the ''1937 Act'') to tribes with an Indian housing authority that owns or operates fewer than 250 units. Further, section 1003(k)(3) of the Omnibus Act amends section 502(a) of NAHASDA to provide that any housing that was subject to a terminated contract for tenant-based assistance under the 1937 Act shall be treated as a dwelling unit for purposes of section 302(b)(1) of NAHASDA (which establishes the factors for determination of need under the IHBG formula).

II. Negotiated Rulemaking

HUD intends to establish a negotiated rulemaking committee for the purpose of reviewing HUD's regulations for the IHBG formula (24 CFR part 1000, subpart D), and negotiating recommendations for a possible proposed rule modifying the formula. The committee membership will consist of elected officers of tribal governments (or authorized designees of those tribal governments) with a definable stake in the outcome of a proposed rule. The committee would be established, and conduct its work, in accordance with the procedures of the Negotiated Rulemaking Act of 1990.

The basic concept of negotiated rulemaking is to have the agency that is considering drafting a rule bring together representatives of affected interests for face-to-face negotiations. The give-and-take of the negotiation process is expected to foster constructive, creative and acceptable solutions to difficult problems. The establishment of the negotiated rulemaking committee will offer Indian tribal governments the opportunity to have input into any changes determined to be necessary to improve the

distribution of funds under the IHBG formula.

The use of negotiated rulemaking procedures in this matter is consistent with the statutory goal of NAHASDA to respect the rights of Indian self-determination and tribal self-governance. Negotiated rulemaking also conforms to the consultation requirements of Executive Order 13175, entitled ''*Consultation and Coordination with Indian Tribal Governments*,'' issued on November 6, 2000 (the Order was published in the **Federal Register** on November 9, 2000 at 65 FR 67249). Executive Order 13175 requires that Federal agencies establish regular and meaningful collaboration with Indian tribal officials in the development of Federal policies that have tribal implications.

Section 564 of the Negotiated Rulemaking Act of 1990 requires that an agency, prior to the establishment of a negotiated rulemaking committee, publish a notice in the **Federal Register** announcing its intent to establish the committee, provide certain information regarding the formation of the committee, and solicit nominations for selection to the committee. The purpose of this notice is to implement the requirements of section 564.

III. Committee Membership

HUD's goal is to develop a committee whose membership reflects a balanced representation of Indian tribes. NAHASDA acknowledges the government-to-government relationship that exists between the Federal Government and federally-recognized Indian tribes. In furtherance of this fundamental principle, membership on the committee shall be limited to elected officers of tribal governments (or authorized designees of those tribal governments). HUD has determined that a total of 18 tribal representatives will fairly represent the wide range of diverse interests needed. One HUD representative will represent the interests of the Federal Government. Travel and per diem costs will be paid by HUD on an as-needed basis.

Section IV. of this notice establishes a procedure for nominating individuals with the requisite experience and expertise, representing a wide range of interests (including geographically diverse small, medium and large tribes) that are willing and able to work within a consensus framework, on determining the need to revise the IHBG allocation formula. HUD invites interested persons and organizations to submit nominations for members of this committee. HUD will review the nominations submitted for committee membership to ensure that those selected will reflect the diversity of tribes in terms of size, location, and special circumstances. After review of all the nominations, HUD will publish a notice in the **Federal Register** announcing its proposed list of committee members, and soliciting public comment on the proposed membership.

HUD does not believe that each potentially affected tribe must have its own representative. However, HUD must be satisfied that the group as a whole reflects a proper balance and mix of interests. Negotiation sessions will be open to members of the public, so individuals and organizations that are not members of the committee may attend all sessions and communicate informally with members of the committee.

IV. Nominations for Committee Membership

Interested persons and organizations may nominate persons for committee membership by submitting a written nomination to HUD at the address listed in the **ADDRESSES** section of this notice no later than August 15, 2001. Nominations for membership on the committee must include:

1. The name and address of the nominee and a description of the interests such person shall represent;
2. Evidence that the nominee is authorized to represent a tribal government or group of tribal governments related to the interests the person proposes to represent;
3. A written commitment that the nominee shall actively participate in good faith in the development of the rule under consideration; and
4. A written statement indicating how the nominee meets the following five selection criteria:

- The nominee is an elected tribal officer, or is otherwise authorized by the tribal government to act on the tribe's behalf during the negotiated rulemaking sessions;
- The nominee has demonstrated housing experience as a member of the board of commissioners of a housing authority, housing entity, or other tribal organization;
- Selection of the nominee will help to ensure the committee contains an appropriate balance of representatives from small, medium and large Indian tribal governments;
- Selection of the nominee will ensure the geographic diversity of the committee membership; and
- The nominee has demonstrated ability to analyze and extrapolate complex data.

V. Final Committee Membership

After reviewing any comments on this notice and all nominations for membership, HUD will issue a follow-up **Federal Register** notice. That notice will announce HUD's proposed list of negotiated rulemaking committee members, and provide the public with an opportunity to comment on the proposed membership. The notice will also provide interested individuals and organizations with an additional opportunity to submit nominations for committee membership. HUD will announce the final composition of the negotiated rulemaking committee in a **Federal Register** notice.

VI. Tentative Schedule

At this time, HUD's tentative plan is to hold the first committee meeting in [insert approximate dates and locale]. The purpose of the meeting will be to orient members to the negotiated rulemaking process, to establish a basic set of understandings and ground rules (protocols) regarding the process that will be followed in seeking a consensus, and to begin to address the issues. Decisions with respect to future meetings will be made at the first meeting and from time to time thereafter.

Advance notice of committee meetings will be published in the **Federal Register**. Meetings of the negotiated rulemaking committee will be open to the public without advance registration. Public attendance may be limited to the space available. Members of the public will be provided the opportunity to make statements during the meeting, to the extent time permits, and file written statements with the committee for its consideration. In the event that the date and time of these meetings are changed, HUD will advise the public through **Federal Register** notice.

VII. Applicability of the Federal Advisory Committee Act (FACA)

The provisions of the Federal Advisory Committee Act (5 U.S.C. App.) (FACA) do not apply to this negotiated rulemaking committee. In accordance with section 204(b) of the Unfunded Mandates Reform Act of 1995 (Pub.L. 104–4, approved March 22, 1995), FACA is not applicable to consultations between the Federal government and elected officers of Indian tribal governments (or their designated employees with authority to act on their behalf).

The Office of Management and Budget (OMB) has issued guidelines implementing section 204(b). The OMB

guidelines interpret the exemption broadly to include State, local, or tribal representative with the authority to act on behalf of the State, local, or tribal government, regardless of their actual employment status. As the OMB guidelines provide:

In accordance with the legislative intent, the exemption should be read broadly to facilitate intergovernmental communications on responsibilities or administration. This exemption applies to meetings between Federal officials and employees and State, local or tribal governments acting through their elected officers, officials, employees, and Washington representatives, at which 'views, information, or advice' are exchanged concerning the implementation of intergovernmental responsibilities or administration, including those that arise explicitly or implicitly under statute, regulation, or Executive Order. The scope of meetings covered by this exemption should be construed broadly to include meetings called for any purpose relating to intergovernmental responsibilities or administration. Such meetings include, but are not limited to, meetings called for the purpose of seeking consensus, exchanging views, information, advice, and/or recommendations; or facilitating any other interaction relating to intergovernmental responsibilities or administration. (OMB Memorandum 95–20 (September 21, 1995), pp. 6–7, published at 60 FR 50651, 50653 (September 29, 1995)).

Dated: July 9, 2001.

Alphonso Jackson,

Deputy Secretary.

[FR Doc. 01–17644 Filed 7–13–01; 8:45 am]

BILLING CODE 4210–33–P

Federal Register

Monday,
July 16, 2001

Part III

Department of Housing and Urban Development

Notice of Request for Comments on Obstacles to the Participation of Faith-Based and Other Community Organizations; Notice

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–4685–N–02]

Notice of Request for Comments on Obstacles to the Participation of Faith-Based and Other Community Organizations

AGENCY: Office of the Secretary; Center for Faith-Based and Community Initiatives, HUD.

ACTION: Notice of request for comments.

SUMMARY: This Notice re-opens the comment period inviting interested parties to comment on regulatory, contracting and other programmatic obstacles to the participation of faith-based and other community organizations in HUD's grant funding programs.

DATES: Comment Due Date: August 15, 2001.

ADDRESSES: Interested persons are invited to submit comments regarding this Notice to the Rules Docket Clerk, Office of General Counsel, Room 10278, Department of Housing and Urban Development, 451 Seventh Street, SW., Washington, DC 20410. Communications should refer to the above docket number and title. A copy of each communication submitted will be available for public inspection and copying between 7:30 a.m. and 5:30 p.m. weekdays at the above address.

FOR FURTHER INFORMATION CONTACT: Loyd LaMois, Center for Faith-Based and Community Initiatives, Room 10286, 451 Seventh Street, SW., Washington, DC 20410–2000. Telephone number (202) 708–2404. A telecommunications device (TDD) for hearing and speech impaired persons is available at (202) 708–0455. (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: On June 5, 2001, at 66 FR 30276, HUD published a Notice requesting comments on obstacles to the participation of faith-based and other community organization in HUD's grant funding programs. Because of the high degree of interest in, and response to, that Notice, HUD is re-opening the comment period to provide an additional opportunity for the submission of comments. As a convenience to commenters, the text of the first Notice, slightly revised to focus this request for comments on additional programs, is republished below:

Executive Order 13198, entitled ''Agency Responsibilities With Respect to Faith-Based and Community Initiatives'' and issued on January 29, 2001, requires, among other actions, certain Executive Departments, including HUD, to inventory current programs in order to identify any existing or perceived impediments ''to the participation of faith-based and other community organizations in the delivery of social services by the department, including but not limited to regulations, rules, orders, procurement, and other internal policies and practices, and outreach activities that either facially discriminate against or otherwise discourage or disadvantage the participation of faith-based and other community organizations in Federal programs.'' To assist in carrying out this action, HUD is requesting comments that identify specific issues with HUD programs that in any way discourage or inhibit participation of faith-based and community-based groups. Examples might include burdensome application, documentation or reporting requirements, or requirements for a mandatory organizational structure (*e.g.,* 501(c)(3) status). HUD will consider the comments received in conducting its review to determine whether any regulations or procedures may discriminate against religious or local groups' participation in HUD programs.

Under this notice, HUD is requesting that commenters specifically focus on the following programs, which are also identified by their Catalog of Federal Domestic Assistance numbers:

Section 8 Moderate Rehabilitation for Single Room Occupancy (C of C)—14.249
Shelter Plus Care—14.238
Supportive Housing (C of C)—14.235
Community Development Block Grant (CDBG) Entitlement—14.218
Community Development Block Grant Insular—14.225
Community Development Block Grant State—14.228
Emergency Shelter Services Grant (ESG)—14.231
HOME Investment Partnership Program (HOME)—14.239
HOPWA—Formula—14.241
HOPWA—Competitive—14.241
T/A Homeless Assistance—14.235
T/A CDBG—14.227
T/A HOME—14.239
T/A HOME CHDO—14.239
T/A HOPWA—14.241
Youthbuild—14.243
Approval of Nonprofit Organizations Housing Counseling Assistance—14.169
Sec 202—Elderly—14.157
Sec. 811—Persons with Disabilities—14.181
Family Self-Sufficiency—14.857(HCV); 14.855(RCP)
HOPE VI Revitalization of Severely Distressed Public Housing—14.866
Housing Choice Vouchers—14.871
Housing Choice Vouchers Mainstream Disabilities (811)—14.857
Resident Opportunities for Self-Sufficiency (ROSS)—14.870

Comments not covered by the above specific interest areas are welcome.

For each of these funding programs, HUD especially wants comments to address the following questions:

1. Are there restrictive conditions that constrict the participation of faith-based and community-based organizations?

2. How are restrictions manifested or applied (specifically identify the provision which you believe creates the restrictive condition and explain how it prevents participation by faith-based and community-based organizations. Also, if possible give a specific example):

a. In Departmental regulations;

b. In the eligibility criteria in Notices of Funding Availability (NOFAs);

c. In Requests for Proposals (RFPs);

d. In grant monitoring;

e. In guidance the Department gives its State and local government partners;

f. In contract or grant manuals; and

g. In guidance to grant managers?

3. Are any information collection, submission or monitoring requirements duplicative or unduly burdensome?

In addition, HUD requests that commenters identify any positive program practices or procedures that presently facilitate, or that would increase, the participation of faith-based and other community organizations.

HUD seeks specific information, *e.g.,* the name of the program, the form, etc., where the impediment or the positive practice is found. It will also be helpful if respondents indicate whether they have ever applied (successfully or unsuccessfully) for the program, or otherwise been involved with the program(s).

For comments on the CDBG or HOME programs and the Continuum of Care process, it will help if the comment identifies the jurisdiction that administered the program, *i.e.,* the relevant State, county or municipal government.

HUD also requests that the comments provide the name, size, and location of the nonprofit, faith-based, or other organization submitting the comments, and identify a contact person to permit HUD to follow-up on the concerns and issues raised.

Dated: July 10, 2001.

Robin McDonald,

Director, Center for Faith-Based and Community Initiatives.

[FR Doc. 01–17645 Filed 7–13–01; 8:45 am]

BILLING CODE 4210–32–P

Reader Aids

Federal Register

Vol. 66, No. 136

Monday, July 16, 2001

CUSTOMER SERVICE AND INFORMATION

Federal Register/Code of Federal Regulations

General Information, indexes and other finding aids	**202–523–5227**
Laws	**523–5227**
Presidential Documents	
Executive orders and proclamations	**523–5227**
The United States Government Manual	**523–5227**
Other Services	
Electronic and on-line services (voice)	**523–4534**
Privacy Act Compilation	**523–3187**
Public Laws Update Service (numbers, dates, etc.)	**523–6641**
TTY for the deaf-and-hard-of-hearing	**523–5229**

ELECTRONIC RESEARCH

World Wide Web

Full text of the daily Federal Register, CFR and other publications:

http://www.access.gpo.gov/nara

Federal Register information and research tools, including Public Inspection List, indexes, and links to GPO Access:

http://www.nara.gov/fedreg

E-mail

PENS (Public Law Electronic Notification Service) is an E-mail service for notification of recently enacted Public Laws. To subscribe, send E-mail to

listserv@listserv.gsa.gov

with the text message:

subscribe PUBLAWS-L your name

Use listserv@www.gsa.gov only to subscribe or unsubscribe to PENS. We cannot respond to specific inquiries.

Reference questions. Send questions and comments about the Federal Register system to:

info@fedreg.nara.gov

The Federal Register staff cannot interpret specific documents or regulations.

FEDERAL REGISTER PAGES AND DATE, JULY

34783–35076 2
35077–35364 3
35365–35528 5
35529–35750 6
35751–35888 9
35889–36144 10
36145–36440 11
36441–36694 12
36695–36906 13
36907–37102 16

CFR PARTS AFFECTED DURING JULY

At the end of each month, the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

3 CFR

Proclamations:
7453 35361
7454 35365
Executive Orders:
13129 (See Notice of June 30, 2001 35363
13220 35527
Administrative Orders:
Notices:
Notice of June 30, 2001 35363

5 CFR

Proposed Rules:
1650 36494

7 CFR

1 36907
800 .....35751, 36834
930 .....35889, 35891
Proposed Rules:
274 36495
319 36892
400 36951
1219 .....36870, 36886

9 CFR

94 36695
Proposed Rules:
301 35112
303 35112
317 35112
318 35112
319 35112
320 35112
325 35112
331 35112
381 35112
417 35112
430 35112

10 CFR

150 35529
170 35529
171 35529
600 34783
Proposed Rules:
20 36502
430 36960

12 CFR

1 .....34784, 36834
5 34792
7 .....34784, 36834
9 34792
23 .....34784, 36834
201 35529
613 36908
Proposed Rules:
7 34855
950 36715
952 36715

14 CFR

25 36697
39 .....34798, 34800, 34802, 35077, 35371, 35530, 35532, 35533, 35535, 35536, 35538, 35896, 36145, 36146, 36149, 36150, 36152, 36154, 36441, 36443, 36445, 36447, 36449, 36450, 36452, 36453, 36455, 36456, 36699
71 .....34807, 35080, 35540, 36700, 36908
73 34808
Proposed Rules:
39 .....35912, 36215, 36509, 36513, 36516, 36520
71 .....35914, 35916, 35917

15 CFR

303 34810
740 36676
742 36676
746 36676
772 .....36676, 36909
774 .....36676, 36909

16 CFR

801 35541
802 35541
803 35541

17 CFR

200 35836
211 36457
240 35836
249 36701
270 36156
274 36156
Proposed Rules:
41 .....34864, 36218
240 34864

19 CFR

24 34813

21 CFR

129 35373
165 35373
510 36162
520 .....35755, 35898
522 35756
556 35544
558 36162

22 CFR

124 35899
125 35899
126 .....35899, 36834

24 CFR

27 35846

207 35070
290 35846
598 35850
599 35850
Proposed Rules:
1000 37098

26 CFR

Proposed Rules:
1 35112

28 CFR

16 35374
Proposed Rules:
25 35567

29 CFR

2520 ....34994, 36368
2560 35886
4022 36702
4044 36702
Proposed Rules:
1904 35113

30 CFR

57 35518
Proposed Rules:
57 35521

31 CFR

29 36703
515 36683
538 36683
550 36683
560 36683

32 CFR

668 36711
Proposed Rules:
808 36523

33 CFR

100 ....34819, 34821, 34823, 34825, 34826, 34828
117 ....34829, 35901, 36162, 36163, 36164, 36165, 36466
165 ....34829, 34831, 34832, 34834, 34836, 34838, 34839, 34841, 34842, 34844, 34846, 34848, 35080, 35544, 35756, 35758, 36165, 36167, 36168
Proposed Rules:
117 ....36525, 36527, 36529
151 36530
153 36530
164 36223

36 CFR

51 35082
Proposed Rules:
219 35918
294 35918

37 CFR

Proposed Rules:
1 35763

38 CFR

17 36467
20 35902
Proposed Rules:
17 36960

39 CFR

Proposed Rules:
111 36224

40 CFR

52 ....35374, 35546, 35903, 35906, 36035, 36170, 36913, 36919, 36921
60 36473
62 35546
63 ....35083, 35087, 36173, 36924
81 ....34994, 36476
180 ....36477, 36481
261 35379
264 35087
300 ....34849, 35385, 35547, 36946
Proposed Rules:
9 35572
52 ....34864, 34878, 35573, 35920, 36226, 36370, 36532, 36542, 36656, 36717, 36963, 36964
60 36547
61 35115
63 ....35115, 35124, 35126, 35326, 36228, 36836
70 34901
122 35572
123 35572
124 35572
125 35572
180 35921
194 36723
261 36725
264 ....35124, 35126
265 35126
266 35126
270 35126
300 ....34906, 35395, 36966
450 35576

42 CFR

Proposed Rules:
100 36735
416 35395
482 35395
485 35395

43 CFR

Proposed Rules:
2 36966

44 CFR

64 36947

45 CFR

Proposed Rules:
46 35576

46 CFR

310 36175
401 36484
Proposed Rules:
4 36530
25 36223
27 36223

47 CFR

1 ....35387, 36177
36 35107
53 36206
64 36711
73 ....35107, 35387, 35388, 35760, 36949
101 35107
Proposed Rules:
2 35399
20 36989
25 35399
64 35765
73 ....35406, 35407, 35767, 35768, 35925
101 35399

48 CFR

1804 36490
1852 36490

49 CFR

Proposed Rules:
171 35155
571 35177
575 35179

50 CFR

17 ....35547, 36078
300 36208
600 35388
622 35761
635 36711
648 ....35566, 36208
660 ....35388, 36212
679 ....35761, 35911, 36213, 36492
Proposed Rules:
17 ....35580, 36229
32 35193
216 35209
223 35407
648 36246
679 34852

REMINDERS

The items in this list were editorially compiled as an aid to Federal Register users. Inclusion or exclusion from this list has no legal significance.

RULES GOING INTO EFFECT JULY 16, 2001

AGRICULTURE DEPARTMENT

Agricultural Marketing Service

Beef promotion and research; published 5-15-01

AGRICULTURE DEPARTMENT

Plant Protection Act and Agricultural Risk Protection Act; subpoenas; published 7-16-01

COMMERCE DEPARTMENT

Export Administration Bureau

Export administration regulations:

Definitions; harmonization; published 7-16-01

ENVIRONMENTAL PROTECTION AGENCY

Air pollutants, hazardous; national emission standards:

Polymers and resins—

Polymers manufacturing industry (Groups I and IV); published 7-16-01

Air programs; State authority delegations:

New Hampshire; published 5-16-01

Air quality implementation plans; approval and promulgation; various States:

Delaware; published 5-17-01

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; published 6-14-01

FEDERAL COMMUNICATIONS COMMISSION

Radio frequency devices:

Scanning receivers; further ensurance against receiving cellular radio signals; published 6-15-01

FEDERAL EMERGENCY MANAGEMENT AGENCY

Preparedness:

Offsite radiological emergency preparedness program; service fees; published 6-15-01

INTERIOR DEPARTMENT

Land Management Bureau

Minerals mangement:

Mining claims under general mining laws; surface management; published 6-15-01

INTERIOR DEPARTMENT

Fish and Wildlife Service

Endangered and threatened species:

Alabama lampmussel, etc. (16 freshwater mussels and 1 freshwater snail); nonessential experimental population status establishment in Tennessee River; published 6-14-01

PENSION BENEFIT GUARANTY CORPORATION

Privacy Act; implementation; published 6-14-01

TRANSPORTATION DEPARTMENT

Federal Aviation Administration

Air carrier certification and operations:

Service difficulty reports; published 12-22-00

Airworthiness directives:

Boeing; published 6-11-01

TREASURY DEPARTMENT

Alcohol, Tobacco and Firearms Bureau

Alcohol; viticultural area designations:

Long Island; Nassau and Suffolk Counties, NY; published 5-15-01

COMMENTS DUE NEXT WEEK

COMMERCE DEPARTMENT

National Oceanic and Atmospheric Administration

Fishery conservation and management:

Alaska; fisheries of Exclusive Economic Zone—

Pacific halibut and red king crab; comments due by 7-27-01; published 6-27-01

West Coast States and Western Pacific fisheries—

Hawaii-based pelagic longline restrictions and seasonal area closure, and sea turtle and sea bird migration measures; comments due by 7-27-01; published 6-12-01

West Coast salmon; comments due by 7-26-01; published 7-11-01

ENVIRONMENTAL PROTECTION AGENCY

Agency information collection activities:

Proposed collection; comment request; comments due by 7-23-01; published 5-23-01

Air programs; approval and promulgation; State plans for designated facilities and pollutants:

California; comments due by 7-26-01; published 6-26-01

Air quality implementation plans; approval and promulgation; various States:

Colorado; comments due by 7-27-01; published 6-27-01

Kentucky; comments due by 7-23-01; published 6-21-01

North Carolina; comments due by 7-27-01; published 6-27-01

Ohio; comments due by 7-23-01; published 6-22-01

Pennsylvania; comments due by 7-25-01; published 6-25-01

Wisconsin; comments due by 7-23-01; published 6-22-01

Air quality implementation plans; √A√approval and promulgation; various States; air quality planning purposes; designation of areas:

Kentucky and Indiana; comments due by 7-23-01; published 6-22-01

Superfund program:

National oil and hazardous substances contingency plan—

National priorities list update; comments due by 7-23-01; published 6-21-01

National priorities list update; comments due by 7-23-01; published 6-21-01

FEDERAL COMMUNICATIONS COMMISSION

Common carrier services:

Wireless telecommunications services—

E911 compatibility; public safety answering points; comments due by 7-25-01; published 7-16-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Food and Drug Administration

Children's Health Act; implementation:

Clinical investigations of FDA-regulated products; additional safeguards for children; comments due by 7-23-01; published 4-24-01

Food additives:

Secondary direct food additives—

Treatment, storage, and processing of foods; safe use of ozone in gaseous and aqueous phases as antimicrobial agent; comments due by 7-26-01; published 6-26-01

HEALTH AND HUMAN SERVICES DEPARTMENT

Health Care Financing Administration

Medicaid:

Psychiatric residential treatment facilities providing psychiatric services to individuals under age 21; use of restraint and seclusion; comments due by 7-23-01; published 5-22-01

HOUSING AND URBAN DEVELOPMENT DEPARTMENT

Low income housing:

Homeownership program; disabled families homeownership assistance; comments due by 7-23-01; published 6-22-01

INTERIOR DEPARTMENT

Surface Mining Reclamation and Enforcement Office

Permanent program and abandoned mine land reclamation plan submissions:

Louisiana; comments due by 7-27-01; published 6-27-01

LABOR DEPARTMENT

Employment Standards Administration

Fair Labor Standards Act:

Domestic service; companionship services exemption; comments due by 7-23-01; published 4-23-01

INTERIOR DEPARTMENT

National Indian Gaming Commission

Indian Gaming Regulatory Act:

Electronic or electromechanical facsimile; definitions; comments due by 7-23-01; published 6-22-01

SECURITIES AND EXCHANGE COMMISSION

Securities:

Securities Exchange Act of 1934; broker-dealer registration requirements; comments due by 7-26-01; published 6-26-01

TRANSPORTATION DEPARTMENT
Coast Guard
Merchant marine officers and seamen:
Licensing and manning for officers of towing vehicles; comments due by 7-25-01; published 4-26-01
Ports and waterways safety:
Miami River and Tamiami Canal, FL; regulated navigation areas and limited access areas; comments due by 7-24-01; published 5-25-01
Sister Bay, WI; safety zone; comments due by 7-26-01; published 6-26-01

TRANSPORTATION DEPARTMENT
Federal Aviation Administration
Airworthiness directives:
Airbus; comments due by 7-27-01; published 6-27-01
Boeing; comments due by 7-23-01; published 5-24-01
Empresa Brasileira de Aeronautica S.A.; comments due by 7-27-01; published 6-27-01
Eurocopter France; comments due by 7-23-01; published 5-22-01
Fairchild; comments due by 7-27-01; published 5-30-01
Fokker; comments due by 7-27-01; published 6-27-01
Gulfstream; comments due by 7-23-01; published 6-6-01
McDonnell Douglas; comments due by 7-23-01; published 5-24-01
New Piper Aircraft, Inc.; comments due by 7-27-01; published 6-12-01
Rolls-Royce Corp.; comments due by 7-24-01; published 5-25-01
VOR Federal airways and jet routes; comments due by 7-23-01; published 6-7-01

TREASURY DEPARTMENT
Customs Service
Liquidation of duties:
Continued dumping and subsidy offset; administrative procedures; comments due by 7-26-01; published 6-26-01

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. It may be used in conjunction with ''P L U S'' (Public Laws Update Service) on 202–523–6641. This list is also available online at http://www.nara.gov/fedreg.

The text of laws is not published in the **Federal Register** but may be ordered in ''slip law'' (individual pamphlet) form from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402 (phone, 202–512–1808). The text will also be made available on the Internet from GPO Access at http://www.access.gpo.gov/nara/index.html. Some laws may not yet be available.

S. 657/P.L. 107–19

To authorize funding for the National 4-H Program Centennial Initiative. (July 10, 2001; 115 Stat. 153)

Last List July 9, 2001

Public Laws Electronic Notification Service (PENS)

PENS is a free electronic mail notification service of newly enacted public laws. To subscribe, go to http://hydra.gsa.gov/archives/publaws-l.html or send E-mail to **listserv@listserv.gsa.gov** with the following text message:

SUBSCRIBE PUBLAWS-L Your Name.

Note: This service is strictly for E-mail notification of new laws. The text of laws is not available through this service. **PENS** cannot respond to specific inquiries sent to this address.

CFR CHECKLIST

This checklist, prepared by the Office of the Federal Register, is published weekly. It is arranged in the order of CFR titles, stock numbers, prices, and revision dates.

An asterisk (*) precedes each entry that has been issued since last week and which is now available for sale at the Government Printing Office.

A checklist of current CFR volumes comprising a complete CFR set, also appears in the latest issue of the LSA (List of CFR Sections Affected), which is revised monthly.

The CFR is available free on-line through the Government Printing Office's GPO Access Service at http://www.access.gpo.gov/nara/cfr/index.html. For information about GPO Access call the GPO User Support Team at 1-888-293-6498 (toll free) or 202-512-1530.

The annual rate for subscription to all revised paper volumes is $951.00 domestic, $237.75 additional for foreign mailing.

Mail orders to the Superintendent of Documents, Attn: New Orders, P.O. Box 371954, Pittsburgh, PA 15250–7954. All orders must be accompanied by remittance (check, money order, GPO Deposit Account, VISA, Master Card, or Discover). Charge orders may be telephoned to the GPO Order Desk, Monday through Friday, at **(202) 512–1800** from 8:00 a.m. to 4:00 p.m. eastern time, or FAX your charge orders to **(202) 512-2250**.

Title	Stock Number	Price	Revision Date
1, 2 (2 Reserved)	(869–044–00001–6)	6.50	[4]Jan. 1, 2001
3 (1997 Compilation and Parts 100 and 101)	(869–044–00002–4)	36.00	[1] Jan. 1, 2001
4	(869–044–00003–2)	9.00	Jan. 1, 2001
5 Parts:			
1–699	(869–044–00004–1)	53.00	Jan. 1, 2001
700–1199	(869–044–00005–9)	44.00	Jan. 1, 2001
1200–End, 6 (6 Reserved)	(869–044–00006–7)	55.00	Jan. 1, 2001
7 Parts:			
1–26	(869–044–00007–5)	40.00	[4]Jan. 1, 2001
27–52	(869–044–00008–3)	45.00	Jan. 1, 2001
53–209	(869–044–00009–1)	34.00	Jan. 1, 2001
210–299	(869–044–00010–5)	56.00	Jan. 1, 2001
300–399	(869–044–00011–3)	38.00	Jan. 1, 2001
400–699	(869–044–00012–1)	53.00	Jan. 1, 2001
700–899	(869–044–00013–0)	50.00	Jan. 1, 2001
900–999	(869–044–00014–8)	54.00	Jan. 1, 2001
1000–1199	(869–044–00015–6)	24.00	Jan. 1, 2001
1200–1599	(869–044–00016–4)	55.00	Jan. 1, 2001
1600–1899	(869–044–00017–2)	57.00	Jan. 1, 2001
1900–1939	(869–044–00018–1)	21.00	[4]Jan. 1, 2001
1940–1949	(869–044–00019–9)	37.00	[4]Jan. 1, 2001
1950–1999	(869–044–00020–2)	45.00	Jan. 1, 2001
2000–End	(869–044–00021–1)	43.00	Jan. 1, 2001
8	(869–044–00022–9)	54.00	Jan. 1, 2001
9 Parts:			
1–199	(869–044–00023–7)	55.00	Jan. 1, 2001
200–End	(869–044–00024–5)	53.00	Jan. 1, 2001
10 Parts:			
1–50	(869–044–00025–3)	55.00	Jan. 1, 2001
51–199	(869–044–00026–1)	52.00	Jan. 1, 2001
200–499	(869–044–00027–0)	53.00	Jan. 1, 2001
500–End	(869–044–00028–8)	55.00	Jan. 1, 2001
11	(869–044–00029–6)	31.00	Jan. 1, 2001
12 Parts:			
1–199	(869–044–00030–0)	27.00	Jan. 1, 2001
200–219	(869–044–00031–8)	32.00	Jan. 1, 2001
220–299	(869–044–00032–6)	54.00	Jan. 1, 2001
300–499	(869–044–00033–4)	41.00	Jan. 1, 2001
500–599	(869–044–00034–2)	38.00	Jan. 1, 2001
600–End	(869–044–00035–1)	57.00	Jan. 1, 2001
13	(869–044–00036–9)	45.00	Jan. 1, 2001
14 Parts:			
1–59	(869–044–00037–7)	57.00	Jan. 1, 2001
60–139	(869–044–00038–5)	55.00	Jan. 1, 2001
140–199	(869–044–00039–3)	26.00	Jan. 1, 2001
200–1199	(869–044–00040–7)	44.00	Jan. 1, 2001
1200–End	(869–044–00041–5)	37.00	Jan. 1, 2001
15 Parts:			
0–299	(869–044–00042–3)	36.00	Jan. 1, 2001
300–799	(869–044–00043–1)	54.00	Jan. 1, 2001
800–End	(869–044–00044–0)	40.00	Jan. 1, 2001
16 Parts:			
0–999	(869–044–00045–8)	45.00	Jan. 1, 2001
1000–End	(869–044–00046–6)	53.00	Jan. 1, 2001
17 Parts:			
1–199	(869–044–00048–2)	45.00	Apr. 1, 2001
200–239	(869–044–00049–1)	51.00	Apr. 1, 2001
240–End	(869–044–00050–4)	55.00	Apr. 1, 2001
18 Parts:			
1–399	(869–042–00051–0)	54.00	Apr. 1, 2000
400–End	(869–044–00052–1)	23.00	Apr. 1, 2001
19 Parts:			
1–140	(869–044–00053–9)	54.00	Apr. 1, 2001
141–199	(869–044–00054–7)	53.00	Apr. 1, 2001
200–End	(869–044–00055–5)	20.00	[5]Apr. 1, 2001
20 Parts:			
1–399	(869–044–00056–3)	45.00	Apr. 1, 2001
400–499	(869–042–00057–9)	56.00	Apr. 1, 2000
500–End	(869–044–00058–0)	57.00	Apr. 1, 2001
21 Parts:			
1–99	(869–044–00059–8)	37.00	Apr. 1, 2001
100–169	(869–044–00060–1)	44.00	Apr. 1, 2001
170–199	(869–044–00061–0)	45.00	Apr. 1, 2001
200–299	(869–044–00062–8)	16.00	Apr. 1, 2001
300–499	(869–044–00063–6)	27.00	Apr. 1, 2001
500–599	(869–044–00064–4)	44.00	Apr. 1, 2001
600–799	(869–044–00065–2)	15.00	Apr. 1, 2001
800–1299	(869–044–00066–1)	52.00	Apr. 1, 2001
1300–End	(869–044–00067–9)	20.00	Apr. 1, 2001
22 Parts:			
1–299	(869–044–00068–7)	56.00	Apr. 1, 2001
300–End	(869–044–00069–5)	42.00	Apr. 1, 2001
23	(869–042–00070–6)	29.00	Apr. 1, 2000
24 Parts:			
0–199	(869–042–00071–4)	40.00	Apr. 1, 2000
*200–499	(869–044–00072–5)	45.00	Apr. 1, 2001
500–699	(869–042–00073–1)	20.00	Apr. 1, 2000
700–1699	(869–044–00074–1)	55.00	Apr. 1, 2001
1700–End	(869–042–00075–7)	18.00	[5]Apr. 1, 2000
25	(869–044–00076–8)	57.00	Apr. 1, 2001
26 Parts:			
§§ 1.0-1–1.60	(869–044–00077–6)	43.00	Apr. 1, 2001
§§ 1.61–1.169	(869–044–00078–4)	57.00	Apr. 1, 2001
§§ 1.170–1.300	(869–044–00079–2)	52.00	Apr. 1, 2001
*§§ 1.301–1.400	(869–044–00080–6)	41.00	Apr. 1, 2001
§§ 1.401–1.440	(869–042–00081–1)	47.00	Apr. 1, 2000
§§ 1.441-1.500	(869-044-00082-2)	45.00	Apr. 1, 2001
§§ 1.501–1.640	(869–044–00083–1)	44.00	Apr. 1, 2001
§§ 1.641–1.850	(869–044–00084–9)	53.00	Apr. 1, 2001
§§ 1.851–1.907	(869–042–00085–4)	43.00	Apr. 1, 2000
§§ 1.908–1.1000	(869–044–00086–5)	53.00	Apr. 1, 2001
§§ 1.1001–1.1400	(869–044–00087–3)	55.00	Apr. 1, 2001
§§ 1.1401–End	(869–044–00088–1)	58.00	Apr. 1, 2001
2–29	(869–044–00089–0)	54.00	Apr. 1, 2001
30–39	(869–044–00090–3)	37.00	Apr. 1, 2001
40–49	(869–044–00091–1)	25.00	Apr. 1, 2001
50–299	(869–044–00092–0)	23.00	Apr. 1, 2001
300–499	(869–044–00093–8)	54.00	Apr. 1, 2001
500–599	(869–044–00094–6)	12.00	[5]Apr. 1, 2001
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	(869–044–00097–1)	26.00	Apr. 1, 2001
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

Title	Stock Number	Price	Revision Date
600–End	(869–042–00202–4)	55.00	Oct. 1, 2000
CFR Index and Findings Aids	(869–044–00047–4)	56.00	Jan. 1, 2001
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, 2000, through April 1, 2001. The CFR volume issued as of April 1, 2000 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..