

were published in the **Federal Register** on May 1, 2001, concerning the implementation of a tariff-rate quota for certain worsted wool fabric. The interim regulations amended the Customs Regulations to set forth the form and manner by which an importer establishes that a valid license, issued under regulations of the U.S.

Department of Commerce, is in effect for worsted wool fabric that is subject to the tariff-rate quota. The importer must be in possession of the license, or if the importer is not the licensee, the importer must possess a written authorization from the licensee, in order to be able to claim the in-quota rate of duty on the worsted wool fabric.

**DATES:** Interim rule effective on May 1, 2001. The interim rule is applicable to products that are entered, or withdrawn from warehouse, for consumption on or after January 1, 2001. Comments must be received on or before July 2, 2001.

**ADDRESSES:** Written comments may be addressed to and inspected at the Regulations Branch, U.S. Customs Service, 1300 Pennsylvania Avenue, NW., 3rd Floor, Washington, DC 20229.

**FOR FURTHER INFORMATION CONTACT:** Tom Fitzpatrick, Office of Field Operations, (202-927-5385).

#### **SUPPLEMENTARY INFORMATION:**

#### **Background**

A document published in the **Federal Register** (66 FR 21664) on May 1, 2001, as T.D. 01-35, amended the Customs Regulations on an interim basis concerning the implementation of a tariff-rate quota for certain worsted wool fabric. Specifically, the interim regulations amended the Customs Regulations by adding a new § 132.18 that set forth the form and manner by which an importer establishes that a valid license, issued under regulations of the U.S. Department of Commerce ("Commerce"), is in effect for worsted wool fabric that is the subject of the tariff-rate quota. The importer must be in possession of the license or, if not the licensee, the importer must possess a written authorization from the licensee, in order to be able to claim the in-quota rate of duty on the worsted wool fabric.

The interim rule stated that it would be applicable to worsted wool products that were entered or withdrawn from warehouse for consumption on or after May 1, 2001.

However, under section 501 of the Trade and Development Act of 2000 (Pub. L. 106-200, 114 Stat. 251; May 18, 2000), the Harmonized Tariff Schedule of the United States (HTSUS) was amended to establish a tariff-rate quota covering designated worsted wool

fabrics that were entered or withdrawn from warehouse for consumption, on or after January 1, 2001.

In this regard, an import license issued by Commerce that would entitle an importer to claim the in-quota rate of duty on worsted wool fabric is valid for the entire calendar year for which the license is issued (see 19 CFR

132.18(c)(2) at 66 FR 21667). Licenses issued by Commerce for the year 2001 are therefore intended to cover worsted wool fabrics subject to the tariff-rate quota that are entered or withdrawn from warehouse for consumption on or after January 1, 2001.

Consequently, the interim rule is applicable to worsted wool fabrics covered under the tariff-rate quota that are entered or withdrawn from warehouse for consumption on or after January 1, 2001, as indicated above under the **DATES** caption, and as corrected below.

#### **Need for Correction**

For the reasons noted, the interim rule, as published, requires clarification.

#### **Correction of Publication**

The publication on May 1, 2001 of the interim rule (T.D. 01-35), which was the subject of FR Doc. 01-10717, is corrected as follows:

On page 21664, in the third column, under the **DATES** caption, the second sentence is corrected to read: "The interim rule is applicable to products that are entered, or withdrawn from warehouse, for consumption, on or after January 1, 2001."

Dated: May 11, 2001.

**Stuart P. Seidel,**

*Assistant Commissioner, Office of Regulations and Rulings.*

[FR Doc. 01-12391 Filed 5-16-01; 8:45 am]

**BILLING CODE 4820-02-P**

## **RAILROAD RETIREMENT BOARD**

### **20 CFR Part 217**

**RIN 3220-AB45**

#### **Application for Annuity or Lump Sum**

**AGENCY:** Railroad Retirement Board.

**ACTION:** Final rule.

**SUMMARY:** The Railroad Retirement Board amends its regulations to enable a divorced spouse who remarries the employee within six months of the divorce to use the spouse application to qualify for a divorced spouse annuity for the period prior to the remarriage. This amendment eliminates the necessity for the spouse to file a

separate application for a short period of benefits.

**EFFECTIVE DATE:** This rule is effective May 17, 2001.

#### **FOR FURTHER INFORMATION CONTACT:**

Marguerite P. Dadabo, Assistant General Counsel, Railroad Retirement Board, telephone (312) 751-4945, TTD (312) 751-4701.

**SUPPLEMENTARY INFORMATION:** Section 217.8 of the Board's regulations describes situations where the Board will accept an application filed for one type of annuity as an application for another type of annuity. An application may be effective for the period six months prior to the date of filing. This final rule adds a provision to enable a divorced spouse who remarries the employee within six months of the divorce to use the spouse application to qualify for a divorced spouse annuity for the period after the divorce and prior to the remarriage. In such cases the requirement that a claimant be married to the employee for a period of one year prior to application for a spouse annuity, as required by § 216.54 of this part, is waived.

The Board published this rule as a proposed rule on May 11, 2000 (65 FR 30366) and invited comments by July 10, 2000. No comments were received. Accordingly, the proposed rule is adopted as a final rule without change.

The Board, with the concurrence of the Office of Management and Budget, has determined that this is not a significant regulatory action under Executive Order 12866; therefore, no regulatory impact analysis is required. There are no information collections associated with this rule.

#### **List of Subjects in 20 CFR Part 217**

Railroad employees, Railroad retirement.

For the reasons set out in the preamble, the Railroad Retirement Board amends chapter II of title 20 of the Code of Federal Regulations as follows:

#### **PART 217—APPLICATION FOR ANNUITY OR LUMP SUM**

1. The authority citation for part 217 continues to read as follows:

**Authority:** 45 U.S.C. 231d and 45 U.S.C. 231f.

2. In Subpart B, § 217.8, redesignate paragraphs (m) through (u) as (n) through (v), and add a new paragraph (m) to read as follows:

**§ 217.8 When one application satisfies the filing requirement for other benefits.**

\* \* \* \* \*

(m) A divorced spouse annuity if the spouse claimant has remarried the employee during the six-month retroactive period of the spouse annuity application.

\* \* \* \* \*

Dated: May 1, 2001.

By Authority of the Board.

**Beatrice Ezerski,**

*Secretary to the Board.*

[FR Doc. 01-12395 Filed 5-16-01; 8:45 am]

BILLING CODE 7905-01-P

## DEPARTMENT OF THE INTERIOR

### Office of Surface Mining Reclamation and Enforcement

#### 30 CFR Part 934

[ND-040-FOR; North Dakota State Program Amendment XXIX]

#### North Dakota Regulatory Program

**AGENCY:** Office of Surface Mining Reclamation and Enforcement, Interior.

**ACTION:** Final rule; approval of amendment.

**SUMMARY:** The Office of Surface Mining Reclamation and Enforcement (OSM) is approving a proposed amendment to the North Dakota regulatory program (hereinafter, the "North Dakota program") under the Surface Mining Control and Reclamation Act of 1977 (SMCRA). The amendment consists of changes to North Dakota's revegetation policy document, Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments. Many of the changes are the result of rule changes that were submitted as amendments to the North Dakota regulatory program and approved by OSM in the April 28, 1997, and March 16, 1999, **Federal Registers** (62 FR 22889, and 64 FR 12896), giving mining companies options for proving reclamation success and revising requirements for tree and shrub standards. The corresponding changes are now being incorporated into the policy document. Other changes include clarifications, adjusting crop yield data, adding factors for adjusting yield standards, requiring plant species to be predominantly native, providing consistency for diversity and seasonality, prescribing the number of species for tame pastureland and clarifying sampling procedures. North Dakota intended to revise its policy document to reflect changes to its statute and regulations and make it

consistent with corresponding Federal regulations and SMCRA.

**EFFECTIVE DATE:** May 17, 2001.

**FOR FURTHER INFORMATION CONTACT:** Guy Padgett, Telephone: (307) 261-6550, Internet address: Gpadgett@OSMRE.GOV.

#### SUPPLEMENTARY INFORMATION:

I. Background on the North Dakota Program

II. Submission of the Proposed Amendment

III. Director's Findings

IV. Summary and Disposition of Comments

V. Director's Decision

VI. Procedural Determinations

#### I. Background of the North Dakota Program

On December 15, 1980, the Secretary of the Interior conditionally approved the North Dakota program. You can find background information on the North Dakota program, including the Secretary's findings, the disposition of comments, and conditions of approval in the December 15, 1980, **Federal Register** (45 FR 82214). North Dakota's "Standards for Evaluation of Revegetation Success and Recommended Procedures for Pre- and Postmining Vegetation Assessments," hereafter referred to as the "policy document" was submitted to OSM on June 1, 1988. The policy document was submitted to satisfy the requirements of 30 CFR 816.116(a)(1). The Federal regulations at 30 CFR 816.116(a)(1) require that regulatory authorities select revegetation success standards and statistically valid techniques for determining revegetation success and include them in its approved regulatory program. The policy document satisfies both these requirements. OSM's approval of the policy document was published in the March 10, 1989, **Federal Register** (46 FR 10141). Subsequent revisions to the policy document were approved by OSM on February 17, 1994, and January 8, 1999.

The North Dakota regulatory program contains specific rules governing standards for success of various postmining land uses in NDAC 69-05.2-22-07. These rules have been approved by OSM as being consistent with 30 CFR 816.111 and 816.116. North Dakota's policy document must be consistent with these State requirements.

You can find other actions concerning North Dakota's program and program amendments at 30 CFR 934.15 and 934.16.

## II. Submission of the Proposed Amendment

By letter dated March 16, 2000, North Dakota sent us an amendment to its program (North Dakota State Program Amendment XXIX), administrative record No. ND-DD-01) under SMCRA (30 U.S.C. 1201 *et seq.*). The amendment revises North Dakota's revegetation policy document. Many of the changes are made to incorporate rule changes that were approved by OSM on April 28, 1997, and March 16, 1999, pertaining to the new option of proving reclamation success for three out of five years, starting no sooner than the eighth year of the responsibility period and revised reclamation success standards for woodlands and shelter belts.

In addition to revisions that are made as a result of rule changes previously approved by OSM, numerous other changes are also proposed. These changes include (1) clarifying the objectives section, (2) adding provisions to adjust North Dakota Agricultural Statistic Service crop yield data to reflect certain management practices, (3) including other factors, in addition to precipitation and temperature, in developing a cropland and/or tame pastureland regression equation to climatically adjust yield standards, (4) adding a statement to the native grassland section that established plant species must be predominantly native, (5) providing more consistency for species that must be present on tame pastureland, and (7) clarifying sampling procedures regarding when plant growth forms must be weighed separately. Some example calculations were also revised to better reflect premine conditions found at most of the mines. Editorial changes were made to correct errors in statistical formulas and revisions were made to the objectives section to clarify when certain requirements became effective.

We announced receipt of the proposed amendment in the March 31, 2000, **Federal Register** (65 FR 17211). In the same document, we opened the public comment period and provided an opportunity for a public hearing or meeting on the amendment's adequacy (administrative record No. ND-DD-04). We did not hold a public hearing or meeting because no one requested one. The public comment period ended at 4 pm m.d.t. May 1, 2000.

## III. Director's Findings

Following are the findings we made concerning the amendment under SMCRA and the Federal regulations at 30 CFR 732.15 and 732.17. We are approving the amendment revising